

**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20061357

**1. ACTION REQUESTED/PURPOSE:** 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 Bond Series 2007.

**2. WHAT ACTION ACCOMPLISHES:** Ratification of such action is required under Florida Statutes Chapter 159.

**3. MANAGEMENT RECOMMENDATION:** Action will allow the Housing Finance Authority of Lee County, Florida to issues 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.

**4. Departmental Category:** 4 **CAC** **5. Meeting Date:** October 24<sup>th</sup>, 2006

<b>6. Agenda:</b>	<input checked="" type="checkbox"/> <b>Consent</b>	<b>7. Requirement/Purpose:</b> (specify)	<input checked="" type="checkbox"/> <b>Statute</b> <u>F.S. 159</u>	<b>8. Request Initiated:</b>	<b>Commissioner</b> <u>N/A</u>
	<input type="checkbox"/> <b>Administrative</b>		<input type="checkbox"/> <b>Ordinance</b>		<b>Department</b> <u>Community Development</u>
	<input type="checkbox"/> <b>Appeals</b>		<input type="checkbox"/> <b>Admin. Code</b>		<b>Division</b> <u>Planning</u>
	<input type="checkbox"/> <b>Public</b>		<input type="checkbox"/> <b>Other</b>		<b>By:</b> <u>Paul O'Connor, AICP, Planning Director</u>
	<input type="checkbox"/> <b>Walk-On</b>				<u>POC 10/09/06</u>

**9. Background:** on August 16, 2006, the Housing Finance Authority of Lee County, Florida, adopted a Resolution approving the issuance of its Single Family Mortgage Revenue Bonds Series 2007 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:

- Approves the issuance of bonds by the Housing Finance Authority of Lee County, Florida.
- Ratifies the action of the Housing Finance Authority of Lee County, Florida, including conducting the Tax Equity and Fiscal Responsibility (TEFRA) Public Hearing held on August 16, 2006.
- Approves the use of private activity 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 for 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 August 16,2006, authorizing the proposed issuance of Single Family Mortgage Revenue Bonds Series 2007 up to \$99 million.
- Housing Finance Authority of Lee County Resolution of August 16,2006
- Ad for the August 16,2006, Public Hearing
- Minutes of the TEFRA Public Hearing held on August 16,2006

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>Mam Gibbs</i>	N/A	N/A		<i>Barker</i>	<i>Analyst 10/11/06</i>	<i>Risk 10/20/06</i>	<i>Grants 10/12/06</i>	<i>Mgr. 10/11/06</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

REC'D  
by CO. ATTY:  
10/10/06  
4:40pm  
CO. ATTY.  
FORWARDED TO:  
CAS 10/11/06  
8:15am

RECEIVED BY  
COUNTY ADMIN: *TD*  
10/11/06 1:30pm  
COUNTY ADMIN  
FORWARDED TO: *PL*  
10/12/06  
11:30am

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 2007, 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 August 16, 2006, 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 2007, 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 2007. 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 July 26, 2005 and notice of such hearing was given in the form required by the Code; and

**WHEREAS**, on August 16, 2006 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 2007.

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 2007, 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 \_\_\_\_\_, 2006.

LEE COUNTY BOARD OF COUNTY  
COMMISSIONERS

BY: \_\_\_\_\_  
Chairman

Date: \_\_\_\_\_

ATTEST:

CHARLIE GREEN, CLERK

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

APPROVED AS TO FORM BY:

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

# HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA

## MINUTES OF REGULAR MEETING

August 16, 2006

5:33 p.m.

