

DATE CRITICAL

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No: 20031449

1. REQUESTED MOTION

ACTION REQUESTED: Adoption of Resolution which consents to the actions taken by the Housing Finance Authority of Lee County, Florida pertaining to the issuance of Single Family Mortgage Revenue Bonds Series 2004.

WHY ACTION IS NECESSARY: Ratification of such action is required under Florida Statutes Chapter 159.

WHAT ACTION ACCOMPLISHES: Action will allow the Housing Finance Authority of Lee County, Florida to issue its Mortgage Revenue Bonds for single family financing home ownership in participation with various other counties in Florida and to provide affordable housing opportunities for low, moderate and middle income families in Lee County and other Florida Counties.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #: CW

C4B

3. MEETING DATE:

12-16-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER N/A
- B. DEPARTMENT Community Development
- C. DIVISION *Man GIBS* Planning
- BY: Paul O'Connor, AICP, Planning Director

7. BACKGROUND: On April 16, 2003, the Housing Finance Authority of Lee County, Florida, adopted a Resolution approving the issuance of its Single Family Mortgage Revenue Bonds Series 2004 in an amount not to exceed \$99 million. In order to issue these bonds, and to participate with other Florida counties, the Lee County Board of Commissioners must adopt a resolution which provides the following:

1. Approves the issuance of bonds by the Housing Finance Authority of Lee County, Florida.
2. Ratifies the actions of the Housing Finance Authority of Lee County, Florida, including conducting the Tax Equity and Fiscal Responsibility (TEFRA) Public Hearing held on May 21, 2003.
3. Approves the use of tax exempt volume cap allocation in the program.

The Bond program will provide low interest rate mortgage money for single family housing for low, moderate, and middle income residents of first time home buyers in Lee County and other participating counties. Under this offering, the Lee County Board of Commissioners will have no financial or administrative cost.

In accordance with 159.612(4) F.S. "The bonds issued pursuant to the provisions hereof, and the bonds shall so state on their face, shall not be a debt of the county or the state, or any political subdivision thereof; and neither the county, nor any state or political subdivision thereof, shall be liable thereon; nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of the housing finance authority."

Attachments:

- Proposed Resolution by the Board of County Commissioners.
- Housing Finance Authority of Lee County Minutes of April 16, 2003, authorizing the proposed issuance of Single Family Mortgage Revenue Bonds Series 2004 up to \$99 million.
- Housing Finance Authority of Lee County Resolution 03-04 of May 21, 2003.
- Ad for the May 21, 2003, Public Hearing.
- Minutes of the TEFRA Public Hearing on May 21, 2003.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>Man (12/3/03)</i>		N/A	N/A	<i>For scheduling</i>	OM <i>12/4/03</i>	Risk <i>12/4/03</i>	GC <i>12-4-03</i>		

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 2/3/03
Time: 2:45 p.m.
Forwarded To:
12/13/03

RECEIVED BY
COUNTY ADMIN: *ID*
12-3-03
3:30
COUNTY ADMIN
FORWARDED TO: *BY*
12/9/03

HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA

MINUTES OF REGULAR MEETING

April 16, 2003

5:37 p.m.

On Wednesday, April 16, 2003, at 5:37 p.m. at the law offices of Philip L. Burnett, P.A., 2449 First Street, Fort Myers, Florida, E. Walter Barletta, Chairman of the Housing Finance Authority of Lee County, Florida (the "Authority"), called the meeting to order.

Immediately thereafter, the Chairman called for a roll call of the members. Philip L. Burnett, counsel for the Authority, was present and called the roll. Walter Barletta, Walter Ferguson, Virginia Yates, and Thomas Birch were present at the meeting and Michael Villalobos arrived shortly after the meeting started. Also in attendance at the meeting was Phil Harloff with Raymond James and Associates, Inc. ("Raymond James"), the Authority's managing underwriter, Todd Manuel with William R. Hough & Co. ("Hough"), a co-managing underwriter, Michael Watkins, Esquire with Nabors, Giblin & Nickerson, P.A. (the "Authority's Bond Counsel"), and Robin Miller, with First Southwest Company ("First Southwest"), the Authority's Financial Advisor.

The Chairman suggested that the Authority address the approval of the Authority's Minutes for its March 19, 2003, Regular Meeting. Immediately thereafter, on motion duly made by Walter Ferguson and seconded by Virginia, the Authority approved the Minutes of its March 19, 2003, Regular Meeting.

