

LEGISLATIVE DIGEST

[Public Utilities Commission - Issuance of Wastewater Revenue Bonds and Other Forms of Indebtedness - Not to Exceed \$\$1,165,736,266]

Ordinance authorizing the issuance and sale of tax-exempt or taxable Wastewater Revenue Bonds and other forms of indebtedness by the San Francisco Public Utilities Commission (“Commission”) in an aggregate principal amount not to exceed \$1,165,736,266 to finance the costs of various capital wastewater projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002 as Proposition E; authorizing the issuance of Wastewater Revenue Refunding Bonds and the retirement of outstanding Wastewater Enterprise Commercial Paper; declaring the Official Intent of the Commission to reimburse itself with one or more issues of tax-exempt or taxable bonds or other forms of indebtedness; and ratifying previous actions taken in connection therewith, as defined herein.

Existing Law

This is new (uncodified) law.

Background Information

On November 5, 2002, the voters of the City and County of San Francisco approved Proposition E (“Proposition E”) which authorized the San Francisco Public Utilities Commission (“Commission”) to issue revenue bonds, including notes, commercial paper or other forms of indebtedness, when authorized by ordinance approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing, expanding, repairing or improving water facilities or clean water (sewer) facilities or combinations of water and clean water facilities under the jurisdiction of the Commission or for any other lawful purpose of the water or clean water (sewer) utilities of the City in furtherance of the purposes provided in Proposition E.

The proposed Ordinance authorizes the issuance of tax-exempt or taxable Wastewater Revenue Bonds and other forms of indebtedness, including State and Federal Loans, in an amount not to exceed \$1,165,736,266. Proceeds of the Wastewater Revenue Bonds and other forms of indebtedness, including State and Federal Loans, will be used to finance the costs of various capital projects benefitting the Wastewater Enterprise (“Capital Improvement Projects”). The Ordinance also reflects the Wastewater commercial paper program, available in an aggregate principal amount not to exceed \$1.250 billion of commercial paper notes outstanding at any one time.

The Wastewater Revenue Bonds will be issued under an Indenture dated as of January 1, 2003 (as further amended and supplemented from time to time (“Indenture”), between the Commission and U.S. Bank National Association, as the trustee.

The proposed Ordinance also authorizes the issuance of Refunding Wastewater Revenue Bonds to refund outstanding indebtedness of the Wastewater Enterprise subject to the following conditions, among others (i) three percent (3%) net present value debt service savings or greater is achieved; (ii) the maturity of the refunded bonds is not extended; and (iii) the refunding authorization sunsets on June 30, 2031, unless extended by the Commission.

Staff is required to provide a savings report within 30 days following the bond sale.

The Ordinance also authorizes the Commission to issue Refunding Bonds for non-economic factors which may include, by way of illustration, eliminating onerous covenants and obsolete provisions contained in the Commission’s Indenture or other security documents, or restructuring a series of bonds in response to then-current market conditions.

Additionally, the Ordinance includes provisions (i) for conformity among the Commission’s three distinct borrowing ordinances, one for each Commission Enterprise, (ii) to align with terms and practices used in Commission budgeting ordinances, and (iii) to develop concepts required for the needed substitution of Commission capital project funding sources (including the transfers between funds and adjustments of the accounting treatment of sources and uses for the proposed and prior capital project appropriations).