On Wednesday, August 16, 2006, at 5:40 p.m., in the offices of RAYMOND JAMES & ASSOCIATES, INC., 7920 Summerlin Lakes Drive, 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, Virginia Yates, Thomas Birch, Michael Villalobos and Walter Ferguson were present at the meeting. Also in attendance at the meeting were Phil Harloff and Christine Filusch with Raymond James and Associates, Inc. ("Raymond James") the Authority's managing underwriter, Mary Bert-Koelling with First Southwest Company ("First Southwest"), the Authority's Financial Advisor, Junious Brown, Esquire with Nabors, Giblin & Nickerson, P.A. (the "Authority's Bond Counsel"), and Scott Marcelais with Community Housing & Resources, Inc. and friend.

The Chairman next suggested that the Authority address the approval of the Authority's Minutes for its prior meeting. Thereafter, on motion duly made by Walter Ferguson and seconded by Virginia Yates, the Authority approved the minutes of the May 17, 2006, meeting of the Authority.

The Chairman then suggested that the Authority address Item IV on its Agenda, i.e., 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 2007, in the aggregate principal amount of not to exceed \$99,000,000.00. The Chairman recognized Mr. Burnett. Mr. Burnett said that the Resolution is for the Authority to request volume cap allocation for 2007 for the Authority's Single Family Bond Programs. He said it is basically the same Resolution that the Authority adopts every year. After a brief discussion, on motion duly made by Michael Villalobos and seconded by Walter Ferguson, the members unanimously approved Resolution 06-01 for the purposes stated therein.

The Chairman then suggested that the Authority address Item V on its Agenda, i.e., consider, discuss and vote on the selection of the following entities to assist in the Authority's 2007 Multi-County Single Family Bond Offering: Raymond James & Associates, Inc., as Senior Managing Underwriter, and RBC Capital Markets, 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, PA, as Authority's Bond Counsel and Phillip L. Burnett, PA as Issuer's Counsel. After a very brief discussion, on motion duly made by Walter Ferguson and seconded by Virginia Yates, the members of the Authority unanimously selected the above named entities to assist the Authority in its 2007 Single Family Program in the positions reflected above.

The Chairman next suggested that the Authority address Items VI and VII on its Agenda, i.e., 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 (Fixed), Series 2006 C, in the aggregate principal amount of not to exceed \$15,000,000.00 and a Resolution authorizing the issuance by the Authority, as Issuer, either singly or jointly with various other participating counties, of its Single Family Notes, Series 2006 D, in the aggregate principal amount of not to exceed \$15,000,000.00. The Chairman recognized Mr. Harloff. Mr. Harloff said that the Authority's 2006 Single Family Program was going so well that he and the rest of the Professional Staff recommend that the Authority issue \$20,000,000.00 of additional bonds in a Series 2006 C and a \$15,000,000.00 note in a Series 2006 D. Mr. Burnett advised the members of the Authority that the public notice of the above was a little different in that only \$15,000,000.00 of additional bonds was proposed and not \$20,000,000.00. Accordingly, if the Authority decided to proceed with the proposed offering, it could only approve a \$15,000,000.00 offering and the balance would have to be approved later. Mr. Harloff then briefly explained the proposed issuances and how he suggested that the transactions be structured. He said that the Authority has approximately \$1.2 million in residuals in the form of certificates from the Authority's 1996 Single Family Program ("1996 Program") that the Authority should receive around September 1, 2006, and that he was requesting the Authority to sell those certificates to the proposed transaction and contribute \$200,000.00 of the net proceeds toward the cost of issuance for the proposed issuance of the above mentioned bonds and note. He also advised the members of the Authority that Countrywide Home Loans ("Countrywide") had advanced substantial sums of money to the cost of issuance in various other bond programs of the Authority as its Master Servicer, estimated to be approximately \$275,000, and that the Authority should reimburse them out of the \$1.2 million. The net result of the above being that the Authority would sell the \$1.2 million of certificates to the 2006 Series C and D issuance, contribute \$200,000.00 of the net proceeds from the sale toward the cost of issuance, pay Countrywide back in full and the Authority would end up with approximately an additional \$750,000.00 of surplus funds. He said that he had hoped that the proposed transaction would close at the end of next month and that to do so, it would require an Authority meeting in early September. A discussion then took place concerning the proposed issuance and how to deal with the payment of Countrywide and the transfer of the funds from the Authority's 1996 Program. Mr. Burnett said that whatever the Authority decided to do with respect to the proposed issuance was fine but that he was concerned about how the funds were transferred, to whom and whether or not the proposed structure would create any problems for the Authority from an audit perspective

