
Louisiana Housing Finance Agency



Legal Department

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Christine Bratkowski
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August 12, 2009

Table of Contents

| | |
|---|----|
| Memorandum to Commissioners | 3 |
| Final Agenda | 4 |
| Discussion and resolution for Claiborne Homes I(06(2)-225 and Beechgrove Homes 07/08 (FA)-22. | 5 |
| Discussion and resolution for Bayou Place I and II. | 8 |
| Minutes of the July 8, 2009 Committee Meeting | 11 |

MEMORANDUM

To: Commissioner Allison A. Jones, Chairman
Commissioner Mark Madera
Commissioner Guy Williams
Commissioner Katie Anderson

From: Terri Ricks, Christine Bratkowski, Keith Cunningham and Leslie Strahan, Legal Department

Date: July 31, 2009

Re: Legal Committee

A regular meeting of the Louisiana Housing Finance Agency Legal Committee will be held on Wednesday, August 12, 2009, at 9:00 a.m., Louisiana Housing Finance Agency, in Committee Room 2 located at 2415 Quail Drive, Baton Rouge, LA, by order of the Chairman.

If you have any questions or concerns, please contact us.

August 12, 2009

LEGAL COMMITTEE MEETING

Notice is hereby given of a committee meeting of the Louisiana Housing Finance Agency Legal Committee that will be held on Wednesday, August 12, 2009, at 9:00 a.m., Louisiana Housing Finance Agency, in Committee Room 2, located at 2415 Quail Drive, Baton Rouge, LA, by order of the Chairman.

Final Agenda

1. Call to order, roll call and introduction of guests.
2. Approval of the minutes of July 8, 2009 Committee Meeting.
3. Motion to enter into Executive Session pursuant to LA R.S. 42:6.1 to discuss strategy concerning pending or prospective litigation.
 - **Dorgenois Lofts, L.L.C. v. LHFA, 19th Judicial District Court, East Baton Rouge Docket No. 573256 Section 22.**
 - **Bridgette Taylor, et al v. Ronnie Hutson, et al 6th Judicial District Court, Docket No. 21047.**
4. Discussion and resolution for Claiborne Homes I (06(2)-225 and Beechgrove Homes 07/08 (FA)-22.
5. Discussion and resolution for Bayou Place I and II.
6. Other Business.
7. Adjournment.

Milton J. Bailey, President

Pursuant to the provisions of LSA-R.S. 42:6.1, upon two-thirds vote of the members present, the Board of Commissioners of the Louisiana Housing Finance Agency may choose to enter Executive Session, and by this notice, the Agency reserves its right to go into Executive Session as provided by law.

LOUISIANA HOUSING FINANCE AGENCY

The following resolution was offered by _____ and approved by _____:

RESOLUTION

Approving the exterior design waiver for the Brick/Stucco option for Claiborne Homes I (06(2)-225 & Beechgrove Homes 07/08 (FA)-22; and providing for other matters in connection therewith.

WHEREAS, the Louisiana Housing Finance Agency (the "Agency") has been ordered and directed to act on behalf of the State of Louisiana (the "State") in applying for, implementing, allocating of administering programs, grants and/or resources made available pursuant to Section 42 of the Internal Revenue Code (the LIHTC Program); and

WHEREAS, developers of Claiborne Homes I (06(2)-225 & Beechgrove Homes 07/08 (FA)-22 have requested that the projects be allowed to waive points associated with its selection of brick/stucco in their LIHTC application; and

WHEREAS, the matter came before the Board of Commissioners at its full board meeting on July 8, 2009, where the resolution to waive the points associated with the brick/stucco criteria was not approved; and

WHEREAS, the developers have requested the Board of Commissioners to reconsider the matter, advancing further information to substantiate the Board's re-consideration of the matter; and

WHEREAS, Agency staff has reviewed the request to re-consider and has recommended approval of the request to waive the exterior design brick/stucco option since the change did not constitute a "material change" as defined by the QAP for this project and since compliance with the brick/stucco requirement would have been "nearly impossible", as per agency staff review:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Louisiana Housing Finance Agency (the "Board"), acting as the governing authority of said Agency that:

SECTION 1. The Agency approves the exterior design waiver for the Brick/Stucco option for each Claiborne Homes I (06(2)-225 & Beechgrove Homes 07/08 (FA)-22.

SECTION 2. The Agency staff and counsel are authorized and directed to prepare the forms of such documents and agreements as may be necessary to implement the Board's actions.

SECTION 3. The Chairman, Vice Chairman, President, Vice President and/or Secretary of the Agency are hereby authorized, empowered and directed to execute any forms and/or documents required to be executed on behalf of and in the name of the Agency, the terms of which are to be consistent with the provisions of this resolution, as approved by agency counsel.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSENT:

And the resolution was declared adopted on this, the 12th day of August, 2009.