The Chairman then suggested that the Authority address Item IV on its Agenda, i.e., to consider, discuss and vote on the approval of a Resolution authorizing the issuance by the Authority, as Issuer, either singly or jointly with various other participating counties, of its Single Family Mortgage Revenue Bonds, Series 2004, in the aggregate principal amount of not to exceed of \$99,000,000.00. The proceeds of such bonds are to be used to finance and provide capital for investment to fund purchases of mortgage loans to qualified first-time homebuyers for the construction, purchase or rehabilitation of affordable single family housing located within the participating Florida counties, including Lee County, to be occupied primarily by first-time home buyers of moderate, middle or lesser income within Lee County and various other participating counties in the State of Florida. The Bonds will not constitute a debt of the State of Florida, the Authority, or of any other participating Housing Finance Authorities or Counties, but will be payable solely from payments made from the revenues generated from the housing program. The Chairman first recognized Mr. Harloff and asked him to summarize the status of the Authority's 2003 Single Family Mortgage Revenue Bond Program. Mr. Harloff said that attempts have been made to price the Bonds but that the market had moved away from them. He said that

they were trying to issue the Bonds so that they could get a 6.25% rate, with 4 points of down payment assistance and a 5 basis point fee for the Authority but they had not yet been able to achieve it. He said that they are monitoring it from day to day and that they will price the Bonds as soon as they can. The Chairman then called on Mr. Burnett. Mr. Burnett said that this matter had been put on the Authority's Agenda because he assumed that the members of the Authority wanted to have a Single Family Bond Program next year so he thought that it would be a good idea to try to take all of the necessary steps to have it approved by the Authority and the Lee County Board of County Commissioners as early as possible. He said that the Resolution was basically the same Resolution that the Authority had adopted in previous years for its issuance of Bonds for its prior Single Family Mortgage Revenue Bond Programs. In addition, he said that the Authority needed to adopt the proposed Resolution so that it can be included in a package that the Authority submits to the Lee County Board of County Commissioners when they consider approving the Authority's issuance of the bonds and the conducting of the public hearing held in compliance with the Tax Equity and Fiscal Responsibility Act. After a brief discussion, on motion duly made by Virginia Yates and seconded by Walter Ferguson, the members of the Authority unanimously approved the adoption of the Resolution authorizing the Authority's issuance of its Single Family Mortgage Revenue Bonds, Series 2004, in connection with the Authority's 2004 Single Family Program and they authorized the Chairman and Secretary to execute it on behalf of the Authority.

The Chairman next suggested that the Authority address Item V on its Agenda, i.e., consider, discuss, and vote on the Authority's selection of the following entities to assist in the Authority's 2004 Single Family Program: Raymond James and Associates, Inc., as Senior Underwriter Manager and William R. Hough & Co., as Underwriting Co-Manager, First Southwest Company, as Financial Advisor, U.S. BANK, as Trustee, Countrywide Home Loans, as Master Servicer/Program Administrator, Nabors, Giblin & Nickerson, P.A., as Bond Counsel, and Philip L. Burnett, P.A., as Issuer's Counsel. After a brief discussion, on motion duly made by Walter Ferguson and seconded by Virginia Yates, the Authority unanimously agreed to hire the entities mentioned above to assist the Authority in its 2004 Single Family Program.

The Chairman recognized Mr. Burnett. Mr. Burnett asked if the Authority wanted his office to conduct the Tax Equity Fiscal Responsibility Act ("TEFRA") hearing for the Authority's 2004 Single Family Program or if they wanted to conduct the TEFRA hearing at the Authority's next meeting. After a brief discussion, it was agreed that the TEFRA hearing should be held in conjunction with the Authority's May meeting.

