



Richland County Council

SPECIAL CALLED MEETING

December 16, 2021
Immediately Following Zoning Public Hearing
Council Chambers

1. **CALL TO ORDER**

The Honorable Paul Livingston, Chair

2. **ADOPTION OF AGENDA**

3. **REPORT OF THE COUNTY ADMINISTRATOR**

A. **Magistrate Capital Improvement Project Priority List**
[PAGES 2-5]

4. **An Ordinance establishing new electoral districts for the election of members of Richland County Council pursuant to the United States Census of 2020 and in compliance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended [FIRST READING]**
[PAGES 6-7]

5. **Resolution to Approve the Issuance of Revenue Bonds for Brookfield Pointe by the Columbia Housing Authority [PAGES 8-22]**

6. **ADJOURNMENT**

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	M David Scott	Title:	Chief Magistrate
Department:	Magistrates' Court	Division:	
Date Prepared:	November 29, 2021	Meeting Date:	December 16, 2021
Legal Review	Patrick Wright via email	Date:	December 01, 2021
Budget/Finance Review	Stacey Hamm via email	Date:	December 02, 2021
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM	
Committee	Renaissance Ad Hoc		
Subject:	CIP Priority List		

STAFF'S RECOMMENDED ACTION:

Attached is my recommendation on how we prioritize use of Capital Improvement Project funds for the Richland County Magistrate Court System.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department's current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If no, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Please see the attached and comments. There is \$8 million currently allocated within the Capital Improvement Project (CIP) budget for magistrate office use.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

Whether County owned or rented [property], we need to ensure facilities are compliant with local, state and federal regulations and laws.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

STRATEGIC & GENERATIVE DISCUSSION:

I propose purchasing suitable buildings that can be modified at a reasonable cost to suit our collective needs or purchasing new properties and developing those properties to be used to house those Magistrates' Offices that are presently in leased facilities or in outdated buildings that are no longer suitable for use as public buildings or as Court buildings.

The citizens of the affected regions and from the whole County would benefit greatly from new or updated buildings and the County will save money in the long run because the County will own and maintain the properties as opposed to continuing to pay taxpayer money to landlords, some of whom are completely unresponsive to their tenant's needs.

The alternative to not attempting to purchase properties is to continue to pay money to landlords or alternatively to continue to occupy spaces that are not ADA compliant and are not safe to the public or the employees who work in these locations.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Some council members have expressed interest in buying properties to house Magistrate's Offices as opposed to leasing facilities. In my opinion, investing in County-owned properties would be an excellent investment for the county and would immediately mitigate, and eventually eliminate, the need to rent office space for Magistrates' Offices.

ATTACHMENTS:

1. Fiscal Year 2021/22 Priority List for CIP fund usage.

Priority #1: Lykesland Magistrate

Facility purchase	\$ 735,000
Land purchase	\$ 75,000
Renovation	\$ 560,000
Furniture, fixtures, equipment	\$ 30,000
Project Total	\$1,400,000

Priority #2: Dentsville Magistrate

I propose using space in the old Columbia Mall on Two Notch to relocate the Dentsville Magistrate. I understand the County currently owns a substantial portion of that property. Technically, the location is outside the Dentsville Magisterial District but it is no more than half a mile from the district line.

Costs would depend on availability of space and suitability of that space for the needs of a Magistrate’s Office. Dentsville has been located at Central court for a number of years now.

If we cannot relocate Dentsville to the mall, then we will need to identify another property and develop or renovate that property.

Priority #3: Decker Center

Employee walk-in gate repair	\$100,000
Project Total	\$100,000

Priority #4: Eastover Magistrate/RCSD Substation

New law complex; RCSD Substation – Region 8	\$3,130,267
Land purchase	\$ 45,000
Furniture, fixtures, equipment	\$ 20,000
Project Total	\$ 3,195,267

Priority #5: Dutch Fork/RCSD Substation

Parking lot, rear and sides	\$300,000
Bathrooms ADA compliant & usable	\$156,000
Roof repairs	\$245,000
Fence repairs	\$100,000
Project Total	\$801,000

There have been discussions about the condition of the Dutch Fork facility since I have been Magistrate. The proposal set forth above is the last one of which I am aware. In my opinion and based on my personal knowledge of the facility, investing money in the present facility is wasteful. Ideally, we would locate a new property and develop or remodel the property. Two possibilities are the old Wal-Mart building at the corner of

Broad River Road and Beatty Road and the Old Antique Mall on Broad River Road. I understand the County currently owns the Old Antique Mall property.

