



DATE Nov. 14, 1991

COMMISSION COMMUNICATION

TO: Honorable Mayor and Commission

FROM: Mark Duchon - City Manager

SUBJECT: 1st Reading, Ordinance No. 0-92-10
Public Finance Authority for Affordable Housing

SUMMARY:

1. October 21, 1991 the City Commission unanimously passed emergency Ordinance No. 0-92-5 creating subject authority. The purpose of the passage of the emergency ordinance has been served.
2. Section 7.03(d) of the Charter of the City provides for the automatic repeal of emergency ordinances as of the 61st day following the date on which it was adopted. The Public Finance Authority is not a short term organization. Referenced section of the Charter provides for re-enactment of the emergency ordinance under regular procedures, which are contained in Section 166.041(2)(3)(a) Florida Statutes.
3. Ordinance No. 0-92-10 is the ordinance providing for re-enactment of the emergency ordinance under regular procedures.

Recommendation: It is recommended by staff the City Commission pass Ordinance No. 0-92-10 providing for the re-enactment of emergency ordinance creating the Public Finance Authority for Affordable Housing under regular procedures.

A handwritten signature in black ink, appearing to read "Mark Duchon".

Mark Duchon
City Manager

FISCAL IMPACT: To be determined.

ORDINANCE NO. 0-92-10

AN ORDINANCE OF THE CITY OF ALACHUA PROVIDING FOR THE CREATION OF THE PUBLIC FINANCE AUTHORITY FOR AFFORDABLE HOUSING; MAKING CERTAIN FINDINGS; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE MEMBERS AND DUTIES OF THE AUTHORITY; PROVIDING THE POWERS OF THE AUTHORITY AND THE CITY; PROVIDING THE AUTHORITY SHALL HAVE NO POWER TO TAX NOR OF EMINENT DOMAIN; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS AND OTHER FORMS OF INDEBTEDNESS BY THE AUTHORITY AND THE CITY TO FINANCE THE COST OF HOUSING DEVELOPMENTS; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM REVENUES DERIVED FROM THE OPERATION OF SUCH HOUSING DEVELOPMENTS AND/OR ANY OTHER LEGALLY AVAILABLE REVENUES; PROVIDING FOR THE FORM AND SALE OF SUCH BONDS; PROVIDING FOR TERMS OF SUCH BONDS AND TRUST INDENTURES AND AGREEMENTS SECURING SUCH BONDS; PROVIDING FOR VALIDATION OF SUCH BONDS; PROVIDING CERTAIN REMEDIES WITH RESPECT TO SUCH BONDS; PROVIDING LIMITATIONS OF LIABILITY FOR THE AUTHORITY AND CITY FOR SUCH BONDS; PROVIDING THAT SUCH BONDS AND INSTRUMENTS WHICH SECURE SUCH BONDS BE EXEMPTED FROM CERTAIN TAXATION; PROVIDING FOR INTERLOCAL AGREEMENTS; PROVIDING THAT THE AUTHORITY OR CITY MAY ACT UNDER THIS ORDINANCE; RESTATING A PRIOR EMERGENCY ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA, AS FOLLOWS:

SECTION 1. Authority For This Ordinance. This ordinance is enacted pursuant to the Constitution of the State of Florida, Article VIII, Section 2, Chapters 166 and 189, Florida Statutes, and other applicable provisions of law.

SECTION 2. Findings. The City hereby finds, determines and declares, as follows:

(A) Pursuant to Article VIII, Section 2, of the Constitution of the State of Florida and Chapter 166, Florida Statutes, as amended, the City Commission of the City has all home rule powers of local self-government including all governmental, corporate and proprietary powers to enable the City to conduct municipal government, to perform municipal functions, to render municipal services and to exercise any power for municipal purposes, except as otherwise provided by law, and such powers may be exercised by the enactment of this ordinance.

