

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF OBLIGATIONS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN FACILITIES FOR THE BENEFIT OF LA SIERRA UNIVERSITY.

WHEREAS, pursuant Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “Act”), certain public agencies (the “Members”) have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, effective as of January 1, 2004 (the “Agreement”) in order to form the California Municipal Finance Authority (the “Authority”), for the purpose of promoting economic, cultural, and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes, or other evidences of indebtedness; and

WHEREAS, City of Riverside (the “City”) is a Member of the Authority; and

WHEREAS, the Authority is authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the construction of capital projects; and

WHEREAS, La Sierra University, a nonprofit religious corporation (the “Borrower”) has requested that the Authority issue obligations (which are treated as qualified 501(c)(3) bonds, as defined in Section 145 of the Internal Revenue Code, as amended (the “Code”)) in one or more series in an aggregate principal amount not to exceed \$11.1 million (the “Obligations”) for the purpose of making a loan to the Borrower, to enable the Borrower to finance and refinance the costs of the acquisition, construction, and improvement of certain educational facilities located in the City (the “Project”); and

WHEREAS, in order for the interest on the Obligations to be tax-exempt, Section 147(f) of the Code requires that an “applicable elected representative” of the governmental unit, the geographic jurisdiction of which contains the site of facilities to be financed or refinanced with proceeds of the Obligations, hold a public hearing on the issuance of the Obligations and approve the issuance of the Obligations following such hearing; and

WHEREAS, the Authority has determined that the City Council is an “applicable elected representative” for purposes of holding such hearing; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Obligations 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 Agreement; and

WHEREAS, notice of such public hearing has been duly given as required by the Code, and this City Council has heretofore held such public hearing at which all interested persons were

given an opportunity to be heard on all matters relative to the financing or refinancing of the Project and the Authority's issuance of the Obligations therefor; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, AS FOLLOWS;

Section 1. The City Council hereby approves the issuance of the Obligations by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Obligations (a) by the "applicable elected representative" of the governmental unit having jurisdiction over the area in which the Project is located in accordance with Section 147(f) of the Code and (b) by the City Council in accordance with Section 4 of the Agreement.

Section 2. The issuance of the Obligations 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 Obligations.

Section 3. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire 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 4. The Mayor, the Clerk, and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents, and/or certificates, and to perform such other acts and deeds as may be necessary or convenient to effectuate the purposes of this Resolution and the transactions herein authorized.

Section 5. The Clerk shall forward a certified copy of this Resolution to the Authority in care of its bond counsel:

Mayling Leong
Orrick, Herrington & Sutcliffe LLP
400 Capitol Mall, Suite 3000
Sacramento CA 95814

Section 6. This resolution shall take effect immediately upon its passage.

ADOPTED by the City Council of the City of _____ at a regular meeting of the City Council held on the ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Title: Mayor

ATTEST:

Clerk

IN WITNESS WHEREOF, the CITY OF RIVERSIDE has caused this Agreement to be executed and attested by its duly authorized representatives as of the ____ day of _____, 2019.

Member:

CITY OF RIVERSIDE

By: _____

Name:

Title:

ATTEST:

Clerk