

CITY OF ALAMEDA RESOLUTION NO. _____

AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS FOR THE FORMATION OF A COMMUNITY FACILITIES DISTRICT, DESIGNATING CONSULTANTS, APPROVING A DEPOSIT/REIMBURSEMENT AGREEMENT AND AUTHORIZING AND DIRECTING CERTAIN RELATED ACTIONS FOR THE ALAMEDA MARINA PROJECT

WHEREAS, Alameda Marina, LLC (the “Developer”) has submitted to the Finance Director of the City of Alameda (the “City”) a check in the amount of \$75,000.00 (the “Deposit”), to be used by the City to pay costs of the City in connection with proceedings under the City of Alameda Special Tax Financing Improvement Code, Section 3-70 et seq. of the Alameda Municipal Code (the “Code”), to create a community facilities district to be designated “City of Alameda Community Facilities District No. 20-1 (Alameda Marina)” (the “CFD”); and

WHEREAS, there also has been submitted a Deposit/Reimbursement Agreement (the “Agreement”), to be entered into by the Developer and the City (for itself and on behalf of the CFD), and this City Council now desires to direct the City Manager or designee (the “City Manager”) to accept the money advanced by the Developer, to authorize the execution and delivery by the City of the Agreement, to employ certain consultants necessary for the formation of the CFD and the sale of bonds of the City for the CFD (the “Bonds”), and to authorize and direct City staff to take actions necessary to present to City Council for approval the documents necessary to form the CFD and issue the bonds of the City for the CFD.

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

1. The City Manager is hereby requested to accept the Deposit, and to use the Deposit in the manner contemplated by the Agreement. The City Manager is hereby authorized and directed to execute the Agreement for and on behalf of the City, and to take all actions necessary, in his discretion, to implement the Agreement.

2. City staff are hereby directed to take all actions necessary or advisable to present to City Council for its review and approval all proceedings necessary to form the CFD and issue the Bonds of the City for the CFD. The passage of this Resolution shall in no way obligate this City Council to form the CFD or issue the Bonds.

3. The law firm of Quint & Thimmig LLP is hereby designated as Bond Counsel and Disclosure Counsel to the City for the CFD. The City Attorney is hereby authorized and directed to execute an agreement with said firm for its services in connection with the CFD and any Bonds issued for the CFD, in the form filed with the City Attorney’s office. In any event, the fees and expenses of Quint & Thimmig LLP shall be payable from the

Deposit and /or the proceeds of the Bonds when and if they are issued by the City for the CFD.

4. The firm of NBS is hereby designated as Special Tax Consultant to the City for the CFD. The City Manager is hereby authorized and directed to execute an agreement with said firm for its services in connection with the CFD and any Bonds issued for the CFD, in a form acceptable to the City Manager and the City Attorney. In any event, the fees and expenses of NBS shall be payable from the Deposit and/or the proceeds of the Bonds when and if they are issued by the City for the CFD.

5. The City Manager is hereby authorized and directed to designate a firm to serve as Municipal Advisor to the City for the proposed CFD and Bonds. The City Manager is hereby authorized to enter into a contract with the firm so designated, in a form acceptable to the City Manager and the City Attorney. The compensation to such firm is to be paid from the Deposit and/or the proceeds of the Bonds when and if they are issued by the City for the CFD.

6. The Mayor, the City Manager, the Assistant City Manager, the Public Works Director, the City Attorney, the City Clerk and all other appropriate officials of the City are hereby authorized and directed to take all actions necessary or advisable in furtherance of the purposes of this Resolution.

7. This Resolution shall take effect upon its adoption.

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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 2nd day of June 2020, 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 3rd day of June 2020.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Yibin Shen, City Attorney
City of Alameda