Chairman

Secretary

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

I, the undersigned Secretary of the Board of Commissioners of the Louisiana Housing Finance Agency (the "Agency"), do hereby certify that the foregoing two (2) pages constitute a true and correct copy of a resolution adopted by said Board of Commissioners on August 12, 2009, captioned, "Approving the exterior design waiver for the Brick/Stucco option for Claiborne Homes I (06(2)-225 & Beechgrove Homes 07/08 (FA)-22; and providing for other matters in connection therewith."

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the Agency on this, the 12th day of August, 2009.

Secretary

(SEAL)

LOUISIANA HOUSING FINANCE AGENCY

The following resolution was offered by _____ and approved by _____:

RESOLUTION

Approving the exterior design waiver for the Brick/Stucco option for Bayou Place I, #06(R)-437 and Bayou Place II, #06(2)-169; and providing for other matters in connection therewith.

WHEREAS, the Louisiana Housing Finance Agency (the "Agency") has been ordered and directed to act on behalf of the State of Louisiana (the "State") in applying for, implementing, allocating of administering programs, grants and/or resources made available pursuant to Section 42 of the Internal Revenue Code (the LIHTC Program); and

WHEREAS, developers of Bayou Place I, #06(R)-437 and Bayou Place II, #06(2)-169 requested that the LHFA allow them to place brick on every other building of the twenty-five buildings scattered across both Phases rather than putting all of the brick to meet their 75 % brick/stucco requirement on Phase II only; and

WHEREAS, the matter came before the Board of Commissioners at its full board meeting on February 11, 2009, where the resolution was partially approved, but still required that full brick be installed as presented in the LIHTC applications; and

WHEREAS, the developers have requested the Board of Commissioners consider allowing the projects to change from providing additional brick/stucco to providing an equally desirable amenity, the purchase of an adjoining 2.5 acre track to be made part of the development, the land cleared, a perimeter fence installed and picnic tables added; and

WHEREAS, Agency staff has reviewed the request and is recommending approval of the request to waive the exterior design brick/stucco option since the change did not constitute a "material change" as defined by the QAP for this project:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Louisiana Housing Finance Agency (the "Board"), acting as the governing authority of said Agency that:

SECTION 1. The Agency approves the exterior design waiver for the Brick/Stucco option.

SECTION 2. The Agency staff and counsel are authorized and directed to prepare the forms of such documents and agreements as may be necessary to implement the Board's actions.

SECTION 3. The Chairman, Vice Chairman, President, Vice President and/or Secretary of the Agency are hereby authorized, empowered and directed to execute any forms and/or documents required to be executed on behalf of and in the name of the Agency, the terms of which are to be consistent with the provisions of this resolution, as approved by agency counsel.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSENT:

And the resolution was declared adopted on this, the 12th day of August, 2009.

Chairman

Secretary

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

I, the undersigned Secretary of the Board of Commissioners of the Louisiana Housing Finance Agency (the "Agency"), do hereby certify that the foregoing two (2) pages constitute a true and correct copy of a resolution adopted by said Board of Commissioners on August 12, 2009, entitled "Approving the exterior design waiver for the Brick/Stucco option for Bayou Place I, #06(R)-437 and Bayou Place II, #06(2)-169; and providing for other matters in connection therewith."

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the Agency on this, the 12th day of August, 2009.

Secretary

(SEAL)

**Louisiana Housing Finance Agency
Legal Committee Meeting Minutes
Wednesday, July 8, 2009
2415 Quail Drive
Committee Room 1
Baton Rouge, LA 70808
11:00 A.M.**

Commissioners Present

Allison A. Jones, Chairman
J. Mark Madderra
Guy Williams
Mayson Foster

Commissioners Absent

Katie Anderson

Legal Counsel Present

Keith Cunningham
Terri Ricks

Staff Present

Brenda Evans
Keith Cunningham
Terri Ricks
Roger Tijerino
Milton J. Bailey
Alesia W. Braxton

Others Present

Wayne Neveu
Wayne Woods
Tyrone Wilson
John N. Kennedy

Chairman Allison A. Jones called the meeting to order at 12:28 a.m. and asked for roll call. A quorum was established.

1. **Call to order, roll call and introduction of guests.**

2. **Approval of the minutes.** A motion was made by Commissioner Guy Williams with a Second by Commissioner J. Mark Madderra to approve the minutes of the June 10, 2009 committee meeting. The minutes were approved.
3. **Discussion and Resolution regarding a provision for striking out the “Superior Design and Quality/Superior Site” from the State’s 2009 Per Capita and Selection Criteria.** There was a motion to approve this Resolution by Commissioner Guy Williams and a second by Commissioner J. Mark Madderra. The motion passed.
4. **Other Business.** There was no other business.
5. **Adjournment.** The committee adjourned at 12:52 a.m.