[Resolution Of Intention To Incur Bonded Indebtedness]

Resolution of intention to incur bonded indebtedness in an amount not greater than $150,000,000 of special tax bonds to finance the costs of energy efficiency, water conservation and renewable energy projects on real property.

WHEREAS, This Board of Supervisors has this date adopted its "Resolution of Intention to Establish Special Tax District" (the "Resolution of Intention"), stating its intention to form 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 "Code"), which Code incorporates the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), for the purpose of financing and refinancing 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 (the "Facilities"), as further provided in that Resolution; and,

WHEREAS, This Board incorporated by reference certain findings, determinations and declarations, which findings, determinations and declarations this Board of Supervisors further incorporates herein by this reference; and,

WHEREAS, In the Resolution of Intention, this Board of Supervisors stated its intention to undertake the proceedings to form the Special Tax District under the alternate procedures established by Section 43.10.17 of the Code; and,

WHEREAS, This Board of Supervisors wishes to undertake the proceedings to authorize the issuance of bonded indebtedness for the Special Tax District under the alternate procedure established by Section 43.10.18 of the Code; and,
WHEREAS, This Board of Supervisors estimates the amount required for the financing of the costs of the Facilities to be the sum of not to exceed $150,000,000; and,

WHEREAS, In order to finance the costs of the Facilities it is necessary to incur bonded indebtedness in the amount not to exceed $150,000,000 on behalf of the Special Tax District; now, therefore, be it

RESOLVED, That it is necessary to incur bonded indebtedness within the boundaries of the proposed Special Tax District in the amount of up to $150,000,000 to finance the costs of the Facilities; and, be it

FURTHER RESOLVED, That the bonded indebtedness is proposed to be incurred for the purpose of financing the costs of the Facilities, including acquisition, installation and improvement costs and all costs incidental to or connected with the accomplishment of said purposes and of the financing thereof, as permitted by Section 53345.3 of the Act; and, be it

FURTHER RESOLVED, That this Board of Supervisors, acting as legislative body for the Special Tax District, intends to authorize the issuance and sale of bonds in one or more series in the maximum aggregate principal amount of not to exceed $150,000,000 bearing interest payable semi-annually or in such other manner as this Board of Supervisors shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed 40 years from the date of the issuance of the bonds; and, be it

FURTHER RESOLVED, That Tuesday, January 12, 2010 at 2:00 p.m. or as soon as possible thereafter, in the Board of Supervisors Chambers, 1 Dr. Carlton B. Goodlett Place, City Hall, San Francisco, California 94704, be, and the same are hereby appointed and fixed as the time and place when and where this Board of Supervisors, as legislative body for the Special Tax District, will conduct a public hearing on the proposed issuance of indebtedness and consider and finally determine whether the public interest, convenience and
necessity require the issuance of bonds of the City on behalf of the Special Tax District; and, be it

FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper of general circulation circulated within the Special Tax District. The publication of the notice shall be completed at least seven days before the date specified above for the public hearing. The notice shall be substantially in the form specified in Section 53346 of the Act.

FURTHER RESOLVED, That pursuant to Section 43.10.18 of the Code, in lieu of the procedure set forth elsewhere in the Code and in Sections 53353.5, 53354 and 53355 of the Act, the proposition to authorize issuance of the Bonds for the Special Tax District shall be approved by the owner or owners of a parcel or parcels of property at the time that the parcel or parcels are annexed to the Special Tax District pursuant to the unanimous approval described in 43.10.17 of the Code or such other procedures established by the Code; and, be it

FURTHER RESOLVED, That Consistent with the Resolution of Intention, and pursuant to Section 43.10.19 of the Code, in connection with the annexation of a parcel or parcels to the Special Tax District pursuant to the alternate and independent procedure set forth in Section 43.10.17 of the Code and the conduct of an election on the proposition to authorize bonded indebtedness pursuant to the alternate and independent procedure set forth in Section 43.10.18 of the Code, the City may, without additional hearings or procedures, designate a parcel or parcels as an improvement area within the Special Tax District. Each improvement area will be known as "Improvement Area No. ___ of City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing)." 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 shall apply
only to the improvement area. The City may incur indebtedness payable solely from special
taxes levied on property in the improvement area; and, be it

FURTHER RESOLVED, That this Resolution shall in no way obligate the Board to form
the Special Tax District or to issue bonds for the Special Tax District. Issuance of the bonds
shall be subject to the approval of this Board of Supervisors by resolution following the holding
of the public hearing referred to above.

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

By:
MARK D. BLAKE
Deputy City Attorney
Resolution of Intention to incur bonded indebtedness in an amount not greater than $150,000,000 of special tax bonds to finance the costs of energy efficiency, water conservation and renewable energy projects on real property.

November 24, 2009 Board of Supervisors - ADOPTED AS AMENDED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

November 24, 2009 Board of Supervisors - AMENDED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDE on 11/24/2009 by the Board of Supervisors of the City and County of San Francisco.