

File No. 160386

Committee Item No. 2

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS
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Committee: Budget & Finance Committee

Date June 8, 2016

Board of Supervisors Meeting

Date JUNE 14, 2016

Cmte Board

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Completed by: Linda Wong Date June 3, 2016
Completed by: Linda Wong Date 6/9/16

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.**

9
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.

7
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.

16
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.

24

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.

5
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.

11
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.

16
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.

10
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.

15
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.
24

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.

9
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.

16
17 3. If for any reason any portion of this Ordinance is found to be invalid, the balance
18 of this
19 Ordinance and the application of the special tax to the remaining parcels within the Special
20 Tax District (and all improvement areas established in the Special Tax District) shall not be
21 affected.

22
23 4. Upon the approval of this Ordinance by the Mayor, the Clerk of the Board of
24 Supervisors shall cause the same to be published within 15 days after its passage at least
25 once in a newspaper of general circulation published and circulated in the City.

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5. This Ordinance shall take effect 30 days from the date of final passage.

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

By: _____

Mark D. Blake
Deputy City Attorney

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LEGISLATIVE DIGEST

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

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

Existing Law

The Board of Supervisors previously established its "City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing)" (the "Special Tax District") for the purpose of financing and refinancing the acquisition, installation and improvement of energy efficiency, water conservation, renewable energy, seismic retrofit improvements to or on real property and in buildings, whether such real property or buildings are privately or publicly owned.

Ordinance No. 16-10 authorized the levy of and collection of special taxes for the purposes permitted under Special Tax Financing Law.

Amendments to Existing Law

The amendments to Ordinance No. 16-10, as amended, would expand the permitted Facilities to be financed to authorize the levy and collection of special taxes within City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) to include work necessary to make accessibility modifications and improvements to privately owned real property and buildings. The modifications and improvements would assist private building owners comply with the requirements of State and Federal law for individuals with disabilities.

Background Information

The proposed Ordinance would amend Article 16.10 of the Administrative Code to allow financing by special tax districts of work deemed necessary to bring buildings or real property, including privately owned buildings or real property, into compliance with Federal and State law requiring certain building owners to remove architectural barriers to certain privately owned buildings.

The proposed Ordinance would authorize the levy and collection of special taxes within the Special Tax District to finance the costs of accessibility medications and improvements.

The Ordinance requires the Clerk of the Board of Supervisors to publish the Ordinance in a newspaper of general circulation within 15 days of passage.

AMENDED IN COMMITTEE

4/20/16

FILE NO. 160121

RESOLUTION NO. 147-16

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.**

6
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

23 //

24 //

25 //

1 cost of accessibility improvements.

2

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

5

6

By: 

7 Mark D. Blake
8 Deputy City Attorney
9 n:\leganas2016\1600171\01099051.docx

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City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160121

Date Passed: April 26, 2016

Resolution making changes to City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) to amend the authorized financing purposes to include accessibility access financing for persons with disabilities.

April 20, 2016 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

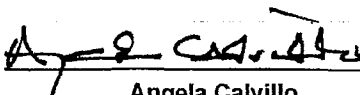
April 20, 2016 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED


April 26, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160121

I hereby certify that the foregoing Resolution was ADOPTED on 4/26/2016 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor

5/6/2016
Date Approved

Print Form

RECEIVED W
BORED
4-19-16
[Signature]

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Tang

Subject:

Ordinance amending Ordinance 16-10 to authorize the collection and levy of Special Taxes within City and County Special Tax District No. 2009-1 (San Francisco Sustainable Financing) for accessibility modifications and improvements to privately owned buildings or real property.

The text is listed below or attached:

[Empty box for text listing]

