



City of Phoenix
FINANCE DEPARTMENT

DATE: December 3, 2018

TO: Park Central Community Facilities District Board Members

FROM: Denise Olson, Chief Financial Officer *DO*
District Treasurer, Park Central Community Facilities District

SUBJECT: DECEMBER 12, 2018 MEETING OF THE PARK CENTRAL COMMUNITY FACILITIES DISTRICT BOARD OF DIRECTORS

BACKGROUND

At the August 29, 2018 City Council meeting, the Mayor and Council of the City of Phoenix, Arizona, adopted Resolution No. 21669 which, among other things ordered and declared formation of Park Central Community Facilities District.

AGENDA FOR THE DECEMBER 12, 2018 MEETING

The first meeting of the District Board is scheduled for Wednesday, December 12, 2018, at 2:30 p.m. immediately preceding the Formal City Council meeting. At this meeting, the District Board will be asked to consider for adoption Resolution No. PC-01 taking action in regards to organization of the District; approving of a general plan for the District; and approving and authorizing the execution and delivery of a District Development Agreement. It will also authorize the District Controller to accept and disburse funds. Attached as Exhibit "A" to Resolution No. P-01 is the Formal Notice of the Forms of Statements Regarding Posting of Public Meetings. Enclosed are the following materials relating to the next District Board meeting:

1. Meeting notice and agenda
2. Program Script for Public Meeting
3. Proposed Resolution No. PC-01

CONCLUSION/ACTION REQUIRED

District Board approval of Resolution No. PC-01 is requested.

Copies of this report and enclosures to:

Ed Zuercher, City Manager
Milton Dohoney, Jr., Assistant City Manager
Toni Maccarone, Special Assistant to the City Manager
Deanna Jonovich, Deputy City Manager
Brad Holmes, City Attorney
Denise Archibald, City Clerk
Christine Mackay, Community and Economic Development Director
Thomas Stack, Asst City Attorney IV
Penny Parrella, Exec Assistant to City Council
Seth Scott, Chief of Staff
Kathleen Gitkin, Deputy Finance Director-City Treasurer
Adam Miller, Planning and Development Team Leader
Robyn Sahid, Economic Development Program Manager
Tim Pickrell, Squire Patton Boggs (US) LLP

NOTICE OF PUBLIC MEETING
PARK CENTRAL COMMUNITY FACILITIES DISTRICT
BOARD OF DIRECTORS

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the PARK CENTRAL COMMUNITY FACILITIES DISTRICT BOARD OF DIRECTORS and to the general public, that the PARK CENTRAL COMMUNITY FACILITIES DISTRICT BOARD OF DIRECTORS will hold a meeting open to the public on Wednesday, December 12, 2018 at 2:30 p.m. located in the Phoenix City Council Chambers, 200 West Jefferson Street, Phoenix, Arizona.

The agenda for the meeting is as follows:

1.	Call to order.
2.	Roll call.
3.	Consideration and possible adoption of Resolution No. PC-01, taking certain actions with regard to the organization of the District; approving a general plan for the District; and approving and authorizing the execution and delivery of a District Development Agreement
4.	Adjournment.

For further information, please call Rita Murphy, Finance Department at 602-495-7116.

For reasonable accommodations, call Becky Kivioja at Voice/602-262-7166 or TTY/7-1-1 as early as possible to coordinate needed arrangements.

December 12, 2018

ATTACHMENT A

PROGRAM SCRIPT FOR PUBLIC MEETING OF
PARK CENTRAL COMMUNITY FACILITIES DISTRICT
BOARD OF DIRECTORS
DECEMBER 12, 2018

1. (Call to Order)

“This is the time for the initial meeting of the Board of Directors of the Park Central Community Facilities District.”

2. (Roll Call)

Will the clerk please call the roll.”

3. (Consideration for Adoption of Resolution No. PC-01)

“Is there a motion to adopt Resolution No. PC-01 taking certain actions with regard to the organization of the District; approving a general plan for the District; and approving and authorizing the execution and delivery of a District Development Agreement.”

4. (Adjournment)

“This meeting is now adjourned.”

ATTACHMENT B

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

RESOLUTION NO. PC-01

A RESOLUTION OF THE DISTRICT BOARD OF PARK CENTRAL COMMUNITY FACILITIES DISTRICT, TAKING CERTAIN ACTIONS WITH REGARD TO ORGANIZATION OF THE DISTRICT; APPROVING THE GENERAL PLAN FOR THE DISTRICT; AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DISTRICT DEVELOPMENT, FINANCING PARTICIPATION, WAIVER AND INTERGOVERNMENTAL AGREEMENT (PARK CENTRAL COMMUNITY FACILITIES DISTRICT); AND AUTHORIZING THE DISTRICT CONTROLLER TO ACCEPT AND DISBURSE FUNDS.

BE IT RESOLVED BY THE DISTRICT BOARD OF PARK CENTRAL COMMUNITY FACILITIES DISTRICT as follows:

SECTION 1. Findings.

a. On August 29, 2018, the Mayor and Council of the City of Phoenix, Arizona (hereinafter called the "City"), adopted Resolution No. 21669 which, among other things, ordered and declared formation of Park Central Community Facilities District (hereinafter called the "District").

b. The District is a special purpose district for purposes of Article IX, Section 19, Constitution of Arizona, a tax levying public improvement district for the purposes of Article XIII, Section 7, Constitution of Arizona, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5, Arizona Revised Statutes and, except as otherwise provided in Section 48-708(B), Arizona Revised Statutes, is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City.

c. Certain matters relating to the organization of the District must be determined by the board of directors of the District (hereinafter referred to as the "District Board").

