

MINUTES OF THE MEETING OF THE FAIRFAX COUNTY  
REDEVELOPMENT AND HOUSING AUTHORITY

June 11, 2020

On June 11, 2020, the Commissioners of the Fairfax County Redevelopment and Housing Authority (FCRHA) met electronically via an audio conferencing line because it was not safe to physically assemble a quorum due to the COVID-19 pandemic.

CALL TO ORDER

FCRHA Chair Robert Schwaninger called the Meeting of the FCRHA to order at 7:00 p.m. Attendance for all, or part of the meeting, was as follows:

PRESENT

Robert Schwaninger, Chairman  
C. Melissa McKenna, Vice Chair  
Matthew Bell  
Kenneth Feng  
Lenore Kelly  
Richard Kennedy  
Albert J. McAloon  
Ezra Rosser  
Rod Solomon

ABSENT

Christopher Craig  
Sharisse Yerby

The remote locations from which each Commissioner testified are:

Robert Schwaninger, Chairman – Annandale, Virginia  
C. Melissa McKenna, Vice Chair – Herndon, Virginia  
Matthew Bell – Alexandria, Virginia  
Kenneth Feng – Herndon, Virginia  
Lenore Kelly – Fairfax, Virginia  
Richard Kennedy – Reston, Virginia  
Albert J. McAloon – Springfield, Virginia  
Ezra Rosser - Hartsel, Colorado  
Rod Solomon – Oakton, Virginia

Also present at the meeting via telephone were the following staff of the Department of Housing and Community Development (HCD): Thomas Fleetwood, Director; Amy Ginger, Deputy Director, Operations; Teresa Lepe, Deputy Director, Real Estate, Finance and Development; Vincent Rogers, Director, Policy and Compliance (P&C); Benjamin Boxer, Marketing and Outreach Manager, P&C; Stephen Knippler, Senior Program Manager, P&C; Seema Ajrawat, Director, Financial Management and Information Systems and Services (FM-ISS); Jason Chia, Information Technology Manager, FM-ISS; Stuart Stallman, Financial Specialist, FM-ISS; Mike Trent, Network Analyst, FM-ISS; Peggy Gregory, Director, Rental Assistance; Judith Cabelli,

Director, Affordable Housing Development; Jyotsna Sharma, Associate Director, Real Estate Finance and Grants Management (REFGM); Michael Pearman, Portfolio Manager, REFGM. Also participating via telephone was FCRHA Counsel: Alan Weiss; Ryan Wolf; and Susan Timoner, Assistant County Attorneys. Public access was achieved because the call-in information for the audio conferencing line was properly noticed.

FCRHA Chairman Schwaninger passed the virtual gavel to Vice Chair McKenna.

MOTION

After a complete roll call of the Commission, Chairman Schwaninger made a motion that each Commissioner's voice may be adequately heard by each other Commissioner of the FCRHA.

Commissioner Rosser seconded the motion. The motion passed unanimously.

MOTION

Chairman Schwaninger made a motion that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the FCRHA to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, the Freedom of Information Act's (FOIA) usual procedures, which require the physical assembly of the FCRHA and the physical presence of the public, cannot be implemented safely or practically. Chairman Schwaninger further moved that the FCRHA may conduct this meeting electronically through a dedicated audio conferencing line, and that the public may access this meeting by calling 1-877-402-9757 and entering access code 1789207.

Commissioner McAloon seconded the motion. The motion passed unanimously.

MOTION

Chairman Schwaninger made a motion that all of the matters addressed on the June 11, 2020 agenda must address the Emergency itself, are necessary for continuity in Fairfax County government, and/or are statutorily required or necessary to continue operations and the discharge of the FCRHA's lawful purposes, duties, and responsibilities.

Commissioner McAloon seconded the motion. The motion passed unanimously.

Vice Chair McKenna returned the virtual gavel to Chairman Schwaninger.

PUBLIC HEARING

*Revised Fairfax County Redevelopment and Housing Authority Fiscal Year 2021  
Proposed Budget*

This public hearing was held telephonically under the Emergency Continuity in Governance Ordinance for Fairfax County Boards, Authorities, and Commissions adopted by the Fairfax County Board of Supervisors during the pandemic crisis.

