

RESOLUTION NO. 2009-R-146

SUPPORTING THE CREATION OF THE LAREDO PUBLIC FACILITY CORPORATION UNDER CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF LAREDO, TEXAS; AUTHORIZING THE CITY'S STAFF TO NEGOTIATE TERMS WITH THE NRP GROUP L.L.C., REGARDING A PROPOSED LOW INCOME HOUSING TAX CREDIT PROJECT AND AUTHORIZING THE FILING OF THE NECESSARY APPLICATIONS FOR LOW INCOME HOUSING TAX CREDITS; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Laredo, Texas (the "City") desires to create the Laredo Public Facility Corporation (the "PFC") as a public facility corporation under Chapter 303 of the Texas Local Government Code, as amended (the "Act");

WHEREAS, the purpose the PFC will be to provide for the financing, acquisition, and construction of public facilities under the Act, including multifamily housing facilities;

WHEREAS, the City Council of the City (the "City Council") has been presented with an offer to create the PFC to serve as the sole member of the general partner of a tax credit partnership;

WHEREAS, the City wishes to participate in 9% tax credit transactions;

WHEREAS, the City Council desires the City staff to negotiate with the NRP Group LLC ("NRP") regarding such transaction, to evaluate such transaction, and to take all actions necessary to file the tax credit application therefore;

WHEREAS, the City Council hereby designates NRP as the development consultant for the PFC's proposed low income housing tax credit pre-application (the "Application") to be filed with the Texas Department of Housing and Community Affairs ("TDHCA");

WHEREAS, NRP is authorized to submit the Application to TDHCA for low income housing tax credits on behalf of the PFC;

WHEREAS, the City Council authorizes the City Manager, the City Attorney, or their duly authorized representatives (the "City Staff") to enter into discussions with NRP regarding the PFC becoming the sole member of the General Partner of a tax credit partnership being developed by NRP;

WHEREAS, the City Council of the City ("City Council") has determined that it is in the public interest and to the benefit of the citizens of the State of Texas and the residents of the City to consider the creation of the PFC to finance, refinance, or provide for the costs of public facilities to be located in the City, as provided under Section 303.023 of the Act; and

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1. City Council hereby indicates its intent to participate in the project, appoints NRP as the development consultant for the Application and consents to NRP initiating the process, filing and executing the Application on behalf of the City, the PFC, and the tax credit partnership.

Section 2. City Council hereby authorizes the City Staff to initiate the creation of documents necessary for the PFC, including, but not limited to the Articles of Organization and the Bylaws, and instructs the City Staff to negotiate a Memorandum of Understanding for the PFC to participate in a 9% tax credit project being developed by NRP, and all such documents listed herein shall be presented to the City Council for final approval.

Section 3. All applications and filings necessary to maintain the tax credits, the creation of any necessary limited liability companies or partnerships, and the execution of any required real estate contracts are approved; **provided however, each of such project must be brought back to the City Council for final approval before any financial obligation that is not subject to reimbursement by the developer can be incurred on the part of the City.**

Section 4. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City.

Section 6. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

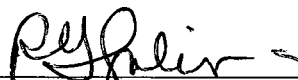
Section 7. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 9. This resolution is effective upon its passage.


PASSED AND APPROVED this 21 day of December, 2009.

CITY OF LAREDO, TEXAS

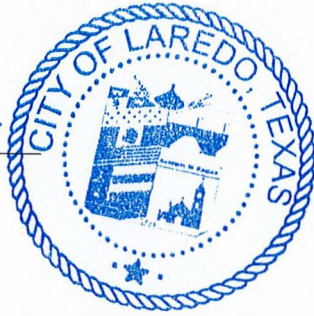


Raul G. Salinas, Mayor

ATTEST:



Gustavo Guevara
City Secretary



APPROVED AS TO FORM:



Raul Casso, City Attorney

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

P.O. Box 13528 • AUSTIN, TX 78711-3528



JUNE 30, 2011

LAREDO PUBLIC FACILITY CORPORATION
1110 HOUSTON ST.
LAREDO, TX 78040

DEAR GUSTAVO GUEVARA JR,

We have been notified by the Texas Secretary of State's office that you are the registered agent for this newly established nonprofit corporation. As manager of the Comptroller's Tax Policy Division, I would like to give you some information about your corporation's Texas franchise tax responsibilities.