Priority 6: Upper Township/RCSD Substation

Completion of RCSD Substation	\$360,000
Project Total	\$360,000

Priority #7: Hopkins Magistrate/RCSD Substation

RCSD Substation – Region 1	\$1,100,000
Project Total	\$1,100,000

Note: I have not included Pontiac Magistrate in this list. The Pontiac Magistrate’s office at 10509 Two Notch Road is likely the most dilapidated Courthouse in the County. I have previously submitted a Briefing Document proposing a new location for Pontiac. After I submitted that document, the office became overran with mice and I am temporarily relocating the Pontiac Magistrate to the Decker Center in the space recently vacated by Judge Stroman, the Hopkins Magistrate.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-21HR

AN ORDINANCE ESTABLISHING NEW ELECTORAL DISTRICTS FOR THE ELECTION OF MEMBERS OF RICHLAND COUNTY COUNCIL PURSUANT TO THE UNITED STATES CENSUS OF 2020 AND IN COMPLIANCE WITH SECTION 4-9-90 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. Incident to the adoption of this Ordinance, the County Council of Richland County, South Carolina, finds, as a fact, that each of the statements hereinafter set forth is in all respects true and correct:

(a) The United States Department of Commerce has declared final the results of the federal decennial census of 2020 (the “2020 Census”); and

(b) In compliance with the United States Constitution, the Constitution of the State of South Carolina, Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended, Act No. 881, 1976 S.C. Acts 2501, and relevant portions of the United States Voting Rights Act, as amended, the Council has determined to realign the electoral districts for the election of members of Council in accordance with the 2020 Census and is adopting this Ordinance for that purpose.

SECTION II. From and after the effective date of this Ordinance as defined hereinafter, the County shall be divided into eleven (11) new districts for the purpose of electing members to the Council. Each new district shall be entitled to elect one (1) member of Council in accordance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended. The new districts are as defined and delineated on the schedule of precincts and voting districts [Exhibit A], and as shown on the series of eleven (11) maps [Exhibit B], all of which are attached hereto and incorporated herein.

SECTION III. The Richland County Board of Elections and Voter Registration is hereby directed, immediately upon the effective date hereof, to undertake, by and with the South Carolina Election Commission, all steps necessary for holding elections for members of the Council according to the regular schedule for the general election on November 8, 2022, in such of the new districts as is required in accordance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended.

SECTION IV. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION V. Conflicting Ordinances Repealed. All other ordinances previously adopted establishing electoral districts for the members of the Richland County Council that are inconsistent with this ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION VI. Effective Date. This Ordinance is effective immediately upon third reading of the same.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST this the _____ day of
_____, 2021.

Anette Kirylo
Clerk of Council

First Reading:
Public Hearing:
Second Reading:
Third Reading:



Agenda Briefing

Prepared by:	Aric Jensen	Title:	Assistant County Administrator
Department:	Administration	Division:	
Date Prepared:	December 09, 2021	Meeting Date:	December 14, 2021
Legal Review	Elizabeth McLean via email		Date: December 09, 2021
Subject:	Resolution to Approve the Issuance of Revenue Bonds for Brookfield Pointe by the Columbia Housing Authority		

STAFF'S RECOMMENDED ACTION:

Staff recommends approving the attached resolution regarding the proposed issuance of Housing Revenue Bonds by the Housing Authority for the City of Columbia, for the Brookfield Pointe affordable housing development.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department's current fiscal year budget?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If no, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

None applicable.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

As the resolution is pursuant to federal law and does not create any fiscal obligation or ownership interest in the development or bonds, there is no fiscal or legal risk to the County.

REGULATORY COMPLIANCE:

Section 147(f) of the Internal Revenue Code of 1986

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

STRATEGIC & GENERATIVE DISCUSSION:

The County Council and its constituents have repeatedly communicated that the creation and preservation of affordable housing is a high priority. The Brookfield Pointe development will provide approximately 90 new affordable housing units on the 7000 Block of Brookfield Rd, in an urban area of Richland County near existing services and amenities.

Approving this Resolution does not fiscally obligate Richland County, nor does it create any interest in the development. The Resolution is a requirement of the Federal Tax Code that must be satisfied by the government entity having jurisdiction over the project location.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None.

