

ORDINANCE NUMBER O-16210 (New Series)

Adopted on MAY 21 1984

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF MULTIFAMILY MORTGAGE REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5.5 MILLION FOR THE PURPOSE OF MAKING MORTGAGE LOANS TO PROVIDE FUNDS TO PROVIDE THE INTERIM AND PERMANENT FINANCING OF THE COST OF DEVELOPING MULTIFAMILY RENTAL PROJECTS, DETERMINING AND PRESCRIBING CERTAIN MATTERS RELATING THERETO, AND APPROVING AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS, AGREEMENTS AND ACTIONS.

WHEREAS, by Ordinance No. O-15746 (New Series), adopted on May 3, 1982, the City Council of The City of San Diego (the "City Council") has adopted The City of San Diego Multifamily Residential Mortgage Revenue Bond Law (as amended to the date hereof, referred to herein as the "Law") in order to establish a procedure for the authorization, issuance and sale of multifamily mortgage revenue bonds by The City of San Diego (the "City") for the purpose of making loans or otherwise providing funds to finance the development of affordable multifamily rental housing in order to meet a substantial housing need identified in the community; and

WHEREAS, the City desires to engage in a program (the "Program") the purpose of which is to make a loan to Palm Vista Associates or an entity formed by such developer to finance a multifamily rental housing development known as Palm Vista Apartments and a loan to Bruce Conzelman to finance a multifamily rental housing development known as The Pines Apartments, and in order to make such loans (the "Mortgage Loans") to the owners (the "Owners") of such developments (the

"Projects") intends to sell and issue not to exceed \$5.5 million of its Multifamily Mortgage Revenue Bonds, Series 1984 (FHA Insured Mortgage Loans) (the "Bonds"); and

WHEREAS, the City Council has now determined to authorize the making of each of the Mortgage Loans for the purpose of providing housing for low and moderate income persons or families and upon the condition that each such Mortgage Loan be approved for insurance by the Federal Housing Administration ("FHA"); and

WHEREAS, one of the Projects may not be approved in time by FHA or for other reasons may not be financed pursuant to the Program so that the Program would consist of the financing of only one Project; and

WHEREAS, there have been prepared and presented to the City Council for consideration at this meeting the following instruments:

- (1) The form of Indenture, including the form of Bond;
- (2) The form of Developer Agreement;
- (3) The form of Financing and Regulatory Agreement;
- (4) The form of Bond Purchase Agreement;
- (5) The form of Official Statement relating to the Bonds; and
- (6) The form of Administration Agreement relating to the Bonds; and

WHEREAS, it appears that each of the documents and instruments above referred to which are now before this meeting is in appropriate form and is an appropriate instrument to be

executed and delivered for the purposes intended; and

WHEREAS, Newman and Associates, Inc., (the "Underwriter") has expressed their intention to purchase the Bonds, and the City Council finds that the public interest and necessity require that the City at this time make arrangements for the sale of the Bonds; and

WHEREAS, pursuant to Section 103(k) of the Internal Revenue Code of 1954, as amended, this City Council has held a public hearing regarding the issuance of the Bonds and now desires to authorize the issuance of the Bonds; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. Finding and Determination. It is hereby found and determined that it is necessary and desirable for the City to provide the financing for the Projects through the issuance and sale of the Bonds in order to assist in the development of the type of dwelling units to be provided by the Projects.

Section 2. Authorization of the Bonds. For the purpose of raising moneys with which to make the Mortgage Loans in order to effectuate the construction and permanent financing of the Projects, the City hereby determines to issue the Bonds, in a principal amount not to exceed \$5.5 million, said principal amount to be such amount as is necessary to make the Mortgage Loans for the Projects selected by the City. The Bonds shall bear interest at a rate or rates producing a net interest cost not to exceed eleven percent (11%) per annum, and maturing as provided in the Indenture, but not later than 43 years from the date of issue. The Bonds shall be in substantially the form set

forth in the Indenture, with such appropriate variations, omissions, insertions and provisions as are permitted or required by the Indenture, which shall be appropriately completed when the Bonds are prepared.

The Bonds shall be limited obligations of the City and shall be payable as to principal and interest, and the obligations of the City under the Indenture shall be paid and satisfied, solely from the revenues, receipts and other moneys pledged therefor under the Indenture.