(B) Within this City, within this state and within the states of the United States there is a shortage of housing available at prices or rentals which many persons and families can afford, and a shortage of capital for investment in such housing. This shortage constitutes a threat to the health, safety, morals, and welfare of the residents of this City, of this state and of the states of the United States, deprives this City, this state and the states of the United States of an adequate tax base, and causes this City,

this state and the states of the United States to make excessive expenditures for crime prevention and control, public health, welfare and safety, fire and accident protection, and other public services and facilities.

(C) Such shortage cannot be relieved except through the encouragement of investment by private enterprise and the stimulation of construction and rehabilitation of housing through the use of public financing.

(D) The financing, refinancing, acquisition, construction, reconstruction and rehabilitation of housing and of the real and personal property and other facilities necessary, incidental and appurtenant thereto are exclusively public uses and purposes for which public money may be spent, advanced, loaned or granted and are municipal and governmental functions of public concern.

(E) The Congress of the United States has, by the enactment of the Internal Revenue Code of 1986, and by amendments thereto, found and determined that housing may be assisted and enhanced by the provision of income tax credits, and that housing may be financed and refinanced by means of obligations issued by any state or local governmental unit, the interest on which obligations is exempt from federal income taxation, and has thereby provided methods to aid state and local governmental units to provide assistance to meet the need for housing.

(F) To further the purposes of this ordinance the City desires to create the Authority herein established as a dependent special district of the City pursuant to the Constitution of the State of Florida and Chapter 189, Florida Statutes.

(G) The provisions of this ordinance and the municipal and public purposes served hereby may be further advanced by the interlocal cooperation of Public Agencies within this state and within the states of the United States by means of interlocal agreements.

(H) The provisions of this ordinance are found and declared to be necessary and in the public interest as a matter of legislative determination by the City.

SECTION 3. Definitions. As used in this ordinance, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

"Authority" shall mean the Authority created under this ordinance.

"Area of Operation" shall mean the area within the jurisdiction of the City for which the Authority is created, and any area outside the jurisdiction of the City if the governing body of the Public Agency of this state or of any state of the United States within which such outside area is located approves thereof pursuant to interlocal agreement. The approval by the Public Agency may be a general approval or an approval only for specified Qualifying Housing Developments or only for a specified number of Qualifying Housing Developments.

"Bonds" shall mean the bonds, notes, debentures, certificates, anticipation notes or other evidences of indebtedness issued by the Authority or the City under the provisions of this ordinance, as supplemented by the provisions of any other City ordinance or resolution or by general or special law.

"Cost" shall mean the cost or costs of acquiring, constructing, erecting, improving, furnishing, equipping and installing Qualifying Housing Developments and shall include, without limiting the generality of the foregoing, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises which shall be deemed necessary for a Qualifying Housing Development, financing charges, interest prior to and during construction and for a reasonable period of time after the completion of construction, engineering, architectural and legal expenses, costs of plans, specifications, surveys, estimates of costs and of revenues, discount upon the sale of Bonds, if any, premiums for municipal bond insurance and other fees for credit enhancement, other expenses necessary or incidental to determining the feasibility or practicability of a Qualifying Housing Development and the financing thereof, administrative expenses related solely to a Qualifying Housing Development and such other expenses as may be necessary or desirable and incident to such acquisition, construction, erection, improving, furnishing, equipping and installing of a Qualifying Housing Development, the placing of a Qualifying Housing Development in operation and the financing or refinancing thereof as herein authorized.

"City" shall mean the City of Alachua, Florida.

"Eligible Persons" shall mean one or more natural persons or a family, irrespective of race, creed, national origin or sex, determined by the Authority, or by a Public Agency of this state or of any state of the United States by interlocal agreement, to be of low, moderate or middle income. Such determination does not preclude any person or family earning up to 150 percent of median family income for the State of Florida or Alachua County, or any other statistical area in which the Area of Operation is included, or for a Public Agency of this state or of any state of the United States, from participating in programs under this ordinance. Persons 65 years of age or older shall be defined as eligible persons regardless of their incomes. In determining the income standards of eligible persons for its various programs, the Authority may consider the following factors:

- (a) Requirements mandated by federal law.
- (b) Variations in circumstances in different Areas of Operation.
- (c) Whether the determination is for rental housing or homeownership purposes.
- (d) The need for family-size adjustments to accomplish the purposes set forth in this ordinance.

