

RESOLUTION NO. 2016-40

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA
DETERMINING NECESSITY TO INCUR BONDED INDEBTEDNESS**

**CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)**

WHEREAS, on April 26, 2016, this City Council ("City Council") of the City of Newman (the "City") pursuant to the Mello-Roos Community Facilities Act of 1982 (California Government Code section 53311 *et. seq.*, hereinafter referred to as the "Act") adopted its "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), stating its intention to form "Community Facilities District No. 2016-1 (Community Pool)" (the "District") for the purpose of financing the cost of construction of a community pool complex and appurtenances (the "Facilities"), maintenance thereof, and related services, as further provided in the Resolution of Intention; and

WHEREAS, on April 26, 2016, this City Council also adopted a "Resolution Declaring Intention to Incur Bonded Indebtedness" (the "Resolution of Intention to Incur Indebtedness") stating its intention to incur bonded indebtedness within the boundaries of the District for the purpose of financing the costs of certain facilities specified in the Resolution of Intention;

WHEREAS, this City Council has held a duly noticed public hearing as required by the Act about the determination to proceed with the formation of the District, the provision of certain public facilities and public services by the District and the rate and method of apportionment of the special tax to be levied within the District to pay the cost of the Facilities and the services, the principal and interest on the proposed bonded indebtedness in the District and the administrative costs of the City relative to the District;

WHEREAS, subsequent to the public hearing, this City Council adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation");

WHEREAS, this City Council has also held a noticed public hearing as required by the Act relative to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness; and

WHEREAS, no written protests with respect to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness have been filed with the City Clerk.

NOW, THEREFORE, the City Council of the City of Newman, DOES HEREBY RESOLVE as follows:

1. The foregoing recitals are true and correct.
2. In order to finance the costs of the Facilities, the City deems it necessary to authorize bonds for the District and the City intends, in the City's sole discretion, to incur bonded indebtedness for the District in an amount not to exceed \$6,500,000 (the "Bond Authorization"), including, but not limited to, the costs of issuing and selling bonds to finance all or a portion of the Facilities and the costs of the City in establishing and administering the District.
3. The whole of the District shall pay for the bonded indebtedness through the levy of the special tax. The tax is to be apportioned in accordance with the formula set forth in Exhibit "B" to the Resolution of Formation.
4. Bonds in the maximum amount of \$6,500,000 are hereby authorized subject to voter approval. The bonds may be issued in one or more series and mature and bear interest at such rate or rates, payable semiannually or in such other manner, all as this City Council or its designee shall determine, at the time or times of sale of such bonds; provided, however, that the interest rate or rates shall not to exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds and the bonds or any series thereof shall have a maximum term of not to exceed forty years.

5. The authorization to incur bonded indebtedness shall be subject to the approval of the qualified electors of the District and shall be consolidated with elections on the proposition of levying special taxes within the District and the establishment of an appropriations limit for the District pursuant to Section 53353.5 of the Act. The time, place and further particulars and conditions of such election shall be as specified by separate resolution of this Council.

6. This Resolution shall in no way obligate the City to issue bonds or other debt for the District. Issuance of the bonds shall be subject to the approval of this City Council by separate resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 by Council Member Day, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: Graham, Candea, Day and Mayor Martina.
NOES: None.
ABSENT: Davis.
ABSTAIN: None.

APPROVED:



Bob Martina
Mayor

ATTEST:



Mike Maier
City Clerk