

Austin Affordable PFC, Inc. Meeting

Thursday, September 15, 2016

12:00 noon

at

HACA Central Office

1124 S. IH 35

Austin, TX 78704

**AUSTIN AFFORDABLE PFC., INC.
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

CALL TO ORDER

and

ROLL CALL

Tyra Duncan-Hall, Chairperson	_____
Isaac Robinson, Vice-Chairperson	_____
Edwina Carrington, 2nd Vice-Chairperson	_____
Charles Bailey, Commissioner	_____
Carl S. Richie, Jr., Commissioner	_____

**PUBLIC NOTICE OF A MEETING
TAKE NOTICE OF A BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
OF THE AUSTIN AFFORDABLE PFC, INC.**

**TO BE HELD AT
HACA Central Office
1124 S. IH 35, Austin, TX 78704
(512.477.4488)**

COMMENCING AT 12:00 NOON ON THURSDAY, SEPTEMBER 15, 2016, TO CONDUCT BUSINESS AS FOLLOWS:

**CALL TO ORDER, ROLL CALL
CERTIFICATION OF QUORUM**

Tyra Duncan-Hall, Chairperson

CONSENT AGENDA

Items on the Consent Agenda may be removed at the request of any Commissioner and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion, or action at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Texas Government Code, Texas Open Meetings Act.

CONSENT AGENDA

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

ITEM 1: Presentation, Discussion, and Possible Action regarding the Approval of a Board Minutes Summary for the Board Meeting held on May 19, 2016

Ron Kowal
VP Housing Development/Asst
Mgmt.

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

ITEM 2: Presentation, Discussion, and Possible Action of Resolution No. 27: Authorizing The Issuance, Sale And Delivery of Multifamily Housing Revenue Bonds (Pathways at Georgian Manor, Pathways at Manchaca Village, Pathways at Northgate, Pathways at North Loop, Pathways at Shadowbend Ridge), Series 2016; Authorizing The Execution And Delivery Of Documents And Instruments Necessary To Carry Out The Financing Of Such Multifamily Residential Rental Development; And Containing Other Provisions Relating To The Subject

Ron Kowal
VP Housing Development/Asst
Mgmt.

REPORTS

Update on AAHC Activities

EXECUTIVE SESSION

The Board may go into Executive Session (close its meeting to the public) Pursuant to:

- a. § 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer;
- b. §551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real property;
- c. §551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.
- d. §551.077, Texas Gov't Code, discuss certain economic development negotiations.

OPEN SESSION

If there is an Executive Session, the Board will return to Open Session for discussion, consideration and possible action of matters discussed in Executive Session.

ADJOURNMENT

"Pursuant to § 30.06, Penal Code, (trespass by holder of license with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not attend this meeting with a concealed handgun."

"Pursuant to § 30.07, Penal Code (trespass by holder of license with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not attend this meeting with a handgun that is carried openly."

*The Austin Affordable Public Facility Corporation (AAPFC) Board of Commissioners reserves the right to discuss and consider items out of order on the agenda on an as needed basis.

The Austin Affordable Public Facility Corporation is committed to compliance with the Americans with Disability Act. Reasonable modifications and equal access to the communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Please call Judy Paciocco or Nidia Hiroms at HACA at 512.477.4488, for additional information; TTY users route through Relay Texas at 711. For more information on AAPFC, please contact Nidia Hiroms at 512.477.4488 x 2104.

"En virtud del § 30.06, Código Penal, (traspaso titular de licencia con una pistola), una persona bajo el subcapítulo H, capítulo 411, código de gobierno (Ley de licencia de arma or pistola), no se permiten en este reunión con una arma o pistola.

"En virtud del § 30.07, Código Penal (prevaricación por titular de la licencia con un arma o pistola abiertamente llevado), una persona bajo el subcapítulo H, capítulo 411, código de gobierno (Ley de licencia de arma o pistola), no se permiten en esta reunión con un arma o pistola que lleva abiertamente.

