

1 [Resolution Of Intention To Incur Bonded Indebtedness]

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3 **Resolution of intention to incur bonded indebtedness in an amount not greater than**
4 **\$150,000,000 of special tax bonds to finance the costs of energy efficiency, water**
5 **conservation and renewable energy projects on real property.**

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7 WHEREAS, This Board of Supervisors has this date adopted its "Resolution of
8 Intention to Establish Special Tax District" (the "Resolution of Intention"), stating its intention
9 to form the "City and County of San Francisco Special Tax District No. 2009-1 (San Francisco
10 Sustainable Financing)" (the "Special Tax District") pursuant to Chapter 43, Article X of the
11 San Francisco Administrative Code (the "Code"), which Code incorporates the Mello-Roos
12 Community Facilities Act of 1982, as amended (the "Act"), for the purpose of financing and
13 refinancing the acquisition, installation and improvement of energy efficiency, water
14 conservation and renewable energy improvements to or on real property and in buildings,
15 whether such real property or buildings are privately or publicly owned (the "Facilities"), as
16 further provided in that Resolution; and,

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

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

23 WHEREAS, This Board of Supervisors wishes to undertake the proceedings to
24 authorize the issuance of bonded indebtedness for the Special Tax District under the alternate
25 procedure established by Section 43.10.18 of the Code; and,

1 WHEREAS, This Board of Supervisors estimates the amount required for the financing
2 of the costs of the Facilities to be the sum of not to exceed \$150,000,000; and,

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

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

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

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

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

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

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

15 FURTHER RESOLVED, That Consistent with the Resolution of Intention, and pursuant
16 to Section 43.10.19 of the Code, in connection with the annexation of a parcel or parcels to
17 the Special Tax District pursuant to the alternate and independent procedure set forth in
18 Section 43.10.17 of the Code and the conduct of an election on the proposition to authorize
19 bonded indebtedness pursuant to the alternate and independent procedure set forth in
20 Section 43.10.18 of the Code, the City may, without additional hearings or procedures,
21 designate a parcel or parcels as an improvement area within the Special Tax District. Each
22 improvement area will be known as "Improvement Area No. ____ of City and County of
23 San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing)." After
24 the designation of a parcel or parcels as an improvement area, all proceedings for approval of
25 the appropriations limit, the rate, method of apportionment and manner of collection of special

1 tax and the authorization to incur bonded indebtedness for such parcel or parcels shall apply
2 only to the improvement area. The City may incur indebtedness payable solely from special
3 taxes levied on property in the improvement area ; and, be it

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

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

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14 By: _____
15 MARK D. BLAKE
16 Deputy City Attorney
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