ATTACHMENTS:

1. Host Resolution
2. Inducement Resolution

A RESOLUTION

APPROVING THE ISSUANCE BY THE HOUSING AUTHORITY OF THE CITY OF COLUMBIA SOUTH CAROLINA OF ITS MULTIFAMILY HOUSING REVENUE NOTES OR BONDS (BROOKFIELD POINTE) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,999,999, IN ONE OR MORE SERIES, PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bradley Brookfield Pointe, LLC, a South Carolina limited liability company, or its successors or assigns (the "Sponsor"), has represented to the County Council (the "County Council") of Richland County, South Carolina (the "County") that it desires to finance the costs of acquisition, construction, and equipping of an approximately 90-unit new multifamily housing development and ancillary facilities, to be located in the 7000 block on the south side of Brookfield Road, going all the way through the block to Faraway Drive; and east of the intersection of Brookfield Road and Decker Boulevard, adjacent to the Kingdom Kids Child Development and near the McDonalds restaurant, in the unincorporated area of Richland County, South Carolina (the "Project"); and,

WHEREAS, the Sponsor has further represented to the County Council that substantial cost savings would be recognized by financing the Project through a plan of financing consisting of the issuance by the Housing Authority of the City of Columbia, South Carolina (the "Issuer") of its multifamily housing revenue notes or bonds, in one or more series, in the maximum principal amount of Nine Million Nine Hundred Ninety-Nine Thousand Nine Hundred Ninety-Nine and No/100 (\$9,999,999.00) Dollars (the "Note") to finance the Project; and,

WHEREAS, the Sponsor has further represented to the County Council that a portion of the proceeds of the Note would be used for the purpose of (a) financing the cost of the land acquisition, construction, and equipping of the Project and (b) paying a portion of the costs of financing, including certain reserves, capitalized interest, and costs of issuance of the Note; and,

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, including the U.S. Treasury Regulations promulgated thereunder (collectively, the "Code"), requires as a condition of exclusion from gross income for federal income tax purposes of the interest on private activity bonds, that the issuance of private activity bonds, as defined in Section 141(a) of the Code, such as the Note be approved, after a public hearing following reasonable public notice, by the governmental unit having jurisdiction over the area in which the bond financed property is located (the "147(f) Approval"); and,

WHEREAS, the County Council constitutes the elected legislative body of the County and the Sponsor has represented to the County Council that it is one of the applicable elected representatives required to provide the 147(f) Approval with respect to the issuance of the Note for the purpose of financing the Project; and,

WHEREAS, the Sponsor has requested the County Council, pursuant to Section 147(f) of the Code, to provide the 147(f) Approval and to thereby approve the issuance by the Issuer of the Note for the purpose of providing funds to the Sponsor to finance the Project; and,

WHEREAS, on September 22, 2021, the Sponsor published in *The State*, a newspaper of general circulation in the County, a notice of public hearing to be held by the Issuer on October 5, 2021, at 2:00 p.m. or as soon thereafter as such matters may be heard by means of a telephonic meeting to consider the

issuance by the Issuer of the Note and the nature of the Project to be financed with a portion of the proceeds of the Note; and,

WHEREAS, notice of the public hearing was duly published as indicated by the copy of the notice as it appeared in *The State* attached hereto as Exhibit A; and,

WHEREAS, the public hearing was duly held by the Issuer on October 5, 2021, during which public hearing members of the public were afforded the opportunity to express their views on the issuance by the Issuer of the Note and the use of a portion of the proceeds thereof to finance the Project as indicated by the Certificate as to Telephonic Public Hearing attached hereto as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Richland County, South Carolina, in meeting duly assembled:

Section 1. The issuance by the Issuer of the Note in the maximum principal amount of \$9,999,999 for the purpose of providing funds to the Sponsor to finance the Project is hereby approved pursuant to and in accordance with Section 147(f) of the Code.

Section 2. A hearing open to the public, and conducted telephonically due to the COVID-19 pandemic, pursuant to Internal Revenue Service Rev. Proc. 2020-21 as extended by Rev. Proc. 2021-39, was held on October 5, 2021, for which the Sponsor has represented to the County Council that due and reasonable public notice, being published in *The State* as described above, was given by or on behalf of the Sponsor in accordance with the provisions of applicable law and procedures established therefor.