**AUSTIN AFFORDABLE PFC., INC.
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

CONSENT

AGENDA ITEM NO. 1

**Presentation, Discussion, and Possible Action regarding
the Approval of Board Minutes Summary for Board
Meeting held on May 19, 2016**

September 15, 2016

**THE MAY 19TH, 2016 BOARD MEETING
WAS NOT HELD.**

**THE MINUTES FROM THE LAST AUSTIN
AFFORDABLE PFC., INC. MEETING OF
MARCH, 2016 HAVE ALREADY BEEN
APPROVED BY THE BOARD.**

**AUSTIN AFFORDABLE PFC., INC.
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

ACTION

AGENDA ITEM NO. 2

Presentation, Discussion, and Possible Action of Resolution No. 27: Authorizing The Issuance, Sale And Delivery of Multifamily Housing Revenue Bonds (Pathways at Georgian Manor, Pathways at Manchaca Village, Pathways at Northgate, Pathways at North Loop, Pathways at Shadowbend Ridge), Series 2016; Authorizing The Execution And Delivery Of Documents And Instruments Necessary To Carry Out The Financing Of Such Multifamily Residential Rental Development; And Containing Other Provisions Relating To The Subject

September 15, 2016

**AUSTIN AFFORDABLE PFC, INC.
BOARD OF COMMISSIONERS**

Resolution No. 27

MEETING DATE: September 15, 2016

STAFF CONTACT: Ron Kowal, Vice President Asset Management/Housing Development

TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 27 authorizing the issuance, sale and delivery of multifamily housing revenue bonds (Pathways at Georgian Manor, Pathways at Manchaca Village, Pathways at Northgate, Pathways at North Loop, Pathways at Shadowbend Ridge), Series 2016; Authorizing the execution and delivery of documents and instruments necessary to carry out the financing of such multifamily residential rental development; and containing other provisions relating to the subject.

ACTION: Motion to Approve Resolution 27: Presentation, Discussion, and Possible Action regarding Resolution No. 27 authorizing the issuance, sale and delivery of multifamily housing revenue bonds (Pathways at Georgian Manor, Pathways at Manchaca Village, Pathways at Northgate, Pathways at North Loop, Pathways at Shadowbend Ridge), Series 2016; Authorizing the execution and delivery of documents and instruments necessary to carry out the financing of such multifamily residential rental development; and containing other provisions relating to the subject

SUMMARY:

The Rental Assistance Demonstration (RAD) Program was authorized by the Consolidated and Further Continuing Appropriations Act of 2012 which provided fiscal year 2012 appropriations for HUD to support this program. RAD is a tool that enables Public Housing Authorities to convert public housing subsidies into long-term, Section 8 rental assistance subsidy. This is beneficial to PHAs because historically public housing subsidies and funding for capital projects have been unpredictable and fluctuate annually due to federal budget cuts. The project based rental assistance program provides a much more stable and predictable annual subsidy. More importantly, the RAD tool provides PHA's an opportunity to make substantial physical improvements to its properties, resulting in a higher quality of life for residents. Additionally, provisions with RAD ensure that existing residents are protected and enjoy more choices on where they wish to reside. The Housing Authority of the City of Austin (HACA) submitted

applications and received a “Commitment to enter into a Housing Assistance Payment Contract” (CHAP) award on 9 properties and reservations to convert to RAD on the balance of its portfolio.

The Board of Commissioners of the Austin Affordable PFC, Inc., on March of 2016 passed Resolution No. 19, declaring its intent to issue bonds to provide financing for a multifamily residential rental development for persons of low and moderate income for the Pathways at Georgian Manor, Pathways at Manchaca Village, Pathways at Northgate, Pathways at North Loop, Pathways at Shadowbend Ridge.

Resolution No. 27 authorizes the Austin Affordable PFC, Inc. to issue Multifamily Housing Revenue Bonds for Pathways at Pathways at Georgian Manor, Pathways at Manchaca Village, Pathways at Northgate, Pathways at North Loop, Pathways at Shadowbend Ridge series 2016, and authorizes the execution and delivery of those documents necessary to carry out the financing of the multifamily repairs and renovations.