Section 3. Execution and Delivery of the Bonds. The Bonds shall be executed on behalf of the City by the manual or facsimile signature of the Mayor or Deputy Mayor, and the official seal of the City, or a facsimile thereof, shall be impressed or imprinted thereon and attested with the manual or facsimile signature of the City Clerk.

Section 4. Approval of Indenture. To provide for the details of the Bonds, and to prescribe the terms and conditions upon which they are to be issued, secured, executed, authenticated and held and upon which the Mortgage Loans are to be made and serviced, the City Manager or a deputy City Manager and the City Clerk or a deputy City Clerk are hereby authorized to execute and deliver the Indenture, a copy of which is on file in the office of the City Clerk as Document No. 00-16210-1, in substantially the form presented to this meeting or with such changes as may be approved by the officers of the City executing the same, upon consultation with the City Attorney, their execution thereof to constitute conclusive evidence of their

approval of all changes from the form of Indenture presented to this meeting, which form of Indenture is hereby in all respects approved and incorporated by reference and made a part hereof.

Section 5. Approval of Developer Agreement. To provide for the details of the making of the Mortgage Loans, and the duties and obligations of Owners participating in the Program, the City Manager or a deputy City Manager and the City Clerk or a deputy City Clerk are hereby authorized to execute and deliver Developer Agreements, a copy of the form of which is on file in the office of the City Clerk as Document No. 0-16210-2, in substantially the form presented to this meeting or with such changes as may be approved by the officers of the City executing the same, upon consultation with the City Attorney, their execution thereof to constitute conclusive evidence of their approval of all changes from the form of Developer Agreement presented to this meeting, which form of Developer Agreement is hereby in all respects approved and incorporated by reference and made a part hereof.

Section 6. Approval of Financing and Regulatory Agreement. To provide for certain conditions and terms of the Mortgage Loans, and the duties and obligations of the Owners participating in the Program, the City Manager or a deputy City Manager and the City Clerk or a deputy City Clerk are hereby authorized to execute the Financing and Regulatory Agreement, a copy of the form of which is on file in the office of the City Clerk as Document No. 0-16210-3, in substantially the form presented to this meeting or with such changes as may be approved by the officers of the City executing the same, upon

consultation with the City Attorney, their execution thereof to constitute conclusive evidence of their approval of all changes from the form of Financing and Regulatory Agreement presented to this meeting, which form of Financing and Regulatory Agreement is in all respects approved and incorporated by reference and made a part hereof.

Section 7. Approval of Bond Purchase Agreement. The form of Bond Purchase Agreement presented to this meeting, a copy of which is on file in the office of the City Clerk as Document No. 00-16210-4, is hereby approved in all respects and incorporated herein by reference and made a part hereof, and the City Manager or a deputy City Manager is hereby authorized to execute and deliver to the Underwriter a Bond Purchase Agreement in substantially such form or with such changes as may be approved by the officer of the City executing the same, upon consultation with the City Attorney, such execution to constitute conclusive evidence of the approval by such officer of all changes from the form of Bond Purchase Agreement presented to this meeting, which form of Bond Purchase Agreement is in all respects approved and incorporated by reference and made a part hereof.

Section 8. Approval of Official Statement. The form of Official Statement presented to this meeting, a copy of which is on file with the City Clerk as Document No. 00-16210-5, is hereby in all respects approved and incorporated herein by reference and made a part hereof, and the City Manager or a deputy City Manager of the City is hereby authorized to execute and deliver an Official Statement in substantially such form or

with such changes therein as may be approved by the officer of the City executing the same, upon consultation with the City Attorney, such execution to constitute conclusive evidence of the approval by such officer of all changes from the form of Official Statement presented to this meeting, which form of Official Statement is in all respects approved and incorporated by reference and made a part hereof.

Section 9. Approval of Administration Agreement. The form of Administration Agreement by and between the City and the San Diego Housing Commission, substantially in the form submitted to this meeting, a copy of which is on file in the office of the City Clerk as Document No. 00-16210-6, is hereby approved, and the City Manager or a deputy City Manager is hereby authorized to execute and deliver an Administration Agreement in substantially such form or with such changes therein as may be approved by the officer of the City executing the same, upon consultation with the City Attorney, such execution to constitute conclusive evidence of the approval by such officer of all changes from the form of Administration Agreement presented to this meeting, which form of Official Statement is in all respects approved and incorporated by reference and made a part hereof.