The FCRHA Chair opened the Public Hearing at 7:09 p.m. With no one signed up in advance and no one who had accessed the meeting wishing to speak, the Chair closed the Public Hearing at 7:09 p.m.

PUBLIC HEARING

*Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing on Bond Issuance for  
Arrowbrook (Dranesville District)*

This public hearing was held telephonically under the Emergency Continuity in Governance Ordinance for Fairfax County Boards, Authorities, and Commissions adopted by the Fairfax County Board of Supervisors during the pandemic crisis.

The FCRHA Chair opened the Public Hearing at 7:09 p.m. With no one signed up in advance and no one who had accessed the meeting wishing to speak, the Chair closed the Public Hearing at 7:09 p.m.

CITIZEN TIME

The FCRHA Chair opened citizen time at 7:10 p.m. No one signed up in advance and no one in the audience wanted to speak. The Chair closed citizen time at 7:10 p.m.

APPROVAL OF MINUTES

**March 5, 2020**

Commissioner McKenna moved to approve the Minutes of the March 5, 2020, FCRHA Meeting, which Commissioner McAloon seconded. The motion passed with Commissioner Bell abstaining.

**April 2, 2020**

Commissioner McAloon moved to approve the Minutes of the April 2, 2020, FCRHA Meeting, which Commissioner Rosser seconded. The motion passed unanimously.

### **May 18, 2020 Special Meeting**

Commissioner Kennedy moved to approve the Minutes of the May 18, 2020, FCRHA Special Meeting, which Commissioner Bell seconded. The motion passed with Commissioner McKenna abstaining.

#### ACTION ITEM

1.

#### **RESOLUTION NUMBER 30-20**

Adoption of the Revised Fairfax County Redevelopment and Housing Authority (FCRHA) Strategic Plan for Fiscal Year (FY) 2021 and Certification of the FCRHA Proposed FY 2021 Budget as Consistent with the Revised FCRHA Strategic Plan for FY 2021

**WHEREAS**, the Fairfax County Redevelopment and Housing Authority (FCRHA) adopted a Five-Year Strategic Plan for the period from July 1, 2010, through June 30, 2015; and

**WHEREAS**, the FCRHA extended its Five-Year Strategic Plan through Fiscal Year (FY) 2018 (June 30, 2018); and

**WHEREAS**, the FCRHA annually adopts a Strategic Plan – Action Plan outlining how the FCRHA and the Department of Housing and Community Development will meet the goals of the Five-Year Strategic Plan; and

**WHEREAS**, for FY 2019, the FCRHA adopted the FCRHA Strategic Plan for FY 2019, which incorporated the elements of the extended FCRHA Five-Year Strategic Plan into one Strategic Plan and Action Plan document; and

**WHEREAS**, the FCRHA desires to continue implementing an FCRHA Strategic Plan that contains a detailed action plan of projects to be undertaken during the fiscal year; and

**WHEREAS**, the FCRHA adopted the FCRHA Strategic Plan for FY 2021 on May 5, 2020, and;

**WHEREAS**, the County's adopted budget for FY 2021 is significantly different than the original Advertised Budget that was used for the FCRHA Strategic Plan for FY 2021, necessitating the development of a revised FCRHA Strategic Plan for FY 2021 that includes revised estimates of the potential investments to address the plan's major strategic areas during FY 2021;

**NOW THEREFORE BE IT RESOLVED THAT** the FCRHA does hereby adopt the revised FCRHA Strategic Plan for FY 2021, as presented to the FCRHA at its meeting on June 11, 2020, and

**BE IT FURTHER RESOLVED THAT** the FCRHA certifies, as described in the Action Item presented at the June 11, 2020, FCRHA meeting, that the proposed FY 2021 FCRHA Budget, which has been duly advertised and was the subject of a public hearing on June 11, 2020, is consistent with the adopted revised FCRHA Strategic Plan for FY 2021.

Commissioner Kennedy moved to adopt Resolution Number 30-20, which Commissioner McKenna seconded. The motion passed unanimously.

2.