ATTACHMENTS:

Fiscal Impact:

- None
- Budgeted Expenditure
- Not Budgeted will result in expenditures indicated below:

STAFF ANALYSIS SUMMARY

PRESIDENT & CEO:

DEPARTMENT HEAD:

FINANCE REVIEW

- Proposed action does not require a Finance Department review.**
- Fiscal Impact was approved by _____ . The listed attachments have the Finance Director’s signature as noted and/ or require the budget action listed below:**
- Financial Resolution for _____ .**

By:

Title:

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

I, the undersigned officer of the Housing Authority of the City of Austin (the "Authority") do hereby make and execute this Certificate for the benefit of all persons interested in the validity of all actions and proceedings of the Authority. I do hereby certify as follows:

1. I am the duly chosen, qualified and acting officer of the Authority for the office shown beneath my signature, and in such capacity I am familiar with the matters contained in this Certificate.

2. The Board of Commissioners of the Authority convened on September 15, 2016, the meeting place open to the public and notice of said meeting giving the date, place and subject thereof having been posted as prescribed by Chapter 551, Texas Government Code, and the roll was called of the duly constituted officers and members of said Board of Commissioners, to wit:

- Carl S. Richie, Chairperson
- Charles C. Bailey, Vice-Chairperson
- Edwina Carrington, Commissioner
- Dr. Tyra Duncan-Hall, Commissioner
- Isaac Robinson, Commissioner
- Michael Gerber, President and CEO

and all of said persons were present at said meeting. Whereupon, among other business considered at the meeting, the attached resolution (the "Resolution") entitled:

RESOLUTION APPROVING RESOLUTION OF AUSTIN AFFORDABLE PFC, INC. PROVIDING FOR THE ISSUANCE OF ITS MULTIFAMILY HOUSING MULTIFAMILY HOUSING REVENUE BONDS (PATHWAYS AT GEORGIAN MANOR, PATHWAYS AT MANCHACA VILLAGE, PATHWAYS AT NORTHGATE, PATHWAYS AT NORTH LOOP, PATHWAYS AT SHADOWBEND RIDGE), SERIES 2016 AND TO TAKE SUCH OTHER ACTIONS NECESSARY OR CONVENIENT TO FACILITATE THE DEVELOPMENT OF THE PATHWAYS AT GEORGIAN MANOR, PATHWAYS AT MANCHACA VILLAGE, PATHWAYS AT NORTHGATE, PATHWAYS AT NORTH LOOP, PATHWAYS AT SHADOWBEND RIDGE

was introduced for the consideration of the Board. It was then duly moved and seconded that the Resolution be passed; after due discussion, the motion, carrying with it the passage of the Resolution, prevailed and carried by the following vote:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

2. A true, full, and correct copy of the Resolution as passed is attached to and follows this certificate; the Resolution has been duly recorded in the Board minutes of the Meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the Meeting and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose; the Meeting was open to the public as required by law; and public notice of the time, place, and subject of the Meeting was given as required by Chapter 551, Government Code, as amended.

SIGNED: September 15, 2016.

Secretary

Treasurer

RESOLUTION NO. 27

RESOLUTION APPROVING RESOLUTION OF AUSTIN AFFORDABLE PFC, INC. PROVIDING FOR THE ISSUANCE OF ITS MULTIFAMILY HOUSING REVENUE BONDS (PATHWAYS AT GEORGIAN MANOR, PATHWAYS AT MANCHACA VILLAGE, PATHWAYS AT NORTHGATE, PATHWAYS AT NORTH LOOP, PATHWAYS AT SHADOWBEND RIDGE), SERIES 2016 AND TO TAKE SUCH OTHER ACTIONS NECESSARY OR CONVENIENT TO FACILITATE THE DEVELOPMENT OF THE PATHWAYS AT GEORGIAN MANOR, PATHWAYS AT MANCHACA VILLAGE, PATHWAYS AT NORTHGATE, PATHWAYS AT NORTH LOOP, PATHWAYS AT SHADOWBEND RIDGE

