

File No. 180215

Committee Item No. 12

Board Item No. 22

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: RULES  
Board of Supervisors Meeting

Date: May 1, 2018  
Date: \_\_\_\_\_

#### Cmte Board

- |                                     |                                     |                                              |
|-------------------------------------|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU                                          |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                                     |                                     |                                      |
|-------------------------------------|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI - March 15, 2018</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                                |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                                |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                                |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                                |

Prepared by: John Carroll  
Prepared by: Alisa Somera

Date: April 20, 2018  
Date: April 26, 2018

1 [Municipal Elections Code - Disclosure Regarding Ballot Measures Involving Port Public Trust  
2 Property]

3 **Ordinance amending the Municipal Elections Code to require a notice in the voter**  
4 **information pamphlet for measures that would approve a development project or a**  
5 **substantial land use or zoning change on land held subject to the public trust by the**  
6 **City, acting by and through the Port Commission.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in ~~striketrough italics Times New Roman font~~.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~striketrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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

15 Section 1. The Municipal Elections Code is hereby amended by revising Section 500,  
16 to read as follows:

17 **SEC. 500. VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.**

18 With respect to any election to be held in the City and County, the Director of Elections  
19 shall prepare a voter information pamphlet. The voter information pamphlet shall contain, in  
20 addition to any other material required by the Charter or by general law, the following  
21 materials:

22 \* \* \* \*

23 (c) **Contents as to measures:**

24 \* \* \* \*

25 (9) The following statement for each measure that would approve a development  
project or substantial land use or zoning changes on land transferred in trust to the City, acting by and

1 through the Port Commission, under the Burton Act, Chapter 1333 of the Statutes of 1968, as it has  
2 been amended and may be amended in the future: "Measure \_\_\_\_\_ involves the San Francisco  
3 waterfront, which includes sovereign lands that the State of California has legislatively granted to the  
4 City. These waterfront lands and their resources are protected by the common law public trust  
5 doctrine and the City holds them in trust on behalf of all the People of California."

6 Measures, and the material specified in this Section relating to said measures, shall be  
7 printed in the voter information pamphlet in the same order in which designated upon the  
8 ballot.

9 If space allows, the items specified in Subsections (c)(1) to (c)(5) ~~of this Section~~ shall be  
10 printed together on the same page of the voter information pamphlet. This page shall be  
11 known as the "ballot measure title page." The ballot measure title page shall also indicate: the  
12 page number at which the arguments for or against the measure are printed; and, if applicable  
13 the page number at which the definitions of terms appearing on ballot measure title page are  
14 printed.

15 The item specified in subsection (c)(9) shall be printed immediately preceding the legal text for  
16 the measure.

17 \* \* \* \*


18 Section 2. Effective Date. This ordinance shall become effective 30 days after  
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
21 of Supervisors overrides the Mayor's veto of the ordinance.

22  
23 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
2 additions, and Board amendment deletions in accordance with the "Note" that appears under  
3 the official title of the ordinance.

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

7 By:

  
8 JON GIVNER  
9 Deputy City Attorney

10 n:\leganas2018\1800442\01256501.docx

## LEGISLATIVE DIGEST

[Municipal Elections Code - Disclosure Regarding Ballot Measures Involving Port Public Trust Property]

**Ordinance amending the Municipal Elections Code to require a notice in the voter information pamphlet for measures that would approve a development project or a substantial land use or zoning change on land held subject to the public trust by the City, acting by and through the Port Commission.**

### Existing Law

The Department of Elections prepares a voter information pamphlet for each election containing information about local measures on the ballot. The voter information pamphlet includes the title of each measure, the ballot question, a digest describing what the measure would do, a financial analysis, the legal text of the measure, and other information.

### Amendments to Current Law

The proposed ordinance would require the Department of Elections to include a notice whenever a proposed ballot measure would approve a development project or a substantial land use or zoning change on land held by the Port of San Francisco subject to the public trust under California law. The notice would state that waterfront lands are protected by the public trust doctrine and the City holds them in trust on behalf of the people of California.

### Background Information

The State Lands Commission and the City recently reached a settlement agreement, subject to Board of Supervisors approval, in the lawsuit titled *State Lands Commission v. City & County of San Francisco*, S.F. Superior Court Case No. CGC-14-540531. In that lawsuit, the State Lands Commission sought an order invalidating 2014's Proposition B, an initiative ordinance that requires voter approval for height increases on the Port's trust property. Under the settlement, the City has agreed to propose to the Board of Supervisors an ordinance amending the Municipal Elections Code, as the proposed ordinance would do.

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: John Arntz, Director, Department of Elections  
Elaine Forbes, Executive Director, Port of San Francisco

FROM: *AS*  
*EF* Alisa Somera, Legislative Deputy Director  
Rules Committee

DATE: March 15, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Peskin on March 6, 2018:

**File No. 180215**

**Ordinance amending the Municipal Elections Code to require a notice in the voter information pamphlet for measures that would approve a development project or a substantial land use or zoning change on land held subject to the public trust by the City, acting by and through the Port Commission.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Daley Dunham, Port of San Francisco

# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
2014 MAR - 5 PM 2:24  
Time stamp  
or meeting date AK

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 [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. 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 the Imperative Form.**

Sponsor(s):

Supervisor Peskin

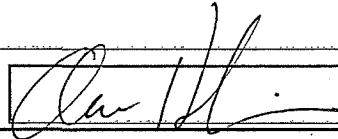
Subject:

[Municipal Elections Code - Disclosure Regarding Ballot Measures Involving Port Public Trust Property]

The text is listed:

Ordinance amending the Municipal Elections Code to require a notice in the voter information pamphlet for measures that would approve a development project or a substantial land use or zoning change on land held subject to the public trust by the City, acting by and through the Port Commission.

Signature of Sponsoring Supervisor:



For Clerk's Use Only