A franchise tax is imposed on each taxable entity formed in Texas or doing business in Texas. Nonprofit corporations are considered taxable entities which must file an annual franchise tax return and public information report. Nonprofit corporations can apply for an exemption from the tax. If your corporation qualifies for a franchise tax exemption, it may also qualify for exemption from sales and hotel taxes.

I've enclosed a publication, Guidelines to Texas Tax Exemptions, which describes the various exemption categories. If you believe your corporation qualifies, our applications are online at www.window.state.tx.us/taxinfo/exempt/, or you can call us at the number below.

Until your application is received and an exemption is granted, your corporation is responsible for filing and paying state franchise tax. The first report is due May 15 of next year. If the 15th falls on a weekend, the due date will be the next business day. A letter with filing instructions will be mailed to the address on file--currently the address on this letter.

I hope this information is helpful. To change the corporation's mailing address, or for any other questions, please call (800) 252-1381, send us an e-mail at tax.help@cpa.state.tx.us or write to us at Exempt Organizations Section, Comptroller of Public Accounts, P.O. Box 13528, Austin, Texas 78711-3528.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryant K. Lomax".

Bryant K. Lomax
Manager, Tax Policy Division

Enclosures

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

WWW.WINDOW.STATE.TX.US



May 20, 2011

LAREDO PUBLIC FACILITY CORPORATION
1110 HOUSTON ST
LAREDO TX 78040-8019

Taxpayer number	32044244153
File number	0801425325
WebFile number	FQ076953

Now that you're a registered Texas entity...

The Texas Secretary of State has notified us that this entity has registered with their office. As a result of the filing, we have created a franchise tax account for the entity in accordance with Section 171.0002, Texas Tax Code.

The first franchise tax report for this entity is due on 05/15/2012. You will receive a letter with filing instructions prior to the due date.

To assist us in properly setting up the entity's franchise tax account, please complete an online Franchise Tax Accountability Questionnaire within 30 days. The questionnaire is available at www.window.state.tx.us/webfile, under Other Electronic Reporting Tools. Once you have registered as a MyCPA user, you will be directed to the questionnaire where you will be prompted for the WebFile number contained in this letter.

Need more information? Visit us online at www.franchisetax.tx.gov, send an e-mail to tax.help@cpa.state.tx.us or call (800) 252-1381. Our local number is (512) 463-4600.

COUNCIL COMMUNICATION

DATE: 12/21/09	SUBJECT: RESOLUTION NO. 2009-R-146 SUPPORTING THE CREATION OF THE LAREDO PUBLIC FACILITY CORPORATION UNDER CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF LAREDO, TEXAS; AUTHORIZING THE CITY'S STAFF TO NEGOTIATE TERMS WITH THE NRP GROUP L.L.C., REGARDING A PROPOSED LOW INCOME HOUSING TAX CREDIT PROJECT AND AUTHORIZING THE FILING OF THE NECESSARY APPLICATIONS FOR LOW INCOME HOUSING TAX CREDITS; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH.	
INITIATED BY: Carlos R. Villarreal City Manager	STAFF SOURCE: Raul Casso, IV City Attorney	
PREVIOUS ACTION: N/A		
BACKGROUND: THE NRP GROUP HAS DEVELOPED A PROPOSAL TO THE CITY OF LAREDO REGARDING THE CREATION OF A TAX CREDIT PARTNERSHIP AND THE FILING OF LOW INCOME HOUSING TAX CREDIT APPLICATION WITH THE TEXAS DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT. THE CREATION OF A PUBLIC FACILITY CORPORATION WILL BE REQUIRED. AN ESSENTIAL FUNDING ELEMENT FOR THE PROJECT IS A PROPERTY TAX EXEMPTION.		
FINANCIAL:		
RECOMMENDATION:	STAFF RECOMMENDATION:	