WHEREAS, Austin Affordable PFC, Inc. (the “Issuer”) was created by the Housing Authority of the City of Austin (the “Sponsor”) pursuant to the provisions of the Public Facility Corporation Act, Chapter 303, Texas Local Government Code, as amended (the “Act”); and

WHEREAS, Section 303.071 of the Act requires that the governing body of the Sponsor approve by resolution any of the Issuer’s bonds;

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HOUSING AUTHORITY OF THE CITY OF AUSTIN THAT:

Section 1. The President and CEO of the Sponsor and/or his designee is hereby authorized to review, approve and execute all certificates, affidavits, agreements, documents and other writings (collectively the "Agreements") the President shall deem to be necessary or desirable in the consummation of the transactions herein contemplated.

Section 2. The Resolution authorizing the issuance of Austin Affordable PFC, Inc. Multifamily Housing Revenue Bonds (Pathways at Georgian Manor, Pathways at Manchaca Village, Pathways at Northgate, Pathways at North Loop, Pathways at Shadowbend Ridge), Series 2016, adopted by the Board of Directors of the Issuer on September 15, 2016 (the “Issuer Resolution”), a copy of which is attached hereto as Exhibit A and made a part hereof for all purposes, is hereby approved.

Section 3. The Bonds, which are issued in an aggregate principal amount not to exceed \$30,500,000, to finance the acquisition and construction of the five multifamily housing residential rental developments as described in the Issuer Resolution including, without limitation, utilities, foundation, structures and equipment, and owned and operated by HACA Pathways I, LP, a Texas limited partnership (the “Projects”) are hereby approved pursuant to Section 303.071 of the Act.

Section 4. The approval herein given is in accordance with the provisions of Section 303.071 of the Act and is not to be construed as any undertaking by the Sponsor, and the Bonds shall never constitute and indebtedness or pledge of the Sponsor, the City of Austin or the State of Texas, within the meaning of any constitutional or statutory provision, and the holders of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation

or any other revenues of the Issuer, the Sponsor, the City of Austin or the State of Texas except those revenues assigned and pledged by the Issuer in the Trust Indenture (as defined in the Issuer Resolution).

Section 5. The issuance of the Bonds to assist in the financing of the Project will promote the public purposes set forth in Section 303.002 of the Act, will accomplish a valid public purpose of the Sponsor by providing for the acquisition, construction, rehabilitation, renovation, repair, equipping, furnishing and placement in service of public facilities in an orderly, planned manner and at the lowest possible borrowing costs, and will provide decent, safe, and sanitary urban housing for persons of low income.

Section 6. An income that is greater than 80% of Median Gross Income for the Austin area is the amount of income that the Sponsor considers necessary for families or persons to live, without financial assistance, in decent, safe and sanitary housing without overcrowding.

Section 7. The programs and expenditures authorized and contemplated by the Issuer Resolution are hereby in all respects approved.

Section 8. The President and Secretary of the Sponsor and the other officers of the Sponsor are hereby authorized, jointly and severally, to execute and deliver such endorsements, instruments, certificates, documents, or papers necessary and advisable to carry out the intent and purposes of this Resolution.

Section 9. This resolution shall be in full force and effect from and upon its adoption.

PASSED this 15th day of September, 2016.

[End of Resolution.]

Exhibit A

ISSUER RESOLUTION

[To be attached]

**AUSTIN AFFORDABLE PFC., INC.
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

EXECUTIVE SESSION

Recess into Executive Session Pursuant to

- a) § 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer;**
- b) §551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real property;**
- c) §551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.**
- d) §551.077, Texas Gov't Code, discuss certain economic development negotiations.**

Return to Open Session for discussion, consideration and possible action of matters discussed in Executive Session

**AUSTIN AFFORDABLE PFC., INC.
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

Adjournment

September 15, 2016