The Chairman then suggested that the Authority address Item VI on its Agenda, i.e., consider, discuss and vote on the Authority's entering into a proposed Inducement Resolution for the issuance of the Authority's Multi-Family Mortgage Revenue Bonds, Series 2003 in the aggregate principal amount of not to exceed of \$7,500,000, consisting of an amount not to exceed of \$6,000,000.00 in tax exempt Bonds and \$1,500,000.00 in taxable bonds, in connection with the application submitted by the Carlisle Development Group, LLC for its proposed Heron Pond Apartments II, Ltd., Limited

Partnership, Heron Pond II Apartment Project, located on the North side of 6th Street (Lake Boulevard) within the Village By The Lakes PUD, ¼ mile West of Williams Boulevard, Unincorporated Lee County and consisting of 155 units. The Chairman then recognized Mr. Burnett. Mr. Burnett said that this matter had been on the Authority's Agenda for its March 19, 2003, meeting and that Luis Gonzalez had appeared on behalf of the Developer and explained the proposed Project but that the matter had been tabled so that the Developer could amend its Application to add the \$1,500,000.00 of taxable bonds and supplement its Application to include certain information to make its Application complete, which the Developer had done. Mr. Harloff reminded the members of the Authority that the Developer also intended to apply to the Florida Housing Finance Corporation (the "FHFC") and that, if they were successful, they would withdraw their Application with the Authority. After a brief discussion, on motion duly made by Thomas Birch and seconded by Walter Ferguson, the members of the Authority unanimously approved the Authority's entering into an Inducement Resolution for the issuance of its Multi-Family Mortgage Revenue Bonds, Series 2003, in the aggregate principal amount of \$7,500,000.00 to fund the proposed Project and authorized the Chairman and Secretary to execute it on behalf of the Authority.

The Chairman then suggested that the Authority address Item VII on Authority's Agenda, i.e., consider, discuss and vote on the request of HAWK'S LANDING ASSOCIATES, LTD., a Florida limited partnership, ("HAWK'S LANDING") requesting that the Authority authorize it to retire tax exempt multifamily housing revenue bonds if it is successful in obtaining a SAIL Loan from the FHFC for its 204 unit multifamily project known as Hawk's Landing Apartments Project located at Summerlin Road, South of Boy Scout Drive, Fort Myers, Lee County, Florida. The Chairman recognized Mr. Burnett. Mr. Burnett said that he and Mr. Watkins thought that this matter needed to be placed on the Authority's Agenda so that the members of the Authority could be apprised of HAWK'S LANDING's request. He suggested that Mr. Watkins explain the issue to the members of the Authority. The Chairman addressed Mr. Watkins. Mr. Watkins said that, although it isn't in the Authority's Application Procedures and Multifamily Guidelines, the Authority has generally taken the position that a developer of a multifamily project could not use a SAIL Loan to retire tax exempt bonds. He said that the reason is that the Authority did not want to lose its tax exempt volume cap allocation. Shortly thereafter, on motion duly made by Michael Villalobos and seconded by Virginia Yates, the members of the Authority unanimously agreed that, solely because of the present economic conditions, HAWK'S LANDING could retire tax exempt multifamily housing revenue bonds if they are successful in obtaining a SAIL Loan from the FHFC.

The Chairman then suggested that the Authority address Item VIII on Authority's Agenda, i.e., review, consider, discuss and vote on possible amendments to the Authority's Application Procedures and Multifamily Guidelines (the "Authority's Guidelines"). The Chairman recognized Mr. Burnett. Mr. Burnett said that this item had been put on the Authority's Agenda to allow the members of the Authority to take a fresh look at the Authority's Guidelines so that any changes that they wanted made could be made and disseminated to developers before the 2004 tax exempt funding cycle commences. He said that, unfortunately, the only person that had reviewed them was Mr. Harloff so he

suggested that the matter be tabled and put on the Authority's Agenda for its May meeting. It was unanimously agreed that the matter be tabled and put on the Authority's Agenda for its May meeting.

The Chairman then suggested that the Authority address Item IX on its Agenda, i.e., consider, discuss and vote on the Authority's Professional Liability Insurance. The Chairman recognized Mr. Burnett. Mr. Burnett said that he had not been able to determine whether or not the County's insurance policy covers the Authority for purposes of HUD and the Federal Home Loan Bank Board ("FHLBB") but that he would attempt to deal with it, hopefully before the next Authority meeting in May.

