

1 [Declaring Results of Special Election - Infrastructure and Revitalization Financing District No.  
1 (Treasure Island)]

2

3 **Resolution declaring the results of a special landowner election for City and County of**  
4 **San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure**  
5 **Island); and determining other matters in connection therewith, as defined herein.**

6

7 WHEREAS, Under Chapter 2.6 of Part 1 of Division 2 of Title 5 of the California  
8 Government Code, commencing with Section 53369 (the "IRFD Law"), this Board of  
9 Supervisors is authorized to establish an infrastructure and revitalization financing district and  
10 to act as the legislative body for an infrastructure and revitalization financing district; and,

11 WHEREAS, Pursuant to IRFD Law, Section 53369.5, an infrastructure and  
12 revitalization financing district may be divided into project areas; and

13 WHEREAS, This Board of Supervisors previously took certain actions under the IRFD  
14 Law in connection with the proposed redevelopment of Naval Station Treasure Island  
15 ("NSTI"), as contemplated by a Disposition and Development Agreement (Treasure  
16 Island/Yerba Buena Island) dated June 28, 2011 (the "DDA"), including a Financing Plan  
17 (Treasure Island/Yerba Buena Island) (the "Financing Plan"), between Treasure Island  
18 Community Development, LLC ("Developer") and the Treasure Island Development Authority,  
19 a California non-profit public benefit corporation ("TIDA"); and

20 WHEREAS, Developer and the City previously entered into a Development Agreement  
21 related to the Project Site to eliminate uncertainty in the City's land use planning for the  
22 Project Site and secure orderly development of the Project (as defined in the DDA) consistent  
23 with the DDA and other applicable requirements, and the Financing Plan is was also an  
24 exhibit to the Development Agreement; and

25

1           WHEREAS, On June 7, 2011, in Motion No. M11-0092, the Board of Supervisors  
2           unanimously affirmed certification of the Final Environmental Impact Report for the Project.  
3           On that same date, the Board of Supervisors, in Resolution No. 246-11, adopted CEQA  
4           findings and the MMRP, and made certain environmental findings under CEQA (collectively,  
5           the “FEIR”); also on that date, the Board of Supervisors, in Ordinance No. 95-11, approved  
6           the DDA and other transaction documents, including the Transportation Plan and  
7           Infrastructure Plan; and

8           WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of  
9           Supervisors adopted Ordinance No. 21-17 on January 31, 2017, which the Mayor signed on  
10          February 9, 2017 (“IRFD Formation Ordinance”), pursuant to which the Board of Supervisors  
11          declared City and County of San Francisco Infrastructure and Revitalization Financing District  
12          No. 1 (Treasure Island) (“IRFD”) and the following project areas within the IRFD (collectively,  
13          “Initial Project Areas,” and together with any future project areas that may be established in  
14          the IRFD, the “Project Areas”) to be fully formed with full force and effect of law:

15                 (i)      Project Area A of the City and County of San Francisco Infrastructure and  
16                 Revitalization Financing District No. 1 (Treasure Island) (“Project Area A”);

17                 (ii)     Project Area B of the City and County of San Francisco Infrastructure and  
18                 Revitalization Financing District No. 1 (Treasure Island) (“Project Area B”);

19                 (iii)    Project Area C of the City and County of San Francisco Infrastructure and  
20                 Revitalization Financing District No. 1 (Treasure Island) (“Project Area C”);

21                 (iv)    Project Area D of the City and County of San Francisco Infrastructure and  
22                 Revitalization Financing District No. 1 (Treasure Island) (“Project Area D”); and

23                 (v)      Project Area E of the City and County of San Francisco Infrastructure and  
24                 Revitalization Financing District No. 1 (Treasure Island) (“Project Area E”); and,

25          ///

1           WHEREAS, The City formed the IRFD and the Project Areas for the purpose of  
2 financing the cost of certain facilities (the “Facilities”) as further provided in the IRFD  
3 Formation Ordinance; and,

4           WHEREAS, Pursuant to the IRFD Formation Ordinance, the Board of Supervisors also  
5 approved an Infrastructure Financing Plan for the IRFD (“IFP”); and

6           WHEREAS, The IRFD Law provides that the legislative body of an infrastructure and  
7 revitalization financing district may, at any time, add territory to a district or amend the  
8 infrastructure financing plan for the district by conducting the same procedures for the  
9 formation of a district or approval of bonds as provided in the IRFD Law; and

10           WHEREAS, The Board of Supervisors has been notified by the California State Board  
11 of Equalization that the boundaries of the IRFD and the Project Areas must conform to the  
12 boundaries of assessor parcel numbers established by the San Francisco Assessor-Recorder  
13 in order for the Board of Equalization to assign tax rate areas to the Project Areas; and

14           WHEREAS, The Board of Supervisors wishes to amend the boundaries of the IRFD  
15 and certain Initial Project Areas to reflect the final development parcels for certain portions of  
16 Treasure Island and Yerba Buena Island, including the addition of territory to the IRFD, and to  
17 approve an amended map for the IRFD; and

