

BOARD of SUPERVISORS



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## MEMORANDUM

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Date: March 13, 2023

To: The Honorable Members, Board of Supervisors

From:  Angela Calvillo, Clerk of the Board

Subject: Administrative Code - Enhanced Infrastructure Financing District Public Financing Authority No. 1 (Power Station)

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Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

File No. 230160 Administrative Code - Establishing the Enhanced Infrastructure Financing District Public Financing Authority No. 1 (Power Station)

- Does a current body address the same or similar subject matter?

*No. There are no other bodies that perform the same function as the Enhanced Infrastructure Financing District (EIFD) Public Financing Authority No. 1.*

- Language requiring the body to meet at least once every four months

*No. Section 5.48-7, entitled "Meeting and Procedures," states the following: "(b) Following the inaugural meeting, and not counting the inaugural meeting, the EIFD Public Financing Authority No. 1 shall hold a regular meeting not less than one time per year."*

- Language indicating members serve at the pleasure of the appointing authority

*Yes. Section 5.48-5, entitled "Organization and Terms of Office," states the following: "(e) Members of the EIFD Public Financing Authority No. 1 shall serve at the pleasure of the*



*Board of Supervisors and may be removed from serving on the body by the Board of Supervisors at any time."*

- Language establishing attendance requirements

*No. The EIFD Public Financing Authority No. 1 is established through California state law; however, if appropriate, the following language is suggested: "Any member, including the Chairperson or the Vice Chairperson, who misses three regular meetings of the Commission within a six-month period without the written approval of the Chairperson, or the Vice Chairperson in case of the Chairperson's absence, at or before each missed meeting shall be deemed to have resigned from the Working Group 10 days after the third unapproved absence. The Commission shall inform the appointing authority of any such resignation".*

- Number of seats and qualifications

*There are a total of five seats appointed as follows:*

- *Seats 1-3 shall be held by members of the Board of Supervisors, appointed by the President of the Board of Supervisors. The Board of Supervisors may appoint a fourth member from the Board of Supervisors to serve as an alternate member of the EIFD Public Financing Authority No. 1. The alternate member may serve and vote in place of any one of the three members from the Board of Supervisors who is absent from a meeting of the EIFD Public Financing Authority No. 1, or with respect to any meeting agenda item for which one of the three members from the Board of Supervisors is recused, or may serve and vote if there is a vacancy in Seat 1, 2, or 3.*
- *Seats 4 and 5 shall be held by members of the public, nominated by the President of the Board of Supervisors and appointed by the Board of Supervisors. Appointment of members of the public to seats 4 and 5 shall comply with California Government Code Sections 54970 and 54972. Such appointees are not precluded from being appointed as members of the legislative body of other enhanced financing districts established by City ordinance.*

*Members of the EIFD Public Financing Authority No. 1 shall receive no compensation, but they may receive reimbursement for actual and necessary expenses incurred in the performance of official duties pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the California Government Code.*



- Term limits (i.e., commencement date? staggered terms?)

*Yes. The term of each member shall be four years, with the exception that the initial appointments to seats 3 and 4 shall be for two-year terms. Subsequent appointments to seats 3 and 4 shall be for four-year terms.*

- Administering department

*No. It is suggested that language be added to designate the Office of the Controller as the department to provide administrative and clerical support.*

- Reporting requirements

*The EIFD Public Financing Authority No. 1 shall have the powers and duties set forth in California Government Code Sections 53398.50 et seq., as may be amended from time to time.*

*The EIFD Public Financing Authority No. 1 shall have no authority to exercise the sovereign powers of the City. The Power Station EIFD, once formed, shall be a governmental entity separate and distinct from the City and its sole purpose shall be to finance public capital facilities and projects of community-wide significance and other costs in accordance with California Government Code Sections 53398.50 et seq.*

- Sunset date

*Yes. Unless the Board of Supervisors by ordinance extends the term of the EIFD Public Financing Authority No. 1, it shall terminate on (a) the date on which the Power Station EIFD no longer receives property tax revenues under the Power Station IFP, or (b) the date on which no bonds or other forms of indebtedness of the EIFD Public Financing Authority No. 1 are outstanding, whichever date is later. After that date, the City Attorney is authorized to cause this Article XLVIII to be removed from the Administrative Code.*