RESOLUTION NO. 10-7708

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, INTENTION **INCUR BONDED** TO

INDEBTEDNESS

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, this City Council has this date adopted its "Resolution of Intention to Establish

Community Facilities District", stating its intention to form the "City of Santa Clara Community

Facilities District No. 2010-1," and a future annexation area designated "City of Santa Clara

Community Facilities District No. 2010-1 (Future Annexation Area)" (collectively, the "CFD")

pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1

of Division 2 of Title 5 of the California Government Code (the "Act"), for the purpose of

financing certain public improvements (the "Facilities") as further provided in that Resolution;

WHEREAS, this City Council estimates that the amount required for financing the costs of the

Facilities will not exceed \$38,000,000; and

WHEREAS, in order to finance the costs of the Facilities, it is necessary to issue and incur

bonds and other forms of indebtedness on behalf of the CFD in an aggregate amount not to

exceed \$38,000,000.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA

AS FOLLOWS:

Bonded Debt. It is necessary to issue and incur bond and other forms of indebtedness 1.

within the boundaries of the proposed CFD in an aggregate amount up to \$38,000,000 to finance

the costs of the Facilities.

2. Purposes of Bonded Debt. The bonded indebtedness is proposed to be incurred for the

purpose of financing the costs of the Facilities, including acquisition and improvement costs and

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all costs incidental to or connected with the accomplishment of said purposes and of the

financing thereof, as permitted by Section 53345.3 of the Act.

3. <u>Terms of Bonds.</u> This City Council, acting as legislative body for the CFD, intends to

authorize the issuance and sale of bonds or other forms of indebtedness in one or more series in a

maximum aggregate principal amount not to exceed \$38,000,000, bearing interest payable semi-

annually or in such other manner as this City Council may determine, at a rate not to exceed the

maximum rate of interest as may be authorized by applicable law at the time of sale of such

bonds, and maturing no later than 40 years after their date of issuance.

4. <u>Public Hearing.</u> This City Council hereby appoints and fixes Tuesday, May 11, 2010, at

7:00 p.m. or as soon as possible thereafter, in the Council Chambers, 1500 Warburton Ave, Santa

Clara, California, as the time and place when and where this City Council, as legislative body for

the CFD, will conduct a public hearing in order to take public comment on the proposed debt

issue, and to consider and finally determine whether the public interest, convenience and

necessity require the issuance of bonds and other indebtedness of the City on behalf of the CFD.

5. Notices of Hearing. Pursuant to Section 53346 of the Act, the City Clerk is hereby

directed to cause notice of the public hearing to be given by publication one time in a newspaper

published in the area of the CFD and the Future Annexation Area. The publication shall be

completed at least seven days before the date of the public hearing specified above. The City

Clerk may also give notice of the public hearing by first-class mail to each landowner within the

CFD, to each such owner's addresses as it appear on the most recent tax records of the County or

as otherwise known to the City Clerk to be correct, such mailing to be completed not less than 15

days before the date of the public hearing. Each of the notices shall be substantially in the form

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specified in Section 53346 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

6. <u>No Obligation.</u> This Resolution shall in no way obligate the City Council to form the CFD, to construct any of the Facilities, or to issue or incur any bonds or any other indebtedness for the CFD. The issuance of bonds and other indebtedness for the CFD shall be subject to the approval of this City Council by resolution following the holding of the public hearing referred to above.

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Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s).

8. <u>Effective date</u>. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 30th DAY OF MARCH, 2010, BY THE FOLLOWING VOTE:

AYES:

COUNCILORS:

clause(s), phrase(s), or word(s) be declared invalid.

Caserta, Kornder, Matthews, and Moore and

Mayor Mahan

NOES:

COUNCILORS:

Kennedy

ABSENT:

COUNCILORS:

McLeod

ABSTAINED:

COUNCILORS:

None

ATTEST:

ROD DIRIDÓN, JR.

CITY CLERK

CITY OF SANTA CLARA

Attachments Incorporated by Reference: None