d. There was included in the application for formation at the District the “general plan” for the District, which sets out a general description of the public infrastructure improvements for which the District was formed, the general areas to be improved within the District and the estimated costs of construction or acquisition of the public infrastructure to be financed, constructed or acquired by the District (hereinafter referred to as the “General Plan”).

e. Pursuant to Title 48, Chapter 4, Article 6, Arizona Revised Statutes (hereinafter referred to as the “Act”), and Section 9-500.05, Arizona Revised Statutes, the City, the District, HPPC, LLP (hereinafter called “HPPC”) and HPPC II, LLC (hereinafter called “HPPC II”) are entering into a “development agreement” to specify, among other things, conditions, terms, restrictions and requirements for public infrastructure (as such term is defined in the Act) and the financing of public infrastructure and subsequent repayments over time.

f. Pursuant to the Act and Title 11, Chapter 7, Article 3, Arizona Revised Statutes, the District and the City may enter into an “intergovernmental agreement” with one another for joint or cooperative action for services and to jointly exercise any powers common to them and for the purposes of the planning, design, inspection, ownership, control, maintenance, operation or repair of public infrastructure.

g. In connection with the purposes described in paragraphs 1(e) through (f), the District proposes to enter into a District Development, Financing Participation, Waiver and Intergovernmental Agreement (Park Central Community Facilities District), (hereinafter referred to as the “Development Agreement”), by and among the City, the District, HPPC, and HPPC II, relating to, among other things, Assessment Bonds (as defined as the Development Agreement) and containing terms consistent with those appearing in Ordinance No. S-44953, adopted by the Mayor and Council of the City on August 29, 2018, relating to the District.

SECTION 2. District Officers and Consultants; Insurance. The Mayor and the Vice Mayor of the City are hereby appointed “Chairperson” and “Vice Chairperson,” respectively, of the District Board; the City Clerk of the City is hereby appointed “District Clerk”; the Chief Financial Officer of the City is hereby appointed “District Treasurer”; the City Manager of the City is hereby appointed “District Manager”; the City Attorney of the City is hereby appointed “District Counsel”; the City Superintendent of Streets is hereby appointed “District Superintendent of Streets”; and the City Controller is hereby appointed the “District Controller.” EPS Group is appointed to serve as District Engineer and District Assessment Engineer and the District Manager or his designee is hereby authorized to negotiate and execute a contract for such services. The District Manager or his designee is hereby further authorized to obtain appropriate and necessary insurance for the District and its activities.

SECTION 3. Posting of Notices. A statement directing where all public notices of the meetings of the District shall be posted, in substantially the form attached hereto and marked as Exhibit A, has been provided as indicated therein and is hereby approved and ratified for all purposes thereof.

SECTION 4. Approval of General Plan. The General Plan as previously submitted to the City Clerk of the City is hereby approved in all respects.

SECTION 5. Development Agreement.

a. *Approval of Development Agreement.* The Development Agreement is hereby approved, with such changes, additions, deletions, insertions and omissions, if any, as the District Manager and the District Counsel shall authorize, the execution and delivery of the Development Agreement to be conclusive evidence of the propriety of such document and the authority of the person or persons executing the same.

b. *Completion and Execution of Development Agreement.* The District Manager or his designee is hereby authorized and directed to complete the Development Agreement by including the appropriate materials as necessary therein and to execute, and the District Clerk to attest, the Development Agreement on behalf of the District.

SECTION 6. Authorization to Accept and Disburse Funds. The District Controller is authorized to receive and disburse funds related to this Resolution.

SECTION 7. No Liability of or for the City; Severability; Amendment; Effective Date.

a. Neither the City nor the State of Arizona or any political subdivision of either (other than the District) shall be directly, indirectly or morally liable or obligated for the payment or repayment of any indebtedness, liability, cost, expense or obligation of the District, and neither the credit nor the taxing power of the City, the State of Arizona or any political subdivision of either (other than the District) shall be pledged therefor.

b. If any section, paragraph, clause or provision of this Resolution shall for any reason 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.

c. This Resolution shall be effective immediately.

PASSED AND ADOPTED by the District Board of Park Central Community Facilities District on December 12, 2018.

Chairperson, District Board,
Park Central Community Facilities District

ATTEST:

District Clerk

APPROVED AS TO FORM:

_____ Acting District Attorney

REVIEWED BY:

_____ District Manager

DRAFT

EXHIBIT A

TO

RESOLUTION NO. PC-01

**FORMS OF STATEMENTS REGARDING
POSTING OF PUBLIC MEETINGS**

PARK CENTRAL COMMUNITY FACILITIES DISTRICT
C/O CITY OF PHOENIX, ARIZONA
251 WEST WASHINGTON STREET, 9TH FLOOR
PHOENIX, ARIZONA 85003

December 12, 2018

**CERTIFIED MAIL –
RETURN RECEIPT REQUESTED**

Ms. Fran McCarroll
Board of Supervisors of Maricopa County
10th Floor 301 West Jefferson Street
Phoenix, Arizona 85003

TO: Clerk of the Board of Supervisors of Maricopa County, Arizona

Pursuant to A.R.S. Section 38-431.02, the District Board of Park Central Community Facilities District hereby states that all notices of its meetings will be posted on the official bulletin boards of the City of Phoenix, Arizona, for posting notices which are located at the City Hall of the City of Phoenix, Arizona (as well as on a separately indicated tab at the website for the City of Phoenix, Arizona) [which notices will be available for viewing by the public 24 hours a day]. Such notices will indicate the date, time and place of the meeting and will include an agenda or information concerning the manner in which the public may obtain an agenda for the meeting. If you have questions about the foregoing, please contact Rita Murphy at 602-495-7116 or rita.murphy@phoenix.com

PARK CENTRAL COMMUNITY FACILITIES
DISTRICT

By _____
Title: