

1 [Resolution of Formation - City and County of San Francisco Community Facilities District
2 No. 2014-1 (Transbay Transit Center)]

3 **Resolution of formation of the City and County of San Francisco Community Facilities**
4 **District No. 2014-1 (Transbay Transit Center) and determining other matters in**
5 **connection therewith.**

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7 WHEREAS, On July 15, 2014, this Board of Supervisors adopted a resolution entitled
8 "Resolution of Intention to establish City and County of San Francisco Community Facilities
9 District No. 2014-1 (Transbay Transit Center) and determining other matters in connection
10 therewith" (the "Resolution of Intention"), which Resolution of Intention was signed by the
11 Mayor on July 22, 2014, stating its intention to form (i) "City and County of San Francisco
12 Community Facilities District No. 2014-1 (Transbay Transit Center)" (the "CFD") and (ii) a
13 "City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit
14 Center) (Future Annexation Area)" (the "Future Annexation Area"), pursuant to the Mello-Roos
15 Community Facilities Act of 1982, as amended, constituting Chapter 2.5 of Part 1 of Division 2
16 of Title 5, commencing with Section 53311, of the California Government Code (the "Mello-
17 Roos Act"); and

18 WHEREAS, The Resolution of Intention, incorporating a map of the proposed
19 boundaries of the CFD and the Future Annexation Area and stating the facilities to be
20 provided (as set forth in the list attached hereto as Exhibit A) and the rate and method of
21 apportionment of the special tax to be levied within the CFD to pay for the costs of the
22 authorized facilities, including the principal and interest on bonds and other debt (as defined in
23 the Mello-Roos Act) proposed to be issued with respect to the CFD, is on file with the Clerk of
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1 the Board of Supervisors and the provisions thereof are incorporated herein by this reference
2 as if fully set forth herein; and

3 WHEREAS, On this date, this Board of Supervisors held a noticed public hearing as
4 required by the Mello-Roos Act and the Resolution of Intention relative to the proposed
5 formation of the CFD and the Future Annexation Area; and

6 WHEREAS, At the hearing all interested persons desiring to be heard on all matters
7 pertaining to the formation of the CFD and the Future Annexation Area, the facilities to be
8 provided therein and the levy of said special tax were heard and a full and fair hearing was
9 held; and

10 WHEREAS, At the hearing evidence was presented to this Board of Supervisors on
11 said matters before it, including a report caused to be prepared by the Director of the Office of
12 Public Finance (the "Report") as to the facilities to be provided through the CFD and the costs
13 thereof, a copy of which is on file with the Clerk of the Board of Supervisors, and this Board of
14 Supervisors at the conclusion of said hearing is fully advised in the matters related to the
15 CFD; and

16 WHEREAS, Written protests with respect to the formation of the CFD, the furnishing of
17 specified types of facilities or the rate and method of apportionment of the special taxes have
18 not been filed with the Clerk of the Board of Supervisors by fifty percent (50%) or more of the
19 registered voters residing within the territory of the CFD or six registered voters, whichever is
20 more, or property owners of one-half (1/2) or more of the area of land within the CFD and not
21 exempt from the proposed special tax; and

22 WHEREAS, Written protests have not been filed with the Clerk of the Board of
23 Supervisors against the proposed annexation of the Future Annexation Area to the CFD by (i)
24 50% of more of the registered voters, or six registered voters, whichever is more, residing in
25 the proposed boundaries of the CFD, or (ii) 50% or more of the registered voters, or six

1 registered voters, whichever is more, residing in the Future Annexation Area, (iii) owners of
2 one-half or more of the area of land in the proposed CFD and not exempt from the proposed
3 special tax or (iv) owners of one-half or more of the area of land in the Future Annexation
4 Area and not exempt from the proposed special tax; now, therefore, be it

5 RESOLVED, That the foregoing recitals are true and correct; and, be it

6 FURTHER RESOLVED, That the proposed special tax to be levied within the CFD has
7 not been precluded by majority protest pursuant to Mello-Roos Act Section 53324; and, be it

8 FURTHER RESOLVED, That all prior proceedings taken by this Board of Supervisors
9 in connection with the establishment of the CFD and the Future Annexation Area and the levy
10 of the special tax have been duly considered and are hereby found and determined to be valid
11 and in conformity with the Mello-Roos Act; and, be it

12 FURTHER RESOLVED, That the community facilities district designated "City and
13 County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center)"
14 and the future annexation area designated "City and County of San Francisco Community
15 Facilities District No. 2014-1 (Transbay Transit Center) (Future Annexation Area)" are hereby
16 established pursuant to the Mello-Roos Act; and, be it