or create an issue with respect to the Authority' investment of its surplus funds. A lengthy discussion followed concerning Mr. Burnett's concerns and it was agreed that Mr. Burnett and Ms. Yates would look into the matter to determine the appropriate way to handle the proposed transfer of funds. Immediately thereafter which, on motion duly made by Thomas Birch and seconded by Michael Villalobos, the members of the Authority unanimously approved the proposed issuance by the Authority of \$15,000,000.00 of Series C bonds, \$15,000,000.00 of Series D Notes, the sale of approximately \$1.2 million of certificates from the Authority's 1996 Program to the 2006 Series C and D Program, and the contribution of \$200,000.00 from the sale of the certificates toward the 2006 Series C and D cost of issuance.

The Chairman next recognized Mr. Burnett. Mr. Burnett suggested that the Authority approve Minutes of the Tax Equity Fiscal Responsibility Act ("TEFRA") hearing that was held immediately prior to the Authority's meeting. Thereafter, on motion duly made by Thomas Birch and seconded by Walter Ferguson, the Authority approved the minutes of the August 16, 2006, TEFRA hearing.

The Chairman then suggested that, in light of the proposed timing for the proposed issue of the Authority's 2006 Series C and D, it might be a good idea to set the dates for such Authority meetings as are necessary to accommodate the closing. After a brief discussion, it was agreed that the Authority would hold a special meeting on September 11, 2006, at 5:30 p.m. at Mr. Burnett's office. This meeting will be followed by a regular meeting of the Authority on September 20, 2006, at 5:30 p.m. at the offices of Raymond James.

The Chairman then suggested that the Authority address Item VII on its Agenda, i.e., an update from the Authority's Financial Advisor, First Southwest, on Bond Programs in other communities. The Chairman then recognized Mrs. Bert-Koelling. Mrs. Bert-Koelling briefly reviewed various recent bond offerings in which her firm had recently been involved in Texas. In summary, she said that lenders were begging for money from their bond programs.

The Chairman then suggested that the Authority address Item VIII on the Agenda, i.e., consider and discuss the report of First Southwest Company on the Authority's investment of its surplus funds with the Florida Municipal Investment Trust. ("FMIT") The Chairman again recognized Mrs. Bert-Koelling. She said that her firm had analyzed the Authority's statements from the FMIT and that they had concluded that the return on investment was not very good. She said that her firm thought that the Authority might be better served if they invested its surplus funds with the Florida State Board of Administration's ("SBA") Local Government Investment Pool. Ms. Yates inquired as to whether the Authority should move its surplus funds to the SBA. A discussion then took place as to the extent of First Southwest's analysis of the Authority's investment with FMIT. At the conclusion of the discussion, it was agreed that First Southwest would take a more in depth look at the results for the SBA and the results for the FMIT for comparable terms and make a recommendation to the Authority as to whether or not to move all or part of the

Authority's surplus funds to the SBA or leave them with the FMIT.

The Chairman then suggested that the Authority address Item IX on the Agenda, i.e., consider and discuss and work on the Authority's Budget for its fiscal year commencing October 1, 2006. The Chairman recognized Ms. Yates. Ms. Yates passed out a draft of the Authority's Financial Statements and Supplemental Information as of June 30, 2006. She briefly went over it. She said that, based upon the expenditures to date, she recommended that the Authority keep its budgeted expenses somewhat in line with the Authority's 2006 Budget. A discussion then took place as to the income. The Chairman recognized Mr. Harloff. Mr. Harloff said that he and Scott Schuhle, with U.S. Bank, had been working on income projections for the Authority's 2007 Budget and that he would forward them to Mr. Burnett as soon as they had finished so that he could incorporate them into a draft to circulate to the members. It was then agreed that the matter should be tabled until the next regular meeting of the Authority. It was also agreed that the Authority's Investment Policy should be reviewed and possibly updated at the next regular meeting of the Authority.