"Governing Body" shall mean, with respect to the City, the City Commission, and with respect to the Authority, the City Commission of the City and the members thereof acting ex-officio as the members and as the Board of the Authority.

"Housing Development" shall mean any residential building, land, equipment, facility or other real or personal property which may be necessary, convenient or desirable in connection therewith, including streets, sewers, water and utility services, parks, gardening, administrative, community, health, recreational and educational facilities, and other facilities related and subordinate to moderate, middle or lesser income housing, and also includes site preparation, the planning of housing and improvements, the acquisition of property, the removal or demolition of existing structures, the acquisition, construction, reconstruction and rehabilitation of housing and improvements, and all other work in connection therewith, and all Costs thereof.

including without limitation the cost of consultant and legal services, other expenses necessary or incident to determining the feasibility of the housing development, administrative and other expenses necessary or incident to the housing development and the financing thereof (including reimbursement to any municipality, county or Public Agency for expenditures made with the approval thereof by interlocal agreement of the Authority or the City for the housing development), and interest accrued during construction and for a reasonable period thereafter.

"Lending Institution" means any bank or trust company, mortgage banker, mortgage originator, mortgage servicer, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company or other financial institution authorized to transact the business undertaken hereunder and which customarily provides service or otherwise aids in the financing of mortgages undertaken hereunder.

"Public Agency" shall mean a political subdivision, agency or officer of this state or of any state of the United States, including but not limited to, state government, county, city, state or local housing authority, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States government, and any similar entity of any state of the United States.

"Qualifying Housing Development" means any work or improvement constituting a Housing Development and located or to be located in this state or in the states of the United States, including real property, buildings and any other real and personal property, designed or intended for the primary purpose of providing decent, safe and sanitary residential housing for single family or multi-family projects for persons, all of whom are Eligible Persons, whether new construction, the acquisition of existing residential housing or the remodeling, improvement, rehabilitation or reconstruction of existing housing, together with such related nonhousing facilities as the Authority or the City determines to be necessary, convenient or desirable, and all Costs thereof.

SECTION 4. Creation of Authority.

(A) The City hereby creates by this ordinance a separate public body corporate and politic, to be known as the "Public Finance Authority For Affordable Housing", to carry out the powers granted by this ordinance. The territory of the Authority shall be coterminous with the territory of the City, except as otherwise provided by interlocal agreement.

(B) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the Authority, the Authority shall be conclusively deemed to have been established and authorized to transact business and exercise its powers under this ordinance by the Governing Body of the City herein declaring the need for the Authority. A copy of this ordinance certified by the clerk of the City shall be admissible in evidence in any suit, action or proceeding.

(C) The City may, at its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Authority, including the power to terminate such Authority, subject to any limitation on the impairment of contracts entered into by the Authority and subject to the limitations or requirements of this ordinance.

(D) The surplus funds of the Authority which do not secure any Bonds hereunder, after payment of administrative and travel expenses, may be retained by the Authority and spent to further the purposes of this ordinance or may be distributed from time to time to the City.

SECTION 5. Members; Employees; Duties and Compensation.

(A) The Authority shall be composed of the Governing Body of the City for which the Authority is created acting ex-officio as the members and as the Governing Body of the Authority. The Governing Body of the Authority shall designate from time to time a chairman and vice chairman. The clerk of the City shall serve as secretary to the Authority. The terms of the members of the Governing Body of the Authority shall be coterminous with their respective terms on the Governing Body of the City. A member of the Governing Body of the Authority shall receive no additional compensation for his services but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(B) The powers of the Authority granted by this ordinance shall be vested in the members of the Authority in office from time to time. A majority of the members shall constitute a quorum and action may be taken by the Governing Body of the Authority upon a vote of a majority of the members present. The Authority may employ such agents and employees, permanent or temporary, as it may require and shall determine the qualifications, duties and compensation of such agents and employees. The Authority may delegate to an agent or employee such powers or duties as it may deem proper. The rules and procedures applicable to the Governing Body of the City shall be applicable to the Governing Body of the Authority, except as otherwise provided by law.

