

RESOLUTION NO. 2347**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING EXECUTION OF AN AGREEMENT REGARDING THE
USE OF MORTGAGE CREDIT CERTIFICATES IN THE CITY
OF SOLEDAD AND THE ADMINISTRATION OF THE
PROGRAM BY THE HOUSING AUTHORITY
OF THE COUNTY OF MONTEREY**

WHEREAS, there is a continued need for affordable homeownership opportunities within the City of Soledad (the "City") and the County of Monterey (the "County"), particularly for households at the lower end of the purchasing spectrum; and

WHEREAS, the Internal Revenue Code of 1986, as amended, established the Mortgage Credit Certificate Program (hereinafter referred to as the "MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single family housing; and

WHEREAS, Division 31, Part 1, Chapter 3.5, Article 4 of the California Health and Safety Code Sections 50197 et seq (the "Act") authorizes a housing authority, or other local entity authorized by state law to issue qualified mortgage bonds to establish and participate in MCC Programs; and

WHEREAS, Section 34312.4 and 34350 of the California Health and Safety Code authorize a housing authority to issue qualified mortgage bonds; and

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the state ceiling with or upon the direction of the California Debt Limit Allocation Committee ("CDLAC") prior to the issuance of qualified mortgage bonds or mortgage credit certificates; and

WHEREAS, the Housing Authority of the County of Monterey ("Housing Authority") has heretofore determined to engage in an MCC Program pursuant to the "Act" in order to assist individual home purchasers throughout the County to afford both new and existing

WHEREAS, the Housing Authority and City wish to cooperate with one another for the purposes of the MCC Program; and

WHEREAS, pursuant to Section 34209 of the California Health and Safety Code, the Housing Authority is authorized to operate within the jurisdiction of the City; and

WHEREAS, the Housing Authority has the capacity to administer an MCC Program.

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

SECTION 1. The Cooperative Agreement ("Agreement"), dated as of May 10, 1994 between the Housing Authority and the City, in the form presented to this meeting, is hereby approved and the Mayor is hereby authorized and directed to execute and deliver the Agreement, for and in the name and on behalf of the City. The Mayor is authorized to approve any additions to or changes in the form of the Agreement deemed necessary or advisable, approval of such additions or changes to be conclusively evidenced by the execution by the Mayor of the Agreement as so added to or changed. The Mayor is further authorized to enter into such additional agreements with the Housing Authority, execute such other documents, or take such other actions as they may deem necessary or appropriate to carry out the purpose and intent of the Agreement or to cooperate in the implementation of the Program.

SECTION 2. This resolution shall take effect from and after its adoption.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Mayor of the City be hereby authorized and directed to execute said agreement for and on behalf of the City of Soledad.

PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 9th day of May, 1994, by the following vote:

AYES, and in favor thereof, Councilmembers: John Holguin, Ben Jimenez, Richard Ortiz, Mayor Pro Tem Fabian Barrera, Mayor Fred Ledesma

**COOPERATIVE AGREEMENT BETWEEN THE HOUSING AUTHORITY OF THE COUNTY
OF MONTEREY AND THE CITY OF SOLEDAD**

THIS COOPERATIVE AGREEMENT (the "Cooperative Agreement") is made and entered into as of May 10, 1994 by and between the Housing Authority of the County of Monterey ("Housing Authority"), and the City of Soledad, a municipal corporation of the State of California (the "City").

WITNESSETH:

WHEREAS, the Internal Revenue Code of 1986, as amended, established the Mortgage Credit Certificate Program (hereinafter referred to as the "MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single family housing; and

WHEREAS, the Housing Authority and the City have heretofore determined to cooperate in the Housing Authority's establishment and administration of an MCC Program pursuant to Division 31, Part 1, Chapter 3.5, Article 4 of the California Health and Safety Code Sections 50197 et seq (the "Act") in order to assist individual home purchasers in the City of Soledad to afford both new and existing homes within the statutory limits as provided for in said Act; and

WHEREAS, in furtherance of the MCC Program, the Housing Authority has authorized its staff to apply to the California Debt Limit Allocation Committee (CDLAC) for an initial mortgage bond allocation in an amount up to \$20,000,000, to be traded for authority to issue Mortgage Credit Certificates in a face amount up to \$5,000,000 (based upon the 4:1 trade-in value of bond allocation); and

WHEREAS, the Housing Authority will apply for subsequent MCC allocations; and

WHEREAS, the City and the Housing Authority wish to cooperate with one another for the purposes of the MCC Program; and

**Cooperative Agreement - Housing Authority of the County of
Monterey & City of Soledad 5/10/94**

NOW, THEREFORE, in consideration of the mutual covenants hereinafter provided, the parties hereto agree as follows:

SECTION 1. The words and phrases of this Cooperative Agreement shall, for all purposes hereof unless otherwise defined herein, have the meanings assigned to such words and phrases in the Act.

SECTION 2. The Housing Authority shall staff a program for the effective administration of an MCC program within the geographical boundaries of the City. The Housing Authority shall cooperate with local real estate and lending institutions in order to maintain their participation in securing applications from eligible applicants for review and approval by Housing Authority representatives on behalf of the Housing Authority and the City.

SECTION 3. Nothing in this Cooperative Agreement shall prevent the Housing Authority from entering into one or more similar agreements with other municipal corporations within the County, if deemed necessary and advisable to do so by the Housing Authority, so long as such other agreements are not inconsistent with this agreement.

SECTION 4. This Cooperative Agreement may be amended by one or more supplemental agreements executed by the Housing Authority and the City at any time as long as those amendments comply with State and Federal MCC Program regulations.

SECTION 5. This Cooperative Agreement may be terminated by either party upon 90 days written notice delivered to the other party. The term of this Cooperative Agreement shall extend until such termination by written notice or until all mortgage credit certificates from this initial MCC allocation and subsequent allocations from CDLAC are fully retired, or shall terminate should an initial allocation not be received from CDLAC.

SECTION 6. The City agrees to undertake such further proceedings or actions as may be necessary to carry out the terms

Cooperative Agreement - Housing Authority of the County of Monterey
& City of Soledad, 5/10/94

IN WITNESS WHEREOF, the parties hereto have caused this Cooperative Agreement to be executed and attested by their proper officers thereunder duly authorized, and their official seals to be hereunto affixed, all as of the day first above written.

HOUSING AUTHORITY OF THE COUNTY OF MONTEREY

BY:

Executive Director

[Handwritten signature]

(SEAL)

CITY OF SOLEDAD

BY:

MAYOR

[Handwritten signature]

(SEAL)