

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA ESTABLISHING FOR FISCAL YEAR 2023-24 THE PROPERTY TAX RATE FOR GENERAL OBLIGATION BONDS, INCLUDING CERTAIN UNSOLD GENERAL OBLIGATION BONDS FOR FISCAL YEAR 2023-24

CITY OF FOSTER CITY

WHEREAS, pursuant to the provisions of Article 1, Chapter 4 of Division 4 of Title 4 of the Government Code of the State of California, as amended (the "Law"), and pursuant to Ordinance No. 613 adopted by the City Council (the "City Council") of the City of Foster City (the "City") on March 5, 2018 (the "Ordinance"), a special election was duly and regularly held on June 5, 2018, in the territory included within the boundaries of the City (the "Election") at which Election there was submitted to the qualified voters of said City the following proposition (the "Bond Measure"):

"To improve the levee protecting essential city services, including fire, police, water, sewer, transportation infrastructure; protect Foster City homes, schools, businesses from flooding; avoid both Foster City being designated a FEMA special flood hazard area and flood insurance requirements for residents/businesses; shall Foster City issue \$90,000,000 in bonds at legal rates, levy approximately \$40 per \$100,000 assessed valuation, averaging \$5,171,000 collected annually while bonds are outstanding, with citizens' oversight, no funds for administrators, all funds staying local?"

WHEREAS, at the Election, the Bond Measure received the affirmative vote of the requisite two-thirds or more of the voters of the City voting on the proposition, as certified by the Registrar of Voters of the County of San Mateo (the "County") in the official canvassing of votes (the "Authorization"), and all the requirements of the Constitution and laws of the State of California have been complied with in the holding of the Election; and

WHEREAS, pursuant to the Authorization, Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Bond Law") and Resolution No. 2020-067, which was adopted by the City Council on July 6, 2020, the City previously issued its \$85,000,000 City of Foster City General Obligation Bonds, Series 2020 (Levee Protection Planning and Improvements Project (the "2020 Bonds"), leaving \$5,000,000 of bonding authority available under the Authorization; and

WHEREAS, the City expects that it will issue a second series of the bonds pursuant to the authority of the Authorization and the Bond Law in or around July 2023 (the "2023 Bonds"; together with the 2020 Bonds, the "Bonds"); and

WHEREAS, Section 5403 of the Government Code provides that when bonds to be issued by or on behalf of a public body have been authorized by an election or other method provided by law, and where it is expected that all or any part of such bonds will be sold at such time that principal or interest on such bonds will become due before the proceeds of a tax or assessment levied after such sale would be available to pay such principal or interest, the governing body, at the time of fixing the annual tax or assessment levy, may levy a tax or assessment, as the case

may be, in an amount clearly sufficient to pay that portion of the principal of and interest on said bonds which it is expected will become due before the proceeds of the next succeeding tax or assessment levy will be available; and

WHEREAS, pursuant to Government Code Section 5403, the City Council desires to establish the rate of property tax required to generate an amount of revenue from the tax base to provide sufficient moneys to pay debt service on the Bonds; and

WHEREAS, the City Council wishes at this time to separately authorize the City Manager and the Finance Director to make certain communications with the County respecting the foregoing.

NOW, THEREFORE, the City Council of the City of Foster City, California, DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

SECTION 1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

SECTION 2. The City Council hereby finds and determines that the property tax rate within the City for the Bonds (including the 2023 Bonds that are expected to be sold in or around July 2023) for the fiscal year ending June 30, 2024 be and hereby is established at \$0.02791 per \$100 assessed value, pursuant to Section 5403 of the Government Code.

As provided in Government Code Section 43634, all taxes levied pursuant to this Resolution shall be used only for payment of the Bonds and the interest thereon.

SECTION 3. The City Council hereby directs and authorizes the City Manager and the Finance Director to take any and all actions necessary to ensure that such property tax rate is enrolled with the San Mateo County Auditor-Controller.

SECTION 4. This resolution shall take effect immediately upon its adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the special meeting held on the 20th day of June, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JON FROOMIN, MAYOR

ATTEST:

PRISCULLA SCHAUS, CITY CLERK