SECTION 6. Conflicts of Interest; Disclosure. No member or employee of the Authority shall acquire any interest, direct or indirect, in any Qualifying Housing Development or in any property included or planned to be included in such a development, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any Qualifying Housing Development, unless waived by the Authority. If any member or employee of the Authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any Qualifying Housing Development, he shall immediately disclose the same in writing to the Authority. Such disclosure shall be entered upon the minutes of the Authority. Failure so to disclose such interest shall constitute misconduct in office.

SECTION 7. Removal of Members. A member of the Authority may be removed in the same manner as provided for removal of any member of the Governing Body of the City.

SECTION 8. Powers of the Authority and City. The Authority shall constitute a public body corporate and politic, and the City constitutes a municipal corporation, each exercising the public and essential governmental functions set forth in this ordinance, and each individually or collectively may exercise its powers for the purposes as provided herein:

(A) To sue and be sued, to have a seal and to alter the same at pleasure, to have perpetual succession, to make and execute contracts and other instruments necessary or convenient to the exercise of the powers under this ordinance and to make and from time to time amend and repeal bylaws, rules and regulations, not

inconsistent with this ordinance, to carry into effect the powers and purposes under this ordinance.

(B) To own real and personal property acquired through the use of surplus funds or through public and private partnerships in furtherance of the purposes of this ordinance and provided that the Bonds hereunder are limited to project revenues and/or any and all funds of the Authority or of the City from sources other than ad valorem taxation and legally available for such purposes as established by resolution.

(C) To purchase or make commitments to purchase or to make loans for such purpose, and to take assignments of, from Lending Institutions acting as a principal or as an agent of the Authority or City, or from developers or owners of Qualifying Housing Developments, mortgage loans and promissory notes accompanying such mortgage loans, including federally insured mortgage loans or participations with Lending Institutions in such promissory notes and mortgage loans for the financing or refinancing of the construction, purchase, reconstruction or rehabilitation of one or more Qualifying Housing Developments or portion thereof in the Area of Operation of the Authority or of any Public Agency by interlocal agreement.

(D) To borrow money through the issuance of Bonds for Qualifying Housing Developments, to provide for and secure the payment thereof and to provide for the rights of the holders hereof.

(E) To make loans to Lending Institutions under terms and conditions requiring the proceeds thereof to be used by such Lending Institutions for the making of mortgages for any Qualifying Housing Development, or portion thereof, located wholly or partially within the Area of Operation of the Authority or of any Public Agency by interlocal agreement. Prior to making a loan to a Lending Institution which makes such loans or provides such financing, the Lending Institution must agree to use the proceeds of such loan within a reasonable period of time to make loans or to otherwise provide financing for the acquisition, construction, reconstruction or rehabilitation of a Qualifying Housing Development or portion thereof, and the Authority must find that such loan will assist in alleviating the shortage of housing and of capital for investment in housing within the Area of Operation of the Authority or of any Public Agency by interlocal agreement.

(F) To deposit funds into an account with a Lending Institution to provide security for the Lending Institution to make loans to Eligible Persons for the purchase, construction, reconstruction or rehabilitation of Qualifying Housing Developments or to developers for the construction, reconstruction or rehabilitation of Qualifying Housing Developments or portions thereof. No funds may be deposited with a Lending Institution in which any depositing Authority member, officer, or employee has an ownership interest.

(G) To invest, at the direction of the party specified by contract to so direct, any fund held in reserves or sinking funds or any funds not required for immediate disbursement in property or securities in which the applicable party may legally invest funds subject to their control, as provided herein or as otherwise provided by ordinance or by local, general or special law.

(H) To make loans directly to Eligible Persons. Such loans must be secured by either first mortgages or subordinated mortgages and must be used to purchase, construct, rehabilitate or refinance Qualifying Housing Developments.

