

1 [Resolution of Intention - Incurring Bonded Indebtedness and Other Debt for the Central SoMa
2 Special Tax District]

3 **Resolution declaring the intention of the Board of Supervisors to incur bonded**
4 **indebtedness and other debt for City and County of San Francisco Special Tax District**
5 **No. 2018-1 (Central SoMa); ordering and setting a time and place for a public hearing of**
6 **the Board of Supervisors, sitting as a Committee of the Whole, on January 15, 2019,**
7 **at 3:00 p.m.; and determining other matters in connection therewith.**

8
9 WHEREAS, The Central SoMa planning area (the "Central SoMa Plan Area") runs
10 from 2nd Street to 6th Street, Market Street to Townsend Street, exclusive of those areas that
11 are part of the Downtown Plan or in the C-3 zoning districts; and

12 WHEREAS, The Board of Supervisors has this date adopted its "Resolution of intention
13 to establish City and County of San Francisco Special Tax District No. 2018-1 (Central SoMa),
14 and determining other matters in connection therewith" (the "Resolution of Intention"), stating
15 its intention to form the "City and County of San Francisco Special Tax District No. 2018-1
16 (Central SoMa)" (the "Special Tax District") pursuant to Chapter 43, Article X of the San
17 Francisco Administrative Code (the "Code"), which Code incorporates the Mello-Roos
18 Community Facilities Act of 1982, as amended (the "Act"), for the purpose of financing costs of
19 public infrastructure and other authorized facilities (the "Facilities") and services necessary or
20 incident to development of the Central SoMa Plan Area; and

21 WHEREAS, This Board included in the Resolution of Intention certain findings,
22 determinations and declarations, which findings, determinations and declarations this Board of
23 Supervisors further incorporates herein by this reference; and

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1 WHEREAS, In the Resolution of Intention, this Board of Supervisors stated its intention
2 to undertake the proceedings to form the Special Tax District under the alternate procedures
3 established by Section 43.10.17 of the Code; and

4 WHEREAS, This Board of Supervisors wishes to undertake the proceedings to authorize
5 the issuance of bonded indebtedness and other debt (as defined in the Code) for the Special
6 Tax District under the alternate procedure established by Section 43.10.18 of the Code; and

7 WHEREAS, This Board of Supervisors estimates the amount required for the financing
8 of the costs of the Facilities to be the sum of not to exceed \$5,300,000,000; and

9 WHEREAS, In order to finance the costs of the Facilities it is necessary to incur bonded
10 indebtedness and other debt in the amount not to exceed \$5,300,000,000 on behalf of the
11 Special Tax District; and

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

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

20 RESOLVED, That it is necessary to incur bonded indebtedness and other debt within
21 the boundaries of the proposed Special Tax District in the amount of up to \$5,300,000,000 to
22 finance the costs of the Facilities; and, be it

23 FURTHER RESOLVED, That the bonded indebtedness and other debt is proposed to
24 be incurred for the purpose of financing the costs of the Facilities, including acquisition and
25

1 improvement costs and all costs incidental to or connected with the accomplishment of said
2 purposes and of the financing thereof, as permitted by Section 53345.3 of the Act; and, be it

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

8 FURTHER RESOLVED, That this Board of Supervisors, acting as legislative body for
9 the Special Tax District, intends to authorize the issuance and sale of bonded indebtedness
10 and other debt in one or more series in the maximum aggregate principal amount of not to
11 exceed \$5,300,000,000 bearing interest payable semi-annually or in such other manner as this
12 Board of Supervisors shall determine, at a rate not to exceed the maximum rate of interest as
13 may be authorized by applicable law at the time of sale of such bonded indebtedness or other
14 debt, and maturing not to exceed 40 years from the date of the issuance of the bonded
15 indebtedness or other debt; and, be it

16 FURTHER RESOLVED, That on January 15th, 2019, at 3:00 p.m. or as soon as possible
17 thereafter, in the Board of Supervisors Chamber, 1 Dr. Carlton B. Goodlett Place, City Hall, San
18 Francisco, California 94104, be, and the same are hereby appointed and fixed as the time and
19 place when and where this Board of Supervisors, as legislative body for the Special Tax District,
20 will conduct a public hearing on the proposed issuance of bonded indebtedness and other debt
21 and consider and finally determine whether the public interest, convenience and necessity
22 require the issuance of bonded indebtedness and other debt of the City on behalf of the Special
23 Tax District; and, be it