The Chairman then asked if anyone had any business to bring before the Authority. He addressed Mr. Burnett first. Mr. Burnett said that he had a couple of things that he wanted to bring up. He said that the first thing that he wanted to bring up was the Florida ALHFA Key West Conference in July. He said that the reason that he wanted to bring it up so early was because Florida ALHFA had decided that it was going to assign places at the various restaurants for the dine around on the basis of receipt of registration and a check for it for the Conference. He then inquired as to who planned on attending the Conference and he said that he would advance the funds for the registration and the Authority could reimburse him if that was acceptable. All of the members said that they would be attending the Conference except for Mr. Birch. He said that he would make his own arrangements if he could attend the Conference. Further, the members agreed that Mr. Burnett would advance the funds for the registration for the members and himself and that the Authority would reimburse him. Mr. Burnett said that the next thing he wanted to bring up was the Hough Multifamily Conference that precedes the Florida ALHFA Conference. He said that he thought that it was a pretty good Conference and that he had received an invitation from Hough and he wanted to respond to it and that he would respond for all of the members if it was acceptable to them. All of the members that planned on attending the Florida ALHFA Conference said that they also planned on attending the Hough Conference. Mr. Burnett said that he would make sure that they were all registered for the Hough Conference also. Mr. Burnett said that the next thing that he wanted to bring up is the proposed Chairman's Breakfast at the Florida ALHFA Conference in Key West. He said that he thought that it might be a good idea to send out the invitations given that the invitations were being sent out for the other functions. The next item that Mr. Burnett said that he wanted to bring up was the NALHFA Educational Conference in Orlando. He said that he thought that it was a pretty good Conference. He said that Mr. Barletta and Scott Schuhle had met with representative from DAC, an entity that disseminates disclosure that various entities, including the Authority, are required to make public about their product. He suggested that the Chairman inform the members of what they are offering given that he had met with representatives of DAC. The Chairman briefly summarized how DAC works and how they disseminate disclosure data. He said that he and Mr. Burnett thought that it might be beneficial to invite them to make a presentation to the Authority so that the Authority is aware of what products are out there to better serve the needs of the Authority. He said that he had invited DAC to make a presentation to the members of the Authority at the Authority's May meeting. After a brief

discussion, it was agreed that it was a good idea to invite DAC to make a presentation at the Authority's May meeting. Mr. Burnett said that the last thing that he wanted to bring up was a letter that he had received from the attorneys for the Estate of Harriet Ginsburg. He said that she was a guarantor on the University Club Project in Sarasota. He said that she only had contingent liability, if any, and that based upon the circumstances, he did not think that the Authority should file a claim as they would in all likelihood not receive anything. Mr. Watkins said that he concurred.

Next, the Chairman recognized Mr. Miller. Mr. Miller passed out a Draft Demographic Summary of the Authority's Bond Programs. He briefly described the Summary and the Chairman asked him if he could present it to the members of the Authority at the Authority's May meeting. He said that he would be glad to make the presentation then.


The Chairman next addressed Mr. Harloff. Mr. Harloff said that he only had two things. First, he said that he wanted to alert the members of the Authority that the Internal Revenue Service had made a determination that "guarantee fees" are not deductible. He said that Kutak Rock and Nabors, Giblin & Nickerson had taken the same position as the Internal Revenue Service so that it will have no effect on the Authority's bond offerings. He said the only other thing that he wanted to bring up was a possible Regional meeting in June. It was agreed that there should be a Regional meeting in June and Mr. Harloff said that he would set it up.

The Chairman then recognized Mr. Watkins. Mr. Watkins said that the only thing that he wanted to bring up was the reallocation of the Region's tax exempt volume cap allocation. He said that at present the Authority has the HAWK'S LANDING Project for \$10,750,000.00 and the Heron Pond II Project for \$6,000,000.00 of tax exempt volume cap allocation. He said that the Charlotte County Housing Finance Authority has the Deere Run Project for \$11,750,000.00 and the Charlotte Crossing Project for \$6,000,000.00. He said that the Region had also agreed that \$5,000,000.00 of the Region's tax exempt volume cap allocation could be given to the Lee County Industrial Development Authority (the "Lee IDA") and that the balance of the volume cap would go into the Region's Single Family Programs.

The Chairman said that he would contact the Lee IDA and advise them that the Region had agreed that they should be entitled to use the next available \$5,000,000.00 of tax exempt volume cap allocation. He said that he wanted to let the members of the Authority know that he had met with Commissioner John Albion and Mark Rubin with Metro Developers, and Gloria Sajgo with the Lee County Government Staff. He said that Metro Developers indicated that they are very interested in building some affordable housing but that they did not have any definite plans as of yet.

