

1 [Authorizing Levy and Collection of Special Taxes Within City and County of San Francisco
2 Special Tax District No. 2009-1 - Seismic Safety Retrofits]

3 **Ordinance amending Ordinance No. 16-10 to authorize the levy and collection of**
4 **Special Taxes within City and County of San Francisco Special Tax District No. 2009-1**
5 **(San Francisco Sustainable Financing) for seismic safety retrofits to certain privately**
6 **owned buildings or real property; and directing the Clerk of the Board to publish a**
7 **notice of public hearing and other matters related thereto.**

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9 Be it ordained by the People of the City and County of San Francisco:

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11 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
12 finds, determines and declares:

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14 A. On November 24, 2009 Board of Supervisors (the “Board of Supervisors”) of the
15 City and County of San Francisco (the “City”), adopted Resolution No. 464-09 entitled
16 “Resolution of Intention to Establish Special Tax District” (the “Resolution of Intention”), stating
17 its intention to establish, for the public purposes set forth in the Resolution of Intention, the
18 “City and County of San Francisco Special Tax District No. 2009-1 (San Francisco
19 Sustainable Financing)” (the “Special Tax District”), pursuant to Chapter 43, Article X of the
20 San Francisco Administrative Code (the “Special Tax Financing Law”), which incorporates the
21 Mello-Roos Community Facilities Act of 1982, as amended, sections 53311, *et. seq.*, of the
22 California Government Code (the “Act”), to finance and refinance the acquisition, installation
23 and improvement of energy efficiency, water conservation and renewable energy
24 improvements to or on real property and in buildings, whether such real property or buildings
25 are privately or publicly owned.

1 B. The Resolution of Intention stated the intention of the Board of Supervisors to
2 undertake the proceedings to form the Special Tax District under the alternate procedures
3 established by Section 43.10.17 of the Administrative Code, pursuant to which a special tax
4 district may initially consist solely of territory proposed for annexation to the special tax district
5 in the future, with the condition that a parcel or parcels within that territory may be annexed to
6 the special tax district and subjected to the special tax only with the unanimous approval of
7 the owner or owners of such parcel or parcels at the time that such parcel or those parcels are
8 annexed or in compliance with other procedures established by the Code.

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10 C. The Resolution of Intention stated that the City may, without additional hearings
11 or procedures, designate a parcel or parcels as an improvement area within the Special Tax
12 District; that, after the designation of a parcel or parcels as an improvement area, all
13 proceedings for approval of the appropriations limit, the rate, method of apportionment and
14 manner of collection of special tax and the authorization to incur bonded indebtedness for
15 such parcel or parcels will apply only to the improvement area; and that the City may incur
16 indebtedness payable solely from special taxes levied on property in the improvement area.

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18 D. Notice was published as required by the Special Tax Financing Law relative to
19 the intention of the Board of Supervisors to form the Special Tax District, to provide for certain
20 facilities and to incur bonded indebtedness for the Special Tax District in an amount not to
21 exceed \$150,000,000.

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23 E. The Board of Supervisors held on January 12, 2010 noticed public hearings as
24 required by the Special Tax Financing Law relative to (i) the determination to proceed with the
25 formation of the Special Tax District and the method of apportionment of the special tax to be

1 levied within the Special Tax District to finance the costs of the facilities and (ii) the issuance
2 of not to exceed \$150,000,000 of bonded indebtedness for the Special Tax District.

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4 F. At the public hearings, all persons desiring to be heard on all matters pertaining
5 to the formation of the Special Tax District and the levy of special taxes were heard,
6 substantial evidence was presented and considered by the Board of Supervisors and a full
7 and fair hearing was held.

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9 G. Subsequent to the hearings, the Board of Supervisors adopted on January 12,
10 2010 Resolution No. 06-10 entitled “Resolution of Formation of Special Tax District (the
11 “Resolution of Formation”) and Resolution No. 07-10 entitled “Resolution Determining the
12 Necessity to Incur Bonded Indebtedness” (the “Resolution of Necessity”) which resolutions
13 defined the public facilities to be financed by the Special Tax District (the "Facilities"),
14 established the Special Tax District, authorized the levy of a special tax with the Special Tax
15 District and determined the necessity to incur bonded indebtedness in the Special Tax District,
16 respectively.

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18 H. Section 43.10.17 of the Administrative Code provides that, notwithstanding the
19 provisions of Section 53340 of the Act, after adoption of the resolution of formation for a
20 special tax district pursuant to Section 43.10.17, the Board of Supervisors may, by ordinance,
21 provide for the levy of the special taxes on parcels that will annex to the special tax district at
22 the rate or rates to be approved by unanimous approval of the owner or owners of each parcel
23 or parcels to be annexed to the special tax district or pursuant to other procedures established
24 by the Code, and for apportionment and collection of the special taxes in the manner specified
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1 in the resolution of formation, and that no further ordinance shall be required even though no
2 parcels may then have annexed to the special tax district.

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4 I. On February 10, 2010, this Board of Supervisors adopted Ordinance No. 16-10
5 (the “Original Special Tax Ordinance”), providing for the levy of the special taxes on parcels
6 that will annex to the Special Tax District and providing for apportionment and collection of the
7 special taxes in the manner specified in the Resolution of Formation.

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9 J. Subsequently, January 14, 2014, following the procedures set forth in Section
10 43.10.27 of the Administrative Code, the Board of Supervisors adopted its Resolution
11 No. 12-14 (the “Resolution Making Changes”), and authorized the Special Tax District to levy
12 special taxes and incur debt to finance work deemed necessary to bring buildings or real
13 property, including privately owned buildings or real property, into compliance with seismic
14 safety standards or regulations, as more completely set forth in Section 43.10.15 of the
15 Administrative Code.

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17 K. Section 43.10.27 of the Administrative Code requires the Board of Supervisors,
18 after adopting the Resolution Making Changes, to adopt an ordinance amending any prior
19 ordinance levying special taxes in the Special Tax District to reflect the changes to the Special
20 Tax District.

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22 Section 2. The Original Special Tax Ordinance is hereby amended to authorize and
23 levy special taxes not only for the purposes specified in the Original Special Tax Ordinance
24 but also for the purposes specified in the Resolution Making Changes. The Original Special
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1 Tax Ordinance, as amended by this ordinance, is hereby affirmed and ratified and shall
2 remain in full force and effect.

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4 Section 3. If for any reason any portion of this ordinance is found to be invalid, the
5 balance of this ordinance and the application of the special tax to the remaining parcels within
6 the Special Tax District (and all improvement areas established in the Special Tax District)
7 shall not be affected.

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9 Section 4. Upon the enactment of this ordinance, the Clerk of the Board of
10 Supervisors shall cause the same to be published within 15 days after its enactment at least
11 once in a newspaper of general circulation published and circulated in the City. In addition,
12 the Clerk shall cause a copy of this ordinance to be filed in the Board of Supervisors File No.
13 09-1447 for Ordinance 16-10.

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15 Section 5. This ordinance shall become effective 30 days after enactment.
16 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
17 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
18 Supervisors overrides the Mayor's veto of the ordinance.

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

22 By: _____
23 Mark D. Blake
24 Deputy City Attorney

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