Section 3. Such approval by the County Council shall not be construed as (i) an endorsement of the creditworthiness of the Issuer, the Sponsor, or the financial viability of the Project, (ii) a recommendation to any prospective purchaser to purchase the Note, (iii) an evaluation of the likelihood of the repayment of the debt service on the Note, or (iv) approval of any building or other regulatory permits relating to the Project, and the County Council shall not be construed by reason of its adoption of this Resolution to make any such endorsement, finding, or recommendation, to have waived any rights of the County, or to have caused the County to be estopped from asserting any rights or responsibilities it may have in such regard. Further, the Note shall not constitute an indebtedness of the State of South Carolina, the County, or any political subdivision thereof, but shall be payable solely from revenues of the Sponsor pledged to the payment of the Note. The approval by the County Council of the issuance of the Note by the Issuer to finance the Project shall not be construed to obligate the County to incur any liability, pecuniary or otherwise, in connection with either the issuance of the Note or the acquisition, [construction][rehabilitation], or equipping of the Project.

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. That the provisions of this Resolution are hereby declared to be separable, and if any section, phrase, or provision shall, for any reason, be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases, or provisions of this Resolution.

Section 6. That all resolutions or parts thereof in conflict with the provisions of the Resolution are, to the extent of such conflict, hereby superseded.

[signature page follows]

DONE AND RATIFIED this ____ day of October, 2021

COUNTY COUNCIL OF RICHLAND
COUNTY, SOUTH CAROLINA

Chairman

ATTEST:

Clerk

EXHIBIT A

AFFIDAVIT OF PUBLICATION OF NOTICE OF TELEPHONIC PUBLIC HEARING



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
37070	139885	Print Legal Ad - IPL0042078		\$586.80	2	45 L

Attention: Stacey L. Smith
 HOWELL LINKOUS & NETTLES LLC
 106 BROAD STREET
 CHARLESTON, SC 29401

NOTICE OF TELEPHONIC PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Housing Authority of the City of Columbia, South Carolina (the "Issuer"), on Tuesday, October 5, 2021 at 2:00 p.m., or as soon thereafter as the matter can be heard, and will be held telephonically by the Issuer, in connection with the Issuance by the Issuer of its Multifamily Housing Revenue Bonds or Notes (Brookfield Points) (the "Bonds"), in one or more tax-exempt and/or taxable series, as part of a plan of financing in the maximum principal amount of \$9,999,999. The Bonds will be an issue of "exempt facility bonds" issued to finance a "qualified residential rental project" as defined in Section 142(a)(7) of the Internal Revenue Code of 1986, as amended (the "Code").

Principal User of Bonds and Project. The proceeds of such Bonds, when and if issued, will be loaned by the Issuer to Bradley Brookfield Pointe, LLC (the "Company"). The Issuer will issue the Bonds to fund a mortgage loan or loans (the "Mortgage Loan") to the Company, to provide financing for the design, acquisition, construction, and equipping multifamily housing to be known as Brookfield Pointe, consisting of approximately 90 units of affordable housing (the "Project"). The Project will be located in the 7000 block on the south side of Brookfield Road, going all the way through the block to Faraway Drive. The project will be east of the intersection of Brookfield Road and Decker Boulevard, adjacent to the Kingdom Kids Child Development and near the McDonalds restaurant, in the unincorporated area of Richland County, South Carolina. The Project will be owned by the Company.

Limited Obligation. The Bonds will be payable by the Issuer solely and exclusively out of payments to be made by the Company and the security pledged for their payment. The Bonds will not constitute an indebtedness of the Issuer, the City of Columbia (the "City"), Richland County (the "County"), the State of South Carolina, or any political subdivision thereof within the meaning of any South Carolina constitutional provision or statutory limitation nor give rise to a pecuniary liability of the Issuer, the City, the County, the State of South Carolina, or any political subdivision thereof. The Bonds will not constitute a charge against the general credit or taxing powers of the Issuer, the City, the County, the State of South Carolina, or any political subdivision thereof. The Issuer has no taxing authority.

Teleconference Only. Due to the COVID-19 public health emergency, pursuant to Internal Revenue Service Rev. Proc. 2020-21 as extended by Rev. Proc. 2021-39, the Public Hearing will be conducted by the Issuer telephonically and the public will not be able to attend in person. However, all persons who wish to provide comments or listen to the public hearing may join by calling toll free at (877) 366-0711 (Toll Free) using meeting passcode: 24561502#. Members of the public may submit oral or written comments to the Issuer to express their views for or against the proposed Issuance of the Bonds or the location and nature of the Project. **All persons who wish to submit oral comments during the Public Hearing must contact the Issuer, not less than 24 hours prior to the Public Hearing, via email to cherrera@columbiahousingsc.org to inform the Issuer of their desire to speak at the Public Hearing.** Those who present comments during the Public Hearing will be permitted to address the Issuer regarding the Project or the Bonds for no more than five (5) minutes. Members of the public may also submit views to the Issuer in writing via mail to Lucinda Herrera, Senior Vice President of Development, Housing Authority of the City of Columbia, South Carolina, 1917 Harden Street, Columbia, South Carolina 29204 or via email to cherrera@columbiahousingsc.org. The Issuer will not prepare a transcript of the public hearing.

