

1 [Resolution of Intention - Incur Bonded Indebtedness for Transbay Transit Center - Not to
2 Exceed \$1,400,000,000]

3 **Resolution of intention to incur bonded indebtedness in an amount not to exceed**
4 **\$1,400,000,000 for the City and County of San Francisco Community Facilities District**
5 **No. 2014-1 (Transbay Transit Center); and other matters related thereto.**

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7 WHEREAS, This Board of Supervisors has this date adopted its "Resolution of
8 intention to establish City and County of San Francisco Community Facilities District No.
9 2014-1 (Transbay Transit Center)," stating its intention to form the City and County of San
10 Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) (the "CFD")
11 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of
12 Part 1 of Division 2 of Title 5 of the California Government Code (the "Mello-Roos Act"), for
13 the purpose of financing certain public improvements (the "Facilities") as further provided in
14 that Resolution; and

15 WHEREAS, This Board of Supervisors estimates the amount required for the financing
16 of the costs of the Facilities to be the sum of not to exceed \$1,400,000,000; and

17 WHEREAS, In order to finance the costs of the Facilities it is necessary to incur
18 bonded indebtedness and other debt (as defined in the Mello-Roos Act) in the amount of not
19 to exceed \$1,400,000,000 on behalf of the CFD; and

20 WHEREAS, United States Income Tax Regulations Section 1.150-2 provides generally
21 that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are
22 used for reimbursement of expenditures made prior to the date of issuance of such debt
23 unless certain procedures are followed, one of which is a requirement that (with certain
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1 exceptions), prior to the payment of any such expenditure, the issuer declares an intention to
2 reimburse such expenditure; and

3 WHEREAS, It is in the public interest and for the public benefit that the City declares its
4 official intent to reimburse the expenditures referenced herein; now, therefore, be it

5 RESOLVED, That it is necessary to incur bonded indebtedness and other debt (as
6 defined in the Mello-Roos Act) within the boundaries of the proposed CFD in the amount of up
7 to \$1,400,000,000 to finance the costs of the Facilities; and, be it

8 FURTHER RESOLVED, That the bonded indebtedness and other debt is proposed to
9 be incurred for the purpose of financing the costs of the Facilities, including acquisition and
10 improvement costs and all costs incidental to or connected with the accomplishment of said
11 purposes and of the financing thereof, as permitted by Mello-Roos Section 53345.3; and, be it

12 FURTHER RESOLVED, That the City hereby declares that it reasonably expects (i) to
13 pay certain costs of the Facilities prior to the date of issuance of the bonded indebtedness and
14 other debt and (ii) to use a portion of the proceeds of the bonded indebtedness and other debt
15 for reimbursement of expenditures for the Facilities that are paid before the date of issuance
16 of the bonded indebtedness and other debt; and, be it

17 FURTHER RESOLVED, That this Board of Supervisors, acting as legislative body for
18 the CFD, intends to authorize the issuance and sale of bonds and other debt in one or more
19 series in the maximum aggregate principal amount of not to exceed \$1,400,000,000 bearing
20 interest payable semi-annually or in such other manner as this Board of Supervisors shall
21 determine, at a rate not to exceed the maximum rate of interest as may be authorized by
22 applicable law at the time of sale of such bonds, and maturing not to exceed 40 years from
23 the date of the issuance of the bonds; and, be it

24 FURTHER RESOLVED, That Tuesday, September 2, 2014, at 3:00 p.m. or as soon as
25 possible thereafter, in the Board of Supervisors' Legislative Chamber, Room 250, 1 Dr.

1 Carlton B. Goodlett Place, San Francisco, California, are hereby appointed and fixed as the
2 time and place when and where this Board of Supervisors will conduct a public hearing on the
3 proposed debt issue and consider and finally determine whether the public interest,
4 convenience and necessity require the issuance of bonds and other debt of the City on behalf
5 of the CFD; and, be it

6 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed
7 to cause notice of the public hearing to be given by publication one time in a newspaper of
8 general circulation circulated within the CFD. The publication of the notice shall be completed
9 at least seven days before the date specified above for the public hearing. The Clerk of the
10 Board of Supervisors may also cause notice of the hearing to be given to each property owner
11 within the CFD by first class mail, postage prepaid, to each such owner's addresses as it
12 appear on the most recent tax records of the City or as otherwise known to the Clerk of the
13 Board of Supervisors to be correct. Such mailing shall be completed not less than 15 days
14 before the date of the hearing. Each of the notices shall be substantially in the form specified
15 in Mello-Roos Act Section 53346, with the form summarizing the provisions hereof hereby
16 specifically approved; and, be it

17 FURTHER RESOLVED, That this Resolution shall in no way obligate the Board of
18 Supervisors of the City to form the CFD or to issue bonds or incur other debt for the CFD.
19 Issuance of the bonds or other debt shall be subject to the approval of this Board of
20 Supervisors by resolution following the holding of the public hearing referred to above; and, be

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FURTHER RESOLVED, That this Resolution shall take effect upon its adoption.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Mark D. Blake
Deputy City Attorney

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