#### **RESOLUTION NUMBER 31-20**

Adoption of the Fiscal Year (FY) 2021 Consolidated Fairfax County  
Redevelopment and Housing Authority/Department of Housing and Community  
Development Operating and Capital Budget Plan

**BE IT RESOLVED**, that the Fairfax County Redevelopment and Housing Authority (FCRHA) adopts the FY 2021 Consolidated FCRHA/Department of Housing and Community Development (HCD) Operating and Capital Budget plan for those funds appropriated by the FCRHA as presented to the FCRHA at its June 11, 2020 meeting; and

**BE IT FURTHER RESOLVED**, that the FCRHA acknowledges the Operating and Capital budget plan and the FCRHA's requests for those funds appropriated by Fairfax County as presented to the FCRHA at its June 11, 2020 meeting.

Commissioner McKenna moved to adopt Resolution Number 31-20, which Commissioner Bell seconded. The motion passed unanimously.

3.

**RESOLUTION NUMBER 32-20**

Authorization to Exercise the Option to Purchase Five Affordable Dwelling Units at the Crest of Alexandria (Lee District)

**BE IT RESOLVED** that the Fairfax County Redevelopment and Housing Authority (FCRHA) hereby authorizes the purchase of five (5) Affordable Dwelling Units (ADUs) at the Crest of Alexandria; and

**BE IT FURTHER RESOLVED** that the FCRHA hereby authorizes spending up to \$924,487 from the Housing Trust Fund for the acquisition of five (5) ADUs at the Crest of Alexandria development; and

**BE IT FURTHER RESOLVED** that the FCRHA authorizes its Chairman, Vice Chairman or any Assistant Secretary to execute all documents and agreements and to take any other steps necessary or appropriate in connection with the purchase of the units as described in the Action Item presented to the FCRHA on June 11, 2020.

Commissioner McAloon moved to adopt Resolution Number 32-20, which Commissioner Kennedy seconded. The motion passed with Commissioner Feng abstaining.

4.

**RESOLUTION NUMBER 33-20**

Authorization Not to Exercise the Option to Purchase Eight Affordable Dwelling Units in West Oaks Corner (Springfield District)

**BE IT RESOLVED** that the Fairfax County Redevelopment and Housing Authority (FCRHA) hereby authorizes not to exercise the option to purchase eight (8) Affordable Dwelling Units (ADUs) in West Oaks Corner, as described in the Action Item presented to the FCRHA at its meeting on June 11, 2020.

After a brief discussion, Commissioner Feng moved to adopt Resolution Number 33-20, which Commissioner Bell seconded. The motion passed unanimously.

5.

**RESOLUTION NUMBER 34-20**

Fairfax County Redevelopment and Housing Authority Approval of the Issuance of an Additional Series of Tax-Exempt and/or Taxable Multifamily Housing Revenue Bonds for the Murraygate Village Apartments Project (the "Series 2020 Bonds") in an Aggregate Amount Not to Exceed \$4,000,000, and Authorizing and Approving the Execution and Delivery of Various Documents in Connection with the Issuance of the Bonds; Providing for the Sale of the Bonds; Setting Forth the Terms and Conditions Upon which the Bonds are to be Issued and Sold; and Providing for Certain Other Matters in Connection with the Issuance, Sale and Delivery of the Bonds (Lee District)

**WHEREAS**, the Fairfax County Redevelopment and Housing Authority (the "Authority") is a political subdivision of the Commonwealth of Virginia, established pursuant to the Housing Authority Law, Title 36, Chapter 1, Code of Virginia of 1950, as amended (the "Act"), and is authorized thereby to issue its notes and bonds from time to time to fulfill its public purposes within the meaning of the Act; and

**WHEREAS**, the Authority previously issued its Multifamily Housing Revenue Bonds (Murraygate Village Apartments Project) Series 2018 in the aggregate principal of \$20,000,000 (the "Prior Bonds") to provide financing for the 200-unit affordable multifamily rental housing project known as Murraygate Village Apartments, located in Fairfax County at 7800 Belford Drive, Fairfax, Virginia (the "Project"); and

**WHEREAS**, the Project requires additional financing, and pursuant to and in accordance with the Act, the Authority desires to issue and sell its Multifamily Housing Revenue Bonds for the Murraygate Village Apartments Project in one or more series or subseries (the "Bonds") in an aggregate principal amount not to exceed \$4,000,000; and