17 FURTHER RESOLVED, That the boundaries of the CFD and the Future Annexation
18 Area, as set forth in the map of the CFD heretofore recorded in the Assessor-Recorder's
19 Office on July 25, 2014 at 3:42 p.m. in Book 1 at Page 75, as Document 2014-J914622-00 of
20 Maps of Assessment and Community Facilities Districts, are hereby approved, are
21 incorporated herein by reference and shall be the boundaries of the CFD and the Future
22 Annexation Area; and, be it

23 FURTHER RESOLVED, That parcels within the Future Annexation Area shall be
24 annexed to the CFD only with the unanimous approval (each, a "Unanimous Approval") of the
25 owner or owners of each parcel or parcels at the time that parcel or those parcels are

1 annexed, without any requirement for further public hearings or additional proceedings; and,
2 be it

3 FURTHER RESOLVED, That the type of public facilities proposed to be financed by
4 the CFD and pursuant to the Mello-Roos Act shall consist of those items listed as facilities in
5 Exhibit A hereto and by this reference incorporated herein (the “Facilities”); and, be it

6 FURTHER RESOLVED, That:

7 a. Except to the extent that funds are otherwise available to the CFD to pay
8 for the Facilities and/or the principal and interest as it becomes due on bonds of the
9 CFD issued to finance the Facilities, a special tax (the “Special Tax”) sufficient to pay
10 the costs thereof, secured by the recordation of a continuing lien against all non-
11 exempt real property in the CFD, is intended to be levied annually within the CFD, and
12 collected in the same manner as ordinary *ad valorem* property taxes or in such other
13 manner as may be prescribed by this Board of Supervisors.

14 b. The proposed rate and method of apportionment of the Special Tax
15 among the parcels of real property within the CFD, in sufficient detail to allow each
16 landowner within the proposed CFD to estimate the maximum amount such owner will
17 have to pay, are shown in Exhibit B attached hereto and hereby incorporated herein.

18 c. Territory in the Future Annexation Area will be annexed into the CFD and
19 a special tax will be levied on such territory only with the Unanimous Approval of the
20 owner or owners of each parcel or parcels at the time that parcel or those parcels are
21 annexed into the CFD. Except to the extent that funds are otherwise available to the
22 CFD to pay for the Facilities and/or the principal and interest as it becomes due on
23 bonds of the CFD issued to finance the Facilities, a special tax sufficient to pay the
24 costs thereof, secured by the recordation of a continuing lien against all non-exempt
25 real property in the Future Annexation Area, is intended to be levied annually within the

1 Future Annexation Area, and collected in the same manner as ordinary *ad valorem*
2 property taxes or in such other manner as may be prescribed by this Board of
3 Supervisors. As required by Mello-Roos Act Section 53339.3(d), the Board of
4 Supervisors hereby determines that the special tax proposed to pay for one or more
5 Facilities to be supplied within the Future Annexation Area will be equal to the special
6 taxes levied to pay for the same Facilities in the original area of the CFD; and, be it
7 FURTHER RESOLVED, That it is hereby found and determined that the Facilities are
8 necessary to meet increased demands placed upon local agencies as the result of
9 development occurring in the CFD; and, be it

10 FURTHER RESOLVED, That the Director of the Office of Public Finance, 1 Dr. Carlton
11 B. Goodlett Place, San Francisco, CA 94102, 415-554-5956, is the officer of the City who will
12 be responsible for preparing annually a current roll of special tax levy obligations by
13 assessor's parcel number and who will be responsible for estimating future special tax levies
14 pursuant to the Mello-Roos Act; and, be it

15 FURTHER RESOLVED, That upon recordation of a notice of special tax lien pursuant
16 to Section 3114.5 of the Streets and Highways Code of California, a continuing lien to secure
17 each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien
18 shall continue in force and effect until the special tax obligation is prepaid and permanently
19 satisfied and the lien canceled in accordance with law or until collection of the tax by the City
20 ceases; and, be it

21 FURTHER RESOLVED, That in accordance with the Mello-Roos Act, the annual
22 appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California
23 Constitution, of the CFD is hereby preliminarily established at \$300,000,000, and said
24 appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The
25 proposition establishing said annual appropriations limit shall become effective if approved by

1 the qualified electors voting thereon and shall be adjusted in accordance with the applicable
2 provisions of the Mello-Roos Act; and, be it

3 FURTHER RESOLVED, That pursuant to the provisions of the Mello-Roos Act, the
4 proposition of the levy of the special tax and the proposition of the establishment of the
5 appropriations limit specified above shall be submitted to the qualified electors of the CFD at
6 an election. The time, place and conditions of the election shall be as specified by a separate
7 resolution of this Board of Supervisors; and, be it

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

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

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14 By: _____
15 Mark D. Blake
16 Deputy City Attorney

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