

1 [Declaring Results of Special Election - Community Facilities District No. 2016-1 (Treasure
2 Island)]

3 **Resolution declaring results of a special election and directing recording of notice of**
4 **special tax lien for the City and County of San Francisco Community Facilities District**
5 **No. 2016-1 (Treasure Island); and determining other matters in connection therewith.**
6

7 WHEREAS, Pursuant to the Mello-Roos Community Facilities Act of 1982, constituting
8 Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California
9 Government Code (“Mello-Roos Act”), this Board of Supervisors (“Board of Supervisors”) of
10 the City and County of San Francisco (“City”), State of California, has adopted a resolution
11 entitled “Resolution of formation of City and County of San Francisco Community Facilities
12 District No. 2016-1 (Treasure Island), Improvement Area No. 1 and a Future Annexation Area,
13 and determining other matters in connection therewith” (“Resolution of Formation”), on file
14 with the Clerk of the Board of Supervisors in File No. 161122, ordering (i) the formation of (A)
15 “City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island)”
16 (“CFD”), (B) “Improvement Area No. 1 of the City and County of San Francisco Community
17 Facilities District No. 2016-1 (Treasure Island)” (“Improvement Area No. 1”) and (C) a future
18 annexation area for the CFD (“Future Annexation Area”); and (ii) authorizing the levy of a
19 special tax on property within Improvement Area No. 1 and preliminarily establishing an
20 appropriations limit for Improvement Area No. 1; and

21 WHEREAS, This Board of Supervisors has also adopted a resolution entitled “Resolution
22 determining necessity to incur bonded indebtedness and other debt in an amount not to exceed \$5.0
23 billion for the City and County of San Francisco Community Facilities District No. 2016-1 (Treasure
24 Island) and determining other matters in connection therewith” (“Resolution of Necessity”), on file with
25 the Clerk of the Board of Supervisors in File No. 161123, determining (i) the necessity to incur bonded

1 indebtedness and other debt (as defined in the Mello-Roos Act) in the maximum aggregate principal
2 amount of \$250 million for Improvement Area No. 1 upon the security of the special tax to be levied
3 within Improvement Area No. 1 pursuant to the Mello-Roos Act and (ii) the necessity to incur bonded
4 indebtedness and other debt (as defined in the Mello-Roos Act) in the maximum aggregate principal
5 amount of \$4.75 billion for the territory in the CFD that is not in Improvement Area No. 1 (“Non-
6 Improvement Area No. 1 Indebtedness”) upon the security of the special tax to be levied in such
7 territory pursuant to the Mello-Roos Act; and

8 WHEREAS, Under the provisions of the Resolution of Formation and the Resolution Necessity
9 and pursuant to a “Resolution calling special election in City and County of San Francisco Community
10 Facilities District No. 2016-1 (Treasure Island) and determining other matters in connection therewith”
11 (“Election Resolution”), on file with the Clerk of the Board of Supervisors in File No. 161124, adopted
12 by this Board of Supervisors, the propositions of the levy of the special tax, the establishment of the
13 appropriations limit and the incurring of the bonded indebtedness and other debt for Improvement Area
14 No. 1 were submitted to the qualified electors of Improvement Area No. 1 as required by the provisions
15 of the Mello-Roos Act; and

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

20 WHEREAS, This Board of Supervisors has reviewed the Canvass, finds it appropriate
21 and wishes to complete its proceedings for Improvement Area No. 1; now, therefore, be it

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

23 FURTHER RESOLVED, That the issues presented at the special election were the levy
24 of a special tax within Improvement Area No. 1, the incurring of a bonded indebtedness and
25 other debt (as defined in the Mello-Roos Act) for Improvement Area No. 1, and the approval of

1 an annual appropriations limit for Improvement Area No. 1, all pursuant to the Resolution of
2 Formation and the Resolution of Necessity; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Canvass
4 and finds that it shall be a permanent part of the record of its proceedings for Improvement
5 Area No. 1, and pursuant to the Canvass, the issues presented at the special election were
6 approved by the qualified electors of Improvement Area No. 1 by more than two-thirds (2/3) of
7 the votes cast at the special election; and, be it

8 FURTHER RESOLVED, That pursuant to the voter approval, Improvement Area No. 1
9 is hereby declared to be fully formed with the authority to levy the special taxes, to incur the
10 approved bonded indebtedness and other debt (as defined in the Mello-Roos Act) and to have
11 the established appropriations limit, all as heretofore provided in these proceedings and in the
12 Mello-Roos Act, and it is hereby found that all prior proceedings and actions taken by this
13 Board of Supervisors with respect to the CFD, Improvement Area No. 1 and the Future
14 Annexation Area were valid and in conformity with the Mello-Roos Act; and, be it

15 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed
16 to complete, execute and cause to be recorded in the office of the Assessor-Recorder of the
17 City and County of San Francisco a notice of special tax lien in the form required by the Mello-
18 Roos Act, such recording to occur no later than fifteen (15) days following adoption by the
19 Board of Supervisors of this Resolution; and, be it

20 FURTHER RESOLVED, That if any section, subsection, sentence, clause, phrase, or
21 word of this resolution, or any application thereof to any person or circumstance, is held to be
22 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
23 shall not affect the validity of the remaining portions or applications of this resolution, this
24 Board of Supervisors hereby declaring that it would have passed this resolution and each and
25 every section, subsection, sentence, clause, phrase, and word not declared invalid or

1 unconstitutional without regard to whether any other portion of this resolution or application
2 thereof would be subsequently declared invalid or unconstitutional; and, be it

3 FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of
4 Public Finance, the Clerk of the Board of Supervisors and any and all other officers of the City
5 are hereby authorized, for and in the name of and on behalf of the City, to do any and all
6 things and take any and all actions, including execution and delivery of any and all
7 documents, assignments, certificates, requisitions, agreements, notices, consents,
8 instruments of conveyance, warrants and documents, which they, or any of them, may deem
9 necessary or advisable in order to effectuate the purposes of this Resolution; provided
10 however that any such actions be solely intended to further the purposes of this Resolution,
11 and are subject in all respects to the terms of the Resolution; and, be it

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

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

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

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23 By: _____
24 Mark D. Blake
25 Deputy City Attorney
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