(I) To borrow money through the issuance of anticipation notes, in anticipation of the issuance of Bonds hereunder, for Qualifying Housing Developments, to provide for and secure the payment thereof and to provide for the rights of the holders thereof, as provided by local, general or special law, including without limitation Section 215.431, Florida Statutes.

(J) To enter into interlocal agreements, to further the purposes of this ordinance, with any Public Agency, as provided herein or by general or special law, including without limitation Section 163.01, Florida Statutes.

(K) To exercise all the powers, as to the Authority, of a dependent special district of the City as provided by ordinance or by local, general or special law, including without limitation Chapter 189, Florida Statutes, and to exercise, as to the Authority, all the powers of the City except as herein limited or as otherwise limited by ordinance or by local, general or special law.

(L) To issue Bonds hereunder the interest on which is exempt from gross income for federal income tax purposes and to issue taxable Bonds hereunder, as provided by ordinance or by local, general or special law, including without limitation Chapter 159, Part VII, Florida Statutes.

SECTION 9. No Power of Eminent Domain; No Power To Tax. The Authority shall have no power to acquire any real property by the exercise of the power of eminent domain, and the Authority shall have no power to tax, to accomplish any of the purposes specified in this ordinance.

SECTION 10. Planning, Zoning and Building Laws. Each Qualifying Housing Development shall be subject to the planning, zoning, health, and building laws, ordinances and regulations applicable to the place in which such Qualifying Housing Development is situated, unless otherwise provided by the Public Agency having jurisdiction over such development.

SECTION 11. Bonds.

(A) The Authority may issue Bonds from time to time in the discretion of the Authority for the purposes of this ordinance. The Authority may also issue refunding Bonds for the purpose of paying, retiring or refunding Bonds previously issued by the Authority or by any Public Agency. The Authority may issue such types of Bonds as it may determine by resolution; provided that the principal and interest on such Bonds are payable solely and only from:

(1) The repayment of any loans or mortgages made by the Authority pursuant to the provisions of Section 8 hereof or purchased by the Authority pursuant to Section 8 hereof; or

(2) The sale of any housing loans or mortgages or commitments to purchase housing loans or mortgages which are purchased pursuant to Section 8 hereof; or

(3) Other project revenues and/or any or all funds of the Authority or the City derived from sources other than ad valorem taxation and legally available for such purposes as provided by resolution.

(B) Any Bonds issued pursuant to the provisions of this ordinance shall be secured by a mortgage or other security device as provided by resolution.

(C) In no event shall any Bonds issued pursuant to the provisions of this ordinance be payable from the general revenues of the Authority or the City.

(D) Neither the members of the Authority nor any person executing the Bonds shall be liable personally on the Bonds by reason of the issuance thereof. The Bonds issued pursuant to the provisions hereof, and the Bonds shall so state on their face, shall not be a debt of the City or the state or any political subdivision; and neither the City, nor any state or political subdivision 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 Authority.

SECTION 12. Form and Sale of Bonds.

(A) Bonds of the Authority issued pursuant to this ordinance shall be authorized by a resolution of the Authority and may be issued in one or more series and shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed by such members of the Authority and in such manner, be payable in such means of payment at such places, and be subject to such terms of redemption, with or without premium, as such resolution or any trust indenture, trust agreement, pooling and servicing agreement or other agreement securing the Bonds or anticipation notes entered into pursuant to such resolution, may provide. The provisions of Section 215.84, Florida Statutes, shall apply to such Bonds.

(B) The Bonds issued by the Authority shall be sold by the Authority at public sale or by negotiated sale in accordance with general or special law.

(C) In case any member of the Authority whose signature appears on the Bonds or coupons ceases to be a member before the delivery of the Bonds or coupons, such Bonds shall, nevertheless, be valid and sufficient for all purposes, the same as if such member had remained in office until such delivery. Any provision of law to the contrary notwithstanding, any Bonds issued pursuant to this ordinance shall be fully negotiable, unless and to the extent expressly provided otherwise by resolution of the Authority.

