

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BAKERSFIELD AUTHORIZING APPLICATION FOR THE
AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES
PROGRAM**

WHEREAS, the State of California, the Strategic Growth Council ("SGC") and the Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability dated February 24, 2021 ("NOFA"), under the Affordable Housing and Sustainable Communities ("AHSC") Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200; and

WHEREAS, the City of Bakersfield ("City") is a California municipal corporation and charter city authorized to do business in the State of California and it is in the best interests of the City for the City to act as the Borrower for the AHSC Program loan ("Borrower"); and

WHEREAS, the City of Bakersfield is an Eligible Applicant under the AHSC Program and was awarded an AHSC Program Loan in an amount not to exceed \$20,000,000 ("AHSC Loan") and an AHSC Program grant in an amount not to exceed \$10,000,000 ("AHSC Grant") for an aggregate amount not to exceed \$30,000,000 under the above described NOFA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Bakersfield, as follows:

1. The City is hereby authorized and directed to act on its own behalf and to act as the Borrower in connection with the Department's loan of AHSC funds to the Borrower pursuant to the above-mentioned NOFA in an amount not to exceed \$20,000,000.

2. The City is hereby authorized and directed to act on its own behalf as well as act as the Borrower to cause the Borrower and itself to incur an obligation for the AHSC Loan. That in connection with the AHSC Loan, the City, on its own behalf and as the Borrower, is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in the amount not to exceed \$20,000,000 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of the above resolution, in order to evidence the AHSC Loan, the Borrower's obligations related thereto, and the Department's security therefore; including, but not limited to, a promissory note, a deed of trust and security agreement, a regulatory agreement, a development agreement and certain

other documents required by the Department as security for, evidence of or pertaining to the AHSC Loan, and all amendments thereto (collectively, the "AHSC Loan Documents").

3. The City is hereby authorized and directed to incur an obligation for the AHSC Grant. That in connection with the AHSC Grant, the City is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in the amount not to exceed \$10,000,000 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of the above resolution, in order to evidence the AHSC Grant, the City's obligations related thereto, and the Department's security therefore; including, but not limited to, a disbursement agreement, a covenant and certain other documents required by the Department as security for, evidence of or pertaining to the AHSC Grant, and all amendments thereto (collectively, the "AHSC Grant Documents").

4. City shall be subject to the terms and conditions as specified in the Standard Agreement(s). Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement(s). The application in full is incorporated as part of the Standard Agreement(s). Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement(s). City hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA, Program Guidelines and application package.

5. Christian Clegg, the City Manager of the City of Bakersfield is authorized to execute the AHSC Loan Documents and the AHSC Grant Documents, and any amendment or modifications thereto, on the behalf of the City for itself and as the Borrower.

6. This resolution shall take effect immediately upon its passage and supersedes City of Bakersfield Resolution No. 096-2021.

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I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on _____, by the following vote:

AYES:	COUNCILMEMBER ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR
NOES:	COUNCILMEMBER _____
ABSTAIN:	COUNCILMEMBER _____
ABSENT:	COUNCILMEMBER _____

JULIE DRIMAKIS, CPMC, MMC

CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED:

By: _____

KAREN GOH

Mayor

APPROVED AS TO FORM:

VIRGINIA GENNARO

City Attorney

By: _____

JOSHUA RUDNICK

Deputy City Attorney II