

1 [Changes to the Special Tax District No. 2009-1 - San Francisco Sustainable Financing]

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3 **Resolution authorizing the City and County of San Francisco Special Tax District No.**  
4 **2009-1 (San Francisco Sustainable Financing) to levy special taxes and incur debt to**  
5 **finance work deemed necessary to bring buildings or real property, including privately**  
6 **owned buildings or real property, into compliance with seismic safety standards or**  
7 **regulations.**

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9 WHEREAS, Under Chapter 43, Article X of the San Francisco Administrative Code (the  
10 “Code”), which Code incorporates by reference the Mello-Roos Community Facilities Act of  
11 1982, as amended (the “Act”), this Board of Supervisors previously established a special tax  
12 district known as “City and County of San Francisco Special Tax District No. 2009-1 (San  
13 Francisco Sustainable Financing)” (the “Special Tax District”); and

14 WHEREAS, The Special Tax District is authorized to levy special taxes and incur debt  
15 to finance and refinance the acquisition, installation and improvement of energy efficiency,  
16 water conservation and renewable energy improvements to or on real property and in  
17 buildings, whether such real property or buildings are privately or publicly owned; and

18 WHEREAS, The Code authorizes this Board of Supervisors to make certain changes to  
19 the Special Tax District, subject to the following specific conditions: (i) this Board or a  
20 committee of this Board must hold a public hearing on the proposed changes at which any  
21 interested person, including persons owning property within the area, may appear and present  
22 any matters material to the questions set forth in the resolution, (ii) the public hearing may not  
23 occur any sooner than 14 days after the introduction at this Board of the resolution stating the  
24 changes, (iii) the Clerk of the Board must publish a notice of the public hearing one time in a  
25 newspaper of general circulation published in the area of the Special Tax District at least 7

1 days prior to the public hearing and (iv) this Board must conclude that the public interest,  
2 convenience and necessity would be served by the proposed changes, the changes will not  
3 adversely affect any taxable property in the Special Tax District and the changes will not  
4 adversely affect the owners of any outstanding bonds that are payable from special taxes  
5 levied in the Special Tax District; and

6 WHEREAS, This Board of Supervisors wishes to authorize the Special Tax District to  
7 levy special taxes and incur debt to finance work deemed necessary to bring buildings or real  
8 property, including privately owned buildings or real property, into compliance with seismic  
9 safety standards or regulations, as more completely set forth in Section 43.10.15 of the Code;  
10 and

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

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

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

18 RESOLVED, That this Board of Supervisors hereby incorporates by reference the  
19 findings of this Board of Supervisors set forth in Ordinance No. 66-13, and hereby finds that  
20 the public interest, convenience and necessity would be served by authorizing the Special Tax  
21 District to levy special taxes and incur debt to finance work deemed necessary to bring  
22 buildings or real property, including privately owned buildings or real property, into compliance  
23 with seismic safety standards or regulations, as more completely set forth in Section 43.10.15  
24 of the Code, that the change in the authority of the Special Tax District will not adversely  
25 affect any taxable property in the Special Tax District and that the change in the authority of

1 the Special Tax District will not adversely affect the owners of any outstanding bonds that are  
2 payable from special taxes levied in the Special Tax District; and, be it

3 RESOLVED, This Board hereby authorizes the Special Tax District to levy special  
4 taxes and incur debt to finance work deemed necessary to bring buildings or real property,  
5 including privately owned buildings or real property, into compliance with seismic safety  
6 standards or regulations, as more completely set forth in Section 43.10.15 of the Code; and,  
7 be it

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

12 FURTHER RESOLVED, That the Mayor, the Controller, the City Attorney, the Director  
13 of the Office of Public Finance, designees of the Director of the Office of Public Finance, the  
14 Clerk of the Board of Supervisors and all other officers and agents of the City are hereby  
15 authorized and directed to take all actions necessary or advisable to give effect to the  
16 transactions contemplated by this Resolution; and, be it

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

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

22  
23 By: \_\_\_\_\_  
24 Mark D. Blake  
25 Deputy City Attorney

1 **EXHIBIT A**

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

5 **DESCRIPTION OF FACILITIES TO BE FINANCED**  
6 **BY THE SPECIAL TAX DISTRICT**

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

10 **FACILITIES**

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

13 A. Energy efficiency, water conservation and renewable energy improvements to or  
14 on real property and in buildings, whether such real property or buildings are privately or  
15 publicly owned.

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

22 **OTHER**

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

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

1 and expenses, bond remarketing costs, and all other incidental expenses.

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

4 3. Any other costs or fees authorized by the Code.

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