

1 [Recommending approval of Community Facilities District formation and financing by the
2 ABAG Finance Authority For Nonprofit Corporations.]

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4 **Resolution recommending approval of the formation of a community facilities district**
5 **and the issuance of revenue bonds by the ABAG Finance Authority For Nonprofit**
6 **Corporations related to the Rincon Hill Downtown Residential District; making findings;**
7 **approving related joint community facilities agreement; and granting general authority**
8 **to city officials to take actions necessary to implement this resolution.**

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10 WHEREAS, The Board of Supervisors (the “Board”) of the City and County of San
11 Francisco (the “City”) has adopted Ordinance No. 217-05 (File No. 050865) on August 9, 2005
12 (the “Ordinance”) which, among other matters, imposes a Community Improvements Impact
13 Fee (the “Fee”) on owners of land in the Rincon Hill Downtown Residential District, related to
14 residential development; and

15 WHEREAS, The Ordinance allows property owners, under certain circumstances, to
16 enter a waiver agreement with the City, by which the owner agrees to participate in a
17 community facilities district (a “CFD”) under the Mello-Roos Community Facilities Act of 1982,
18 as amended (the “Act”) in return for the waiver of the Fee otherwise imposed under the
19 Ordinance; and,

20 WHEREAS, The ABAG Finance Authority for Nonprofit Corporations, a joint exercise of
21 powers agency established under the laws of the State of California (the “Authority”) has been
22 requested to consider the establishment of the CFD and the issuance of bonds (the “Bonds”)
23 by the CFD to finance public improvements (the “Improvements”) that would otherwise be
24 financed with the Fee, as contemplated by the Ordinance; and

25 WHEREAS, The City is a member of the Authority; and

1 WHEREAS, The Authority's "Guidelines for Issuance" require that the member of the
2 Authority in whose jurisdiction the CFD will be located adopt a resolution recommending
3 approval of the financing of the Improvements by a CFD created and governed by the Board
4 of Directors of the Authority (acting through its Executive Committee), prior to consideration of
5 the financing and final approval by the Authority; and

6 WHEREAS, In order to enable the CFD to finance the Improvements, Section 53316.2
7 of the California Government Code requires that the City and the Authority enter into a joint
8 community facilities agreement prior to the formation of the CFD with respect to the
9 Improvements and Section 6586.5(a)(2) of the California Government Code (the "Code")
10 requires that this Board hold a public hearing regarding the proposed CFD financing and
11 make certain findings with respect to the proposed financing; and

12 WHEREAS, A form of joint community facilities agreement by and between the City
13 and the Authority relating to the Improvements to be owned or operated by the City (the "Joint
14 Community Facilities Agreement") is on file with the Clerk of the Board of Supervisors (the
15 "Clerk of the Board") in File No. , which is hereby declared to be a part of this resolution as
16 if set forth fully herein; and

17 WHEREAS, This Board has on this date held a duly noticed public hearing on the
18 financing of the Improvements with the proceeds of the Bonds, as required by the Code; and

19 WHEREAS, It is in the public interest and for the public benefit, and in furtherance of
20 the purposes of the Ordinance, that this Board recommend approval of the formation by the
21 Authority of the CFD, the issuance of the Bonds by the Authority for the CFD to finance the
22 Improvements, and the execution and delivery of the Joint Community Facilities Agreement by
23 the City and make certain findings in connection with the financing of the Improvements with
24 proceeds of the Bonds; and

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1 WHEREAS, The Board now desires to recommend the approval of the financing of the
2 Improvements by a CFD governed by the Board of Directors of the Authority, to approve the
3 Joint Community Facilities Agreement and to make findings required under the Code with
4 respect to the financing, all in order to implement the provisions of the Ordinance, and satisfy
5 the Guidelines for Issuance by the Authority, so that the financing of the Improvements can
6 occur and work related to the Improvements can commence as soon as practicable; and

7 WHEREAS, The City will have no obligation whatsoever with respect to the formation
8 or administration of the CFD, or the issuance or repayment of the Bonds; now, therefore be it

9 RESOLVED, That this Board hereby finds and declares the above recitals are true and
10 correct; and, be it

11 FURTHER RESOLVED, That this Board hereby recommends the approval of the
12 establishment of a CFD by the Board of Directors of the Authority and the issuance of the
13 Bonds by the CFD to finance the Improvements; and, be it

14 FURTHER RESOLVED, That the Joint Community Facilities Agreement, in the form on
15 file with the Clerk of the Board, is hereby approved, and the Mayor is hereby authorized and
16 directed to execute and deliver the Joint Community Facilities Agreement in such form
17 together with any changes thereto deemed necessary by the City Attorney to comply with
18 applicable law and the requirements of the Ordinance, and this Board hereby declares that
19 the Joint Community Facilities Agreement will be beneficial to the residents residing and to
20 reside within the area in which the Improvements will be constructed; and, be it

21 FURTHER RESOLVED that this Board hereby finds that significant public benefits will
22 arise from the financing of the Improvements with the proceeds of the Bonds, including
23 reductions in the fees otherwise payable by property owners within the CFD and employment
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1 benefits from undertaking the Improvements in a timely fashion, all in accordance with Section
2 6586 of the Code; and, be it

3 FURTHER RESOLVED, that this Board approves the issuance of the Bonds by the
4 Authority for the CFD, and the financing of the Improvements with the proceeds of the Bonds;
5 and be it

6 FURTHER RESOLVED, That the approval of the formation of a CFD by the Board of
7 Directors of the Authority and the issuance of the Bonds by the Authority for the CFD to
8 finance the Improvements is neither an approval of the underlying credit issues of the
9 proposed financing nor an approval of the financial structure of the Bonds; and, be it

10 FURTHER RESOLVED, That the proper officers of the City are hereby authorized and
11 directed, for and in the name and on behalf of the City, to do any and all things and take any
12 and all actions and execute and deliver any and all certificates, agreements and other
13 documents, which they, or any of them, may deem necessary or advisable in order to
14 consummate the lawful issuance and delivery of the Bonds and to effectuate the purposes
15 thereof and of the documents herein approved in accordance with this Resolution.

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APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By: _____
MICHAEL J. MARTIN
Deputy City Attorney