There being no further business to come before the Authority, on motion duly made by Virginia Yates and seconded by Walter Ferguson, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,


Thomas Birch, Secretary

Approved at the MAY 18, 2003,
Meeting of the Housing Finance
Authority of Lee County, Florida

RESOLUTION 03-04

A RESOLUTION OF THE HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA, AUTHORIZING THE PURCHASE FROM LENDING INSTITUTIONS OF BELOW MARKET INTEREST RATE MORTGAGE LOANS MADE TO MODERATE, MIDDLE OR LESSER INCOME FAMILIES FOR THE CONSTRUCTION, PURCHASE OR REHABILITATION OF QUALIFYING HOUSING DEVELOPMENTS; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$99,000,000.00 SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 2004, (MULTI-COUNTY PROGRAM), OF THE AUTHORITY, FOR THE PURPOSE OF FUNDING THE PURCHASES OF SUCH MORTGAGE LOANS; PROVIDING THAT SUCH BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES HEREIN PROVIDED THEREFOR; PROVIDING FOR IMPLEMENTATION OF THE HOUSING PROGRAM AND ITS FINANCING THROUGH A TRUST INDENTURE SECURING THE HOLDERS OF SUCH BONDS, A MORTGAGE ORIGATION AGREEMENT WITH PARTICIPATING LENDING INSTITUTIONS AND A PROGRAM ADMINISTRATION AND MASTER SERVICING AGREEMENT WITH A LOAN ADMINISTRATOR; PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA, that:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Florida Housing Finance Authority Law, being Part IV of Chapter 159, Florida Statutes, Ordinance 81-37 duly enacted by the Board of County Commissioners of Lee County, Florida, on August 19, 1981, and other applicable provisions of law (hereinafter collectively referred to as the "Act").

SECTION 2. FINDINGS AND DETERMINATIONS. The Housing Finance Authority of Lee County, Florida (the "Issuer") hereby finds and determines as follows:

A. The Issuer has been duly and validly created under the Act and is authorized and empowered thereunder to assist in alleviating the shortage of housing in Lee County, Florida (the "County"), for eligible persons and families of moderate, middle or lesser income, and alleviating the shortage of capital available for investment in such housing; to purchase or make commitments to purchase from "lending institutions" (as that term is defined in the Act) mortgage loans, including federally insured and guaranteed mortgage loans, and promissory notes executed in connection with such mortgage loans (the "Loans"), made for the construction, purchase and rehabilitation of "housing

developments" (as that term is used in the Act); and to issue and deliver revenue bonds of the type hereinafter described to provide funds from which Loans may be purchased.

B. There is a shortage in Lee County, Florida (the "County"), of housing available at prices which many persons or families of moderate, middle or lesser income can afford, which shortage has been found by the Legislature of the State of Florida and the Board of County Commissioners of the County to constitute a threat to the health, safety, morals and welfare of the State and the County, to deprive the State and the County of an adequate tax base and to cause the State and the County to make extra expenditures for crime prevention and control, public health, welfare and safety, fire and accident protection, and other public services and facilities.

C. Factors contributing to the shortage of affordable housing and capital available for investment in such housing include (i) an increase in the population of the County without a corresponding increase in the construction of new single family housing units, (ii) a decline in the quality of the existing housing stock and an increase in the number of substandard units in the County, (iii) an increase in the median price of a home at a rate far in excess of the increase in family income over the same period, and (iv) a significant escalation in the interest rates from conventional private sources which, under current lending practices, has prevented many County residents from purchasing sanitary, decent and safe housing. Although existing federal moderate, middle and lesser income housing programs are available to some County residents, those programs are not available to many families who are unable to afford decent, safe and sanitary housing.

D. The use of public funding to stimulate Loans at reduced rates and favorable loan to value ratios will stimulate the construction of new housing at affordable prices and will also assist in alleviating the shortage of existing affordable housing by making below market interest rate loans at favorable terms available to eligible moderate, middle and lesser income persons, thereby enabling such persons to purchase or otherwise finance sanitary, decent and safe housing that they could not otherwise afford.

E. Many persons and families require such assistance as is made available pursuant to the provisions of the Act to purchase decent, safe and sanitary housing in the County. Persons and families meeting the criteria of "Eligible Persons and Families" as defined herein constitute "eligible persons" within the meaning of the Act.

F. Each housing unit presently in existence or hereafter constructed meeting the criteria of a "Single Family Residence" as defined herein that is now, or hereafter becomes, affordable to Eligible Persons and Families at the lower interest rates made available by the issuance of the Bonds, hereinafter described, constitutes a housing development under the Act.

