Commission on Community Investment and Infrastructure

RESOLUTION NO. 25-2014
Adopted April 1, 2014

ADOPTING A RESOLUTION OF CONSIDERATION TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO COMMUNITY FACILITIES DISTRICT NO. 8 (HUNTERS POINT SHIPYARD PHASE ONE MAINTENANCE)

WHEREAS, The former Redevelopment Commission (the "Former Commission") of the former Redevelopment Agency of the City and County of San Francisco ("SFRA") has conducted proceedings under and pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code (the "Act"), to form Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 8 (Hunters Point Shipyard Phase One Maintenance) (the "CFD"), to authorize the levy of special taxes upon the land within the CFD, all as described in those proceedings; and,

WHEREAS, The Rate and Method of Apportionment of Special Tax for the CFD (the "Rate and Method"), was approved by the Former Commission pursuant to Resolution No. 81-2008 adopted by the Former Commission on July 15, 2008 (the "Resolution of Formation") and is attached as Exhibit B to the Notice of Special Tax Lien recorded in the office of the Recorder for the City and County of San Francisco on July 15, 2008 as Document No. 2008I645983; and,

WHEREAS, Under California Assembly Bill No. 1X26 (Chapter 5, Statutes of 2011-12, First Extraordinary Session) ("AB 26") and the California Supreme Court's decision in California Redevelopment Association v. Matosantos, No. 5194861, all redevelopment agencies in the State of California (the "State"), including SFRA, were dissolved by operation of law as of February 1, 2012, and their non-affordable housing assets and obligations were transferred to certain designated successor agencies; and,

WHEREAS, In June of 2012, the State legislature adopted Assembly Bill 1484 ("AB 1484") amending certain provisions of AB 26 and clarifying that successor agencies are separate public entities and have the authority, with approval of the oversight board and Department of Finance, to issue bonds in certain circumstances, including refunding bonds to achieve debt service savings, and the Governor of the State signed the bill and it became effective on June 27, 2012; and,

WHEREAS, Subsequent to the adoption of AB 1484, on October 2, 2012 the Board of Supervisors of the City adopted Ordinance No. 215-12 (the "Implementing Ordinance"), which Implementing Ordinance was signed by the Mayor on

October 4, 2012, and which, among other matters: (a) acknowledged and confirmed that, as of the effective date of AB 1484, the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (the "Successor Agency") is a separate legal entity from the City, (b) acknowledged and confirmed that the Successor Agency holds, subject to the applicable rights and restrictions set forth in AB 26 as amended by AB 1484, and as it may be further amended from time to time (collectively referred to in the Implementing Ordinance as the "Redevelopment Dissolution Law"), title to all assets, and all rights, obligations and liabilities of SFRA, (c) declared that the name of the Successor Agency is the "Successor Agency to the Redevelopment Agency of the City and County of San Francisco," (d) established the Commission to the Successor Agency (the "Commission") and delegated to the Commission the authority (excluding authority as to the transferred "Housing Assets," as defined in the Implementing Ordinance) to act in place of the Former Commission to, among other matters: (i) implement, modify, enforce and complete SFRA's enforceable obligations, including its Retained Housing obligations as defined in the Implementing Ordinance, (ii) approve all contracts and actions related to the assets transferred to or returned by the Successor Agency, consistent with applicable enforceable obligations, and (iii) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that the Commission deems appropriate consistent with the Redevelopment Dissolution Law to comply with such obligations, including, without limitation, authorizing additional obligations in furtherance of enforceable obligations, and approving the issuance of bonds to carry out the enforceable obligations, subject to any approval of the Oversight Board of the Successor Agency established pursuant to the provisions of the Redevelopment Dissolution Law, (e) designated the means by which the five members of the Commission would be determined, and (f) provided for an Executive Director of, and legal counsel to, the Successor Agency; and,

WHEREAS, The Successor Agency is also known as the Office of Community Investment and Infrastructure ("OCII") and its commission is known as the Commission on Community Investment and Infrastructure; and,

WHEREAS, As provided for in the Sixth Amendment to the Phase 1 DDA, the current development plan includes the transfer of Block 49 from the Developer to OCII for the development of affordable housing (60 units targeting 50 percent Area Median Income households). The Block 49 Project was approved by the Commission on February 18, 2014 by Resolution No. 8-2014. OCII and the Developer wish to exempt Block 49 from special taxes, consistent with the other affordable housing sites in Phase 1; and,

WHEREAS, The Commission has been asked by owners of property in the CFD to amend and restate the Rate and Method (as so amended and restated, the "Amended and Restated RMA") to (i) reflect the proposed exemption from special taxes of Block 49 and (ii) increase the maximum special tax rates applicable to the CFD for the purposes described above; and,

WHEREAS, The proposed changes must occur following a public hearing and must be approved by two-thirds of the votes cast on the proposition at an election of the qualified electors in the CFD; now therefore, be it

RESOLVED, The Commission finds that:

This Resolution relates to the property in the CFD and it is hereby determined that the public convenience and necessity require the changes to the CFD described in this resolution; and, be it further

RESOLVED, The proposed Amended and Restated RMA in the form attached hereto as Exhibit A, incorporated herein by reference, and substantially in the form on file with the Secretary of the Commission, is hereby approved by the Commission, subject to approval by two-thirds of the votes cast on the proposition of approving the Amended and Restated RMA at an election of the qualified electors in the CFD; and, be it further

RESOLVED, The Commission hereby sets May 6, 2014 at 1:00 p.m. (which date is at least 30 days and not more than 60 days after the date of this Resolution) or as soon thereafter as possible in Room 416, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, 94102 as the date and time for the public hearing on the question of approving the Second Amended and Restated RMA; and, be it further

RESOLVED, The Secretary of the Commission is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD. The publication shall be completed at least seven days before the date of the public hearing specified above. The notice shall comply with the provisions of Section 53335 of the Act; and, be it further

RESOLVED, The Commission authorizes the Executive Director of OCII to take such actions as may be necessary or appropriate, to effectuate the purpose or intent of this resolution; and, be it further

RESOLVED, The Commission has received a petition filed by the owners of the taxable property in the CFD requesting institution of the proposed change proceedings, and, in compliance with Section 53332 of the Act, the owners have advanced moneys to pay for, or are otherwise in compliance with arrangements agreed to by OCII to pay for, all costs incurred by OCII in conducting the proposed change proceedings; and, be it further

RESOLVED, This Resolution shall take effect upon its adoption.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of April 1, 2014.

Natasha Jones

Commission Secretary

EXHIBIT A

REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO
Community Facilities District No. 8
(Hunters Point Shipyard Phase One Maintenance)

AMENDED AND RESTATED
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX