

RESOLUTION NO. 2007-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE ISSUANCE BY THE ELK GROVE FINANCE AUTHORITY OF NOT TO EXCEED \$22,000,000 AGGREGATE PRINCIPAL AMOUNT OF ELK GROVE FINANCE AUTHORITY LEASE REVENUE BONDS (2007 CAPITAL PROJECTS); APPROVING THE FORMS OF AND AUTHORIZING EXECUTION AND DELIVERY OF A SITE LEASE, A FACILITIES LEASE, AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH CERTAIN MUNICIPAL IMPROVEMENTS; AND AUTHORIZING RELATED ACTIONS AND MATTERS; AMEND FISCAL YEAR 2006-07 BUDGET OF A NOT TO EXCEED AMOUNT OF \$22,000,000

WHEREAS, the Elk Grove Finance Authority (the "Authority") is authorized and intends to issue bonds (the "Revenue Bonds") pursuant to Government Code section 6588 to finance and refinance the design, acquisition, construction and equipping of various public facilities within the City, in particular, acquisition of the administration building at 8401 Laguna Palms Way and the refinancing of the acquisition of the administration buildings at 8400 Laguna Palms Way and 8380 Laguna Palms Way (the "Facilities");

WHEREAS, California Government Code section 6586.5 requires the City Council, as the governing body of the local agency where the Facilities are located, to approve the issuance of the Revenue Bonds after a public hearing has been held following published notice;

WHEREAS, a public hearing was held by the City Council on the date hereof at the meeting that commenced at the hour of 6:00 p.m., in the City Council Chambers, Elk Grove, California, following duly published notice thereof, and all persons desiring to be heard have been heard;

WHEREAS, the following documents and proposed agreements relating to the issuance, sale and delivery of the Revenue Bonds, which are incorporated herein by reference, have been presented to the City Council for its review and approval:

1. The Site Lease (the "Site Lease") between the City, as lessor, and the Authority, as lessee, whereby the City will lease to the Authority certain real property and any facilities located thereon (the "Leased Property");
2. The Facilities Lease (the "Facilities Lease") between the Authority, as lessor, and the City, as lessee, whereby the Authority will lease the Leased Property to the City; and
3. The Continuing Disclosure Agreement between the City and MuniFinancial, as dissemination agent (the "Continuing Disclosure Agreement"), relating to the Revenue Bonds;

WHEREAS, it appears to the City Council that the authorization, approval, execution, and delivery of the agreements described above or contemplated thereby or incidental thereto and the issuance, sale, and delivery of the Revenue Bonds are desirable and in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove that:

Section 1. Recitals. The foregoing recitals are true and correct and the City Council so finds and determines.

Section 2. Finding of Significant Public Benefit; Approval of Financing. The City Council hereby finds that the issuance of the Revenue Bonds by the Authority under the Marks-Roos Local Bond Pooling Act of 1985 to finance and refinance the acquisition of the Facilities will create significant public benefits, as defined in Government Code section 6586, by providing for the more efficient delivery of local City services to the public. The City Council hereby approves the financing and refinancing of the public capital improvements by the issuance of the Revenue Bonds.

Section 3. Authorization of Officers to Execute and Deliver Documents. The City Council hereby authorizes and directs the Mayor, the City Manager, the Finance Director, and the City Clerk (the "Designated Officers"), for and in the name of the City, to approve, execute, and deliver the following agreements and documents:

- a. the Site Lease'
- b. the Facilities Lease, and
- c. the Continuing Disclosure Agreement,

in substantially the form presented to the City Council at this meeting, which agreements and documents are hereby approved, with such changes, insertions, revisions, corrections, or amendments as shall be approved by the officer or officers executing the agreement or document for the City Council. The execution of the foregoing by a Designated Officer or Officers shall constitute conclusive evidence of such officer's or officers' and the City Council's approval of any such changes, insertions, revisions, corrections, or amendments to the respective forms of agreements and documents presented to the City Council at this meeting.

Section 4. Approval of Issuance. The City hereby approves the issuance of the Revenue Bonds by the Authority in an aggregate principal amount not to exceed \$22,000,000.


Section 5. General Authorization. The City Council hereby authorizes and directs the Designated Officers, and each of them, for and in the name of and on behalf of the City, to do any and all things and to execute and deliver any and all documents that they may deem necessary or advisable in order to complete the sale, issuance, and delivery of the Revenue Bonds and otherwise to carry out, give effect to, and comply

with the terms and intent of this resolution. All actions heretofore taken by such officers and agents that are in conformity with the purposes and intent of this resolution are hereby ratified, confirmed and approved in all respects.

Section 6. Budget Amendment. The fiscal year budget is hereby amended by a not to exceed amount of \$22,000,000 for the the purchase of the 8401 Laguna Palms Way building and other related financing costs, based on the final pricing of the lease revenue bond issuance.

Section 7. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 23rd day of May 2007.



JAMES COOPER, MAYOR of the CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON, CITY CLERK



JONATHAN P. HOBBS,
INTERIM CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-113**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 23, 2007 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Scherman, Davis, Leary, Hume

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

