

RESOLUTION NO. 2023-094

A RESOLUTION ASSIGNING AND TRANSFERRING TO THE DOUGLAS COUNTY HOUSING PARTNERSHIP, A MULTIJURISDICTIONAL HOUSING AUTHORITY, ALL OF THE TOWN OF CASTLE ROCK'S 2023 PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION FROM THE STATE CEILING FOR PRIVATE ACTIVITY BONDS; AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSIGNMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, on January 1, 2023, the Town of Castle Rock, Colorado (the "Town") was awarded \$4,637,266 (the "2023 Allocation") of the bond ceiling for the State of Colorado (the "State") and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, §§ 24-32-1701, *et seq.*, C.R.S. (the "Allocation Act"), for use in the issuance of private activity bonds; and

WHEREAS, the Allocation Act provides for the assignment of bond allocations between issuing authorities (as defined in the Allocation Act) of the State; and

WHEREAS, the Douglas County Housing Partnership, a Multijurisdictional Housing Authority (the "Assignee"), is authorized to issue housing revenue bonds constituting private activity bonds pursuant to § 29-1-204.5, C.R.S, the Amended and Restated Establishing Intergovernmental Agreement for the Douglas County Housing Authority, Multijurisdictional Housing Authority, dated December 30, 2020, as amended, by and among the City of Lone Tree, the Town of Castle Rock, the City of Castle Pines, the Town of Parker and Douglas County, Colorado, and the Supplemental Public Securities Act, §§ 11-57-201, *et seq.*, C.R.S. (the "Supplemental Act"); and

WHEREAS, the Town desires to assign and transfer to the Assignee all of the Town's 2023 Allocation, which the Town and the Assignee will commit and reserve for the issuance of such private activity bonds; and

WHEREAS, it is necessary to evidence such assignment and transfer and the acceptance thereof by the execution and delivery by the Town of an Assignment (the "Assignment"), by and between the Town and the Assignee; and

WHEREAS, the Assignee proposes to issue its housing revenue bonds pursuant to the Allocation Act and the Supplemental Act, to finance "projects" under the Allocation Act (the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. In order to finance the Project, the Town hereby (i) assigns and transfers to the Assignee an amount equal to all of the Town's 2023 Allocation and (ii) approves, authorizes and directs the Mayor of the Town to sign and deliver and the Town Clerk to attest and deliver the Assignment in substantially the form presented to the Town Council. A copy of the proposed Assignment is on file in the office of the Town Clerk and is available for inspection by the public.

Section 2. The Mayor of the Town is hereby authorized and directed to execute and deliver and the Town Clerk is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Assignment and this Resolution.

Section 3. All actions not inconsistent with the provisions of this Resolution heretofore taken by the Town Council and the officers of the Town directed toward the assignment of the 2023 Allocation and the authorization of the Assignment hereby are ratified, approved, and confirmed.

Section 4. Nothing contained in this Resolution or the Assignment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the Town within the meaning of the Constitution or statutes of the State, nor give rise to a pecuniary liability of the Town or a charge against its general credit or taxing powers.

Section 5. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. This Resolution shall be in full force and effect upon its passage and approval.

PASSED, APPROVED AND ADOPTED this 18th day of July, 2023, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Tara Vargish, Development Services Director