HOUSING AUTHORITY OF THE CITY OF COLUMBIA, SOUTH CAROLINA
 IPL0042078
 Sep 22 2021

State of South Carolina

County of Richland

I, Tara Pennington, makes oath that the advertisement, was published in The State, a newspaper published in the City of Columbia, State and County aforesaid, in the issue(s) of

No. of Insertions: 1
 Beginning Issue of: 09/22/2021
 Ending Issue of: 09/22/2021

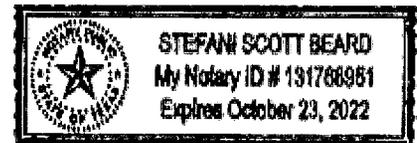
Tara Pennington

Tara Pennington

Sworn to and subscribed before me this 22nd day of September in the year of 2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion.

Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

EXHIBIT B

CERTIFICATE OF TELEPHONIC PUBLIC HEARING

CERTIFICATE AS TO TELEPHONIC PUBLIC HEARING

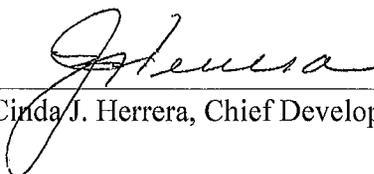
(Brookfield Pointe)

I, the undersigned, on behalf of the Housing Authority of the City of Columbia, South Carolina (“*Columbia Housing*”) and Richland County, South Carolina do hereby certify as follows:

1. Attached hereto is an Affidavit of Publication of a Notice of Telephonic Public Hearing (the “*Notice*”) related to a telephonic public hearing (the “*Public Hearing*”) held by Columbia Housing in connection with the issuance by Columbia Housing of its not exceeding \$9,999,999 aggregate principal amount Multifamily Housing Revenue Bonds (Brookfield Pointe), the proceeds of which will be made available to Brookfield Pointe, LLC, a South Carolina limited liability company (the “*Borrower*”), to provide financing for the design, acquisition, construction and equipping multifamily housing to be known as Brookfield Pointe, consisting of approximately 90-units of affordable housing to be located in the 7000 block on the south side of Brookfield Road and Decker Boulevard (the “*Site*”), adjacent to the Kingdom Kids Child Development and near the McDonalds restaurant, in the unincorporated area of Richland County, South Carolina in the unincorporated area of Richland County near Columbia, South Carolina (collectively, the “*Project*”)

2. A representative of Columbia Housing was present at the Public Hearing described in the above-mentioned Notice, which hearing was held at the time and manner specified therein. Due to the current public health emergency, the Public Hearing was conducted telephonically and the public was provided a toll-free access number to listen to the meeting, and provided an email and mailing address to submit written comments. All persons desiring to do so were given reasonable opportunity to speak and, if requested, to present their opinions in writing regarding the issuance by Columbia Housing of the Bonds and the use of the proceeds for the purposes described in paragraph 1 above. There were no written comments received and there was no opposition to the issuance of the Bonds for the purposes described in paragraph 1 above.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November, 2021.



Lucinda J. Herrera, Chief Development Officer



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

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Principal User of Bonds and Project. The proceeds of such Bonds, when and if issued, will be loaned by the Issuer to Bradley Brookfield Points, LLC (the "Company"). The Issuer will issue the Bonds to fund a mortgage loan or loans (the "Mortgage Loan") to the Company, to provide financing for the design, acquisition, construction, and equipping multifamily housing to be known as Brookfield Points, consisting of approximately 90 units of affordable housing (the "Project"). The Project will be located in the 7000 block on the south side of Brookfield Road, going all the way through the block to Faraway Drive. The project will be east of the Intersection of Brookfield Road and Decker Boulevard, adjacent to the Kingdom Kids Child Development and near the McDonalds restaurant, in the unincorporated area of Richland County, South Carolina. The Project will be owned by the Company.