18           WHEREAS, Because the Board of Supervisors anticipates the need to make future  
19 changes to the boundaries of the IRFD and the Project Areas in order to conform to final  
20 development parcels approved by the Board of Supervisors so that the California State Board  
21 of Equalization can assign tax rate areas to the Project Areas, the Board of Supervisors  
22 wishes to amend the IFP to establish a procedure by which certain future amendments of the  
23 boundaries of the IRFD may be approved by the Board of Supervisors as the legislative body  
24 of the IRFD without further hearings or approvals, as long as the amendments will not  
25 adversely affect the owners of bonds issued by or for the IRFD; and

1           WHEREAS, The Board of Supervisors wishes to further amend the IFP to reduce the  
2 tax increment allocated to the IRFD in order to conform to existing law; and

3           WHEREAS, The Board of Supervisors wishes to further amend the IFP to provide that  
4 actions related to the IRFD, the Project Areas and the IFP shall not require the approval of the  
5 qualified electors in the IRFD if the IRFD Law is amended to eliminate any such requirement;  
6 and

7           WHEREAS, On October 19, 2021, pursuant to Resolution No. 481-21, which the Mayor  
8 signed on October 22, 2021 (“Resolution of Intention to Amend IRFD”), the Board of  
9 Supervisors declared its intention to conduct proceedings to make the above-described  
10 amendments to the IRFD and the IFP (“Amendments”), pursuant to Section 53369.5(b) of the  
11 IRFD Law; and

12           WHEREAS, On October 26, 2021, pursuant to Resolution No. 497-21, which the Mayor  
13 signed on October 30, 2021 (“Resolution Directing IFP Preparation”), the Board of  
14 Supervisors authorized and directed the Director of the Office of Public Finance, or designee,  
15 to prepare, or cause to be prepared, an amended IFP (“Amended IFP”) that is consistent with  
16 the general plan of the City and includes all of the Amendments, pursuant to Section  
17 53369.13 of the IRFD Law; and

18           WHEREAS, As required by the IRFD Law and the Resolution of Intention to Amend  
19 IRFD, the Clerk of the Board of Supervisors caused to be mailed a copy of the Resolution of  
20 Intention to Amend IRFD to each owner of land (as defined in the IRFD Law) within the IRFD  
21 and to any affected taxing entities, and in addition, in accordance with IRFD Law Section  
22 53369.17, the Clerk of the Board of Supervisors caused notice of the public hearing to be  
23 published not less than once a week for four successive weeks in a newspaper of general  
24 circulation published in the City; and

25 ///

1           WHEREAS, As further required by the IRFD Law and the Resolution Directing IFP  
2 Preparation, the Director of the Office of Public Finance caused to be prepared the Amended  
3 IFP, and the Treasure Island Director sent the Amended IFP to (i) the planning commission of  
4 the City, (ii) this Board of Supervisors, (iii) each owner of land within the proposed IRFD and  
5 (iv) each affected taxing entity (if any); and

6           WHEREAS, As further required by the IRFD Law, the Treasure Island Director sent to  
7 the owners of land within the proposed amended IRFD, the affected taxing entities (if any), the  
8 planning commission of the City and this Board of Supervisors any report required by the  
9 California Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
10 Public Resources Code) (“CEQA”) that pertains to the Project; and

11           WHEREAS, The Clerk of the Board of Supervisors made the Amended IFP and the  
12 reports required by CEQA available for public inspection; and

13           WHEREAS, On December 14, 2021, as required by the IRFD Law, the Board of  
14 Supervisors, as the legislative body of the City, which is the only affected taxing entity that is  
15 subject to the division of taxes pursuant the IRFD Law, considered and adopted its Resolution  
16 No. 568-21, which the Mayor signed on December 24, 2021, pursuant to which the Board of  
17 Supervisors, as the governing body of the City, in its capacity as an affected taxing entity,  
18 approved the addition of territory to the IRFD and the other Amendments; and

19           WHEREAS, On January 11, 2022, following publication of a notice consistent with the  
20 requirements of the IRFD Law, this Board of Supervisors, as the legislative body of the IRFD,  
21 held a public hearing as required by the IRFD Law relating to the proposed Amendments; and

22           WHEREAS, At the hearing any persons having any objections to the Amendments, or  
23 the regularity of any of the prior proceedings, and all written and oral objections, and all  
24 evidence and testimony for and against the adoption of the Amendments, were heard and  
25 considered, and a full and fair hearing was held; and

1           WHEREAS, On January 11, 2022, after holding the public hearing described above,  
2 the Board of Supervisors, as the legislative body of the IRFD, (i) adopted its Resolution No.  
3 010-22, which the Mayor signed on January 21, 2022 (“Resolution Proposing Amendments”),  
4 proposing the addition of territory to the IRFD and the other Amendments, and (ii) adopted its  
5 Resolution No. \_\_\_\_, which the Mayor signed on \_\_\_\_\_, 2022 (“Election Resolution”),  
6 pursuant to which the Board of Supervisors submitted the propositions to amend the IRFD  
7 and the Initial Project Areas and to approve the Amended IFP to the qualified electors of the  
8 IRFD as required by the provisions of the IRFD Law; and

