

**RESOLUTION NO. 143-21**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,  
CALIFORNIA, APPROVING A DEPOSIT AND REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF RICHMOND AND WINEHAVEN LEGACY, LLC AND  
AUTHORIZING CITY STAFF TO TAKE ACTIONS RELATED TO THE  
POTENTIAL FORMATION OF A COMMUNITY FACILITIES DISTRICT  
FOR POINT MOLATE**

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**WHEREAS**, Winehaven Legacy, LLC (“Developer”) has requested that this City Council (the "Council") of the City of Richmond (the "City") conduct proceedings under the Mello- Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code (the "Act"), to create a community facilities district to be designated "City of Richmond Community Facilities District for Point Molate" (the "CFD") for the purpose of financing certain public facilities and funding certain public services; and

**WHEREAS**, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all of the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53521 of the Act and in the resolution of formation to establish the community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

**WHEREAS**, the City and the Developer desire to enter into the Deposit Agreement in accordance with Section 53314.9 of the Act in order to provide for the advancement of funds by the Developer to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds, notes or other evidences of indebtedness (the “Bonds”) thereby, and to provide for the reimbursement to the Developer of such funds advanced, without interest, from the net proceeds of any Bonds issued by the Community Facilities District; and

**WHEREAS**, City staff have prepared a Deposit and Reimbursement Agreement (the "Agreement"), to be executed by Developer and the City, and this City Council now desires to authorize the execution and delivery by the City of the Agreement, and authorize and direct City staff to take actions necessary to present to this City Council for approval the documents necessary to form the CFD and issue bonds of the City for the CFD.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

Section 1. Agreement. The Agreement, in the form on file with the City Clerk, is hereby approved. The Mayor of the City is hereby authorized and directed to execute the Agreement for and on behalf of the City and to take all actions necessary to implement the Agreement, upon verification that the Developer is registered with the California Secretary of State's office to transact business in California.

Section 2. Formation of CFD. City staff is hereby authorized and directed to take all actions necessary or advisable to present to the City Council for its review and approval all proceedings necessary to create the CFD and issue bonds of the City, therefore. The passage of this Resolution shall in no way obligate the City Council to form the CFD or issue bonds of the City for the CFD.

Section 3. Additional Actions. City staff and all officers and agents of the City are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by this Resolution. All actions taken by City staff in furtherance of this resolution are hereby ratified and approved.

Section 4. Effective Date. This Resolution shall take effect upon its adoption.

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I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held November 23, 2021, by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

THOMAS K. BUTT  
Mayor

Approved as to form:

TERESA STRICKER  
City Attorney

State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 143-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 23, 2021.

  
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Pamela Christian, Clerk of the City of Richmond