Limited Obligation. The Bonds will be payable by the Issuer solely and exclusively out of payments to be made by the Company and the security pledged for their payment. The Bonds will not constitute an indebtedness of the Issuer, the City of Columbia (the "City"), Richland County (the "County"), the State of South Carolina, or any political subdivision thereof within the meaning of any South Carolina constitutional provision or statutory limitation nor give rise to a pecuniary liability of the Issuer, the City, the County, the State of South Carolina, or any political subdivision thereof. The Bonds will not constitute a charge against the general credit or taxing powers of the Issuer, the City, the County, the State of South Carolina, or any political subdivision thereof. The Issuer has no taxing authority.

Teleconference Only. Due to the COVID-19 public health emergency, pursuant to Internal Revenue Service Rev. Proc. 2020-21 as extended by Rev. Proc. 2021-39, the Public Hearing will be conducted by the Issuer telephonically and the public will not be able to attend in person. However, all persons who wish to provide comments or listen to the public hearing may join by calling toll free at (877) 366-0711 (Toll Free) using meeting passcode: 24561502#. Members of the public may submit oral or written comments to the Issuer to express their views for or against the proposed issuance of the Bonds or the location and nature of the Project. **All persons who wish to submit oral comments during the Public Hearing must contact the Issuer, not less than 24 hours prior to the Public Hearing, via email to cherrera@columbiahousingsc.org to inform the Issuer of their desire to speak at the Public Hearing.** Those who present comments during the Public Hearing will be permitted to address the Issuer regarding the Project or the Bonds for no more than five (5) minutes. Members of the public may also submit views to the Issuer in writing via mail to Lucinda Herrera, Senior Vice President of Development, Housing Authority of the City of Columbia, South Carolina, 1917 Harden Street, Columbia, South Carolina 29204 or via email to cherrera@columbiahousingsc.org. The Issuer will not prepare a transcript of the public hearing.

HOUSING AUTHORITY OF THE CITY OF COLUMBIA, SOUTH CAROLINA
 IPL0042078
 Sep 22 2021

State of South Carolina

County of Richland

I, Tara Pennington, makes oath that the advertisement, was published in The State, a newspaper published in the City of Columbia, State and County aforesaid, in the issue(s) of

No. of Insertions: 1
 Beginning Issue of: 09/22/2021
 Ending Issue of: 09/22/2021

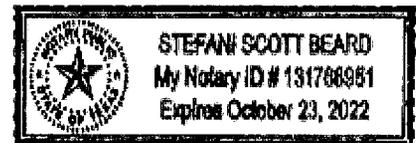
Tara Pennington

Tara Pennington

Sworn to and subscribed before me this 22nd day of September in the year of 2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



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A RESOLUTION PROVIDING THAT THE HOUSING AUTHORITY OF THE CITY OF COLUMBIA, SOUTH CAROLINA, WILL, UNDER CERTAIN CONDITIONS, ISSUE NOT TO EXCEED \$9,999,999 MULTIFAMILY HOUSING REVENUE BONDS (BROOKFIELD POINTE) TO FUND A MORTGAGE LOAN TO BRADLEY BROOKFIELD POINTE, LLC (OR AN ENTITY AFFILIATED THEREWITH), TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A MULTIFAMILY HOUSING RENTAL PROJECT IN COLUMBIA, SOUTH CAROLINA, AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, INCLUDING SEEKING CERTAIN APPROVALS BY THE CITY OF COLUMBIA AND THE SOUTH CAROLINA STATE FISCAL ACCOUNTABILITY AUTHORITY.

WHEREAS, the Housing Authority of the City of Columbia, South Carolina (the “*Authority*”), was created by a resolution adopted by the City Council of the City of Columbia (the “*City*”) pursuant to Article 5 of Chapter 3 of Title 31 of the Code of Laws of South Carolina 1976, as amended; and

WHEREAS, the Authority acting by and through its Board of Commissioners (the “*Commissioners*”), is authorized and empowered under and pursuant to the provisions of Section 31-13-90 of the Code of Laws of South Carolina 1976, as amended (the “*Enabling Act*”), to have the same powers as the State Housing Finance and Development Authority pursuant to the provisions of Sections 31-13-160 through 31-13-330 of the Code of Laws of South Carolina 1976, as amended; and