**WHEREAS**, the proceeds of the Bonds will be loaned to the Owner named below to be used, together with other sources, to: (1) finance, refinance or reimburse additional costs related to the acquisition, construction, rehabilitation and equipping of the Project, (2) fund capitalized interest and other related reserves, if any, and (3) pay costs of issuance of the Bonds; and

**WHEREAS**, the Project is owned by Murraygate Village Limited Partnership, a Virginia limited partnership (the "Owner"); and

**WHEREAS**, Thomas E. Fleetwood as Assistant Secretary on behalf of the Authority executed a Declaration of Intent on February 19, 2020, evidencing the Authority's intent to issue and sell the Bonds in an aggregate principal amount not to exceed \$4,000,000; and

**WHEREAS**, the Authority on March 5, 2020, approved the proposed additional financing of the Project; and

**WHEREAS**, pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”), the Authority is required to hold a public hearing (“TEFRA Hearing”) in connection with issuance of the Bonds on a tax-exempt/taxable basis; and

**WHEREAS**, the Authority held a TEFRA Hearing on March 5, 2020; and

**WHEREAS**, for purposes of compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the proposed financing was approved by the Fairfax County Board of Supervisors (“Board”) at its meeting held on March 24, 2020, and the Board readopted the approval of the issuance of bonds on March 24, 2020; and

**WHEREAS**, in connection with the sale of the Bonds, the Authority desires to enter into a Bond Purchase Agreement (the “Bond Purchase Agreement”) with Stifel, Nicolaus and Company, Incorporated (the “Underwriter”) and the Owner; and

**WHEREAS**, there have been prepared proposed forms of:

(i) the Amended and Restated Trust Indenture (the “Indenture”) by and between the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”), pursuant to which the Bonds will be issued;

(ii) the Amended and Restated Loan Agreement by and between the Authority and the Owner;

(iii) the Amended and Restated Land Use Restriction Agreement by and among the Authority, the Trustee and the Owner;

(iv) the Bond Purchase Agreement by and among the Authority, the Owner and the Underwriter; and

(v) the preliminary Remarketing Memorandum (the “Remarketing Memorandum”) to be used by the Underwriter in connection with the preliminary offering of the Bonds.

**NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY:**

Section 1. ***Incorporation of Recitals.*** The Recitals contained in this Resolution are true and correct and are incorporated in this Resolution by this reference.

Section 2. ***Issuance of the Bonds.*** The Commissioners of the Authority (the “Commissioners”) hereby authorize the issuance of the Bonds by the Authority, for the purpose of providing a loan of the proceeds of the Bonds to the Owner to be used,



together with other sources, to: (a) finance, refinance or reimburse additional costs related to the acquisition, construction, rehabilitation and equipping of the Project, (b) fund capitalized interest and other related reserves, if any, and (c) pay costs of issuance of the Bonds. The principal amount of the Bonds shall not exceed in one or more series, or subseries, in the aggregate \$4,000,000. The Bonds shall be issued in authorized denominations as set forth in the Indenture, numbered as the Trustee shall determine, and shall be fully registered without coupons. The Bonds shall be issued on a parity basis with the Prior Bonds.

The Bonds shall be dated as set forth in the Indenture and approved by the Chairman, Vice Chairman, or an Assistant Secretary of the Authority. The Bonds shall mature not more than four (4) years from their date of issuance and be sold at a price not less than 100 percent of the principal amount thereof. The Bonds shall bear interest initially at a term rate to be established at the time of pricing and sale of the Bonds, and thereafter in accordance with the remarketing provisions of the Indenture.

The Bonds shall be executed on behalf of the Authority by, and bear the manual or facsimile signature of, the Chairman or the Vice Chairman of the Authority, duly attested by the manual or facsimile signature of an Assistant Secretary of the Authority or any other person authorized by an Assistant Secretary to do same ("Authorized Representative"), and the seal of the Authority shall be thereunto affixed (or imprinted or engraved if in facsimile).

The Bonds shall be in the form set forth in the final form of the Indenture.

