

1 [Changing Special Tax District - San Francisco Sustainable Financing - Accessibility Access  
2 Financing]

3 **Resolution making changes to City and County of San Francisco Special Tax District**  
4 **No. 2009-1 (San Francisco Sustainable Financing) to amend the authorized financing**  
5 **purposes to include accessibility access financing for persons with disabilities.**  
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7 WHEREAS, Under Chapter 43, Article X of the San Francisco Administrative Code (the  
8 “Code”), which Code incorporates by reference the Mello-Roos Community Facilities Act of  
9 1982, as amended (the “Act”), this Board of Supervisors previously established a special tax  
10 district known as “City and County of San Francisco Special Tax District No. 2009-1 (San  
11 Francisco Sustainable Financing)” (the “Special Tax District”); and

12 WHEREAS, The Special Tax District is authorized to levy special taxes and incur debt  
13 to finance and refinance the acquisition, installation and improvement of energy efficiency,  
14 water conservation and renewable energy improvements to or on real property and in  
15 buildings, whether such real property or buildings are privately or publicly owned; and

16 WHEREAS, The Code authorizes this Board of Supervisors to make certain changes to  
17 the Special Tax District, subject to the following specific conditions: (i) this Board or a  
18 committee of this Board must hold a public hearing on the proposed changes at which any  
19 interested person, including persons owning property within the area, may appear and present  
20 any matters material to the questions set forth in the resolution, (ii) the public hearing may not  
21 occur any sooner than 14 days after the introduction at this Board of the resolution stating the  
22 changes, (iii) the Clerk of the Board must publish a notice of the public hearing one time in a  
23 newspaper of general circulation published in the area of the Special Tax District at least 7  
24 days prior to the public hearing and (iv) this Board must conclude that the public interest,  
25 convenience and necessity would be served by the proposed changes, the changes will not

1 adversely affect any taxable property in the Special Tax District and the changes will not  
2 adversely affect the owners of any outstanding bonds that are payable from special taxes  
3 levied in the Special Tax District; and

4 WHEREAS, Under Federal and State law owners of certain buildings are required to  
5 make those structures free from architectural barriers, if readily achievable, and thereby  
6 accessible to individuals with disabilities; and

7 WHEREAS, The construction cost of such repairs can be significant and the terms for  
8 conventional financing prohibitive for certain owners of buildings and real property; and

9 WHEREAS, This Board desires to provide an alternative and affordable means by  
10 which owners of certain buildings can finance the cost of making accessibility modifications  
11 and improvements on buildings in the City; and

12 WHEREAS, This Board of Supervisors wishes to authorize the Special Tax District to  
13 levy special taxes and incur debt to finance the cost of accessibility modifications and  
14 improvements on buildings or real property, including privately owned buildings or real  
15 property; and

16 WHEREAS, This resolution was introduced at this Board on February 9, 2016, which  
17 was at least 14 days prior to the date hereof; and

18 WHEREAS, The Budget and Finance Sub-Committee of this Board held a public  
19 hearing on April 20, 2016; and

20 WHEREAS, The Clerk of the Board published a notice of public hearing one time in a  
21 newspaper of general circulation published in the area of the Special Tax District at least 7  
22 days prior to the date of the public hearing; now, therefore, be it

23 RESOLVED, That this Board of Supervisors hereby finds that the public interest,  
24 convenience and necessity would be served by authorizing the Special Tax District to levy  
25 special taxes and incur debt to finance work related to accessibility modifications and

1 improvements on buildings or real property, including privately owned buildings or real  
2 property, as more completely set forth in Section 43.10.15 of the Code, that the change in the  
3 authority of the Special Tax District will not adversely affect any taxable property in the  
4 Special Tax District and that the change in the authority of the Special Tax District will not  
5 adversely affect the owners of any outstanding bonds that are payable from special taxes  
6 levied in the Special Tax District; and, be it

7 FURTHER RESOLVED, This Board hereby authorizes the Special Tax District to levy  
8 special taxes and incur debt to finance work related to accessibility modifications or  
9 improvements on buildings or real property, including privately owned buildings or real  
10 property, as more completely set forth in Section 43.10.15 of the Code; and, be it

11 FURTHER RESOLVED, As a result, the type of facilities that may be financed by the  
12 Special Tax District pursuant to the Code shall consist of those listed as facilities on Exhibit A  
13 hereto and hereby incorporated herein (the "Facilities"), which Exhibit A is on file with the  
14 Clerk of this Board of Supervisors in File No. 160121; and, be it

15 FURTHER RESOLVED, That the Mayor, the Controller, the City Attorney, the Director  
16 of the Office of Public Finance, designees of the Director of the Office of Public Finance, the  
17 Clerk of the Board of Supervisors and all other officers and agents of the City are hereby  
18 authorized and directed to take all actions necessary or advisable to give effect to the  
19 transactions contemplated by this Resolution; and, be it

20 FURTHER RESOLVED, That the effectiveness of this Resolution is subject to the  
21 Board's adoption of Ordinances amending Ordinance No. 16-10, as amended, of the Board to  
22 authorize the levy and collection of special taxes within the Special Tax District to finance the

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1 cost of accessibility improvements.

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1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

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4 By: \_\_\_\_\_  
5 Mark D. Blake  
6 Deputy City Attorney

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