

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2022-**

**RESOLUTION OF INTENTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO INCUR BONDED INDEBTEDNESS TO FINANCE THE ACQUISITION AND CONSTRUCTION OF PUBLIC FACILITIES IN AND FOR THE CITY OF SAN LEANDRO COMMUNITY FACILITIES DISTRICT NO. 2022-1 (MONARCH BAY SHORELINE FACILITIES & SERVICES)**

**WHEREAS**, the City Council duly adopted Resolution No. \_\_\_\_ (the “**Resolution of Intention**”) on this date, thereby declaring its intention to (1) establish a community facilities district under the Mello-Roos Community Facilities Act of 1982, set forth at Government Code sections 53311 through 53368.3 (the “**Act**”), to be known and designated as the “City of San Leandro Community Facilities District No. 2022-1 (Monarch Bay Shoreline Facilities & Services)” (the “**CFD**”); and (2) levy a special tax within the CFD to finance the provision of certain public services and the acquisition and construction of certain public facilities, including through the financing of governmentally imposed development impact fees used to finance public facilities (the “**Facilities**”), all as set out in the Resolution of Intention.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Leandro as follows:

**SECTION 1.** The City Council finds that the statements in the Background are true.

**SECTION 2.** The City Council hereby declares that public convenience and necessity require the incurring of bonded indebtedness to finance the acquisition and construction of the Facilities, which indebtedness may take the form of bonds or other debt (as defined in the Act) (collectively, “**Debt**”).

**SECTION 3.** The aggregate amount of the proposed Debt to be incurred to finance the acquisition and construction of the Facilities for the CFD may not exceed \$91 million, which amount includes all costs and estimated costs incidental to, or connected with, the accomplishment of the purpose for which the Debt is proposed to be incurred, including the estimated costs of acquisition of land and rights-of-way; capacity or connection fees; satisfaction of contractual obligations relating to expenses or the advancement of funds for expenses existing at the time the Debt issued under the Act; fees for architectural, engineering, inspection, legal, fiscal, and financial-consultant services; bond and other reserve funds; discount fees; interest on any Debt estimated to be due and payable within two years of issuance of the Debt; election costs; and all costs of issuance or incurrence of the Debt, including fees for bond counsel and disclosure counsel, costs of obtaining credit ratings, bond-insurance premiums, fees for letters of credit and other credit-enhancement costs, and printing costs.

**SECTION 4.** The City Council hereby fixes Tuesday, September 6, 2022, at 6:30 p.m., as the time for a public hearing to be held by the City Council to consider the incurring

of Debt to finance the acquisition and construction of the Facilities. The public hearing will be held in the City Council Chambers in the San Leandro City Hall, 835 East 14th Street, San Leandro, California 94577, with electronic and telephonic access provided as set forth in the agenda for the meeting. At the public hearing, any persons interested, including all taxpayers, property owners, and registered voters (if any) within the CFD, may appear and be heard on the proposed Debt or on any other matters set forth in this resolution, and they may present any matters relating to the necessity for incurring Debt to finance the acquisition and construction of the Facilities. The public hearing may be continued from time to time.

**SECTION 5.** The Clerk shall give notice of the time and place of the public hearing by publishing once in the East Bay Daily Review, a newspaper of general circulation published in the area of the CFD, a notice of public hearing in the form required by the Act (publication to be complete at least seven days before the date set for the public hearing).

**SECTION 6.** The City Council intends that any Debt be callable (i.e., may be redeemed or prepaid before maturity) in accordance with the Act.

**SECTION 7.** This resolution shall in no way obligate the City Council to form the CFD or to issue the Debt. Issuance of Debt shall be subject to the approval of this City Council by resolution following the holding of the public hearing referred to above.

**SECTION 8.** This resolution takes effect when adopted.

Introduced by \_\_\_\_\_ and passed and adopted this 18<sup>th</sup> day of July 2022, by the following vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST: \_\_\_\_\_  
Kelly B. Clancy, Acting City Clerk