Section 10. Financing of a Single Project. The forms of agreements and other documents approved by and authorized to be executed and delivered by this ordinance may contain such changes therein as are required to be made therein in the event that it is determined that one of the Projects is not to be financed pursuant to the Program. The City Manager or a deputy

City Manager is hereby authorized to execute and deliver an Indenture (including the form of Bond), a Developer Agreement, a Financing and Regulatory Agreement, an Official Statement and an Administration Agreement in substantially the forms submitted to this meeting with such changes as are required to be made therein in the event that it is determined that one of the Projects is not to be financed pursuant to the Program and may be approved by the officer of the City executing the same, upon consultation with the City Attorney, such execution of the above-mentioned agreements and other documents to constitute conclusive evidence of the approval by such officer of all changes from the respective form of such agreement or other document presented to this meeting.

Section 11. Actions Ratified and Authorized. All actions heretofore taken by the officers and agents of the City with respect to the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the officers of the City are hereby authorized, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents, including but not limited to those described in the Bond Purchase Agreement, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds and the making of the Mortgage Loans in accordance with the Law and this ordinance.

Section 12. Conflicting Resolutions Repealed. All ordinances and resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.


Section 13. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any remaining provisions of this ordinance.

Section 14. Ordinance Constitutes Approval. It is the purpose and intent of this City Council that this ordinance constitute approval of the Bonds by the applicable elected representative in accordance with Section 103(k) of the Internal Revenue Code of 1954, as amended.

Section 15. Publication of Notice. The City Clerk is hereby authorized and directed to cause a digest or a copy of this ordinance to be published at least once in "The San Diego Daily Transcript" within fifteen (15) days after the adoption of this ordinance pursuant to Section 18 of the City Charter.

Section 16. Effective Date. This ordinance shall take effect on the thirtieth day after its adoption.

APPROVED: John W. Witt, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps:559
3/19/84
Or.Dept:Hsg.Comm.
Form=o.none

Passed and adopted by the Council of The City of San Diego on MAY 21 1984,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Bovard, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 7 1984

MAY 21 1984

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 16210 Adopted MAY 21 1984

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1984 JUN -6 AM 10:59
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
ATTN: ELLEN BOVARD
202 C St., 12th Floor
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16210

ORDINANCE NO. O-16210
(New Series)

Adopted on MAY 21, 1984

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF MULTIFAMILY MORTGAGE REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5.5 MILLION FOR THE PURPOSE OF MAKING MORTGAGE LOANS TO PROVIDE FUNDS TO PROVIDE THE INTERIM AND PERMANENT FINANCING OF THE COST OF DEVELOPING MULTIFAMILY RENTAL PROJECTS, DETERMINING AND PRESCRIBING CERTAIN MATTERS RELATING THERETO, AND APPROVING AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS, AGREEMENTS AND ACTIONS.

This ordinance authorizes the issuance, sale and delivery of multifamily mortgage revenue bonds in a principal amount not to exceed \$5.5 million for the purpose of making mortgage loans to provide funds to provide the interim and permanent financing of the cost of developing multifamily rental projects, determining and prescribing certain matters relating thereto, and approving and authorizing the execution of related documents, agreements and actions. A copy of this ordinance together with related documents is on file in the office of the City Clerk for inspection by the public.

Passed and adopted by the Council of The City of San Diego on May 21, 1984, by the following vote:

YEAS: Mitchell, McCall, Jones, Strikama, Gotch, Murphy, Martinez, Hedgecock.

NAYS: None.

NOT PRESENT: Cleator.

AUTHENTICATED BY:

ROGER HEDGECOCK,

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

(Seal)

By ELLEN BOVARD, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on May 7, 1984, and on May 21, 1984.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

(Seal)

By ELLEN BOVARD, Deputy.

Publish June 4, 1984.

60-5844

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16210
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

June 4, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 4th day of June, 1984.

(Signature)

00976

9" X 8.87 = 79.83