Section 3. **Sale of Bonds.** The Authority hereby authorizes the sale of the Bonds to the Underwriter pursuant to a Bond Purchase Agreement.

Section 4. **Limited Obligation.** The Bonds shall be limited obligations of the Authority, secured by and payable solely from the trust estate pledged under the Indenture.

THE BONDS AND THE INTEREST THEREON WILL BE LIMITED OBLIGATIONS OF THE AUTHORITY AND WILL BE PAYABLE SOLELY FROM THE SOURCES DESCRIBED IN THE INDENTURE. NEITHER THE COMMISSIONERS OF THE AUTHORITY NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY THEREON BY REASON OF THE ISSUANCE THEREOF. THE BONDS AND THE INTEREST THEREON SHALL NOT BE A DEBT OF THE COUNTY OF FAIRFAX, VIRGINIA, THE COMMONWEALTH OF VIRGINIA OR ANY POLITICAL SUBDIVISION THEREOF (OTHER THAN THE AUTHORITY) AND NEITHER THE COUNTY OF FAIRFAX, VIRGINIA NOR THE COMMONWEALTH OF VIRGINIA OR ANY POLITICAL SUBDIVISION THEREOF (OTHER THAN THE AUTHORITY) SHALL BE LIABLE THEREON NOR IN ANY EVENT SHALL THE BONDS BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN THOSE OF THE AUTHORITY AS PLEDGED THERETO UNDER THE INDENTURE. THE BONDS SHALL NOT

CONSTITUTE AN INDEBTEDNESS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY DEBT LIMITATION OR RESTRICTION. THE AUTHORITY HAS NO TAXING POWER.

Section 5. **Indenture.** The Indenture is hereby approved in the form made available at this meeting. The Chairman or the Vice Chairman of the Authority is hereby authorized and directed to execute and deliver the Indenture in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by the Chairman or the Vice Chairman, the execution of the Indenture being conclusive evidence of such approval and of the approval of the Authority; and any Authorized Representative, is hereby authorized and directed to attest the signature of the Chairman or the Vice Chairman to the Indenture and affix the seal of the Authority to the Indenture.

Section 6. **Trustee.** The Bank of New York Mellon Trust Company, N.A. is hereby appointed the Trustee under the Indenture. The Indenture may provide that the Trustee thereunder, or another corporate entity, shall act as bond registrar, paying agent and authenticating agent.

Section 7. **Delivery of Bonds.** After execution on behalf of the Authority, the Bonds shall be delivered to the Trustee, which is hereby authorized and requested to authenticate and deliver the Bonds to the Underwriter for the benefit of the registered owners thereof.

Section 8. **Bond Counsel.** Ballard Spahr LLP is hereby appointed Bond Counsel in connection with the issuance and sale of the Bonds.

Section 9. **Underwriter.** Stifel, Nicolaus and Company, Incorporated, is hereby appointed Underwriter in connection with the issuance and sale of the Bonds.

Section 10. **Remarketing Agent.** Stifel, Nicolaus and Company, Incorporated, is hereby appointed as Remarketing Agent in connection with the remarketing of the Bonds in accordance with the Indenture.

Section 11. **Bond Purchase Agreement.** The Bond Purchase Agreement is hereby approved in the form made available at this meeting. The Chairman, Vice Chairman, Secretary or an Assistant Secretary of the Authority is hereby authorized and directed to execute and deliver the Bond Purchase Agreement in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by the Chairman, the Vice Chairman, the Secretary, or an Assistant Secretary, the execution of the Bond Purchase Agreement being conclusive evidence of such approval and of the approval of the Authority.

Section 12. **Land Use Restriction Agreement.** The Land Use Restriction Agreement is hereby approved in the form made available at this meeting. The Chairman,

Vice Chairman, Secretary or an Assistant Secretary of the Authority is hereby authorized and directed to execute and deliver the Land Use Restriction Agreement in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by the Chairman, Vice Chairman, Secretary or an Assistant Secretary of the Authority, the execution of the Land Use Restriction Agreement being conclusive evidence of such approval and of the approval of the Authority.