24 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed to
25 cause notice of the public hearing to be given by publication one time in a newspaper of general

1 circulation circulated within the Special Tax District; the publication of the notice shall be
2 completed at least seven days before the date specified above for the public hearing; the notice
3 shall be substantially in the form specified in Section 53346 of the Act; and, be it

4 FURTHER RESOLVED, Notwithstanding the foregoing, because of the complexity
5 associated with the Central SoMa Plan, the Board of Supervisors hereby authorizes the Clerk
6 of the Board of Supervisors to determine that the public hearing should be held on a later date
7 or time and to cause notice of such later date or time to be given by publication one time in a
8 newspaper published in the area of the Special Tax District; and, be it

9 FURTHER RESOLVED, That pursuant to Section 43.10.18 of the Code, in lieu of the
10 procedure set forth elsewhere in the Code and in Sections 53353.5, 53354 and 53355 of the
11 Act, the proposition to authorize issuance of the bonded indebtedness and other debt for the
12 Special Tax District shall be approved by the owner or owners of a parcel or parcels of property
13 at the time that the parcel or parcels are annexed to the Special Tax District pursuant to the
14 unanimous approval described in 43.10.17 of the Code or such other procedures established
15 by the Code; and, be it

16 FURTHER RESOLVED, That consistent with the Resolution of Intention, and pursuant
17 to Section 43.10.19 of the Code, in connection with the annexation of a parcel or parcels to
18 the Special Tax District pursuant to the alternate and independent procedure set forth in
19 Section 43.10.17 of the Code and the conduct of an election on the proposition to authorize
20 bonded indebtedness pursuant to the alternate and independent procedure set forth in
21 Section 43.10.18 of the Code, the City may, without additional hearings or procedures,
22 designate a parcel or parcels as an improvement area within the Special Tax District; each
23 improvement area will be known as "Improvement Area No. ____ of City and County of San
24 Francisco Special Tax District No. 2018-1 (Central SoMa);" after the designation of a parcel or
25 parcels as an improvement area, all proceedings for approval of the appropriations limit, the


1 rate, method of apportionment and manner of collection of special tax and the authorization to
2 incur bonded indebtedness and other debt for such parcel or parcels shall apply only to the
3 improvement area; the City may incur bonded indebtedness and other debt payable solely
4 from special taxes levied on property in the improvement area; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
6 the Final EIR (as defined in the Resolution of Intention) and finds that the Final EIR is adequate
7 for its use for the actions taken by this resolution and incorporates herein the Final EIR and the
8 CEQA findings in the Resolution of Intention by this reference; and, be it

9 FURTHER RESOLVED, That this Resolution shall in no way obligate the Board to form
10 the Special Tax District or to issue bonded indebtedness and other debt for the Special Tax
11 District. Issuance of the bonded indebtedness and other debt shall be subject to the approval
12 of this Board of Supervisors by resolution following the holding of the public hearing referred to
13 above; and, be it

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

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

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19 By: 
20 Mark D. Blake
Deputy City Attorney
21 n:\legana\as2018\1800673\01280045.docx



City and County of San Francisco

**Tails
Resolution**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 180623

Date Passed: November 13, 2018

Resolution declaring the intention of the Board of Supervisors to incur bonded indebtedness and other debt for City and County of San Francisco Special Tax District No. 2018-1 (Central SoMa); ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on January 15, 2019, at 3:00 p.m.; and determining other matters in connection therewith.

October 17, 2018 Government Audit and Oversight Committee - CONTINUED

October 25, 2018 Government Audit and Oversight Committee - CONTINUED

November 07, 2018 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE


November 07, 2018 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

November 13, 2018 Board of Supervisors - ADOPTED

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Safai, Stefani, Tang and Yee
Absent: 1 - Ronen

File No. 180623

I hereby certify that the foregoing Resolution was ADOPTED on 11/13/2018 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

11/21/2018

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Angela Calvillo
Clerk of the Board

11/26/18
Date