

RESOLUTION NO. 2013- 20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BRISBANE OF INTENTION TO LEVY REASSESSMENTS AND  
TO ISSUE REFUNDING BONDS UPON THE SECURITY  
THEREOF RELATING TO THE NORTHEAST RIDGE  
ASSESSMENT DISTRICT

WHEREAS, in order to finance certain public improvements the City conducted special assessment proceedings pursuant to Resolution No. 95-26, adopted by the City Council on May 22, 1995, and by those proceedings the City confirmed unpaid assessments levied on the parcels in the City's Northeast Ridge Assessment District (the "District"); and

WHEREAS, at the time of formation of the District, the unpaid assessments consisted of "Phase I Unpaid Assessments" in the aggregate amount of \$7,860,000 (the "Phase I Assessments") and "Future Phase Unpaid Assessments" in the aggregate amount of \$4,140,000 (the "Future Assessments"); and

WHEREAS, on December 6, 1995, the City issued special assessment bonds entitled "Limited Obligation Improvement Bonds, City of Brisbane, Northeast Ridge Assessment District, Series 1995" in the initial aggregate principal amount of \$7,860,000 (the "1995 Bonds"), which 1995 Bonds were secured by the unpaid Phase I Assessments; and

WHEREAS, in order to reduce the burden on the parcels in the District, the City conducted reassessment proceedings for the District pursuant to Resolutions No. 2001-65, adopted by the City Council on July 9, 2001, and by those proceedings the City confirmed unpaid reassessments levied on the parcels in the District (the "2001 Reassessments"), which 2001 Reassessments superseded and supplanted the Phase I Assessments previously levied on such parcels, and on August 1, 2001 the City issued special assessment refunding bonds entitled "City of Brisbane, Limited Obligation Refunding Bonds, Northeast Ridge Assessment District (Reassessment and Refunding of 2001)" in the initial aggregate principal amount of \$6,975,000 (the "2001 Bonds"), which 2001 Bonds were secured by the unpaid 2001 Reassessments; and

WHEREAS, proceeds of the 2001 Bonds were used to currently refund and fully redeem the 1995 Bonds; and

WHEREAS, Section 10428 of the California Streets and Highways Code provides that, from the date of recordation of the Future Assessments on the parcels in the District, the lien for those Future Assessments continued for a period of ten (10) years, and because it has been over ten (10) years since the recordation of the Future Assessments in 1995, the lien of the Future Assessments on the parcels in the District has lapsed; and

WHEREAS, due to the current low interest rates in the public debt markets the future 2001 Reassessment levies on the parcels of property in the District now may be reduced by means of the refunding of the 2001 Bonds, and this City Council intends to accomplish the refunding through a new levy of reassessments to supersede and supplant the 2001 Reassessments and the issuance of a new series of refunding bonds to be secured by the new reassessments.

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

1. Proceedings for a new levy and collection of reassessments as security for the issuance and payment of a new series of refunding bonds shall be conducted for the District pursuant to the Refunding Act of 1984 for 1915 Improvement Act Bonds, constituting Division 11.5 (commencing with Section 9500) of the California Streets and Highways Code (the "Act").

2. The contemplated new reassessment and refunding is of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon the District the exterior boundaries of which are shown on a reassessment diagram recorded in the San Mateo County Recorder's Office in connection with the 2001 Reassessment proceedings, to which diagram reference is hereby made for further particulars. The diagram indicates by a boundary line the extent of the territory included in the District and shall govern for all details as to the extent thereof.

3. The new reassessment and refunding is hereby referred to NBS Government Finance Group, a qualified firm employed by the City for the purpose of the new reassessment proceedings, and said firm is hereby directed to make and file with the City Clerk a report in writing, presenting the following:

(a) A schedule setting forth the unpaid principal and interest on the 2001 Bonds and the total amounts thereof.

(b) The total estimated principal amount of the new reassessment and of the new refunding bonds and the maximum interest rate thereon, together with an estimate of cost of the new reassessment and of issuing the new refunding bonds, including all costs of issuing the new refunding bonds, as contemplated by subdivision (a) of Section 9600 of the Act.

(c) The auditor's record kept pursuant to Section 8682 of the California Streets and Highways Code showing the schedule of principal installments and interest on all unpaid original 2001 Reassessments and the total amounts thereof.

(d) The estimated amount of each new reassessment, identified by reassessment number corresponding to the reassessment number on the reassessment diagram, together with a proposed auditor's record for the new reassessment prepared in the manner described in said Section 8682.

(e) A new reassessment diagram showing the District and the boundaries and dimensions of the subdivisions of land within the District. Each subdivision, including each separate condominium interest as defined in Section 783 of the California Civil Code, shall be given a separate number upon the diagram.

When any portion or percentage of the costs and expenses of the new refunding and reassessment is to be paid from sources other than the new reassessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the new refunding and reassessment, and the new reassessments shall include only the remainder of the estimated cost and expenses.

4. If any excess shall be realized from the new reassessments it shall be used in such amounts as the City Council may determine, in accordance with the provisions of applicable law, and in a manner to be provided in these reassessment proceedings.

5. Notice is hereby given that serial and/or term refunding bonds to represent the new reassessments, and to bear interest at the rate of not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Act, the last installment of which refunding bonds shall mature not later than September 2, 2020. It is the intention of the City Council that the City will not obligate itself to advance available funds from the treasury of the City to cure any deficiency in the redemption fund to be created with respect to the new refunding bonds; provided, however, that a determination not to obligate the City shall not prevent the City from, in its sole discretion, so advancing the funds.

6. The provisions of Part 11.1 of Division 10 of the California Streets and Highways Code, providing for an alternative procedure for the advance payment of reassessments and the calling of bonds, shall apply to the new refunding bonds to be issued pursuant to these reassessment proceedings.

7. It is the intention of the City Council to create a special reserve fund pursuant to and as authorized by Part 16 of Division 10 of the California Streets and Highways Code with respect to the new refunding bonds.

8. The firm of Quint & Thimmig LLP is hereby appointed as bond counsel for the purpose of these reassessment and refunding proceedings. The firm of NBS Government Finance Group is hereby appointed as reassessment engineer with respect to these reassessment proceedings. The firm of JNA Consulting Group, LLC is hereby appointed financial advisor for the new refunding bonds. The firm of Brandis Tallman LLC is hereby appointed as placement agent for the new refunding bonds. The City Manager is hereby authorized and directed to execute agreements with said firms for their services in connection with the new reassessment proceedings and the issuance of the new refunding bonds, in the respective forms on file with the City Clerk.

9. This Resolution shall become effective immediately upon its adoption.

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Raymond C. Miller, Mayor

I hereby certify that the foregoing Resolution No. 2013-\_\_\_\_ was duly and regularly adopted at the regular meeting of the Brisbane City Council on June 3, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Sheri Marie Spediacci, City Clerk

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