Section 13. **Tax Agreement.** The Chairman, Vice Chairman, Secretary or an Assistant Secretary of the Authority is hereby authorized and directed to execute and deliver on behalf of the Authority (i) the No Arbitrage Certificate and Tax Agreement (the "Tax Agreement") prepared by Bond Counsel, the execution of such Tax Agreement being conclusive evidence of the approval of the Authority and (ii) an Internal Revenue Service Form 8038 relating to the Bonds prepared by Bond Counsel.

Section 14. **Loan Agreement.** The Loan Agreement is hereby approved in the form made available at this meeting. The Chairman or Vice Chairman of the Authority is hereby authorized and directed to execute and deliver the Loan Agreement and the Secretary or an Assistant Secretary of the Authority, or any Authorized Representative, is hereby authorized and directed to attest the signature of the Chairman or the Vice Chairman to the Loan Agreement and to affix the seal of the Authority to the Loan Agreement in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by the Chairman or the Vice Chairman, the execution of the Loan Agreement being conclusive evidence of such approval and of the approval of the Authority.

Section 15. **Remarketing Memorandum.** Use by the Underwriter of the Remarketing Memorandum in substantially the preliminary form made available at this meeting in connection with the preliminary offering of the Bonds by the Underwriter is hereby authorized and approved, with such additions, deletions and modifications to the preliminary Remarketing Memorandum as may be approved by counsel for the Authority. The Chairman, Vice Chairman, Secretary or an Assistant Secretary of the Authority is hereby authorized and directed to execute and deliver the final Remarketing Memorandum, the execution of which being conclusive evidence of the approval by the Authority for the use by the Underwriter of the final Remarketing Memorandum in connection with the offering and sale of the Bonds by the Underwriter.

Section 16. **Registration under "Blue Sky" Laws.** The Chairman, Vice Chairman, an Assistant Secretary of the Authority or, in their absence, any Authorized Representative is hereby authorized in the name and on behalf of the Authority to take any and all action, if any, which the Underwriter shall reasonably request and which the Chairman, Vice Chairman, or any Assistant Secretary may deem necessary, or advisable, with the advice of counsel for the Authority, in order to effect the registration or qualification (or exemption therefrom) of the Bonds for issue, offer, sale or trade under the "Blue Sky" or securities laws of any of the states of the United States of America and in connection

therewith, to execute, acknowledge, verify, deliver, file or cause to be published any applications, reports, consents to service of process and other papers and instruments which may be required under such laws, and to take any and all further action which such officer may deem necessary or advisable in order to maintain any such registration or qualification for as long as the Chairman, Vice Chairman, or any Assistant Secretary deems necessary or as required by law or by the Underwriter; provided, however, the Chairman, Vice Chairman, or any Assistant Secretary of the Authority shall not consent to service of process in any jurisdiction in which the Authority is not now subject to service of process.

Section 17. **Other Action.** The Chairman, Vice Chairman, or any Assistant Secretary of the Authority or any Authorized Representative is hereby authorized and directed to execute and deliver any and all additional documents, certificates and instruments necessary or proper to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Resolution and with respect to the securing, issuance and sale of the Bonds.

Section 18. **No Personal Liability.** No stipulation, obligation or agreement herein contained or contained in the Indenture, the Loan Agreement, the Bond Purchase Agreement, the Land Use Restriction Agreement, the Tax Agreement, the Bonds or in any other agreement, certificate or document executed on behalf of the Authority shall be deemed to be a stipulation, obligation or agreement of any Commissioner, officer, agent or employee of the Authority in his or her individual capacity, and no such Commissioner, officer, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 19. **Action Approved and Confirmed.** All acts and doings of the Commissioners, officers, agents or employees of the Authority which are in conformity with the purposes and intent of this Resolution and in the furtherance of the issuance of the Bonds and the execution, delivery and performance of the documents and agreements authorized hereby are in all respects approved and confirmed.

Section 20. **Severability.** If any provision of this Resolution shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provision or cause any other provisions to be invalid, inoperative or unenforceable to any extent whatsoever.

Section 21. **Repealer; Effective Date.** Any resolutions or orders or parts thereof in conflict with this Resolution are to the extent of such conflict hereby repealed. This Resolution shall take effect immediately upon its adoption.

