

MOTION CITY CLERK FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#55

Crespi Carmelite High School, Inc. (Borrower), a California 501(c)(3) nonprofit religious corporation, has requested that the California Enterprise Development Authority (CEDA) issue one or more series of revenue bonds or other obligations in an aggregate principal amount not to exceed \$8,000,000 for the purpose of financing, refinancing, and reimbursing of the cost of design, development, construction, and equipping of aquatic facilities at 5031 Alonzo Avenue in Council District 5. The Facilities are owned or will be owned by the Borrower and used by the Borrower in its educational mission.

In accordance with the Tax Equity and Financial Responsibility Act of 1982, a public hearing is required to move forward with bond issuance. The Borrower has requested that the City conduct the required public hearing (TEFRA Hearing) and approve the issuance of the Obligations by CEDA. The City does not incur liability for repayment of the bond. Nothing in this Motion precludes any approval otherwise required by the City. The obligations will be purchased by qualified institutional buyers and are payable solely from revenues or other funds provided by the Borrower. Following the public hearing, adoption of the attached Resolution (TEFRA Resolution) is required.

I THEREFORE MOVE that the Council designate the California Enterprise Development Authority (CEDA) to issue bonds not to exceed \$8,000,000 for the purpose of financing, refinancing, and reimbursing of the cost of design, development, construction, and equipping of aquatic facilities at 5031 Alonzo Avenue in Council District 5; and hold a TEFRA Hearing and adopt the attached TEFRA Resolution at the City Council Meeting to be held on June 14, 2019 at 10:00 a.m., located at 200 North Spring Street, Room 340, Los Angeles, California 90012.

PRESENTED BY:



PAUL KORETZ
Councilmember, 5th District

SECONDED BY:



ORIGINAL

JUN 05 2019

abg



**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LOS ANGELES**

APPROVING THE ISSUANCE BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY'S REVENUE OBLIGATIONS FOR THE PURPOSE OF FINANCING, REFINANCING OR REIMBURSING THE COST OF DESIGN, DEVELOPMENT, ACQUISITION, CONSTRUCTION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF FACILITIES FOR THE BENEFIT OF CRESPI CARMELITE HIGH SCHOOL, INC. AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED

WHEREAS, Crespi Carmelite High School, Inc., a nonprofit religious corporation duly organized and existing under the laws of the State of California (the "School"), has submitted and the California Enterprise Development Authority (the "Authority") has accepted, an application requesting the Authority to issue, from time to time, pursuant to a plan of finance, its tax-exempt revenue bonds or other obligations in an aggregate principal amount not to exceed \$8,000,000 (the "Obligations") for the benefit of the School pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State (commencing with Section 6500) (the "Act"); and

WHEREAS, the proceeds of the Obligations will be used for the purpose of financing, refinancing or reimbursing the School for (a) the cost of designing, developing, constructing and equipping an aquatics center, including, but not limited to, an Olympic-sized competition pool, a smaller wellness pool, locker rooms, bleachers and shaded areas to be located at 5031 Alonzo Avenue, Encino, California 91316 (collectively, the "Facilities"), and (b) paying certain financing and costs of issuance of the Obligations; and

WHEREAS, the issuance of the Obligations must be approved by the governmental unit on behalf of which the Obligations are issued and a governmental unit having jurisdiction over the territorial limits in which the Facilities located pursuant to the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Facilities are located within the territorial limits of City of Los Angeles (the "City") and the City Council of the City (the "City Council") is the elected legislative body of the City; and

WHEREAS, the Authority and the School have requested that the City Council approve the issuance of the Obligations by the Authority and the financing, refinancing or reimbursing the School for the cost of the Facilities with the proceeds of the Obligations pursuant to Section 147(f) of the Code; and

WHEREAS, the Facilities provide significant benefits to the City's residents through the educational services provided by the School to the City's residents and the Facilities will also create and retain employment opportunities for the City's residents; and

WHEREAS, the Authority's issuance of the Obligations will result in a more economical and efficient issuance process because of the Authority's expertise in the issuance of conduit revenue obligations; and

WHEREAS, it is intended that this Resolution shall comply with the public approval requirements of Section 147(f) of the Code; *provided, however*, that this Resolution is neither intended to nor shall it constitute an approval by the City Council of the Facilities for any other purpose;

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

WHEREAS, in recognition of the City's objective of addressing the needs of residents with disabilities, the School has agreed that (a) any Facilities to be constructed with the proceeds of the Obligations will comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101 *et seq.* and the 2010 ADA Standards, Chapter 11 of Title 24 of the California Code of Regulations, (b) the School will not discriminate in its programs, services or activities on the basis of disability or on the basis of a person's relationship to, or association with, a person who has a disability and (c) the School will provide reasonable accommodation upon request to ensure equal access and effective communication to its programs, services and activities.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the City Council of the City as follows:

Section 1. The City Council hereby finds and determines that all of the recitals are true and correct. The City Council finds that the Facilities will provide the significant benefits set forth in the recitals above. The City Council hereby approves the issuance of the Obligations by the Authority, which Obligations may be tax-exempt and/or taxable as approved by the Authority in its resolution, in an amount not to exceed \$8,000,000 to finance, refinance or reimburse the School for the cost of the Facilities and to pay financing and costs of issuance of the Obligations. This resolution shall constitute "host" approval and "issuer" approval of the issuance of the Obligations within the meaning of Section 147(f) of the Code and shall constitute the approval of the issuance of the Obligations within the meaning of the Act; *provided, however*, that this Resolution shall not constitute an approval by the City Council of the Facilities for any other purpose. The City shall not bear any responsibility for the tax-exempt status of the Obligations, the repayment of the Obligations or any other matter related to the Obligations.

Section 2. All actions heretofore taken by the officers, employees and agents of the City with respect to the approval of the Obligations are hereby approved, confirmed and ratified, and the officers and employees of the City and their authorized deputies and agents are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all certificates and documents which they or special counsel may deem necessary or advisable in order to consummate the Obligations and otherwise to effectuate the purposes of this Resolution.

Section 3. This Resolution shall take effect from and after its adoption.