

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the City Controller
Deborah Raphael, Director, Department of the Environment
Nadia Sesay, Director, Controller's Office of Public Finance

FROM: Linda Wong, Assistant Clerk, Budget and Finance Sub-Committee

DATE: May 24, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Sub-Committee has received the following proposed legislation:

File No. 170483

Resolution authorizing inclusion of properties within the City and County of San Francisco's territory in the Golden State Finance Authority Community Facilities District No. 2014-1 (Clean Energy) Property-Assessed Clean Energy Program to finance renewable energy improvements, energy efficiency and water conservation improvements, electric vehicle charging infrastructure, and other authorized improvements.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Office of the City Controller
Guillermo Rodriguez, Department of the Environment

1 [Authorizing Inclusion of City Properties in Golden State Finance Authority Community
2 Facilities District No. 2014-1 (Clean Energy) Property-Assessed Clean Energy Programs]

3 **Resolution authorizing inclusion of properties within the City and County of San**
4 **Francisco’s territory in the Golden State Finance Authority Community Facilities**
5 **District No. 2014-1 (Clean Energy) Property-Assessed Clean Energy Program to finance**
6 **renewable energy improvements, energy efficiency and water conservation**
7 **improvements, electric vehicle charging infrastructure, and other authorized**
8 **improvements.**

9
10 WHEREAS, The Golden State Finance Authority, a joint exercise of powers authority
11 (“Authority”), authorized and existing pursuant to the Joint Powers Act (Government Code
12 Section 6500 *et seq.*) and that certain joint exercise of powers agreement, dated as of
13 July 1, 1993, as amended to date (including an amendment changing its name from the
14 California Home Finance Authority to the Golden State Finance Authority); has established
15 the Community Facilities District, CFD No. 2014-1 (Clean Energy) (“District”) in accordance
16 with the Mello-Roos Community Facilities District Act, set forth in California Government Code
17 Section 53311 through 53368.3 (“Act”); and

18 WHEREAS, The City and County of San Francisco (“City”) is an Associate Member of
19 the Authority and desires to participate in the programs of the Authority and to assist property
20 owners within the territory of the City in financing the cost of installing Authorized
21 Improvements (as defined below) through joining the District; and

22 WHEREAS, The purpose of the District is to finance or refinance (including the
23 payment of interest) the acquisition, installation, and improvement of energy efficiency, water
24 conservation, renewable energy and electric vehicle charging infrastructure, and such other
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1 improvements as may be authorized by law from time to time, permanently affixed to private
2 or publicly-owned real property (the "Authorized Improvements"); and

3 WHEREAS, The City is committed to development of renewable energy generation and
4 energy efficiency improvements, reduction of greenhouse gases, and protection of the
5 environment; and

6 WHEREAS, Under the Act, the Legislature has authorized a parcel within the territory
7 of the District to annex to the District and be subject to the special tax levy of the District only
8 (i) if the city or county within which the parcel is located has consented, by the adoption of a
9 resolution, to the inclusion of parcels within its boundaries in the District, and (ii) with the
10 unanimous written approval of the owner or owners of the parcel when it is annexed
11 ("Unanimous Approval Agreement"), which, as provided in section 53329.6 of the Act, shall
12 constitute the election required by the California Constitution; and

13 WHEREAS, The City wishes to provide innovative solutions to its property owners to
14 achieve energy efficiency and water conservation and in doing so cooperate with Authority in
15 order to efficiently and economically assist property owners within the City in financing such
16 Authorized Improvements; and

17 WHEREAS, The City will not be responsible for the conduct of any special tax
18 proceedings; the levy and collection of special taxes or any required remedial action in the
19 case of delinquencies in the payment of any special taxes in connection with the District; now,
20 therefore, be it

21 RESOLVED, That the Board of Supervisors finds and declares that properties in the
22 territory of the City will be benefited by the availability of the Authority CFD No. 2014-1 (Clean
23 Energy) to finance the installation of the Authorized Improvements; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors hereby consents to inclusion in
25 the Authority CFD No. 2014-1 (Clean Energy) of all of the properties in the territory of the City

1 to the Authorized Improvements, upon the request of and execution of the Unanimous
2 Approval Agreement by the owners of such properties when such properties are annexed, in
3 compliance with the laws, rules and regulations applicable to such program; and to the
4 assumption of jurisdiction thereof by Authority for the purposes thereof; and, be it

5 FURTHER RESOLVED, That the consent of the Board of Supervisors constitutes
6 assent to the assumption of jurisdiction by Authority for all purposes of the Authority CFD
7 No. 2014-1 (Clean Energy) and authorizes Authority, upon satisfaction of the conditions
8 imposed in this resolution, to take each and every step necessary or required for or suitable
9 for financing the Authorized Improvements; provided however, that the City shall not be
10 responsible for the conduct of any assessment proceedings, the levy of assessments, any
11 required remedial action in the case of delinquencies in such assessment payments; and, be
12 it

13 FURTHER RESOLVED, That the Board of Supervisors hereby finds that adoption of
14 this Resolution is not a "project" under the California Environmental Quality Act ("CEQA"),
15 because the Resolution does not involve any commitment to a specific project which may
16 result in a potentially significant physical impact on the environment, as contemplated by Title
17 14, California Code of Regulations, Section 15378(b)(4)); and, be it

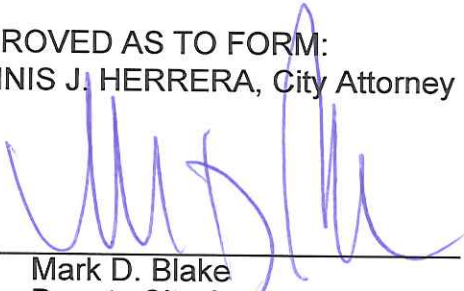
18 FURTHER RESOLVED, The costs related to the inclusion of properties into the
19 Authority CFD No. 2014-1 (Clean Energy) will be borne by the Authority, and the City shall
20 have no liability or responsibility therefor; and, be it

21 FURTHER RESOLVED, That the Controller, the Executive Director of the Department
22 of the Environment or the Director of the Office of Public Finance or their respective
23 designees are hereby authorized and directed to coordinate with Authority staff to facilitate
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1 operation of the Authority CFD No. 2014-1 (Clean Energy) within the City, and report back
2 periodically to this Board of Supervisors on the success of such program; and, be it
3 FURTHER RESOLVED, That the Controller, the Director of the Environment, the Director of
4 the Office of Public Finance and their respective designees are hereby authorized and
5 directed to execute and deliver such certificates, requisitions, agreements and related
6 documents as are reasonably required by the Authority for the inclusion of properties to
7 Authority CFD No. 2014-1 (Clean Energy) to finance the installation of the Authorized
8 Improvements; and, be it

9 FURTHER RESOLVED, That this Resolution shall take effect immediately upon its
10 adoption.

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

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15 By: 
16 Mark D. Blake
17 Deputy City Attorney
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