

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Partial Assignment County's 2024 Private Activity Bond Allocation to the Colorado Housing and Finance Authority

Date: 7/30/2024

Staff Recommendation: WHEREAS, Jefferson County, Colorado (the "County") has been awarded \$12,746,682 (the "2024 Allocation") of the bond ceiling for the State of Colorado (the "State") and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds; and

WHEREAS, the Allocation Act provides for the assignment of bond allocations between "issuing authorities" (as defined in the Allocation Act) of the State; and

WHEREAS, the Colorado Housing and Finance Authority (the "Assignee") is authorized to issue housing revenue bonds constituting private activity bonds pursuant to Part 7 of Article 4 of Title 29, Colorado Revised Statutes, as amended (the "Act") and the Supplemental Public Securities Act, Part 2, Article 57, Title 11 of the Colorado Revised Statutes, as amended (the "Supplemental Act"); and

WHEREAS, the County desires to assign and transfer to the Assignee, who has agreed to accept such assignment, \$5,000,000 of the County's 2024 Allocation (the "Assigned Allocation"); and

WHEREAS, the County and the Assignee intend that the Assignor use its best efforts for a period of 1 year from the effective date of the assignment to use the Assigned Allocation to issue housing revenue bonds to finance one or more multifamily rental housing projects for low- and moderate-income persons and families in the unincorporated and incorporated areas of Jefferson County, or to issue revenue bonds for the purpose of providing single-family mortgage loans to low-to-moderate income persons and families in Jefferson County, including but not limited to supporting, directly or indirectly, the construction and development of a 260-unit affordable rental housing project located at 5109 Marshall Street in Arvada, with rental units restricted to individuals earning less than 70% of Area Median Income (the "Project") provided that the Project qualifies and is approved for financing and/or the allocation of tax credits and such other funding sources as may be necessary to complete its development (collectively, the "Approved Uses"); and

WHEREAS, it is necessary to evidence such assignment and transfer and the acceptance thereof by the execution and delivery by the County of an Assignment (the "Assignment"), by and between the County and the Assignee; and

WHEREAS, the Assignee proposes to issue its housing revenue bonds pursuant to the Act and the Supplemental Act, for one or more of the Approved Uses;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, COLORADO THAT:

Section 1. The County hereby (i) assigns and transfers to the Assignee the Assigned Allocation, in an amount equal to \$5,000,000, and (ii) approves, authorizes and directs the Chair of the Board of County Commissioners of the County (the "Board"), or in the absence of the Chair, any other member of the Board, to execute and deliver and the Clerk of the Board to attest and deliver, the Assignment in substantially the form presented to the Board, with such changes, not inconsistent herewith, as are approved by the person executing the Assignment (whose execution thereof shall constitute conclusive evidence of such approval).

Section 2. The Assignee agrees to use the Assigned Allocation for one or more of the Approved Uses;

Section 3. The Assignee agrees to promptly notify the County if the Assigned Allocation is not used to support the Project for any reason;

Section 4. The Chair of the Board or any other member of the Board and all appropriate County officers are hereby authorized and directed to execute and deliver and the Clerk of the Board is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Assignment and this Resolution.

Section 5. All actions not inconsistent with the provisions of this Resolution heretofore taken by the Board and the officers of the County directed toward the assignment of the Assigned Allocation and the authorization of the Assignment hereby are ratified, approved, and confirmed.

Section 6. Nothing contained in this Resolution or the Assignment shall obligate the County, except to the extent described in the Assignment. Nothing contained in this Resolution or the Assignment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the County within the meaning of the Constitution or statutes of the State, nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

Section 7. With the exception of Section 6, if any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. This Resolution shall be in full force and effect upon its passage and approval.

Resolution: CC24-225

Agenda Memo Assignment of PAB Allocation to CHFA

Background: Jefferson County has received a 2024 PAB allocation in the amount of \$12,746,682 from the State of Colorado and wishes to assign \$5,000,000 of the allocation to the Colorado Housing and Finance Authority for the purpose of issuing private activity bonds to fund, directly or indirectly, the construction and development of a 260-unit affordable rental housing project located at 5190 Marshall Street in Arvada with rental units restricted to individuals earning less than 70% of Area Median Income, or other approved uses as described herein.

Fiscal Impact: No fiscal impact other than administrative time in considering and processing the assignment of allocation.

BCC Briefing Presented on: 3/5/2024

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