

RESOLUTION 13-2016  
AUTHORIZING ASSIGNMENT TO THE  
COLORADO HOUSING AND FINANCE  
AUTHORITY OF A PRIVATE ACTIVITY  
BOND ALLOCATION OF COUNTY OF MONTEZUMA PURSUANT  
TO THE COLORADO PRIVATE ACTIVITY  
BOND CEILING ALLOCATION ACT

WHEREAS, the County of Montezuma is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the County of Montezuma is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the County of Montezuma has an allocation of the 2016 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2016 (the "2016 Allocation"); and

WHEREAS, the County of Montezuma has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the County of Montezuma and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2016 Allocation; and

WHEREAS, the County of Montezuma has determined that the 2016 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

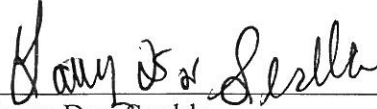
WHEREAS, the Board of County Commissioners of the County of Montezuma has determined to assign \$1,290,600 of its 2016 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the County of Montezuma and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Montezuma as follows:

1. The assignment to the Authority of \$1,290,600 of the County of Montezuma's 2016 Allocation be and hereby is approved.
2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the Chairman be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as he shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.
3. The Board of County Commissioners of the County of Montezuma and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the County of Montezuma and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.
4. 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 such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.
5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this \_12th\_ day of \_September\_, 2016.

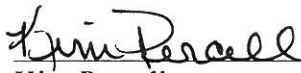
Assignor:



Larry Don Suckla

Chairman, Board of County Commissioners

ATTEST:



Kim Percell

Montezuma County Clerk



## ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this 12th day of September, 2016, is between the County of Montezuma, Colorado (the "Assignor" or the "Jurisdiction") and the Colorado Housing and Finance Authority (the "Assignee").

### WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans or financing qualified residential rental projects to benefit low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such loans or to finance such projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2016 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2016, (the "2016 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the Jurisdiction and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2016 Allocation; and

WHEREAS, the Assignor has determined that the 2016 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue mortgage credit certificates or Private Activity Bonds for the purposes of providing single-family mortgage loans or financing one or more multi-family rental housing projects for low- and moderate-income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue mortgage credit certificates or Revenue Bonds in an amount at equal to or greater than the 2016 Allocation assigned herein; and

WHEREAS, the Board of County Commissioners of the Assignor has determined to assign to the Assignee all or a portion of its 2016 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$1,290,600 of its 2016 Allocation (the "Assigned Allocation"), subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the assignment to it by the Assignor of the Assigned Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to utilize its available private activity bond allocation to offer mortgage credit certificates in an amount up to the Assigned Allocation to low- and moderate income persons and families in the Jurisdiction from time to time until December 31, 2017 after which time the Assignor may utilize the Assigned Allocation for all authorized purposes.

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the Assigned Allocation as an allocation for a project with a carryforward purpose in lieu of issuing Revenue Bonds.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular multi-family rental housing project located in the Jurisdiction or elsewhere or to finance single-family mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans or mortgage credit certificates to finance single-family housing facilities in the Jurisdiction, provided that any Revenue Bond proceeds attributable to the Assigned Allocation shall be subject to paragraph 2 above.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

[S E A L]



County of Montezuma

By: Ray D. Seidl

ATTEST:

By: Kim Perrell  
Clerk & Recorder

COLORADO HOUSING AND FINANCE  
AUTHORITY

[S E A L]

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_  
Assistant Secretary

CERTIFICATE OF MONTEZUMA COUNTY, COLORADO  
CONCERNING ASSIGNMENT OF  
PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION

I, the undersigned, hereby certify that I am a duly chosen, qualified and County Attorney of Montezuma County, Colorado (the "County"), and that:

1. The County is a legally and regularly created, established, organized, and existing county under the Constitution and laws of the State of Colorado, its full corporate name being "Montezuma County, Colorado."

2. The County has been previously notified that, pursuant to Section 24-32-1706 of the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), it has an allocation of the State ceiling (as defined in the Allocation Act) for 2016 in the amount of \$1,290,600 (the "2016 Allocation").

3. Attached hereto as Exhibit A is a true and correct copy of a resolution and the related minutes thereto (the "Resolution") authorizing the assignment to the Colorado Housing and Finance Authority (the "Authority") of all or a portion of the 2016 Allocation in an amount equal to \$1,290,600 (the "Assigned Allocation"), and authorizing the execution and delivery of an Assignment of Allocation dated as of September 12, 2016 (the "Assignment of Allocation") between the County and the Authority in connection therewith, which Resolution was duly adopted by the Board of County Commissioners of the County (the "Board") at a meeting thereof held on September 12, 2016, at which meeting a quorum was present and acting throughout and which Resolution has not been revoked, rescinded, repealed, amended or modified and is in full force and effect on the date hereof.

4. The meeting of the Board at which action has been taken with respect to the Assignment of Allocation was a regular meeting properly called and open to the public at all times.

5. With respect to the Assigned Allocation, the County has not heretofore: (a) issued private activity bonds; (b) assigned the Assigned Allocation to another "issuing authority," as defined in the Allocation Act; (c) made a mortgage credit certificate election; or (d) treated the Assigned Allocation as an allocation for a project with a carryforward purpose, as defined in the Allocation Act.

6. The Assignment of Allocation, attached hereto as Exhibit B, is in the form presented to and approved by the Board at the meeting thereof held on September 12, 2016.

7. On or before the date hereof, counterparts of the Assignment of Allocation were officially executed by the Chair of the Board of County Commissioners and the County Clerk of the County. On the date of such signing, such persons were the duly sworn, qualified and acting officers of the County authorized to execute the Assignment of Allocation and holding the offices of the Chair of the Board of County Commissioners and County Clerk, respectively.

8. The County has authorized the execution, delivery and due performance of the Assignment of Allocation, and the execution and delivery of the Assignment of Allocation and the compliance by the County with the provisions thereof, will not, to the best of my knowledge, conflict with or constitute on the part of the County a breach of or a default under any existing Colorado law, County resolution, court or administrative regulation, decree or order or any agreement or other instrument to which the County is subject or by which it is bound.

9. To the best of my knowledge, there does not exist any action, suit, proceeding or investigation pending, or threatened against the County, contesting (a) the corporate existence of the County, (b) the title of its present officers or any of them to their respective offices, including, without limitation, the members of the Board, (c) the validity of the Assignment of Allocation or (d) the power of the County to execute, deliver or perform the Assignment of Allocation.

10. No referendum petition has been filed concerning the Resolution; and to the best of my knowledge none is being circulated or planned for circulation.

WITNESS my hand and the seal of the County this September 12, 2016.

(SEAL)

  
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County Attorney