

1 [Amending Ordinance No. 16-10 - Collection and Levy of Special Taxes - Tax District No.
2 2009-1 (San Francisco Sustainable Financing) - Accessibility Modifications and Improvements
3 to Privately Owned Buildings or Real Property]

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

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10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

18 Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds,
19 determines and declares based on the record before it that:

20 A. On November 24, 2009, this Board of Supervisors (the “Board of Supervisors”)
21 of the City and County of San Francisco (the “City”), adopted a resolution entitled “Resolution
22 of Intention to Establish Special Tax District” (the “Resolution of Intention”) stating its intention
23 to establish, for the public purposes set forth in the Resolution of Intention, the “City and
24 County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable
25 Financing)” (the “Special Tax District”), pursuant to Chapter 43, Article X of the San Francisco

1 Administrative Code (the "Code"), which Code incorporates the Mello-Roos Community
2 Facilities Act of 1982, as amended, sections 53311, *et. seq.*, of the California Government
3 Code (the "Act"), to finance and refinance the acquisition, installation and improvement of
4 energy efficiency, water conservation and renewable energy improvements to or on real
5 property and in buildings, whether such real property or buildings are privately or publicly
6 owned.

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

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

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1 D. Notice was published as required by the Code relative to the intention of this
2 Board of Supervisors to form the Special Tax District, to provide for certain facilities and to
3 incur bonded indebtedness for the Special Tax District in an amount not to exceed
4 \$150,000,000.

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6 E. This Board of Supervisors held noticed public hearings as required by the Code
7 relative to (i) the determination to proceed with the formation of the Special Tax District and
8 the method of apportionment of the special tax to be levied within the Special Tax District to
9 finance the costs of the facilities and (ii) the issuance of not to exceed \$150,000,000 of
10 bonded indebtedness for the Special Tax District.

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

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17 G. Subsequent to the hearings, this Board of Supervisors adopted resolutions
18 entitled "Resolution of Formation of Special Tax District" (the "Resolution of Formation") and
19 "Resolution Determining the Necessity to Incur Bonded Indebtedness" (the "Resolution of
20 Necessity"), which resolutions defined the public facilities to be financed by the Special Tax
21 District (the "Facilities"), established the Special Tax District, authorized the levy of a special
22 tax with the Special Tax District and determined the necessity to incur bonded indebtedness
23 in the Special Tax District, respectively.

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

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11 I. On February 10, 2010, this Board of Supervisors adopted Ordinance No. 16-10
12 (the "Original Special Tax Ordinance"), providing for the levy of the special taxes on parcels
13 that will annex to the Special Tax District and providing for apportionment and collection of the
14 special taxes in the manner specified in the Resolution of Formation.

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16 J. Subsequently, on November 26, 2013, after following the procedures set forth in
17 Section 43.10.27 of the Code, this Board of Supervisors adopted its Resolution No. 43-13 (the
18 "Resolution Making Changes") and thereafter Ordinance No. 205-13, adopted by the Board on
19 October 1, 2013, and signed by the Mayor on October 11, 2013 (the "Revised Special Tax
20 Ordinance), and authorized the Special Tax District to levy special taxes and incur debt to
21 finance work to bring buildings or real property, including privately owned buildings or real
22 property, into compliance with seismic safety standards or regulations, as more completely set
23 forth in Section 43.10.15 of the Code.

1 K. The Board now has determined to adopt Resolution No. 147-16 (the “2016
2 Resolution Making Changes”) to authorize the Special Tax District to levy special taxes and
3 incur debt to finance work to makes accessibility modifications and improvements to buildings
4 or real property, including privately owned buildings or real property, to conform such
5 properties to the requirements of Federal and State law.

6 I. Section 43.10.27 of the Code requires this Board of Supervisors, after adopting
7 the Resolution Making Changes, to adopt an ordinance amending any prior ordinance levying
8 special taxes in the Special Tax District to reflect the changes to the Special Tax District.
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10 2. By the passage of this Ordinance, this Board of Supervisors hereby determines
11 to authorize and levy special taxes not only for the purposes specified in the Revised Special
12 Tax Ordinance but also for the purposes specified in the 2016 Resolution Making Changes.
13 The Revised Special Tax Ordinance, except as further amended by this Ordinance, is hereby
14 amended as provided in this paragraph 9 and otherwise affirmed and ratified and remain in
15 full force and effect.
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17 3. If for any reason any portion of this Ordinance is found to be invalid, the balance
18 of this Ordinance and the application of the special tax to the remaining parcels within the
19 Special Tax District (and all improvement areas established in the Special Tax District) shall
20 not be affected.
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22 4. Upon the approval of this Ordinance by the Mayor, the Clerk of the Board of
23 Supervisors shall cause the same to be published within 15 days after its passage at least
24 once in a newspaper of general circulation published and circulated in the City.
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1 5. This Ordinance shall take effect 30 days from the date of final passage.

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3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

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6 By: _____
7 Mark D. Blake
8 Deputy City Attorney
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