G. To avoid potential abuse and to insure proper utilization of the Loan program only by persons in need of the assistance herein contemplated, the Issuer shall

purchase only Loans the proceeds of which were used to purchase Single Family Residences having a purchase price or appraised value, whichever is less, which does not exceed the Maximum Acquisition Price, as defined by the Authority in accordance with the applicable law. The Issuer recognizes that inflationary housing and cost of living increases after the date of adoption of this resolution may warrant corresponding increases in this amount prior to the delivery of the Bonds, hereinafter described. Consequently, the Issuer hereby retains the right to make such adjustments.

H. Each Participant to be invited to participate in the program must qualify as a "lending institution" as that term is defined in the Act.

I. It is desirable and in the public interest to provide funds to purchase Loans made by Participants to Eligible Persons and Families for the purchase of Single Family Residences by the issuance of bonds to be designated "Housing Finance Authority of Lee County, Florida, Single Family Mortgage Revenue Bonds, Series 2004 (Multi-County Program)" in the aggregate principal amount of not exceeding \$99,000,000.00 (the "Bonds"), pursuant to the terms of a Trust Indenture to be entered into between the Issuer and a bank or trust company, to be named by subsequent resolution (the "Master Trust Indenture").

J. The Bonds are hereby authorized and shall be payable from and secured by a pledge and assignment of the Mortgage Notes and related mortgages, the proceeds thereof, certain insurance proceeds, certain reserve funds and the rights to the Issuer under a Mortgage Origination Agreement to be entered into between the Issuer, the Trustee, a program administrator to be selected by the Issuer by subsequent resolution, and the Participants. The Bonds and the interest thereon will not constitute a debt, liability, general or moral obligation, or a pledge of the faith or loan of the credit of the Issuer, the County, the State of Florida or any political subdivision thereof, nor the Participants. Neither the Issuer, the County, the State of Florida or any political subdivision thereof nor any Participant shall be liable thereon, nor in any event shall such Bonds or obligations be payable out of any funds or properties of the Issuer other than those funds or properties of the Issuer arising out of or in connection with, and only to the extent expressly provided, in the Trust Indenture.

K. The Issuer may enter into interlocal agreements with other governmental units of the State of Florida, which interlocal agreements shall be in conformity with the requirements of Chapter 163, Florida Statutes, as amended, in order to cooperate and achieve economies of scale in the issuance of the Bonds and to expand, if necessary, the area of operation of the Issuer to include additional areas as authorized by Chapter 159, Part IV, Florida Statutes, as amended.

L. The findings described in this Section are hereby adopted as rules of the Issuer.

SECTION 3. AUTHORIZATION OF ALL OTHER NECESSARY. The proper

officers of the Issuer are hereby further authorized to take all such additional necessary action, and approves all action previously taken, on behalf of the Issuer as shall be necessary to implement the Loan program specified in this resolution, including, but not limited to, the holding of required public hearings, requesting approval of the Bonds and the program by the Board of County Commissioners of Lee County, Florida, applying for required allocations of bond volume cap from the State of Florida, and coordinating similar activities with respect to any other participating counties.

SECTION 4. SEVERABILITY. If any one or more of the covenants, agreements or provisions of this resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be invalid, then such covenants, agreement or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions, and shall in no way affect the validity of all other provisions of this resolution and the documents attached hereto.

SECTION 5. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

DATED this 16th day of April, 2003.

HOUSING FINANCE AUTHORITY
OF LEE COUNTY, FLORIDA

BY: 
E. WALTER BARLETTA, Chairman

ATTEST:

By: 
THOMAS BIRCH, Secretary

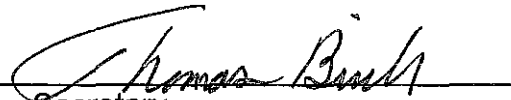
(SEAL)

STATE OF FLORIDA
COUNTY LEE

I, THOMAS BIRCH, Secretary of the Housing Finance Authority of Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Resolution authorizing issuance of not exceeding \$99,000,000.00 Single Family Mortgage Revenue Bonds, Series 2004 (Multi-County Program), as the same was duly adopted at a regular meeting of the Authority on the 16th day of April, 2003, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 16th day of April, 2003.

