



**PUBLIC FACILITY CORPORATION**  
**AGENDA ITEM SUMMARY FORM**

**PROPOSED MEETING DATE:** May 1, 2024  
**PREPARED BY:** Scott Moore, General Manager

**AGENDA ITEM DESCRIPTIONS:**

Consideration, discussion, and possible action authorizing the General Manager to negotiate and execute an agreement with Chapman and Cutler LLP to serve as special tax counsel in connection with the Tower Road Apartments Project financing.

**BACKGROUND/SUMMARY:**

It is anticipated that the Corporation's next project, the Tower Road Apartments development, will involve the issuance of Low Income Housing Tax Credit (LIHTC) bonds. For these types of transactions, the Corporation will issue such bonds for the project. The ability to obtain and maintain the LIHTC credit for the purchasers of the bonds requires strict compliance with the applicable regulations by the Corporation and the developer. For these reasons, it is customary for issuers, such as the Corporation, to engage tax counsel for a LIHTC transaction to ensure that the applicable federal tax regulations are being satisfied as the transaction is structured.

The tax counsel's compensation for its work on the project is contingent on the successful bond financing of the project and neither the City nor the Corporation is responsible for payment of those fees.

Chapman Cutler is recommended based on their qualifications.

**LEGAL REVIEW:** Yes, Gregory Miller, Public Finance Counsel  
**FISCAL IMPACT:** No  
**PRESENTATION:** Yes  
**ATTACHMENTS:** Yes

- Engagement Letter

**PROPOSED MOTION:**

Move that the Board authorize the General Manager to negotiate and execute an agreement with Chapman Cutler LLP for tax counsel in connection with the sale of bonds financing the Tower Road Apartments Project, with the scope of services and fee structure to be as stated in the form of agreement provided to the Board in connection with this item.

**STAFF RECOMMENDATION:** Staff recommends approval