

Commission on Community Investment and Infrastructure

ORDINANCE NO. 1-2014

**Adopted May 20, 2014**

ADOPTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO COMMUNITY FACILITIES DISTRICT NO. 7 (HUNTERS POINT SHIPYARD PHASE ONE IMPROVEMENTS) AND RESCINDING ORDINANCE NO. 1-2008; HUNTERS POINT SHIPYARD PROJECT AREA

WHEREAS, On April 1, 2014, the Commission of the Successor Agency of the Redevelopment Agency of the City and County of San Francisco (the “Successor Agency”), also known as the Commission on Community Investment and Infrastructure (hereinafter referred to as, the “Commission”), adopted a resolution entitled “Adopting a Resolution of Consideration to Amend and Restate the Amended and Restated Rate and Method of Apportionment of Special Tax for Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 7 (Hunters Point Shipyard Phase One Improvements)” (the “Resolution of Consideration”), pursuant to which the Commission (i) approved a proposed form of amendment and restatement of the Amended and Restated Rate and Method of Apportionment of Special Tax for the CFD (the “Initial Form of Second Amended and Restated RMA”) in the form attached as Exhibit A to the Resolution of Consideration and (ii) set a public hearing for May 6, 2014; and,

WHEREAS, The Resolution of Consideration is hereby incorporated herein by reference as if set forth herein in its entirety; and,

WHEREAS, Subsequent to the adoption of the Resolution of Consideration by the Commission, the owners of taxable land in the CFD requested by written petition that the Commission approve a revised proposed form of amendment and restatement of the Amended and Restated Rate and Method of Apportionment of Special Tax for the CFD (as so revised, the “Second Amended and Restated RMA”) to address the unintentional failure of the Initial Form of Second Amended and Restated RMA to exclude private and publicly owned streets, walkways, alleys, rights of way, parks and open spaces from the special tax levied within the CFD, to allow changes in the location of Agency Affordable Housing Parcels and to make various conforming and clean-up changes; and,

WHEREAS, The Secretary of the Commission caused the publication of the notice of the public hearing on the question of approving the Second Amended and Restated RMA in accordance with the provisions of Section 53335 of the Act; and,

WHEREAS, Following a public hearing held on May 6, 2014, the Commission, acting as the legislative body of the CFD, adopted a resolution entitled “Adopting a Resolution Calling Special Election to Amend and Restate the Amended and Restated Rate and Method of Apportionment of Special Tax for Redevelopment Agency of the

City and County of San Francisco Community Facilities District No. 7 (Hunters Point Shipyard Phase One Improvements); Hunters Point Shipyard Project Area” approving the Second Amended and Restated RMA in the form attached thereto as Exhibit A, waiving the minor defect in the change proceedings resulting from the failure of the Initial Form of Second Amended and Restated RMA to exclude the real property described above from the special tax levied within the CFD, to allow changes in the location of Agency Affordable Housing Parcels and to make various conforming and clean-up changes, and calling for a special landowner election of the qualified electors within the CFD to be held on May 6, 2014; and,

WHEREAS, The special election was held on May 6, 2014, and the ballots were submitted to the Secretary of the Successor Agency as the official conducting the election; and,

WHEREAS, On May 6, 2014, the Commission adopted resolutions entitled “Adopting a Resolution Declaring Results of Special Election to Change the Special Tax for Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 7 (Hunters Point Shipyard Phase One Improvements); Hunters Point Shipyard Project Area,” in which it found that more than two-thirds of the votes cast at the election were in favor of the ballot measure, and “Adopting a Resolution Declaring Completion of Change Proceedings for Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 7 (Hunters Point Shipyard Phase One Improvements); Hunters Point Shipyard Project Area” (the “2014 Resolution of Change”) approving the various changes, including the Second Amended and Restated RMA; now therefore, it is

ORDAINED, The Commission authorizes and levies special taxes within the CFD pursuant to the Act, at the rate and in accordance with the method of apportionment set forth in the Second Amended and Restated RMA, which Second Amended and Restated RMA is by this reference incorporated herein. The special taxes are hereby levied according to the Second Amended and Restated RMA commencing in fiscal year 2014-15 and in each fiscal year thereafter until payment in full of any bonds issued by the Successor Agency for the CFD (the “Bonds”) and all costs of administering the CFD, all as contemplated by the following documents:

(i) the Second Amended and Restated RMA,

(ii) Resolution No. 36-2005, entitled “Adopting Environmental Findings Pursuant to the California Environmental Quality Act, Forming Community Facilities District No. 7 (Hunters Point Shipyard Phase One Improvements), Authorizing the Levy of a Special Tax, and Preliminarily Establishing an Appropriations Limit for the CFD; Hunters Point Shipyard Redevelopment Project Area” adopted by the former Redevelopment Agency of the City and County of San Francisco (“SFRA”) on April 5, 2005 (the “Resolution of Formation”) (as amended by Resolution No. 93-2008, entitled “Declaring Completion of Change Proceedings for Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 7 (Hunters Point Shipyard Phase One Improvements) and Approving Certain Related Documents”

adopted by SFRA on September 2, 2008 (the “2008 Resolution of Change” and together with the 2014 Resolution of Change, the “Resolutions of Change”) and the 2014 Resolution of Change ), and

(iii) Resolution No. 37-2005, entitled Determining Necessity to Incur Bonded Indebtedness of Community Facilities District No. 7 (Hunters Point Shipyard Phase One Improvements) adopted by SFRA on April 5, 2005 (as amended by the Resolutions of Change); and, be it further

ORDAINED, The Executive Director (or a designee of such official) of the Successor Agency is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in the manner and as provided in the Second Amended and Restated RMA; and, be it further

ORDAINED, Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum tax specified in the Second Amended and Restated RMA; and, be it further

ORDAINED, All of the collections of the special tax shall be used as provided for in the Act, in the Second Amended and Restated RMA and in the Resolution of Formation (as amended by the Resolutions of Change) including, but not limited to, the payment of principal of and interest on the Bonds, the replenishment of the reserve fund for the Bonds, the payment of the costs of the Successor Agency in administering the CFD, the costs of collecting and administering the special tax, and the payment of the costs of facilities; and, be it further

ORDAINED, The special taxes shall be collected either by direct billing of the property owner or in the same manner as ordinary ad valorem taxes are collected and, in either case, shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the Commission may provide for other appropriate methods of collection by resolutions of the Commission. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments; and, be it further

ORDAINED, This Ordinance rescinds in its entirety Ordinance No. 1-2008, adopted by SFRA on September 2, 2008; and, be it further

ORDAINED, If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected; and, be it further

ORDAINED, The Secretary of the Successor Agency shall cause this Ordinance to be published within 15 days after its passage at least once in a newspaper of general circulation published and circulated in the City and County of San Francisco.

I hereby certify that the foregoing ordinance was adopted by the Commission at its meeting of May 20, 2014.

Natasha Jones  
Commission Secretary