[Authorizing Levy and Collection of Special Taxes Within City and County of San Francisco Special Tax District No. 2009-1 - Seismic Safety Retrofits]

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 on 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
deparls may then have annexed to the special tax district.

I. 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.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
Mark D. Blake
Deputy City Attorney

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February 10, 2014 Land Use and Economic Development Committee - RECOMMENDED

February 25, 2014 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

March 04, 2014 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/4/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved: 3/14/14