

**CITY OF KAUKAUNA, WISCONSIN  
RESOLUTION NO. 2023-5372**

**A RESOLUTION AUTHORIZING PUBLIC FINANCE AUTHORITY TO ISSUE BONDS TO  
FINANCE FACILITIES LOCATED IN THE CITY OF KAUKAUNA, WISCONSIN**

**WHEREAS**, Dreamville Kaukauna, LLC, a Texas limited liability company (the "**Borrower**"), the sole member of which is Hope Housing Foundation (the "**Sole Member**"), a Texas nonprofit corporation and an organization exempt from federal income tax by virtue of being an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "**Code**"), desires to acquire, construct and equip multifamily residential rental housing for individuals and families of low and moderate income located containing approximately 180 units to be located at 300 Lawe Street, Kaukauna, Wisconsin 54130, and known as Dreamville Apartments (the "**Project**"); and

**WHEREAS**, the Public Finance Authority, a Commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes (the "**Issuer**"), proposes to issue approximately \$55,000,000 of its Multifamily Housing Revenue Bonds (the "**Bonds**"), in one or more series, tax-exempt, the proceeds of which will be loaned to the Borrower to finance a portion of the Project; and

**WHEREAS**, in order to finance the costs of the Project from the proceeds of the Bonds on a tax-exempt basis, it is necessary to hold a public hearing and approve the financing of the Project and the issuance of the Bonds for the purposes of Section 147(f) of the Code; and

**WHEREAS**, following notice by publication in the *Times Villager* on January 25, 2022, at least seven days prior to February 7, 2023, proof of which is attached hereto as Exhibit "A" (the "**TEFRA Notice**"), a public hearing was held by the Common Council of the City of Kaukauna, Wisconsin (the "**City**") on behalf of the Issuer on February 7, 2023, during which comments and discussions concerning the plan of finance concerning the issuance of the Bonds by the Issuer to finance the Project were requested and heard, as required by Section 147(f) of the Code; and

**WHEREAS**, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Issuer must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is to be located; and

**WHEREAS**, the Borrower has requested that the Common Council approve the financing of the Project and the issuance of the Bonds for purposes of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "**Joint Exercise Agreement**"), and Section 66.0304(11)(a) of the Wisconsin Statutes; and

**WHEREAS**, THE BONDS SHALL NOT EVER REPRESENT OR CONSTITUTE A DEBT, OBLIGATION OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE CITY OR ANY OTHER POLITICAL SUBDIVISION AND SHALL SOLELY BE SECURED AND PAYABLE FROM COLLATERAL PROVIDED BY THE BORROWER.

**NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved by the City of Kaukauna, Wisconsin, as follows:**

SECTION 1. RECITALS. The above recitals are true and correct and hereby incorporated by reference.

SECTION 2. AUTHORITY FOR THIS RESOLUTION. The Common Council is the elected legislative body of the City of Kaukauna, Wisconsin (the “City”) and the Common Council has jurisdiction over the entire area in which the Project is or will be located. The undersigned Mayor of the City is the highest ranking executive or administrator of the City.

SECTION 3. APPROVAL FOR PURPOSES OF SECTION 147(F) OF THE CODE. For the purposes of Section 147(f) of the Code, the Common Council hereby approves the plan of finance for the Project and the issuance of the Bonds by the Issuer in one or more series, tax-exempt, in an aggregate principal amount not exceeding \$55,000,000.

SECTION 5. APPROVAL FOR PURPOSES OF SECTION 66.0304(11)(A) OF THE WISCONSIN STATUTES.

A. For the purposes of Section 66.0304(11)(a) of the Wisconsin Statutes, City does hereby agree that the Issuer is hereby authorized to issue the Bonds in an aggregate principal amount not exceeding \$55,000,000 and to loan the proceeds thereof to the Borrower to finance the Project. It is the purpose and intent that this Section 5 constitutes approval by the City in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement, of the issuance of the Bonds and the facilities to be financed thereby. The Issuer is hereby authorized to exercise all powers relating to the issuance of the Bonds vested in the City pursuant to the Constitution and the laws of the State of Wisconsin and to do all things within the jurisdiction of the City which are necessary or convenient for the issuance of the Bonds and the financing of the Project to the same extent as if the City were issuing its own obligations for such purposes without any further authorization from the City to exercise such powers or to take such actions. It is the intent of this Agreement and the parties hereto that the Issuer be vested, to the maximum extent permitted by law, with all powers which the City might exercise with respect to the issuance of the Bonds and the lending of the proceeds thereof to the Borrower to finance or refinance the Project in the City as though the City were issuing such Bonds as its own special limited obligation.

B. The Issuer shall take all actions it deems necessary or appropriate in connection with the issuance of the Bonds, including, in its discretion, the preparation,

review, execution and filing with government agencies of certificates, opinions, agreements and other documents to be delivered at the closing of the Bonds and the establishment of any funds and accounts pursuant to a financing agreement related to the Bonds. Neither the Issuer nor the City shall be liable for the costs of issuing the Bonds or the costs incurred by any of them in connection with the preparation, review, execution or approval of any documentation or opinions required to be delivered in connection therewith by the Issuer or the City or counsel to any of them. All of such costs shall be paid from the proceeds of the Bonds or from other moneys of the Borrower. The Bonds when issued, and the interest thereon, shall be limited and special obligations of the Issuer payable solely from certain revenues and other amounts pledged thereto by the terms thereof.

C. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchase of the Bonds or the creditworthiness of the Project or the Borrower. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF WISCONSIN OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE CITY OF KAUKAUNA, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF FLORIDA OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE CITY OF KAUKAUNA.

SECTION 6. CONFLICTS. All resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby supplemented and amended to conform with the provisions herein contained and except as otherwise modified, supplemented and amended hereby shall remain in full force and effect.

SECTION 7. SEVERABILITY. If any word, phrase, clause, section, or portion of this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE. This Resolution shall have effect upon adoption.

ADOPTED on this 7<sup>TH</sup> day of February, 2023.

CITY OF KAUKAUNA, WISCONSIN

By: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST:

By: \_\_\_\_\_  
Sally A. Kenney, Clerk

**EXHIBIT A**  
**TEFRA NOTICE**