

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR A PROJECT OF CALIFORNIA BAPTIST UNIVERSITY.

WHEREAS, California Baptist University, a California nonprofit corporation (the “Borrower”), has requested that the California Municipal Finance Authority (the “Authority”) approve the issuance of the Authority’s bonds in an aggregate amount not to exceed \$95,000,000 (the “Bonds”) under a Bond Indenture authorized and executed by the Authority and U.S. Bank National Association, as bond trustee; and

WHEREAS, the proceeds of the Bonds will be loaned by the Authority to the Borrower and will be used to: (i) finance and refinance all or a portion of the acquisition, construction, improvement and equipping of educational and related facilities, including related administrative facilities, site improvements, parking structures and surface parking, all located in the City of Riverside (the “City”), California, including but not limited to (a) construction of new facilities to house the Borrower’s College of Engineering, to be located near the center of the Borrower’s main campus, the address of which is 8432 Magnolia Avenue, bounded by Magnolia Avenue, Adams Street, Diana Avenue and Monroe Street (the “Campus”), (b) construction, renovation and reimbursement for construction and renovation of facilities located on the campus of the Borrower’s College of Health Sciences, the address of which is 3532 and 3626 Monroe Street, (c) construction of or renovation of existing space for a new library and/or study spaces and other improvements located on the Campus and at 8775 Magnolia Avenue, (d) acquisition and construction of facilities at 8230 Magnolia Avenue, and (e) acquisition and construction of facilities located on a parcel adjacent to the facilities at 8230 Magnolia Avenue (collectively, the “Project”); (ii) fund a debt service reserve fund; and (iii) pay certain expenses incurred in connection with the issuance of the Bonds; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the issuance of the Bonds must be approved by the City because some or all of the Project may be located within the jurisdiction of the City; and

WHEREAS, the City Council of the City (the “City Council”) is the elected legislative body of the City and is the applicable elected representative required to approve the execution and delivery of the Bonds pursuant to Section 147(f) of the Code; and

WHEREAS, the Authority has requested the City Council approve the execution and delivery of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the City; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the Bonds, and now desires to approve the issuance of the Bonds by the Authority; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by the Authority for the aforesaid purposes;

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

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority for the purposes of Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which some or all of the Project may be located, in accordance with said Section 147(f) and Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds. The Bonds shall not constitute an obligation or indebtedness of the City and the assets and revenues of the City are not being pledged as security for the payment of principal or interest on the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire, rehabilitate or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing transaction approved hereby.

Section 6. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the City Council this _____ day of _____, 2016.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council on the _____ day of _____, 2016, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California this _____ day of _____, 2016.

COLLEEN J. NICOL
City Clerk of the City of Riverside