

1 [Determining Necessity to Incur Bonded Indebtedness and Other Debt - Special Tax District
2 No. 2018-1 (Central SoMa) - \$5,300,000,000]

3 **Resolution determining necessity to incur bonded indebtedness and other debt in a**
4 **maximum principal amount of \$5,300,000,000 within the boundaries of City and County**
5 **of San Francisco Special Tax District No. 2018-1 (Central SoMa); and determining other**
6 **matters in connection therewith, as defined herein.**

7
8 WHEREAS, On November 13, 2018, the Board of Supervisors (“Board of Supervisors”)
9 of the City and County of San Francisco (“City”) adopted a resolution entitled “Resolution of
10 Intention to establish City and County Special Tax District No. 2018-1 (Central SoMa), and
11 determining other matters in connection therewith” (“Resolution of Intention”) stating its
12 intention to form "City and County of San Francisco Special Tax District No. 2018-1 (Central
13 SoMa)" (“Special Tax District”), pursuant to Chapter 43, Article X of the San Francisco
14 Administrative Code (“Code”), which Code incorporates the Mello-Roos Community Facilities
15 Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with California
16 Government Code Section 53311 (“Act”); and

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

20 WHEREAS, The Central SoMa planning area (“Central SoMa Plan Area”) runs from
21 2nd Street to 6th Street, Market Street to Townsend Street, exclusive of those areas that are
22 part of the Downtown Plan or in the C-3 zoning districts, and the Resolution of Intention,
23 incorporating a map of the proposed boundaries of the Special Tax District, stated the
24 intention of this Board of Supervisors to establish the Special Tax District in order to finance
25

1 costs of public infrastructure and other authorized facilities ("Facilities") and services
2 necessary or incidental to development of the Central SoMa Plan Area; and

3 WHEREAS, In the Resolution of Intention, for the public purposes specified therein,
4 this Board of Supervisors stated its intention to undertake the proceedings to form the Special
5 Tax District under the alternate procedures established by Code Section 43.10.17, pursuant to
6 which a special tax district may initially consist solely of territory proposed for annexation to
7 the special tax district in the future, with the condition that a parcel or parcels within that
8 territory may be annexed to the special tax district and subjected to the special tax only with
9 the unanimous approval of the owner or owners of such parcel or parcels when such parcel or
10 parcels are annexed or in compliance with other procedures established by the Code, and
11 pursuant to which no additional hearings or procedures are required, and each such
12 unanimous approval shall be deemed to constitute a unanimous vote in favor of the matters
13 addressed in the unanimous approval; and

14 WHEREAS, On November 13, 2018, this Board of Supervisors also adopted a
15 resolution entitled "Resolution of Intention to incur bonded indebtedness and other debt for
16 City and County of San Francisco Special Tax District No. 2018-1 (Central SoMa), and
17 determining other matters in connection therewith" ("Resolution of Intention to Incur
18 Indebtedness") stating its intention, for the public purposes specified therein, to incur bonded
19 indebtedness and other debt (as defined in the Code) within the boundaries of the Special Tax
20 District for the purpose of financing the Facilities; and

21 WHEREAS, In the Resolution of Intention to Incur Indebtedness, this Board of
22 Supervisors stated its intention to undertake the proceedings to authorize the issuance of
23 bonded indebtedness and other debt for the Special Tax District under the alternate
24 procedure established by Code Section 43.10.18, pursuant to which the proposition to
25 authorize bonded indebtedness and other debt may be approved by the owner or owners of a

1 parcel or parcels of property when the parcel or parcels are annexed to the Special Tax
2 District pursuant to the unanimous approval described in Code Section 43.10.17 or in
3 compliance with other procedures established by the Code; and

4 WHEREAS, This Board of Supervisors held a noticed public hearing as required by the
5 Code about the determination to proceed with the formation of the Special Tax District, the
6 provision of the Facilities and services by the Special Tax District and the rate and method of
7 apportionment of the special tax to be levied within the Special Tax District; and

8 WHEREAS, Subsequent to the public hearing, this Board of Supervisors adopted a
9 resolution entitled “Resolution of Formation to establish City and County of San Francisco
10 Special Tax District No. 2018-1 (Central SoMa) and determining other matters in connection
11 therewith” (“Resolution of Formation”); and