WHEREAS, in accordance with the terms of the Enabling Act, the Authority is authorized and empowered to make mortgage loans in such amounts and on such terms and conditions as the Authority shall approve to housing sponsors for residential housing and housing development and to make loans to or purchase securities from mortgage lenders upon such terms and conditions as the Authority shall approve, including a requirement that the proceeds thereof be used by such mortgage lender for the making of mortgage loans for residential housing all for the purpose of providing decent, safe, and sanitary residential housing to persons in the beneficiary classes (as provided for in the Enabling Act) with respect to multifamily housing; and

WHEREAS, the Authority is authorized and empowered by the Enabling Act to make commitments for any programs over which the Authority has jurisdiction; and

WHEREAS, upon obtaining the approval of the South Carolina State Fiscal Accountability Authority, the Authority is authorized by the Enabling Act to issue its notes or bonds and to use the proceeds thereof to fund any of the programs authorized by the Act under the terms and conditions provided for therein; and

WHEREAS, Bradley Brookfield Pointe, LLC, a South Carolina limited liability company (the “*Applicant*”), has requested the Authority to assist the Applicant in providing financing for a portion of the costs of acquisition of approximately 7.51 acres of land and the construction of approximately 90-unit apartments to be located four 3-story garden style apartment homes thereon on 7000 block of Brookfield Road (the “*Site*”) in the unincorporated area of Richland County near

Columbia, South Carolina, including a clubhouse and other amenities functionally related and subordinate thereto, and a portion of the costs of financing (collectively, the “**Project**”); and

WHEREAS, on the conditions described herein, and subject to the availability of adequate credit enhancement or other reserves, the Authority is willing to issue up to \$9,999,999 of its notes or bonds to provide for acquisition and construction of the Project (the “**Bonds**”); and

WHEREAS, the Applicant will borrow the proceeds of the sale of the Bonds and undertake the Project and intends that the interest on obligations issued by the Authority will be excluded from gross income for federal income tax purposes under Sections 103 and 142 of the Internal Revenue Code of 1986, as amended (the “**Tax Code**”); and

WHEREAS, the total cost of the Project is expected to be approximately \$19,500,000, to be financed by a combination of sources; and

WHEREAS, the Authority desires to formally indicate its present intent to provide such assistance to the Applicant through the proceeds of the Bonds pursuant to the Enabling Act but subject to the terms and conditions hereof;

NOW, THEREFORE, be it resolved by the Authority as follows:

SECTION 1. *Undertakings of Authority.* In the event the Applicant meets the requirements set forth herein, the Authority will undertake:

(a) to petition the South Carolina State Fiscal Accountability Authority for (i) an allocation of private activity bond volume cap under Section 146 of the Tax Code, and (ii) approval of the undertakings of the Authority hereunder;

(b) to request the City of Columbia (the “**City**”) and Richland County (the “**County**”), in accordance with the provisions of Section 147(f) of the Tax Code, to approve the proposal of the Authority to issue the Bonds; and

(c) to issue the Bonds under the provisions of the Enabling Act in the amount necessary to fund one or more mortgage loans to the Applicant, either directly, by purchase, or through a mortgage lender, in an amount of not to exceed \$9,999,999 to provide funds for the acquisition of the Site and the construction of the Project as affordable rental housing.

Any obligation of the Authority hereunder is subject to (i) the requirements that (A) any bonds not secured by an external credit enhancement or adequate reserves and rated at least “investment grade” by at least one of the nationally recognized municipal bond rating agencies be acquired solely as an investment by institutional investors for their own account, (B) the Bonds be approved, and sufficient private activity bond volume cap be allocated, by the South Carolina State Fiscal Accountability Authority; and (C) approvals for the issuance of the Bonds under the Tax Code by the City and the County; (ii) the payment of an acceptable fee to compensate the Authority for the services of its staff and for its participation in the transaction; and (iii) the right of the Authority,

in its sole discretion, to rescind this resolution and elect not to issue the Bonds or fund such mortgage loan or loans at some future date.

The Bonds will not be a debt or grant or loan of credit of the Authority, the City, the County, or the State of South Carolina (the “*State*”) or any other political subdivision of the State. Neither the State nor any political subdivision of the State will be liable for the Bonds, nor shall the Bonds be payable out of any funds other than those revenues of the Authority pledged to the payment of the Bonds under the Bond documents.