BY:


Secretary

(SEAL)

NEWS-PRESS

Published every morning - Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Kieanna Henry

who on oath says that he/she is the

Asst. Legal Clerk of the News-Press, a daily newspaper,
published at Fort Myers, in Lee County, Florida; that the
attached copy of advertisement, being a

Notice of Public Hearing

In the matter of Single Family Mortgage Revenue Bonds
in the _____ Court

was published in said newspaper in the issues of

May 6, 2003

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

6th day of May 2003 by

Kieanna Henry

personally known to me or who has produced

_____ as identification, and who did or did not take an oath.

Notary Public

Print Name _____

My commission Expires:



Brenda Leighton
MY COMMISSION # DD169005 EXPIRES
February 14, 2007
BONDED THRU TROY FAIN INSURANCE, INC

NOTICE OF PUBLIC HEARING CONCERNING THE HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA'S PROPOSED ISSUANCE OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 2004 IN AN AGGREGATE AMOUNT OF NOT TO EXCEED OF \$99,000,000.00 AND ITS PARTICIPATION WITH OTHER PARTICIPATING COUNTIES

Public Notice is hereby given that the Housing Finance Authority of Lee County, Florida (the Authority) will conduct a public hearing on Wednesday, May 21, 2003, at 5:35 p.m. or as soon thereafter as possible, at Community Development Public Works Building, 1500 Monroe St., Conference Room 1B, Fort Myers, Florida, 33901, in accordance with the Tax Equity Fiscal Responsibility Act (TEFRA) on the proposed issuance by the Authority of its Single Family Mortgage Revenue Bonds, Series 2004, in the aggregate principal amount of not to exceed of \$99,000,000.00. The proceeds of such bonds will be used to finance and provide capital for investment to fund purchases of mortgage loans to qualified first-time homebuyers for the construction, purchase or rehabilitation of affordable single family housing located within the participating Florida counties, including Lee County, to be occupied primarily by first-time home buyers of moderate, middle or lesser income within Lee County and various other participating counties in the State of Florida. The Bonds will not constitute a debt of the State of Florida, the Authority, or of any other participating Housing Finance Authorities or Counties, but will be payable solely from payments made from the revenues generated from the housing program. If any member of the general public wishes to be heard at the hearing, he or she may do so by appearing in person at the time and place set forth above or by submitting their views in writing delivered at least 24 hours prior to the date and time of the meeting set forth above to Housing Finance Authority of Lee County, Florida, c/o Philip L. Burnett, Esq., 2449 First Street, Fort Myers, Florida 33901. The purpose of the public hearing is to afford members of the general public an opportunity to be heard with respect to a proposed issuance of the Bonds by the Authority and its participation with various other participating counties in said offering. All interested parties are invited to attend and present their comments at the time and place set forth above. IF ANY PERSON WISHES TO APPEAL ANY DECISION MADE BY THE AUTHORITY WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS

**HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA
MINUTES OF PUBLIC HEARING**

On Wednesday, May 21, 2003, at 8:46 p.m., at Community Development Public Works Building, 1500 Monroe St., Conference Room 1B, Fort Myers, Florida, 33901, the Authority conducted a Public Hearing in accordance with the Tax Equity Fiscal Responsibility Act ("TEFRA"). The Chairman called the hearing to order and asked Philip L. Burnett, counsel for the Authority, to call the roll of the members, which he did. Walter Barletta, Walter Ferguson, and Virginia Yates were present at the hearing. Also in attendance at the hearing were Phil Harloff and Tom Daly with Raymond James and Associates, Inc. ("Raymond James"), the Authority's managing underwriter, Robin Miller with First Southwest Company ("First Southwest"), the Authority's financial advisor, Mike Watkins, Esquire with Nabors, Giblin & Nickerson, P.A. (the "Authority's Bond Counsel"), Peter Fowler with U.S. Bank Trust National Association ("U.S. Bank"), the Trustee on the majority of the Authority's bond offerings, and J. Todd Manuel with William R. Hough and Company ("Hough"), a co-managing underwriter. The Chairman informed those present that the purpose of the Public Hearing was to afford members of the general public an opportunity to be heard with respect to the following matter:

The issuance by the Authority, on behalf of the Authority of its Single Family Mortgage Revenue Bonds, Series 2004, in the aggregate principal amount of not to exceed \$99,000,000.00. The proceeds of such bonds will be used to finance the purchase of single family residences to be occupied primarily by first-time home buyers of moderate, middle or lesser income within Lee County and various other participating counties in the State of Florida. The Bonds will not constitute a debt of the State of Florida, the Authority, or of any other participating Housing Finance Authorities or Counties, but will be payable solely from payments made from the revenues generated from the housing program.

