Resolution authorizing the City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) 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.

WHEREAS, Under Chapter 43, Article X of the San Francisco Administrative Code (the "Code"), which Code incorporates by reference the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Board of Supervisors previously established a special tax district known as “City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing)” (the “Special Tax District”); and

WHEREAS, The Special Tax District is authorized to levy special taxes and incur debt 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; and

WHEREAS, The Code authorizes this Board of Supervisors to make certain changes to the Special Tax District, subject to the following specific conditions: (i) this Board or a committee of this Board must hold a public hearing on the proposed changes at which any interested person, including persons owning property within the area, may appear and present any matters material to the questions set forth in the resolution, (ii) the public hearing may not occur any sooner than 14 days after the introduction at this Board of the resolution stating the changes, (iii) the Clerk of the Board must publish a notice of the public hearing one time in a newspaper of general circulation published in the area of the Special Tax District at least 7
days prior to the public hearing and (iv) this Board must conclude that the public interest, convenience and necessity would be served by the proposed changes, the changes will not adversely affect any taxable property in the Special Tax District and the changes will not adversely affect the owners of any outstanding bonds that are payable from special taxes levied in the Special Tax District; and

WHEREAS, This Board of Supervisors wishes to authorize 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 Code; and

WHEREAS, This resolution was introduced at this Board on November 26, 2013, which was at least 14 days prior to the date hereof; and

WHEREAS, The Committee of this Board held a public hearing on [the date hereof] [January 6, 2014]; and

WHEREAS, The Clerk of the Board published a notice of public hearing one time in a newspaper of general circulation published in the area of the Special Tax District at least 7 days prior to the date of the public hearing; now, therefore, be it

RESOLVED, That this Board of Supervisors hereby incorporates by reference the findings of this Board of Supervisors set forth in Ordinance No. 66-13, and hereby finds that the public interest, convenience and necessity would be served by authorizing 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 Code, that the change in the authority of the Special Tax District will not adversely affect any taxable property in the Special Tax District and that the change in the authority of
the Special Tax District will not adversely affect the owners of any outstanding bonds that are payable from special taxes levied in the Special Tax District; and, be it

RESOLVED, This Board hereby authorizes 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 Code; and, be it

FURTHER RESOLVED, As a result, the type of facilities that may be financed by the Special Tax District pursuant to the Code shall consist of those listed as facilities on Exhibit A hereto and hereby incorporated herein (the “Facilities”), which Exhibit A is on file with the Clerk of this Board of Supervisors in File No. 131143; and, be it

FURTHER RESOLVED, That the Mayor, the Controller, the City Attorney, the Director of the Office of Public Finance, designees of the Director of the Office of Public Finance, the Clerk of the Board of Supervisors and all other 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; and, be it

FURTHER RESOLVED, That this Resolution shall take effect on the effective date of Ordinance No. 20513, adopted by the Board of Supervisors on October 1, 2013.

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

By: [Signature]
Mark D. Blake
Deputy City Attorney
EXHIBIT A

CITY AND COUNTY OF SAN FRANCISCO
Special Tax District No. 2009-1
(San Francisco Sustainable Financing)

DESCRIPTION OF FACILITIES TO BE FINANCED
BY THE SPECIAL TAX DISTRICT

The Facilities shown below are proposed to be financed and refinanced by the City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) (the “Special Tax District”).

FACILITIES

It is intended that the Special Tax District will be authorized to finance and refinance all or a portion of the costs of any of the following types of facilities:

A. 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. Work deemed necessary to bring buildings or real property, including privately owned buildings or real property, into compliance with seismic safety standards or regulations. Only work certified as necessary to comply with seismic safety standards or regulations by local building officials may be financed. No project involving the dismantling of an existing building and its replacement by a new building, nor the construction of a new or substantially new building may be financed pursuant to this subparagraph.

OTHER

The Special Tax District may also finance any of the following:

1. Bond- and other debt-related expenses, including underwriters discount, reserve fund, capitalized interest, letter of credit fees and expenses, bond and disclosure counsel fees
and expenses, bond remarketing costs, and all other incidental expenses.

2. Administrative fees of the City and the bond trustee or fiscal agent related to the Special Tax District and the bonds or other debt.

3. Any other costs or fees authorized by the Code.
File Number: 131143 Date Passed: January 14, 2014

Resolution authorizing the City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) 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.

January 06, 2014 Land Use and Economic Development Committee - RECOMMENDED

January 14, 2014 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 131143

I hereby certify that the foregoing Resolution was ADOPTED on 1/14/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved 1/20/14