

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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