No members of the public were present. Accordingly, the Public Hearing was adjourned at 8:47 p.m.

Respectfully submitted,


THOMAS BIRCH, Secretary

Approved at the 7/23/03
meeting of the Housing Finance
Authority of Lee County, Florida

RESOLUTION No. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LEE COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA, OF AN AMOUNT NOT TO EXCEED \$99,000,000.00 OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 2004, PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 159, Part IV, Florida Statutes (the "Act") authorized counties to create housing finance authorities to exercise powers of the Act within their boundaries or outside their boundaries with the consent of the governing body of the territory outside their area of operation; and

WHEREAS, The Board of County Commissioners of Lee County, Florida, created the Housing Finance Authority of Lee County, Florida (the "Authority"), by Resolution No. 81-8-19 adopted on August 19, 1981, and Ordinance 81-37 adopted on August 19, 1981, and authorized the Authority to exercise all powers under the Act; and

WHEREAS, on April 16, 2003, at a duly called public meeting and on motion duly made and seconded, the Authority unanimously adopted a Resolution authorizing the issuance of its Single-Family Mortgage Revenue Bonds, Series 2004, in the aggregate principal amount of not to exceed \$99,000,000.00 (the "Bonds"). The net proceeds of the Bonds, if issued, are to be loaned by the Authority to first time home buyers in Lee County and various other counties in Florida in connection with the Authority's multi-county Single-Family Mortgage Revenue Bond offering, Series 2004. The purpose of the bond offering is to provide affordable housing opportunities for low, moderate and middle income families in Lee County and other participating Florida counties.

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (hereinafter the "Code"), requires public approval of certain private activity bonds by the applicable elected representative or governmental unit following a public hearing, and the Board of County Commissioners of Lee County, Florida (the "Board"), constitutes the applicable elected representative and governmental unit; and

WHEREAS, pursuant to Section 147(f) of the Code, a public hearing was scheduled before the Authority for May 21, 2003, and notice of such hearing was given in the form required by the Code; and

WHEREAS, on May 21, 2003, the Authority held the public hearing and provided at such hearing reasonable opportunity for all interested individuals to express their views, both orally and in writing, on the issuance of Bonds; and

WHEREAS, no interested individual appeared to express comments or concerns;
and

WHEREAS, the Board desires to express its approval of the action taken by the Authority in authorizing the issuance of the Bonds and as required by Section 147(f) of the Code; now therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

Section 1. Because of the continuing shortage of affordable single-family housing and capital for investment therein in Lee County Florida, and the continuing impediments to a bond issue to alleviate such shortages as to single-family housing, it is hereby determined that the Board consents to the Authority exercising its powers to issue the Bonds and to the use of the proceeds of such Bonds to finance the single-family housing.

Section 2. In furtherance of the purposes set forth in Section 1 hereof, the Chairman or Vice Chairman of the Authority are hereby authorized to execute such consents, agreements or other documents as shall be required to implement the issuance of such Bonds, all as shall be approved by counsel to the Authority.

Section 3. The Board hereby approves, within the meaning of Section 147(f) of the Code, the issuance by the Authority of an amount not to exceed \$99,000,000.00 of its Single-Family Mortgage Revenue Bonds, Series 2004.

Section 4. Adoption of this Resolution does not authorize nor commit the expenditure of any funds of Lee County, Florida, or of the Authority to pay the costs of issuance of such Bonds.

Section 5. Adoption of this Resolution will not constitute a Debt, Liability, Obligation (either contractual or general), of a Pledge of the Faith or Loan of the Credit of Lee County with respect to the issuance of the Authority's not to exceed \$99,000,000.00 Single Family Mortgage Revenue Bonds, Series 2004, in any manner whatsoever.

Section 6. All ordinances and resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in the regular session on the _____ day of December, 2003.

LEE COUNTY BOARD OF COUNTY
COMMISSIONERS

BY: _____
Chairman

Date: _____

ATTEST:

CHARLIE GREEN, CLERK

By: _____

APPROVED AS TO FORM BY:

OFFICE OF COUNTY ATTORNEY