The Chairman then suggested that the Authority address Item X, i.e, such other matters as may come before the meeting. The Chairman briefly discussed the need for the members to be conscientious about attending the Authority's meetings. He said that if they don't, it puts him and the other members in an awkward position and that the Authority might have to recommend to the members' appointing County Commissioner that the member be removed. He said that the Authority really needs the full support and attendance of all of its members. As a follow up to the attendance issue, the Chairman suggested that all of the members provide Mr. Burnett with their home, office and cell phone numbers so that he could reach them in case of an emergency or to remind them of a meeting, etc. Thereafter, each of the members provided Mr. Burnett with their phone numbers.

There being no further business to come before the Authority, on motion duly made by Walter Ferguson and seconded by Thomas Birch, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Thomas Birch, Secretary

Approved at the 9/11/06  
Meeting of the Housing Finance  
Authority of Lee County, Florida



RESOLUTION 06-01

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 2007, (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 ORIGINATION 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 2007 (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 August, 2006.

HOUSING FINANCE AUTHORITY  
OF LEE COUNTY, FLORIDA

BY:   
E. WALTER BARLETTA, Chairman

ATTEST:

By:   
Thomas B. Birch, Secretary

(SEAL)

STATE OF FLORIDA  
COUNTY LEE

I, THOMAS B. 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 2007 (Multi-County Program), as the same was duly adopted at a regular meeting of the Authority on the 16th day of August, 2007, and as the same appears on record in my office.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal this 16<sup>th</sup> day of August, 2006.

BY:  \_\_\_\_\_  
THOMAS B. BIRCH, 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

**Kathy Allebach**

who on oath says that he/she is the

**Legal Assistant** 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

**Hearing on August 16, 2006**

In the court was published in said newspaper in the issues of

**August 2, 2006**

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.

*Kathy Allebach*

Sworn to and subscribed before me this

2nd day of August 2006 by

**Kathy Allebach**

personally known to me or who has produced

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

Notary Public

*Gladys D. Vanderbeck*

Print Name

NOTARY PUBLIC  
**Gladys D. Vanderbeck**  
 Commission # DD378967  
 Expires December 13, 2008  
 BONDED TRAY FAIN - Insurance, Inc. 800-385-7019  
 STATE OF FLORIDA

My commission Expires

NOTICE OF PUBLIC HEARING CONCERNING THE HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA'S PROPOSED ISSUANCE OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 2007 IN AN AGGREGATE AMOUNT OF NOT TO EXCEED OF \$99,000,000.00 AND ITS PARTICIPATION WITH OTHER PARTICIPATING COUNTIES

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Public Notice is hereby given that the Housing Finance Authority of Lee County, Florida (the "Authority") will conduct a public hearing on Wednesday, August 16, 2006, at 5:35 p.m. or as soon thereafter as possible, at Raymond James & Associates, 7920 Summerlin Lakes Drive, Fort Myers, Florida, 33907, 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 2007, 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 Authority 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 RE-

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

On Wednesday, August 16, 2006, at 5:35 p.m., at Raymond James & Associates, 7920 Summerlin Lakes Drive, Fort Myers, Florida, 33907, Philip L. Burnett, counsel for the Authority conducted a Public Hearing in accordance with the Tax Equity Fiscal Responsibility Act ("TEFRA"). 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 2007, 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 5:40 p.m.

Respectfully submitted,

  
THOMAS BIRCH, Secretary

Approved at the 8/16/06  
meeting of the Housing Finance  
Authority of Lee County, Florida