

# CALIFORNIA NEWSPAPER SERVICE BUREAU

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Andrea Ausberry  
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)  
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### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description: LU 140033 Publish 15 Day after enact

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

03/19/2014

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CNS 2600989

#### PUBLIC NOTICE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

**Ordinance amending Ordinance No. 16-10 to authorize the levy and collection of Special Taxes within City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) for seismic safety retrofits to certain privately owned buildings or real property; and directing the Clerk of the Board to publish a notice of public hearing and other matters related thereto.**

Be it ordained by the People of the City and County of San Francisco:

**Section 1.** The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares: A. On November 24, 2009 Board of Supervisors (the "Board of Supervisors") of the City and County of San Francisco (the "City") adopted Resolution No. 464-09 entitled "Resolution of Intention to Establish Special Tax District" (the "Resolution of Intention") stating its intention to establish, for the public purposes set forth in the Resolution of Intention, the "City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing)" (the "Special Tax District"), pursuant to Chapter 43, Article X of the San Francisco Administrative Code (the "Special Tax Financing Law"), which incorporates the Mello-Roos Community Facilities Act of 1982, as amended sections 53311, et. seq., of the California Government Code (the "Act"), to finance and refinance the acquisition, installation and improvement of energy efficiency, water conservation and renewable energy improvements to or real property and in buildings, whether such real property or buildings are privately or publicly owned. B. The Resolution of Intention stated the intention of the Board of Supervisors to undertake the proceedings to form the Special Tax District under the alternate procedures established by Section 43.10.17 of the Administrative Code, pursuant to which a special tax district may initially consist solely of territory proposed for annexation to the special tax district in the future, with the condition that a parcel or parcels within that territory may be annexed to the special tax district and subjected to the special tax only with the unanimous approval of the owner or owners of such parcel or parcels at the time that such parcel or those parcels are annexed or in compliance with other procedures established by the Code. C. The Resolution of Intention stated that the City may, without additional hearings or procedures, designate a parcel or parcels as an improvement area within the Special Tax District; that, after the designation of a parcel or parcels as an improvement area, all proceedings for approval of the appropriations limit, the rate, method of apportionment and manner of collection of special tax and the authorization to incur bonded indebtedness for such parcel or parcels will apply only to the improvement area; and that the City may incur indebtedness payable solely from special taxes levied on property in

the improvement area. D. Notice was published as required by the Special Tax Financing Law relative to the intention of the Board of Supervisors to form the Special Tax District, to provide for certain facilities and to incur bonded indebtedness for the Special Tax District in an amount not to exceed \$150,000,000. E. The Board of Supervisors held on January 12, 2010 noticed public hearings as required by the Special Tax Financing Law relative to (i) the determination to proceed with the formation of the Special Tax District and the method of apportionment of the special tax to be levied within the Special Tax District to finance the costs of the facilities and (ii) the issuance of not to exceed \$150,000,000 of bonded indebtedness for the Special Tax District. F. At the public hearings, all persons desiring to be heard on all matters pertaining to the formation of the Special Tax District and the levy of special taxes were heard, substantial evidence was presented, and considered by the Board of Supervisors; and a full and fair hearing was held. G. Subsequent to the hearings, the Board of Supervisors adopted on January 12, 2010 Resolution No. 06-10 entitled "Resolution of Formation of Special Tax District (the "Resolution of Formation") and Resolution No. 07-10 entitled "Resolution Determining the Necessity to Incur Bonded Indebtedness" (the "Resolution of Necessity") which resolutions defined the public facilities to be financed by the Special Tax District (the "Facilities"), established the Special Tax District, authorized the levy of a special tax with the Special Tax District and determined the necessity to incur bonded indebtedness in the Special Tax District, respectively. H. Section 43.10.17 of the Administrative Code provides that, notwithstanding the provisions of Section 53340 of the Act, after adoption of the resolution of formation for a special tax district pursuant to Section 43.10.17, the Board of Supervisors may, by ordinance, provide for the levy of the special taxes on parcels that will annex to the special tax district at the rate or rates to be approved by unanimous approval of the owner or owners of each parcel or parcels to be annexed to the special tax district or pursuant to other procedures established by the Code, and for apportionment and collection of the special taxes in the manner specified in the resolution of formation, and that no further ordinance shall be required even though no parcels may then have annexed to the special tax district. On February 10, 2010, this Board of Supervisors adopted Ordinance No. 16-10 (the "Original Special Tax Ordinance"), providing for the levy of the special taxes on parcels that will annex to the Special Tax District and providing for apportionment and collection of the special taxes in the manner specified in the Resolution of Formation. J. Subsequently, January 14, 2014, following the procedures set forth in Section 43.10.27 of the Administrative Code, the Board of Supervisors adopted its Resolution No. 12-14 (the "Resolution Making Changes"), and authorized the Special Tax District to levy special taxes and incur debt to finance work

deemed necessary to bring buildings or real property, including privately owned buildings or real property, into compliance with seismic safety standards or regulations, as more completely set forth in Section 43.10.15 of the Administrative Code. K. Section 43.10.27 of the Administrative Code requires the Board of Supervisors, after adopting the Resolution Making Changes, to adopt an ordinance amending any prior ordinance levying special taxes in the Special Tax District to reflect the changes to the Special Tax District. **Section 2.** The Original Special Tax Ordinance is hereby amended to authorize and levy special taxes not only for the purposes specified in the Original Special Tax Ordinance but also for the purposes specified in the Resolution Making Changes. The Original Special Tax Ordinance, as amended by this ordinance, is hereby affirmed and ratified and shall remain in full force and effect. **Section 3.** If for any reason any portion of this ordinance is found to be invalid, the balance of this ordinance and the application of the special tax to the remaining parcels within the Special Tax District (and all improvement areas established in the Special Tax District) shall not be affected. **Section 4.** Upon the enactment of this ordinance, the Clerk of the Board of Supervisors shall cause the same to be published within 15 days after its enactment at least once in a newspaper of general circulation published and circulated in the City. In addition, the Clerk shall cause a copy of this ordinance to be filed in the Board of Supervisors File No. 09-1447 for Ordinance 16-10. **Section 5.** This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. The foregoing ordinance was heard and recommended by the Land Use and Economic Development Committee of the City and County of San Francisco Board of Supervisors on February 10, 2014, duly passed on first reading by the Board of Supervisors, at the meeting on February 25, 2014, and finally passed by the Board of Supervisors, at the meeting on March 4, 2014, by the following vote, to wit:  
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee  
The foregoing ordinance was signed and finally approved by Mayor Edwin M. Lee on March 14, 2014.  
ANGELA CALVILLO, CLERK OF THE BOARD OF SUPERVISORS

**SAN FRANCISCO CHRONICLE**

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**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of SAN FRANCISCO ) ss

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description:  
LU 140033 Publish 15 Day after enact

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN FRANCISCO CHRONICLE, a newspaper published in the English language in the city of SAN FRANCISCO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN FRANCISCO, State of California, under date of 11/13/1951, Case No.411596. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

03/19/2014

Executed on: 03/19/2014  
At SAN FRANCISCO, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

CNS#: 2600989

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BOARD OF SUPERVISORS  
OF THE CITY AND COUNTY  
OF SAN FRANCISCO**

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