9           WHEREAS, Pursuant to the terms of the Election Resolution, which are by this  
10 reference incorporated herein, the special election has been held and the Director of Elections  
11 of the City and County of San Francisco has on file a Canvass and Statement of Results of  
12 Election ( “Canvass”) regarding the special election, a copy of which is attached hereto as  
13 Exhibit A; and

14           WHEREAS, This Board of Supervisors has reviewed the Canvass, and finds it  
15 appropriate and wishes to declare the results of the special election; now, therefore, be it

16           RESOLVED, That the Board of Supervisors is adopting this Resolution in its capacity  
17 as the legislative body of the IRFD and as the “legislative body” as defined in the IRFD Law;  
18 and, be it

19           FURTHER RESOLVED, That the foregoing recitals are all true and correct; and, be it

20           FURTHER RESOLVED, That the qualified electors at the special election within the  
21 IRFD were presented with the propositions to amend the IRFD and the project areas therein  
22 and to adopt the Amended IFP; and, be it

23           FURTHER RESOLVED, That the Board of Supervisors hereby approves the Canvass  
24 and finds that it shall be a permanent part of the record of its proceedings for the IRFD.

25 Pursuant to the Canvass, the issues presented at the special election within the IRFD were

1 approved by the qualified electors by more than two-thirds of the votes cast at the special  
2 election; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered  
4 the FEIR and finds that the FEIR is adequate for its use for the actions taken by this  
5 Resolution and incorporates the FEIR and the CEQA findings contained in Board of  
6 Supervisors Resolution No. 246-11 by this reference; and, be it

7 FURTHER RESOLVED, That if any section, subsection, sentence, clause, phrase, or  
8 word of this resolution, or any application thereof to any person or circumstance, is held to be  
9 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision  
10 shall not affect the validity of the remaining portions or applications of this resolution, this  
11 Board of Supervisors hereby declaring that it would have passed this resolution and each and  
12 every section, subsection, sentence, clause, phrase, and word not declared invalid or  
13 unconstitutional without regard to whether any other portion of this resolution or application  
14 thereof would be subsequently declared invalid or unconstitutional; and, be it

15 FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of  
16 Public Finance, the Clerk of the Board of Supervisors and any and all other officers of the City  
17 are hereby authorized, for and in the name of and on behalf of the IRFD, to do any and all  
18 things and take any and all actions, including execution and delivery of any and all  
19 documents, assignments, certificates, requisitions, agreements, notices, consents,  
20 instruments of conveyance, warrants and documents, which they, or any of them, may deem  
21 necessary or advisable in order to effectuate the purposes of this Resolution; provided  
22 however that any such actions be solely intended to further the purposes of this Resolution,  
23 and are subject in all respects to the terms of the Resolution; and, be it

24 ///

25 ///

1 FURTHER RESOLVED, That all actions authorized and directed by this Resolution,  
2 consistent with any documents presented herein, and heretofore taken are hereby ratified,  
3 approved and confirmed by this Board of Supervisors; and, be it

4 FURTHER RESOLVED, That this Resolution shall take effect upon its enactment.  
5 Enactment occurs when the Mayor signs the resolution, the Mayor returns the resolution  
6 unsigned or does not sign the resolution within ten days of receiving it, or the Board of  
7 Supervisors overrides the Mayor's veto of the resolution.

8  
9 APPROVED AS TO FORM:  
10 DAVID CHIU  
11 City Attorney

12 By: /s/ MARK D. BLAKE  
13 MARK D. BLAKE  
14 Deputy City Attorney  
15 n:\spec\as2021\0600537\01565555.docx



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**EXHIBIT A**

**CANVASS AND STATEMENT OF RESULT OF ELECTION**

**CITY AND COUNTY OF SAN FRANCISCO  
Infrastructure and Revitalization Financing District No. 1  
(Treasure Island)**

I hereby certify that on \_\_\_\_\_, 2022, I canvassed the returns of the election held on January 17, 2022, in City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (the “IRFD”) and the total number of ballots cast in the IRFD and the total number of votes cast for and against the measures are as follows and the totals as shown for and against the measures are full, true and correct:

**BALLOT MEASURE NO. 1:** Shall the Board of Supervisors amend the “City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island),” including project areas therein (the “IRFD”), as proposed in the Board of Supervisors resolution entitled “Resolution proposing addition of territory to and adoption of amendments to the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; and determining other matters in connection therewith” adopted on January 11, 2022 (the “Resolution Proposing Amendments”)?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Qualified Landowner Votes	Votes Cast	Votes cast YES	Votes cast NO
------------------------------	---------------	-------------------	------------------

—

**BALLOT MEASURE NO. 2:** Shall the Board of Supervisors  
 approve the amended infrastructure financing plan for the IRFD  
 and the Project Areas, as proposed for approval by the Board of  
 Supervisors in the Resolution Proposing Amendments?

Qualified Landowner Votes	Votes Cast	Votes cast YES	Votes cast NO
------------------------------	---------------	-------------------	------------------

—

**IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND** this \_\_\_\_ day of \_\_\_\_, 2022.

By: \_\_\_\_\_  
Director of Elections