

1 [Administrative Code – San Francisco Municipal Transportation Agency Revenue Bond]

2  
3 **Ordinance amending the San Francisco Administrative Code by adding Chapter 43,**  
4 **Article XIII, Sections 43.13.1 through 43.13.8, to authorize the issuance of revenue bonds**  
5 **by the San Francisco Municipal Transportation Agency.**

6  
7 NOTE: Additions are *single-underline italics Times New Roman*;  
8 deletions are ~~*strike-through italics Times New Roman*~~.  
9 Board amendment additions are double-underlined;  
10 Board amendment deletions are ~~strikethrough-normal~~.

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

12 The City and County of San Francisco (the "City") is a municipal corporation and  
13 chartered city and county duly organized and existing under a charter pursuant to which the  
14 City has the right and power to make and enforce all laws and regulations in respect to  
15 municipal affairs and certain other matters in accordance with and as more particularly  
16 provided in Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and  
17 Section 1.101 of the Charter of the City (the "Charter").

18 Pursuant to Section 8A.102(b)(13) of the Charter, the San Francisco Municipal  
19 Transportation Agency (the "SFMTA") is authorized with the concurrence of the Board of  
20 Supervisors of the City (the "Board") to issue revenue bonds or other obligations for any  
21 SFMTA purpose provided: (a) the Controller first certifies that sufficient unencumbered  
22 balances are expected to be available in the proper fund to meet all payments under such  
23 obligations as they become due; and (b) any debt obligation, if secured, is secured by  
24 revenues or assets under the jurisdiction of the SFMTA.  
25

1 Pursuant to the Charter, this Article sets forth a procedure by which the SFMTA may  
2 issue revenue bonds for any SFMTA-related purpose and secured solely by SFMTA  
3 revenues.

4 The Board of Supervisors hereby finds that this Article is consistent with the Charter  
5 and other applicable law and in furtherance of the purpose of SFMTA as an enterprise  
6 department of the City that manages the City's transportation system.

7 Section 43.13.1.

8 This Article shall be known as the San Francisco Municipal Transportation Agency  
9 Revenue Bond Law.

10 Section 43.13.2.

11 For purposes of this Article, the following terms shall have the meanings given below:

- 12 (a) The term "Board" shall mean the Board of Supervisors of the City.  
13 (b) The term "Board of Directors" shall mean the Board of Directors of the SFMTA.  
14 (c) The term "Charter" shall mean the Charter of the City.  
15 (d) The term "City" shall mean the City and County of San Francisco.  
16 (e) The term "Director of Transportation" shall mean the Director of Transportation  
17 of the SFMTA, or his/her designee, or any successor to that Office.

18 (f) The term "SFMTA" shall mean the San Francisco Municipal Transportation  
19 Agency of the City.

20 Section 43.13.3.

21 The general authority provided in this Article is intended to be in addition to, and not  
22 limited by, specific provisions authorizing the issuance of bonds, notes or other evidences of  
23 indebtedness and is separate and complete authority for the actions authorized in this Article.

1 Section 43.13.4.

2 (a) Subject to the approval, amendment or rejection of the Board in each instance,  
3 the Board of Directors shall have authority to issue revenue bonds for any SFMTA-related  
4 purpose, including but not limited to new capital improvements and refundings (including the  
5 refunding of bonds issued by The Parking Authority of the City and County of San Francisco  
6 or nonprofit corporations), and secured solely by revenues available to the SFMTA and  
7 pledged by the SFMTA to such bonds, under such terms and conditions as the Board of  
8 Directors may authorize by resolution. Refunding revenue bonds may be issued to further  
9 any SFMTA purpose, including but not limited to the refunding of obligations issued or entered  
10 into by corporations or The Parking Authority of the City and County of San Francisco to  
11 finance parking garages, and the Board of Directors may by resolution approve such  
12 refundings based on parameters for debt service savings or other benefits from such  
13 refundings (notwithstanding any other savings test in this Article 43 or in any other law).

14 (b) Revenue bonds issued pursuant to this Article shall bear a rate of interest not to  
15 exceed the maximum legal rate of interest and shall be prescribed by resolution of the Board  
16 of Directors.

17 (c) Revenue bonds issued pursuant to this Article may be sold at either competitive  
18 or negotiated sale as the Board of Directors may determine by resolution and such  
19 determination may be delegated by the Board of Directors to the Director of Transportation.

20 (d) In connection with the issuance of any revenue bonds issued pursuant to this  
21 Article, the Board of Directors may enter into credit enhancement or liquidity agreements.

22 (e) In connection with the issuance of any revenue bonds pursuant to this Article,  
23 the Board of Directors may appoint such agents and other professionals as necessary or  
24 desirable.

