

1 [Resolution of Intention to Issue Bonds - Port Infrastructure Financing District]

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3 **Resolution of Intention to Issue Bonds for City and County of San Francisco**
4 **Infrastructure Financing District No. 2 (Port of San Francisco).**

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6 WHEREAS, California Statutes of 1968, Chapter 1333 (Burton Act) and the San
7 Francisco Charter, Sections 4.114 and B3.581, empower the City and County of San
8 Francisco (City), acting through the San Francisco Port Commission, with the power and duty
9 to use, conduct, operate, maintain, manage, regulate and control the lands within Port
10 Commission jurisdiction; and

11 WHEREAS, Under Government Code, Sections 53395, *et seq.* (IFD Law), this Board of
12 Supervisors is authorized to establish an infrastructure financing district and to act as the
13 legislative body for an infrastructure financing district; and

14 WHEREAS, Pursuant to Section 53395.8 of the IFD Law, a waterfront district may be
15 divided into project areas; and

16 WHEREAS, On March 27, 2012, by Resolution No. 110-12 (Initial Resolution of
17 Intention to Establish IFD), this Board of Supervisors declared its intention to establish a
18 waterfront district to be known as “City and County of San Francisco Infrastructure Financing
19 District No. 2 (Port of San Francisco)” (IFD), and designated initial proposed project areas
20 within the IFD, including Project Area G (Pier 70); and

21 WHEREAS, On June 12, 2012, by Resolution No. 227-12 (First Amending Resolution),
22 this Board of Supervisors amended the Initial Resolution of Intention to Establish IFD to
23 propose, among other things, an amended list of project areas; and

24 WHEREAS, On _____, 2015, by Resolution No. _____ (Second Amending Resolution),
25 this Board of Supervisors amended the Initial Resolution of Intention to Establish IFD as

1 amended by the First Amending Resolution to designate Sub-Project Area G-1 (Pier 70 -
2 Historic Core) (Sub-Project Area G-1) (the Initial Resolution of Intention to Establish IFD, as
3 amended by the First Amending Resolution and the Second Amending Resolution, Resolution
4 of Intention to Establish IFD); and

5 WHEREAS, In the Resolution of Intention to Establish IFD, this Board of Supervisors
6 directed the Executive Director of the Port of San Francisco to prepare an infrastructure
7 financing plan for the IFD (Infrastructure Financing Plan) that would comply with the IFD Law,
8 including an infrastructure financing plan for Sub-Project Area G-1 as an appendix to the
9 Infrastructure Financing Plan (Appendix G-1); and

10 WHEREAS, Pursuant to Section 53397.1 of the IFD Law, this Board of Supervisors
11 may initiate proceedings to issue bonds pursuant to the IFD Law by adopting a resolution by
12 majority vote stating its intention to issue the bonds; and

13 WHEREAS, United States Income Tax Regulations, Section 1.150-2, generally
14 requires this Board of Supervisors to declare its official intent to reimburse with proceeds of
15 tax-exempt debt expenditures made by the City prior to the date of issuance of such debt; and

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

18 RESOLVED, By the Board of Supervisors as follows:

19 Section 1. Purposes of Bonds. This Board of Supervisors proposes issuing one or
20 more series of bonds (Bonds) payable from and secured by a pledge of available tax
21 increment allocated to the IFD with respect to Sub-Project Area G-1 and other sources
22 identified by this Board of Supervisors for the purpose of financing the costs of the facilities
23 specified in Appendix G-1 (Facilities), including acquisition and improvement costs and all
24 costs incidental to or connected with the accomplishment of said purposes and of the
25 financing thereof. The Bonds may be issued by this Board of Supervisors for and on behalf of

1 the IFD with respect to Sub-Project Area G-1 and they may be issued by this Board of
2 Supervisors for and on behalf of a community facilities district related to the territory in Sub-
3 Project Area G-1, as determined by this Board of Supervisors in connection with its approval
4 of the issuance of a series of Bonds.

5 This Board of Supervisors hereby declares that it reasonably expects (i) to pay certain
6 costs of the Facilities prior to the date of issuance of the Bonds and (ii) to use a portion of the
7 proceeds of the Bonds for reimbursement of expenditures for the Facilities that are paid
8 before the date of issuance of the Bonds.

9 Section 2. Estimated Cost. This Board of Supervisors hereby estimates that the cost
10 of the Facilities will be approximately \$18.26 million (2015 dollars) and that the estimated
11 costs of preparing and issuing each series of the Bonds will be equal to approximately 5% of
12 the principal amount of such series of Bonds.

13 Section 3. Terms of Bonds. This Board of Supervisors intends to authorize the
14 issuance and sale of the Bonds in one or more series in the maximum aggregate principal
15 amount of not to exceed \$12 million plus the principal amount of any bonds issued for the sole
16 purpose of refinancing the Bonds, funding a reserve fund for such refunding bonds and paying
17 related costs (and any bonds issued for the sole purpose of refunding such refunding bonds,
18 funding a reserve fund and paying related costs), bearing interest payable semi-annually or in
19 such other manner as this Board of Supervisors shall determine, at a rate not to exceed the
20 maximum rate of interest as may be authorized by applicable law at the time of sale of the
21 Bonds. The maximum underwriter's discount of the Bonds (excluding original issue discount)
22 shall be 1%. As permitted by Section 53397.71 of the IFD Law, this Board of Supervisors
23 may increase the maximum aggregate principal amount described above by adopting a
24 resolution and complying with the publication requirements specified in the IFD Law.
25

1 Section 4. Available Tax Revenues. This Board of Supervisors estimates, based on
2 the analysis set forth in Appendix G-1, that the incremental property tax revenues that will be
3 available to the IFD from Sub-Project Area G-1 are equal to approximately \$49.2 million. This
4 Board of Supervisors hereby finds that the amount necessary to pay principal of and interest
5 on the Bonds is less than or equal to the incremental property tax revenues that will be
6 available to the IFD to pay principal of and interest on the Bonds.

7 Section 5. Election. Pursuant to Section 53397.71 of the IFD Law, no election is
8 required prior to issuance of the Bonds.

9 Section 6. Debt. This Board of Supervisors also proposes to incur debt (as defined
10 in the IFD Law) other than the Bonds as set forth in Appendix G-1, as Appendix G-1 may be
11 amended from time to time. The limitations on Bonds set forth in this Resolution, including, but
12 not limited to, the maximum aggregate principal amount specified in Section 3, shall apply
13 only to the Bonds and not to other debt (as defined in the IFD Law) payable from available tax
14 increment allocated to the IFD with respect to Sub-Project Area G-1 pursuant to Appendix G-
15 1.

16 Section 7. No Obligation. This Resolution shall in no way obligate this Board of
17 Supervisors to issue Bonds for the IFD with respect to Sub-Project Area G-1. Issuance of the
18 Bonds shall be subject to the approval of this Board of Supervisors.

1 Section 8. California Environmental Quality Act. This Board of Supervisors hereby
2 finds that, pursuant to Title 14, California Code of Regulations, Sections 15378 and
3 15060(c)(2), adoption of this Resolution is not a “project” under the California Environmental
4 Quality Act because it does not result in a physical change in the environment.

5
6 APPROVED AS TO FORM:

7 DENNIS J. HERRERA
8 City Attorney

9 By: _____
10 GRACE PARK
11 Deputy City Attorney