***ADOPTED AND APPROVED*** this 11<sup>th</sup> day of June, 2020.

Commissioner McAloon moved to adopt Resolution Number 34-20, which Commissioner Kennedy seconded. The motion passed unanimously.

6.

**RESOLUTION NUMBER 35-20**

Authorization, Subject to the Approval of the Fairfax County Board of Supervisors, to Issue Tax-Exempt Multifamily Housing Revenue Bonds in an Aggregate Amount Not to Exceed \$22,500,000 and Apply to the Virginia Department of Housing and Community

Development (VADHCD) for Private Activity Bond Allocation for the Benefit of Ovation at Arrowbrook (Dranesville District)

**WHEREAS**, the Fairfax County Redevelopment and Housing Authority (the “Authority”) is a political subdivision of the Commonwealth of Virginia, established pursuant to the Virginia Housing Authority Law, Title 36, Chapter 1, *Code of Virginia*, 1950, as amended (the “Act”), and is authorized thereby to issue its notes and bonds from time to time to fulfill its public purposes within the meaning of the Act; and

**WHEREAS**, pursuant to and in accordance with the Act, the Authority desires to issue and sell its Multifamily Housing Revenue Bonds (Ovation at Arrowbrook Project) in one or more series or subseries in the aggregate principal amount not to exceed \$22,500,000 (the “Bonds”) on a tax-exempt basis; and

**WHEREAS**, the proceeds of the Bonds will be used, together with other sources, to provide financing for the construction of 148 units in the multifamily housing project known as Ovation at Arrowbrook (the “Project”), located in Fairfax County, on Fairfield Ridge Avenue, Herndon, Virginia; and

**WHEREAS**, the Project will be owned by Arrowbrook Apartments II, LLC; and

**WHEREAS**, the Bonds are and will be limited obligations, payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued; and as required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) will be liable thereon, nor in any event shall the Bonds be payable out of any funds other than those

received by the Authority pledged therefore pursuant to the Indenture, and the Bonds shall not constitute an indebtedness by the Authority within the meaning of any constitutional or statutory debt limitation or restriction; and

**WHEREAS**, Thomas Fleetwood as Assistant Secretary on behalf of the Authority executed a Declaration of Intent on June 4, 2020, evidencing the Authority's intent to issue and sell the Bonds in an aggregate principal amount not to exceed \$22,500,000; and

**WHEREAS**, pursuant to Section 147 of the Internal Revenue Code, the Authority is required to hold a public hearing ("TEFRA Hearing") in connection with the issuance of the tax-exempt Bonds; and

**WHEREAS**, the Authority held the TEFRA Hearing on June 11, 2020; and

**WHEREAS**, for the purposes of compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the proposed bond issue must be approved by the Fairfax County Board of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED**, that the Authority authorizes all necessary actions be taken in order for the Authority to request the Fairfax County Board of Supervisors to approve the proposed bond issue as described in the Action Item presented to the Authority at its meeting on June 11, 2020, and submit an application to VADHCD for Private Activity volume cap for the Project.

Commissioner McKenna moved to adopt Resolution Number 35-20, which Commissioner Kennedy seconded. The motion passed unanimously.

ADMINISTRATIVE ITEM

1.

**RESOLUTION NUMBER 36-20**

Approval of Revisions to the Housing Choice Voucher Program Administrative Plan –  
Chapter 11: Reexaminations

**BE IT RESOLVED** that the Fairfax County Redevelopment and Housing Authority (FCRHA) approves the revision of Chapter 11, Reexaminations, of its Housing Choice Voucher Program Administrative Plan, as presented to the FCRHA at its meeting on June 11, 2020.

Commissioner Kennedy moved to adopt Resolution Number 36-20, which Commissioner McAloon seconded. The motion passed unanimously.

INFORMATION ITEMS

1. Summary of the Board of Supervisors' Housing Committee Meeting – March 31, 2020
2. Fairfax Draft Fiscal Year (FY) 2021 Housing Blueprint

BOARD MATTERS – See Attachment

ADJOURNMENT

The Chairman adjourned the meeting at 7:30 p.m.

(Seal)

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Robert Schwaninger, Chairman

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Thomas Fleetwood, Assistant Secretary