SECTION 2. *Filing of Petition.* The Executive Director, assistant Executive Director, and the staff of the Authority are hereby authorized and directed to execute and deliver a Petition to the South Carolina State Fiscal Accountability Authority requesting an allocation of private activity bond volume cap for the Bonds under Section 146 of the Tax Code and Section 1-11-500 *et. seq.* of the Code of Laws of South Carolina 1976, as amended (the “*Allocation Act*”), and a Petition for approval of the Bonds under Sections 13-3-90 and 31-13-220 Code of Laws of South Carolina, 1976, as amended, and to take such other action as is necessary or desirable to effect the purposes hereof without further action by the Commissioners; provided, however, that no Bonds shall be issued hereunder until the Commissioners have adopted a further resolution approving the terms and conditions thereof.

SECTION 3. *Obligations of Applicant.* In order to utilize the authorization referred to herein, the Applicant shall enter into agreements or documents containing the following agreements:

- (a) to make the Project available for occupancy by persons in the beneficiary classes, as provided for in the Enabling Act, for such period and subject to such conditions as the Authority may determine;
- (b) to provide such security for any of its obligations or mortgages to the Authority, or of the obligations of any other person to the Authority, as the Authority may in its sole discretion request;
- (c) to enter into a mortgage loan agreement or agreements with respect to the Project on such terms and conditions permitted under the Enabling Act as the Authority may deem necessary or desirable;
- (d) to pay all costs and expenses incurred by the Authority which are either (i) ordinary costs and expenses of the Authority or its counsel, or (ii) approved in advance by the Applicant, including the Authority’s reasonable counsel fees and the Authority’s other reasonable fees and expenses, in furtherance of the undertakings of the Authority hereunder, regardless of whether any Bonds are issued with respect to the Project;
- (e) to provide the Authority with such information and material with respect to the Project, including financial statements and information, reports, tests, surveys, appraisals, plans, specifications, drawings, occupancy rates or rent rolls, studies or feasibility studies, legal

opinions, descriptions, and access for inspection of the Project or any other such items as may be required by the Authority;

(f) to enter into such agreements, execute such documents and provide such proofs or evidence as the Authority may, in its sole discretion, request in connection with its undertakings hereunder; and

(g) to make no use of the proceeds of the mortgage loan that is prohibited by the Tax Code or the Enabling Act, or that will jeopardize the exclusion of the interest income paid on the Bonds from the gross incomes of the recipients thereof.

SECTION 4. *Limited Obligations; No Personal Liability; Termination.* (a) The Authority or the Applicant may elect not to proceed with the Project or any issue of notes or bonds hereunder. The Authority shall not be obligated hereby to the Applicant or any other person by virtue of the adoption of this resolution. The Authority shall not be liable in any way to the Applicant or any other person for any decision it makes not to proceed hereunder regardless of any action taken by the Applicant or such other person whether known or unknown to the Authority.

(b) No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the Authority contained in the Bonds or any Bond documents against any member of the Board of Commissioners, or any officer or employee of the Authority, as such, in his or her individual capacity, past, present, or future, either directly or through the Authority, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that this Resolution, the Bonds, and the Bond documents will solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, either directly or by reason of any of the obligations, covenants, promises, or agreements, entered into between the Authority and the registered owners or to be implied therefrom as being supplemental hereto or thereto.

SECTION 5. *Effective Date.* All orders and resolutions or any parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force from and upon its adoption by the Authority.

SECTION 6. *Official Action--Reimbursement.* It is the intention of the Authority that this resolution shall constitute an official action by the Authority evidencing its present intent within the meaning of the applicable regulations of the United States Department of the Treasury relating to the issuance of obligations under Section 142 of the Tax Code. In the event the Applicant pays expenditures incurred prior to the date of the issuance of the Bonds, and the Authority issues the Bonds, the Authority will permit the Applicant to be reimbursed for such expenditures from the proceeds of the Bonds as permitted under Treasury Regulation 1.150-2.

SECTION 7. *Transfer.* The rights of the Applicant under this resolution are intended to be for the benefit of the Applicant, or any entity affiliated with the Applicant and may be transferred by the Applicant to any such party controlled by the Applicant or, with the consent of

the Authority, to any other person. No other transfer of this resolution shall be valid or binding upon the Authority.

Done in meeting duly assembled this 20 day of May, 2021.

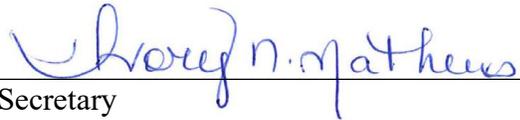
**HOUSING AUTHORITY OF THE CITY OF
COLUMBIA, SOUTH CAROLINA**



Chairman

(SEAL)

ATTEST:



Secretary