1           Section 43.13.5.

2           (a)     Revenue bonds issued pursuant to this Article may be secured by the gross  
3 revenues (including parking garage and parking meter revenues and excluding general fund  
4 transfers and including or excluding any other portion of the revenues as may be particularly  
5 described in the related documents) of the SFMTA, in each case as provided in the  
6 documentation for such revenue bonds. Revenue bonds issued pursuant to this Article shall  
7 be special obligations of the SFMTA, payable as to principal and interest solely out of  
8 revenues of the SFMTA expressly pledged therefor. The general fund of the City shall not be  
9 liable for the payment of such revenue bonds, and neither the credit nor taxing power of the  
10 City, the State of California or any political subdivision thereof shall be pledged to the payment  
11 of the principal of or interest on the revenue bonds. No holder of a revenue bond shall have  
12 the right to compel the exercise of the taxing power of the City, the State of California or any  
13 political subdivision thereof to pay the revenue bonds or the interest thereon.

14           (b)     Revenue bonds issued pursuant to this Article shall not be included in the  
15 bonded debt limit provided for in Section 9.106 of the Charter. Nothing in this Article shall  
16 prevent the City from issuing general obligation bonds for the purpose of acquiring,  
17 constructing, improving or developing transit, transportation and/or related facilities, subject to  
18 the general obligation bond issue procedure provided for in the Charter.

19           (c)     Notwithstanding anything to the contrary in this Article XIII, Chapter 43, the  
20 requirements and limitations set forth in Sections 9.107, 9.108 and 9.109 of the Charter shall  
21 in no way limit the authority of the SFMTA to issue revenue bonds or refunding revenue  
22 bonds.

23           (d)     The Board of Directors may by resolution authorize the issuance of bonds,  
24 certificates of participation or other types of debt obligations to refund any bond issued or  
25

1 permitted to be refunded pursuant to the provisions of this Article VIII. Said resolution shall  
2 set forth the benefits and the purpose for the issuance of such refunding obligations.

3 (e) In addition to revenue bonds as described herein, the Board of Directors by  
4 resolution may determine to issue revenue bonds, special facility revenue bonds, notes or  
5 commercial paper, and related credit enhancement or liquidity facilities, secured by a parity or  
6 subordinate lien on all or a portion of the revenues of the SFMTA, in each case as provided in  
7 the related documents for such obligation. The authorization and issuance of such obligations  
8 shall be entitled to the same rights and benefits, and shall be subject to the same parameters  
9 and procedures, as are set forth herein for revenue bonds.

10 Section 43.13.6.

11 (a) Any action by the Board of Directors or the City to determine, or any action by  
12 an interested person challenging, the validity of the SFMTA's revenue bonds shall be brought  
13 pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the California  
14 Code of Civil Procedure.

15 (b) For the purposes of Section 860 of the Code of Civil Procedure, any action  
16 initiated pursuant to this section shall be brought in the Superior Court of the City and County  
17 of San Francisco.

18 Section 43.13.7.

19 The powers conferred by the provisions of this Article are in addition to and  
20 supplemental to the powers conferred by the Charter or any other ordinance or law.

21 Section 43.14.8.

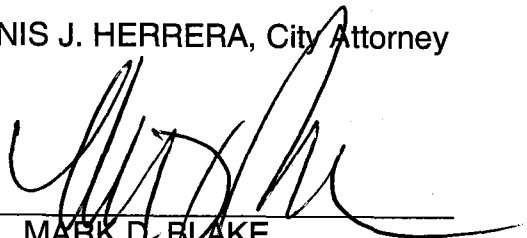
22 The Mayor, the Director of Transportation, the City Attorney, the Controller of the City,  
23 the Treasurer of the City, the City Administrator, the Clerk of the Board and other officers of  
24 the City and their duly authorized deputies and agents are hereby authorized and directed,  
25 jointly and severally, to take such actions and to execute and deliver such certificates,

1 agreements, requests or other documents, as they may deem necessary or desirable to  
2 facilitate the purposes of this Section XIII of Chapter 43.

3  
4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA, City Attorney

6  
7  
8 By:



MARK D. BLAKE  
Deputy City Attorney



**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 111354

**Date Passed:** April 17, 2012

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XIII, Sections 43.13.1 through 43.13.8, to authorize the issuance of revenue bonds by the San Francisco Municipal Transportation Agency.

April 04, 2012 Budget and Finance Sub-Committee - RECOMMENDED

April 10, 2012 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener


April 17, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar and Wiener

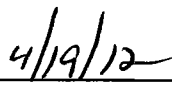
Excused: 1 - Olague

File No. 111354

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
4/17/2012 by the Board of Supervisors of the  
City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Date Approved