

RESOLUTION NO. 2009-R-146

SUPPORTING THE CREATION OF THE LAREDO PUBLIC FACILITY CORPORATION UNDER CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF LAREDO, TEXAS; AUTHORIZING THE CITY'S STAFF TO NEGOTIATE TERMS WITH THE NRP GROUP L.L.C., REGARDING A PROPOSED LOW INCOME HOUSING TAX CREDIT PROJECT AND AUTHORIZING THE FILING OF THE NECESSARY APPLICATIONS FOR LOW INCOME HOUSING TAX CREDITS; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Laredo, Texas (the "City") desires to create the Laredo Public Facility Corporation (the "PFC") as a public facility corporation under Chapter 303 of the Texas Local Government Code, as amended (the "Act");

WHEREAS, the purpose the PFC will be to provide for the financing, acquisition, and construction of public facilities under the Act, including multifamily housing facilities;

WHEREAS, the City Council of the City (the "City Council") has been presented with an offer to create the PFC to serve as the sole member of the general partner of a tax credit partnership;

WHEREAS, the City wishes to participate in 9% tax credit transactions;

WHEREAS, the City Council desires the City staff to negotiate with the NRP Group LLC ("NRP") regarding such transaction, to evaluate such transaction, and to take all actions necessary to file the tax credit application therefore;

WHEREAS, the City Council hereby designates NRP as the development consultant for the PFC's proposed low income housing tax credit pre-application (the "Application") to be filed with the Texas Department of Housing and Community Affairs ("TDHCA");

WHEREAS, NRP is authorized to submit the Application to TDHCA for low income housing tax credits on behalf of the PFC;

WHEREAS, the City Council authorizes the City Manager, the City Attorney, or their duly authorized representatives (the "City Staff") to enter into discussions with NRP regarding the PFC becoming the sole member of the General Partner of a tax credit partnership being developed by NRP;

WHEREAS, the City Council of the City ("City Council") has determined that it is in the public interest and to the benefit of the citizens of the State of Texas and the residents of the City to consider the creation of the PFC to finance, refinance, or provide for the costs of public facilities to be located in the City, as provided under Section 303.023 of the Act; and

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1. City Council hereby indicates its intent to participate in the project, appoints NRP as the development consultant for the Application and consents to NRP initiating the process, filing and executing the Application on behalf of the City, the PFC, and the tax credit partnership.

Section 2. City Council hereby authorizes the City Staff to initiate the creation of documents necessary for the PFC, including, but not limited to the Articles of Organization and the Bylaws, and instructs the City Staff to negotiate a Memorandum of Understanding for the PFC to participate in a 9% tax credit project being developed by NRP, and all such documents listed herein shall be presented to the City Council for final approval.

Section 3. All applications and filings necessary to maintain the tax credits, the creation of any necessary limited liability companies or partnerships, and the execution of any required real estate contracts are approved; **provided however, each of such project must be brought back to the City Council for final approval before any financial obligation that is not subject to reimbursement by the developer can be incurred on the part of the City.**

Section 4. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City.

Section 6. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.


Section 7. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 9. This resolution is effective upon its passage.

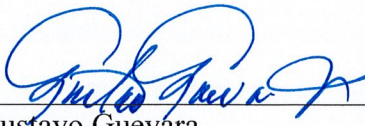
PASSED AND APPROVED this 21 day of December, 2009.

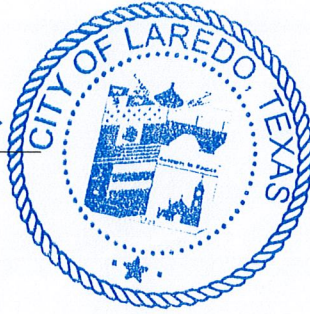
CITY OF LAREDO, TEXAS




Raul G. Salinas, Mayor

ATTEST:


Gustavo Guevara
City Secretary



APPROVED AS TO FORM:


Raul Casso, City Attorney

COUNCIL COMMUNICATION

DATE: 12/21/09	SUBJECT: RESOLUTION NO. 2009-R-146 SUPPORTING THE CREATION OF THE LAREDO PUBLIC FACILITY CORPORATION UNDER CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF LAREDO, TEXAS; AUTHORIZING THE CITY'S STAFF TO NEGOTIATE TERMS WITH THE NRP GROUP L.L.C., REGARDING A PROPOSED LOW INCOME HOUSING TAX CREDIT PROJECT AND AUTHORIZING THE FILING OF THE NECESSARY APPLICATIONS FOR LOW INCOME HOUSING TAX CREDITS; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.	
INITIATED BY: Carlos R. Villarreal City Manager		STAFF SOURCE: Raul Casso, IV City Attorney
PREVIOUS ACTION: N/A		
BACKGROUND: THE NRP GROUP HAS DEVELOPED A PROPOSAL TO THE CITY OF LAREDO REGARDING THE CREATION OF A TAX CREDIT PARTNERSHIP AND THE FILING OF LOW INCOME HOUSING TAX CREDIT APPLICATION WITH THE TEXAS DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT. THE CREATION OF A PUBLIC FACILITY CORPORATION WILL BE REQUIRED. AN ESSENTIAL FUNDING ELEMENT FOR THE PROJECT IS A PROPERTY TAX EXEMPTION.		
FINANCIAL:		
RECOMMENDATION:		STAFF RECOMMENDATION: