

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

OF CONSIDERATION TO ALTER THE FACILITIES TO BE FINANCED BY AND THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES FOR, AND TO INCREASE THE BONDED INDEBTEDNESS LIMIT OF, COMMUNITY FACILITIES DISTRICT NO. 13-1 (ALAMEDA LANDING PUBLIC IMPROVEMENTS)

WHEREAS, on January 7, 2014, this City Council of the City of Alameda (this "City Council") adopted Resolution No. 14880 (the "Resolution of Formation"), forming the City of Alameda Community Facilities District No. 13-1 (Alameda Landing Public Improvements) (the "District") pursuant to the City of Alameda Special Tax Financing Improvement Code, constituting Section 3-70.1 et seq. of the Alameda Municipal Code (the "Law"); and

WHEREAS, under the Law, the City is authorized to incur up to \$20,000,000 of bonded indebtedness for the District (the "Bonds") in order to finance the costs of certain public facilities authorized to be funded by the District (the "Improvements"), and the Bonds are to be repaid from the proceeds of special taxes to be levied on property in the District (the "Special Taxes"); and

WHEREAS, in anticipation of the annexation of property to the District, this City Council now desires to undertake proceedings pursuant to the Law (a) to alter the description of the Improvements authorized to be financed by the District to add additional public facilities identified in Exhibit A hereto; (b) to alter the rate and method of apportionment of special taxes for the District (the "Rate and Method of Apportionment") to increase the Project Fund Requirement, as defined therein, to \$35,000,000; and (c) to increase the bonded indebtedness limit of the District to \$40,000,000, all as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that:

1. This City Council hereby finds and determines that the public convenience and necessity require that the description of the Improvements authorized to be funded by the District and the Rate and Method of Apportionment be altered, and that the bonded indebtedness limit of the District be increased, as provided for in this Resolution.

2. The name of the District is "City of Alameda Community Facilities District No. 13-1 (Alameda Landing Public Improvements)." Reference is hereby made to the Resolution of Formation for further particulars regarding the District.

3. The boundaries of the District are as shown on the map of the District recorded in the office of the Alameda County Recorder on December 12, 2013 in Book 18 at Page 45 of Maps of Assessment and Community Facilities Districts.

4. The description of the Improvements authorized to be funded by the District and pursuant to the Law is proposed to be altered by adding to the Improvements the facilities described in Exhibit A hereto (the "Additional Improvements"), which Exhibit is by this reference incorporated herein.

5. The Rate and Method of Apportionment for the District is proposed to be altered by increasing the Project Fund Requirement referred to therein from \$17,206,135 to \$35,000,000. No change in the Special Taxes to be levied to repay the Bonds and to pay the costs of the Improvements and the Additional Improvements is proposed at this time; however, in connection with proceedings to annex territory to the District this City Council may allow for an increase in Special Tax rates applicable to the annexed territory as permitted by Section 3-70.59 d. of the Law.

6. The bonded indebtedness limit of the District is proposed to be increased from \$20,000,000 to \$40,000,000.

7. The alteration of the Improvements authorized to be financed by the District to include the Additional Improvements, the alteration of the Rate and Method of Apportionment to increase the Project Fund Requirement, and the increase in the bonded indebtedness limit of the District, each shall be subject to the approval of the qualified electors of the District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the area of the District, with each owner having one vote for each acre or portion of an acre of land such owner owns in the District.

8. Tuesday, April 21, 2015, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2263 Santa Clara Avenue, Alameda, California, are hereby set as the time and place when and where this City Council, as legislative body for the District, will conduct a public hearing on the alteration of the Improvements authorized to be financed by the District, the alteration of the Rate and Method of Apportionment for the District, and the increase in the bonded indebtedness limit of the District, and consider and finally determine whether the public interest, convenience and necessity require said alterations and said increase.

9. The City Clerk is hereby directed to cause notice of the public hearing described in Section 8 above to be given by publication one time in a newspaper published in the area of the District. The publication of the notice shall be completed at least seven days before the date herein set for the public hearing. The notice shall be substantially in the form of Exhibit B hereto.

10. The firm of NBS Government Finance Group is hereby designated as Special Tax Consultant to assist the City in connection with these proceedings and the proceedings to annex territory to the District, and the law firm of Quint & Thimmig LLP is hereby designated as Bond Counsel and Disclosure Counsel to assist the City in connection with these proceedings, the proceedings to annex territory to the District, and the issuance of the Bonds for the District. The City Manager is hereby authorized

and directed to enter into agreements with said firms for their services in the forms on file with the City Clerk.

11. This Resolution shall take effect upon its adoption.

## EXHIBIT A

### CITY OF ALAMEDA COMMUNITY FACILITIES DISTRICT NO. 13-1 (ALAMEDA LANDING PUBLIC IMPROVEMENTS)

#### DESCRIPTION OF ADDITIONAL IMPROVEMENTS TO BE ELIGIBLE TO BE FINANCED BY THE DISTRICT

The District shall be eligible to finance, in addition to those facilities described in Exhibit A to Resolution No. 14872 adopted by the City Council of the City of Alameda on December 3, 2013 (the "Resolution of Intention"), all or a portion of the costs of the following improvements within the District, any territory annexed to the District, or otherwise in the vicinity of the District or any territory annexed to the District:

- Demolition of, and stabilization and improvements to existing wharf.
- Entry monument.
- Floating dock.
- Wharf railing.

The District shall also be eligible to finance any of the facilities described in Exhibit A to the Resolution of Intention to be constructed within or in the vicinity of any territory annexed to the District.

The additional improvements shall include the costs of design, engineering and planning, the costs of any environmental or other studies, surveys or reports, the cost of any required environmental mitigation, soils testing, permits, plan check and inspection fees, insurance, legal and related overhead costs, coordination and supervision, City of Alameda staff and consultant costs, and any other costs or appurtenances related to any of the additional improvements to be financed or any of the foregoing.

## EXHIBIT B

### CITY OF ALAMEDA COMMUNITY FACILITIES DISTRICT NO. 13-1 (ALAMEDA LANDING PUBLIC IMPROVEMENTS)

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that on April 7, 2015, the City Council of the City of Alameda adopted a Resolution of Consideration to Alter the Facilities to be Financed by, and to Increase the Bonded Indebtedness Limit of, Community Facilities District No. 13-1 (Alameda Landing Public Improvements) (the "Resolution of Consideration"). Pursuant to the Resolution of Consideration and the City of Alameda Special Tax Financing Improvement Code, the City Council of the City of Alameda hereby gives notice as follows:

A. The text of the Resolution of Consideration is as follows:

WHEREAS, on January 7, 2014, this City Council of the City of Alameda (this "City Council") adopted Resolution No. 14880 (the "Resolution of Formation"), forming the City of Alameda Community Facilities District No. 13-1 (Alameda Landing Public Improvements) (the "District") pursuant to the City of Alameda Special Tax Financing Improvement Code, constituting Section 3-70.1 et seq. of the Alameda Municipal Code (the "Law"); and

WHEREAS, under the Law, the City is authorized to incur up to \$20,000,000 of bonded indebtedness for the District (the "Bonds") in order to finance the costs of certain public facilities authorized to be funded by the District (the "Improvements"), and the Bonds are to be repaid from the proceeds of special taxes to be levied on property in the District (the "Special Taxes"); and

WHEREAS, in anticipation of the annexation of property to the District, this City Council now desires to undertake proceedings pursuant to the Law (a) to alter the description of the Improvements authorized to be financed by the District to add additional public facilities identified in Exhibit A hereto; (b) to alter the rate and method of apportionment of special taxes for the District (the "Rate and Method of Apportionment") to increase the Project Fund Requirement, as defined therein, to \$35,000,000; and (c) to increase the bonded indebtedness limit of the District to \$40,000,000, all as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that:

1. This City Council hereby finds and determines that the public convenience and necessity require that the description of the Improvements authorized to be funded by the District and the Rate and Method of Apportionment be altered, and that the bonded indebtedness limit of the District be increased, as provided for in this Resolution.

2. The name of the District is "City of Alameda Community Facilities District No. 13-1 (Alameda Landing Public Improvements)." Reference is hereby made to the Resolution of Formation for further particulars regarding the District.

