

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Attorney

AGENDA DATE: May 10, 2022

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Karla M. Nieman (915) 212-0033

DISTRICT(S) AFFECTED: District 8

STRATEGIC GOAL: Goal 6

SUBGOAL: N/A

SUBJECT:

Approve a resolution/ordinance /lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action on a Resolution to authorize the Mayor to sign a Certificate of Approval of the Highest Elected Official in conjunction with the proposed issuance by the Alamito Public Facilities Corporation (the "Issuer"), a public facility of the Housing Authority of the City of El Paso, in an aggregate principal amount not to exceed \$76,125,000, for the following residential rental projects Salazar Apartments; Cien Palmas Apartments; Mesa Place Townhomes; and Franklin Place Townhomes.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Section 147(f) of the Internal Revenue Code of 1986 requires that before the bonds are issued, the issuance of such tax exempt bonds must be approved by the highest elected official of the local government unit having jurisdiction over the arena in which such facility is located after a public hearing following reasonable notice to the public.

The Alamito Public Facilities Corporation published Notice of Public Hearing in the El Paso Times as required by Section 147(f) of the Internal Revenue Code on Friday, March 11, 2022 and held public hearing on Friday, March 18, 2022.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, a similar item was approved by Council on October 1, 2019 proposed revenue bonds issued by the Alamito Public Facilities Corporation.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Not applicable.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:  (for City Attorney, Karla Nieman)

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, the Alamito Public Facilities Corporation (“Alamito”), a public facility corporation of the Housing Authority of the City of El Paso, Texas, is in the process of issuing one or more issues or series following Multi-Family Housing Revenue Bonds:

\$76,125,000 for the following residential rental projects Salazar Apartments; Cien Palmas Apartments; Mesa Place Townhomes; and Franklin Place Townhomes.

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 requires that before the bonds are issued, the issuance of such tax exempt bonds must be approved by the highest elected official of the local governmental unit having jurisdiction over the area in which such facility is located after a public hearing following reasonable notice to the public;

WHEREAS, Alamito Public Facilities Corporation, published a Notice of Public Hearing in the El Paso Times as required by Section 147(f) of the Internal Revenue Code on March 11, 2022, and held a public hearing on Tuesday, March 18, 2022;

WHEREAS, Alamito now requests that the Mayor sign a Certificate of Approval of the Highest Elected Official;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Certificate of Approval of the Highest Elected Official attached to this Resolution for the sole purpose of compliance with Section 147(f) of the Internal Revenue Code of 1986.

(SIGNATURE PAGE FOLLOWS)

APPROVED this ____ day of _____, 2022

CITY OF EL PASO, TEXAS:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

DocuSigned by:


ART PROVENGI
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Alamito Public Facilities Corporation, a
public facility corporation of the Housing
Authority of the City of El Paso, Texas

APPROVAL OF APPLICABLE ELECTED REPRESENTATIVE

I, the duly elected Mayor of the City of El Paso, Texas (the "City"), certify with respect to the obligations (the "Bonds") described in the published Notice of Public Hearing (the "Notice of Public Hearing") attached as part of Annex A to the Minutes, and an opportunity for the members of the public to appear ("List of Attendees") attached as Annex B, and Certification of Public Hearing attached hereto as Exhibit A, which Bonds are proposed to be issued by the Alamito Public Facilities Corporation, a public facility corporation of the Housing Authority of the City of El Paso, Texas, that:

Based upon the evidence presented to me, for the sole purpose of satisfying the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and for no other purpose, I hereby approve the Bonds and the facilities to be financed with a portion of the proceeds of the Bonds and located within the City, all as described in the Notice of Public Hearing.

This approval is not to be construed as (i) a representation or warranty by the City or the undersigned that the Bonds will be paid or that any obligations assumed by any of the parties will, in fact, be performed, (ii) as a pledge of the faith and credit of or by the City; further, the fact that the undersigned has approved the Bonds as required by the Code may not, in any event, be used as a sales device with respect to the Bonds, or (iii) this approval shall not be construed as a representation or warranty by the City concerning the validity of the Bonds.

In Witness Whereof, I have set my hand this _____, 2022.

(Signatures appear on following page)

CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:

DocuSigned by:

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Art Provenghi
Alamito Public Facilities Corporation, a public
facility corporation of the Housing Authority
of the City of El Paso, Texas

EXHIBIT A

Minutes and Certification of Public Hearing

MINUTES AND CERTIFICATION OF PUBLIC HEARING

I, Art Provenghi (the “Hearing Officer”), called to order the public hearing of the Alamito Public Facilities Corporation (the “Issuer”), a non-profit public facility corporation created by the Housing Authority of the City of El Paso, Texas (the “Authority”), on Friday, March 18, 2022, at 10:00 a.m., in the Authority’s Board Room located at 304 Texas Avenue, Suite 1600, El Paso, Texas 79901 on the proposed issuance by the Issuer of obligations (the “Bonds”) in an aggregate principal amount not to exceed \$76,125,000.