(D) In any suit, action, or proceeding involving the validity or enforceability of any Bonds of the Authority or the security therefor issued pursuant hereto, any such Bond reciting in substance that it has been issued by the Authority to assist in providing financing of a Qualifying Housing Development to alleviate the shortage of housing in its Area of Operation or in the Area of Operation of any Public Agency under an interlocal agreement shall be conclusively deemed to have been issued for a Qualified Housing Development of such character.

SECTION 13. Provisions of Bonds and Trust Indentures. In connection with the issuance of Bonds and in order to secure the payment of such Bonds, the Authority, in addition to the other powers granted pursuant to this ordinance, shall have the powers:

(A) To pledge all or any part of any payment made to the Authority pursuant to any loan agreement or mortgage, or pursuant to a sale of any loan or mortgage, or pursuant to a sale of any loan or mortgage commitment.

(B) To covenant against pledging or assigning all or any part of any payments made pursuant to any loan agreement or mortgage, or pursuant to the sale of any loan or mortgage, or pursuant to the sale of any loan or mortgage commitment, or against permitting or suffering any lien on such payments; and to covenant as to what other, or additional, debts or obligations may be incurred by the Authority with respect to any Qualifying Housing Development.

(C) To covenant as to the Bonds to be issued and as to the issuance of such Bonds in escrow or otherwise and as to the use and disposition of the proceeds thereof; and to provide for the replacement of lost, destroyed, or mutilated Bonds; to covenant against extending the time for the payment of its Bonds or interest thereon; and to redeem the other Bonds, covenant for their redemption; and provide the terms and conditions thereof.

(D) To create or to authorize the creation of special funds for moneys held for construction costs, debt service, reserves or other purposes; and to covenant as to the construction and disposition of the moneys held in such special funds.

(E) To prescribe the procedure, if any, by which the terms of any contract with the holder of any Bonds may be amended or abrogated, the amount of the Bonds the holders of which must consent thereto and the manner in which such consent may be given.

(F) To covenant as to the rights, liabilities, powers and duties arising upon the breach by the Authority of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its Bonds or obligations shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

(G) To vest in a trustee or trustees of the holders of Bonds or any proportion of them the right to enforce the payment of the Bonds or any covenants securing or relating to the Bonds; to vest in a trustee or trustees the right, in the event of a default by the Authority, to collect the payments made pursuant to any loan agreement or pursuant to the sale of any loan or loan commitment and to dispose of such rights in accordance with the agreement of the Authority with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees of the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the Bonds.

SECTION 14. Validation of Bonds And Proceedings.

(A) The Authority may determine its authority to issue any of its Bonds and the legality of all proceedings had or taken in connection therewith, including this ordinance and any interlocal agreements in connection therewith, in the same manner and to the same extent as provided in Chapter 75, Florida Statutes, for the determination by the City of its authority to incur bonded debt or to issue certificates of indebtedness, and of the legality of all proceedings had or taken in connection therewith.

(B) An action or proceeding to contest the validity of any Bond issued under this ordinance, other than a proceeding pursuant to Section 14(A) hereof, must be commenced within 20 days after notification in a newspaper of general circulation within the City of the meeting to adopt a resolution authorizing the issuance of such Bonds.

SECTION 15. Remedies Of An Obligee of the Authority.

(A) An obligee of the Authority shall have the right, in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(1) By mandamus, suit, action, or proceeding at law or in equity, to compel the Authority and the members, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the Authority with or for the benefit of such obligee and to require the carrying out of any or all of the covenants and agreements of the Authority and the fulfillment of all duties imposed upon the Authority by this ordinance.

(2) By suit, action, or proceeding in equity, to enjoin any acts or things which may be unlawful or the violation of any of the rights of the obligee by the Authority.

(B) The Authority shall have power by resolution, trust indenture or other contract to confer upon any obligee holding or representing a specified amount in Bonds, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action, or proceeding in any court of competent jurisdiction:

(1) To obtain the appointment of a receiver of any payments made pursuant to any loan agreement or sale of any loan. If such receiver is appointed, he may collect and receive all payments made pursuant to any such loan agreement or sale of any loan or loan commitment and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of Authority as the court shall direct.