12 WHEREAS, This Board of Supervisors also held a noticed public hearing as required
13 by the Code related to the questions set forth in the Resolution of Intention to Incur
14 Indebtedness; and

15 WHEREAS, No written protests related to the questions set forth in the Resolution of
16 Intention to Incur Indebtedness have been filed with the Clerk of the Board of Supervisors;
17 now, therefore, be it

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

19 FURTHER RESOLVED, That this Board of Supervisors deems it necessary to incur
20 bonded indebtedness and other debt in the maximum aggregate principal amount of
21 \$5,300,000,000 within the boundaries of the Special Tax District for the purpose of financing
22 the costs of the Facilities, including, but not limited to, the costs of issuing and selling bonds
23 and other debt to finance all or a portion of the Facilities and the costs of the City in
24 establishing and administering the Special Tax District; and, be it

25 ///

1 FURTHER RESOLVED, That except as set forth below with respect to improvements
2 areas, the whole of the Special Tax District shall pay for the bonded indebtedness and other
3 debt through the levy of the special tax, and the Special Tax District shall initially consist
4 solely of territory proposed for annexation to the Special Tax District in the future, with the
5 condition that a parcel or parcels within that territory may be annexed to the Special Tax
6 District and subjected to a special tax only with the unanimous approval (each, a “Unanimous
7 Approval”) of the owner or owners of such parcel or parcels when such parcel or parcels are
8 annexed or in compliance with other procedures established by the Code, without further
9 hearings or procedures, and that the tax is to be apportioned in accordance with the Rate and
10 Method of Apportionment of Special Tax set forth in Exhibit “B” to the Resolution of Formation;
11 and, be it

12 FURTHER RESOLVED, That bonded indebtedness and other debt (“Bonds”) in the
13 maximum amount of \$5,300,000,000 are hereby authorized, subject to approval as described
14 herein, and that the Bonds may be issued in one or more series and mature and bear interest
15 at such rate or rates, payable semiannually or in such other manner, all as this Board of
16 Supervisors or its designee shall determine, at the time or times of sale of such Bonds;
17 provided, however, that the interest rate or rates shall not to exceed the maximum interest
18 rate permitted by applicable law at the time of sale of the Bonds, and the Bonds or any series
19 thereof shall not have a maximum term exceeding 40 years; and, be it

20 FURTHER RESOLVED, That pursuant to Code Section 43.10.18 in lieu of the
21 procedure set forth elsewhere in the Code and in Act Sections 53353.5, 53354 and 53355, the
22 proposition to authorize issuance of the Bonds for the Special Tax District shall be approved
23 by the owner or owners of a parcel or parcels of property when that the parcel or parcels are
24 annexed to the Special Tax District pursuant to the unanimous approval described in Code
25 Section 43.10.17 or in compliance with other procedures established by the Code;

1 no additional hearings or procedures are required, and such unanimous approval shall be
2 deemed to constitute a unanimous vote in favor of such proposition; and, be it

3 FURTHER RESOLVED, That consistent with the Resolution of Intention to Incur
4 Indebtedness, and pursuant to Code Section 43.10.19, in connection with the annexation of a
5 parcel or parcels to the Special Tax District pursuant to the alternate and independent
6 procedure set forth in Code Section 43.10.17 and the conduct of an election on the
7 proposition to authorize bonded indebtedness and other debt pursuant to the alternate and
8 independent procedure set forth in Code Section 43.10.18, the City may, without additional
9 hearings or procedures, designate a parcel or parcels as an improvement area within the
10 Special Tax District. Each improvement area will be known as "Improvement Area No. ____
11 of City and County of San Francisco Special Tax District No. 2018-1 (Central SoMa)," and
12 after the designation of a parcel or parcels as an improvement area, all proceedings for
13 approval of the appropriations limit, the rate, method of apportionment and manner of
14 collection of special tax and the authorization to incur bonded indebtedness and other debt for
15 such parcel or parcels shall apply only to the improvement area, and the City may incur
16 indebtedness payable solely from special taxes levied on property in the improvement area;
17 and, be it

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

22 ///
23 ///
24 ///
25 ///

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

2

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

5

6

7 By: _____
8 Mark D. Blake
9 Deputy City Attorney
n:\egana\as2018\1200444\01322233.docx

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25