The Hearing Officer stated that the public hearing required under Section 147(f) of the Internal Revenue Code of 1986, as amended, was open for purposes of discussing the proposed issuance of the Bonds, all as described in the Notice of Public Hearing published in the El Paso Times on March 11, 2022, as set forth in the Affidavit of Publication attached as Annex A hereto.

A summary of the comments is shown on Annex B attached hereto.

After sufficient time was given for all present to make their comments with respect to the proposed issuance of the Bonds, the Hearing Officer declared the public hearing closed.

WITNESS MY HAND this the 18th day of March, 2022.



Art Provenghi
Hearing Officer
Alamito Public Facilities Corporation

ANNEX A

AFFIDAVIT OF PUBLICATION
(see attached)

El Paso Times

PART OF THE USA TODAY NETWORK

Affidavit of Publication

Ad # 0005166013

This is not an invoice

HOUSING AUTHORITY - LEGALS
5300 E PAISANO DR

EL PASO, TX 79905

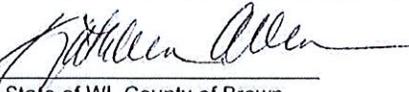
I, being duly sworn say: El Paso Times, a daily newspaper of general circulation published in the City and County El Paso, State of Texas, which is a newspaper of general circulation and which has been continuously and regularly published for the period of not less than one year in the said County of El Paso, and that he/she was upon the dates herein mentioned in the EL PASO TIMES.

That the LEGAL copy was published in the EL PASO TIMES for the date(s) of such follows DAY(s) to wit

03/11/2022


Legal Clerk

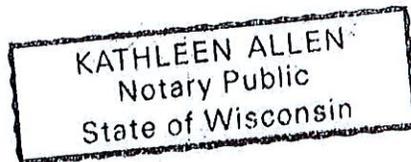
Subscribed and sworn before me this March 11, 2022:



State of WI, County of Brown
NOTARY PUBLIC

1-7-25

My commission expires



Ad # 0005166013
PO #: PUBLIC HEARING
of Affidavits 1

This is not an invoice

NOTICE OF PUBLIC HEARING
ALAMITO PUBLIC FACILITIES
CORPORATION

Notice is hereby given of a public hearing to be held by Alamito Public Facilities Corporation (the "Issuer"), a non-profit public facility corporation created by the Housing Authority of the City of El Paso d/b/a Housing Opportunity Management Enterprises ("HOME"), on Friday, March 18, 2022, at 10:00 a.m., in HOME's Board Room located at 304 Texas Avenue, Suite 1600, El Paso, Texas 79901.

The public hearing is regarding the issuance of obligations by the Issuer, which may be issued in one or more series, in an aggregate principal amount not to exceed \$76,125,000 (the "Bonds"). The Bonds will be issued as exempt facilities bonds for the qualified residential rental projects (collectively, the "Development") described below pursuant to section 142(a)(7) of the Internal Revenue Code of 1986, as amended (the "Code").

The Development will consist of the following:

- A qualified residential rental project located at or near 311 South Eucalyptus Street, El Paso, El Paso County, Texas 79905 financed with proceeds of the Bonds in an aggregate principal amount not to exceed \$49,550,000, the initial owner and principal user of which project will be EP Salazar II, LP, a Texas limited partnership (or a related person or affiliate thereof);

- A qualified residential rental project located at or near 7845 Lilac Way, El Paso, El Paso County, Texas 79915 financed with proceeds of the Bonds in an aggregate principal amount not to exceed \$12,700,000, the initial owner and principal user of which project will be EP WH Cien Palmas, LLC, a Texas limited liability company (or a related person or affiliate thereof);

- A qualified residential rental project located at or near 5450 Suncrest, El Paso, El Paso County, Texas 79912 financed with proceeds of the Bonds in an aggregate principal amount not to exceed \$7,930,000, the initial owner and principal user of which project will be EP WH Mesa Franklin, LLC, a Texas limited liability company (the "Mesa Franklin Borrower") (or a related person or affiliate thereof); and

- A qualified residential rental project located at or near 600 Belvidere Street, El Paso, El Paso County, Texas 79912 financed with proceeds of the Bonds in an aggregate principal amount not to exceed \$5,945,000, the initial owner and principal user of which project will be the Mesa Franklin Borrower (or a related person or affiliate thereof).

All interested persons are invited to attend such public hearing to express their views with respect to the Development and the issuance of the Bonds. Questions or requests for additional information may be directed to Mr. William T. Avila, Bracewell LLP, 300 Convent Street, Suite 2700, San Antonio, Texas 78205-3723 (210-299-3415). Any interested persons unable to attend the hearing, but who would like to express their views with respect to the Development and the Bonds, may submit their views in writing to Mr. Avila prior to the date scheduled for the hearing.

This notice is published, and the above-described hearing is to be held in satisfaction of the requirements of section 147(f) of the Code

#5166013, El Paso Times,
March 11, 2022

ANNEX B

There were no outside participants participating in the public hearing, and thus no comments were made.