(2) To require the Authority and the members thereof to account as if it and they were the trustees of an express trust.

SECTION 16. Limitation of Liabilities of the Authority and City. In no event shall the liabilities, whether ex contractu or ex delicto, of the Authority or the City arising from the financing of any Qualifying Housing Development be payable from any funds other than the revenues or receipts of such Qualifying Housing Development, except as otherwise provided by resolution of the Authority or City.

SECTION 17. Housing Bonds Exempted From Taxation. The Bonds of the Authority issued under this ordinance, together with all notes, mortgages, security agreements, letters of credit, other instruments which arise out of or are given to secure the repayment of Bonds issued in connection with the financing of any Qualifying Housing Development under this ordinance, as well as the interest thereon and income therefrom, shall be exempt from all taxes to the maximum extent permitted by ordinance or by local, general or special law, including without limitation Section 201.24, Florida Statutes. The exemption granted by this section shall not be

applicable to any tax imposed by Chapter 220, Florida Statutes, on interest, income, or profits on debt obligations owned by corporations.

SECTION 18. Interlocal Agreements. The powers and provisions of this ordinance shall include the power of the Authority to enter into interlocal agreements with one or more Public Agencies of this state or of any state of the United States to extend the Area of Operation of the Authority for the purposes of this ordinance. The Authority may exercise jointly with any Public Agency of this state or of any state of the United States, or of the United States government, any power, privilege or authority which the Authority and such Public Agency share in common and which each might exercise separately. A joint exercise of power pursuant to this ordinance shall be made by contract in the form of an interlocal agreement, consistent with the purposes of this ordinance and the powers established or enumerated by this ordinance, and shall contain such terms and provisions as the Authority may approve by resolution. Prior to its effectiveness, an interlocal agreement and subsequent amendments thereto shall be filed with the clerk of the circuit court of the county within which the Authority is located and within which each Public Agency which is a party to the agreement is located. If a Public Agency does not have a method by which to file the interlocal agreement with the clerk of the circuit court, then filing in the public records of the governing body of such Public Agency shall conclusively establish the effectiveness of the interlocal agreement.

SECTION 19. Authority or City May Act. The powers and provisions of this ordinance may be exercised by the Authority, or by the City acting on its own behalf as if all the powers, rights and terms of this ordinance which apply to the Authority are fully applicable to the City.

SECTION 20. Construction of Law. The provisions of this ordinance shall be liberally construed in order to effectively carry out the purposes of this ordinance.

SECTION 21. Amendments. This ordinance may be amended by the City as provided by general or special law, subject to any limitations imposed by contract entered by the Authority or the City.

SECTION 22. Headings. The captions or headings in this ordinance are for convenience of reference only and shall not control or affect the meaning or construction of any provision hereof.

SECTION 23. Severability. If any one or more of the covenants, agreements, or provisions of this ordinance 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 held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this ordinance or of the Bonds issued hereunder.

SECTION 24. Repealing Clause. All ordinances and resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION 25. Restatement of Prior Ordinance. This ordinance is a restatement in its entirety of an ordinance enacted as an emergency on October 21, 1991.

SECTION 26. Effective Date. This ordinance shall be deemed to take effect upon its date of enactment.

DULY ENACTED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA,

First Reading _____, 1991

Second and final reading _____, 1991

CITY OF ALACHUA, FLORIDA

(SEAL)

Attest:

By: _____
Mayor-Commissioner

By: _____
City Clerk

STATE OF FLORIDA

COUNTY OF ALACHUA

I, _____, Clerk to the City Commission of the City of Alachua, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ as the same was duly enacted and passed by the City on October _____, 1991, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand this ____ day of _____, 1991.

CITY OF ALACHUA, FLORIDA

By: _____
City Clerk

(SEAL)

Original signed copies of this ordinance have not been located. Pursuant to minutes of the City Commission meeting held on December 2, 1991, Ordinance 92-10 was adopted on second reading by unanimous vote of the City Commission.