

RESOLUTION NO. 136-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
APPROVING A TAX-EXEMPT BOND FINANCING TO BE ISSUED BY THE
CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO
BENEFIT CALIFORNIA AUTISM FOUNDATION, INC.**

WHEREAS, California Autism Foundation, Inc., a California nonprofit public benefit corporation (the "Borrower"), has requested that the California Statewide Communities Development Authority (the "Authority") issue bonds in an aggregate principal amount not to exceed \$5,000,000 (the "Bonds") for the purpose of, among other things, financing or refinancing the acquisition, construction, improvement, equipping, renovation, rehabilitation, remodeling and other capital projects (the "Financing") of a vocational training facility to be owned and operated by the Borrower (the "Facilities") located in the City of Richmond, California (the "City");

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the issuance of the Bonds by the Authority must be approved by the City because the Facilities are located within the territorial limits of the City;

WHEREAS, the City Council of the City (the "Council") is the elected legislative body of the City and is one of the applicable elected representatives required to approve the issuance of the Bonds under Section 147(f) of the Code;

WHEREAS, the Authority has requested that the Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies, including the City;

WHEREAS, the Authority has also requested that the Council approve, for purposes of Section 9 of the Agreement, the issuance of any bonds to be issued by the Authority to refund the Bonds; and

WHEREAS, pursuant to Section 147(f) of the Code, the Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richmond as follows:

Section 1. The Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Council that this Resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facilities are to be located, in accordance with said Section 147(f) and (b) Section 9 of the Agreement, which shall also be deemed satisfied for any Authority bonds issued to refund the Bonds.

Section 2. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing transaction approved hereby.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Richmond at a meeting thereof held on the 12th day of December 2006, by the following called vote:

AYES: Councilmembers Bates, Butt, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson

NOES: None

ABSTENTIONS: None

ABSENT: Councilmembers Thurmond and Viramontes

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

APPROVED:

IRMA L. ANDERSON
Mayor

APPROVED AS TO FORM:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 135-06, duly passed and adopted by the City Council of Richmond at a meeting of said Council held on the 12th day of December, 2006.