3. The boundaries of the District are as shown on the map of the District recorded in the office of the Alameda County Recorder on December 12, 2013 in Book 18 at Page 45 of Maps of Assessment and Community Facilities Districts.

4. The description of the Improvements authorized to be funded by the District and pursuant to the Law is proposed to be altered by adding to the Improvements the facilities described in Exhibit A hereto (the "Additional Improvements"), which Exhibit is by this reference incorporated herein.

5. The Rate and Method of Apportionment for the District is proposed to be altered by increasing the Project Fund Requirement referred to therein from \$17,206,135 to \$35,000,000. No change in the Special Taxes to be levied to repay the Bonds and to pay the costs of the Improvements and the Additional Improvements is proposed at this time; however, in connection with proceedings to annex territory to the District this City Council may allow for an increase in Special Tax rates applicable to the annexed territory as permitted by Section 3-70.59 d. of the Law.

6. The bonded indebtedness limit of the District is proposed to be increased from \$20,000,000 to \$40,000,000.

7. The alteration of the Improvements authorized to be financed by the District to include the Additional Improvements, the alteration of the Rate and Method of Apportionment to increase the Project Fund Requirement, and the increase in the bonded indebtedness limit of the District, each shall be subject to the approval of the qualified electors of the District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the area of the District, with each owner having one vote for each acre or portion of an acre of land such owner owns in the District.

8. Tuesday, April 21, 2015, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2263 Santa Clara Avenue, Alameda, California, are hereby set as the time and place when and where this City Council, as legislative body for the District, will conduct a public hearing on the alteration of the Improvements authorized to be financed by the District, the alteration of the Rate and Method of Apportionment for the District, and the increase in the bonded indebtedness limit of the District, and consider and finally determine whether the public interest, convenience and necessity require said alterations and said increase.

9. The City Clerk is hereby directed to cause notice of the public hearing described in Section 8 above to be given by publication one time in a newspaper published in the area of the District. The publication of the notice shall be completed at least seven days before the date herein set for the public hearing. The notice shall be substantially in the form of Exhibit B hereto.

10. The firm of NBS Government Finance Group is hereby designated as Special Tax Consultant to assist the City in connection with these proceedings and the proceedings to annex territory to the District, and the law firm of Quint & Thimmig LLP is hereby designated as Bond Counsel and Disclosure Counsel to assist the City in connection with these proceedings, the proceedings to annex territory to the District, and the issuance of the Bonds for the District. The City Manager is hereby authorized and directed to enter into agreements with said firms for their services in the forms on file with the City Clerk.

11. This Resolution shall take effect upon its adoption.

B. The exhibit to the Resolution which describes the additional public facilities proposed to be authorized to be financed by the District is on file in the office of the City Clerk.

C. The time and place established under the Resolution of Consideration for the public hearing required under the Law are Tuesday, April 21, 2015, at the hour of 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of the City Council, City Council Chambers, City Hall, 2263 Santa Clara Avenue, Alameda, California.

D. At the public hearing, the testimony of all interested persons or taxpayers for or against the alteration of the public facilities authorized to be financed by the District and the increase in the bonded indebtedness limit of the District will be heard. Any person interested may file a protest in writing with the City Clerk. If fifty percent or more of the registered voters, or six registered voters, whichever is more, residing in the territory in the district, or the owners of one-half or more of the area of land in the territory included in the district and not exempt from the special tax file written protests against the alteration of the facilities or the alteration of the rate and method of apportionment of special taxes for the District, or against the increase in the bonded indebtedness limit for the District, and the protests are not withdrawn to reduce the value of the protests to less than a majority, the City Council shall take no further action to so alter the public facilities or the rate and method of apportionment, or to increase the bonded indebtedness limit for a period of six months from the date of the decision of the City Council, and if the majority protests of the registered voters or the landowners are only against one or both of the said alterations, or against said increase in the bonded indebtedness limit, only the specific alteration or the increase in the bonded indebtedness limit, as applicable, will be eliminated from the proceedings pursuant to the Resolution of Consideration.

E. The proposed voting procedure shall be by special mail or hand-delivered ballot to the owners of property in the district.

/s/ Lara Weisiger

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City Clerk,  
City of Alameda

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 7th day of April, 2015, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8th day of April, 2015.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Janet C. Kern  
City Attorney