

1 [Special Election for the Infrastructure Financing District - Rincon Hill Area]

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3 **Resolution calling for a special election for City and County of San Francisco**  
4 **Infrastructure Financing District No. 1 (Rincon Hill Area).**

5  
6 RESOLVED, By the Board of Supervisors (Board of Supervisors) of the City and  
7 County of San Francisco (City), State of California that:

8 WHEREAS, This Board of Supervisors has adopted a resolution entitled "Resolution  
9 Proposing Formation of Infrastructure Financing District" (Resolution Proposing Formation),  
10 proposing (i) the formation of the "City and County of San Francisco Infrastructure Financing  
11 District No. 1 (Rincon Hill Area)" (IFD) pursuant to Government Code Section 53395 et seq.  
12 (IFD Law) to finance certain public facilities (Facilities), (ii) approval of an infrastructure  
13 financing plan for the IFD (Infrastructure Financing Plan) and (iii) an annual appropriations  
14 limit for the proposed IFD; and

15 WHEREAS, This Board of Supervisors has also adopted a resolution entitled  
16 "Resolution of Intention to Issue Bonds" (Resolution of Intention to Issue Bonds), proposing  
17 issuance of one or more series of bonds (Bonds) for the purpose of financing the costs of the  
18 Facilities, as specified in the Resolution of Intention to Issue Bonds; and

19 WHEREAS, Pursuant to the provisions of the Resolution Proposing Formation and the  
20 Resolution of Intention to Issue Bonds, the propositions to establish the IFD, to approve the  
21 Infrastructure Financing Plan, to establish the annual appropriations limit and to incur Bonds  
22 shall be submitted to the qualified electors of the IFD as required by the provisions of the IFD  
23 Law; now, therefore, be it

1 RESOLVED, By the Board as follows:

2 Section 1. Issues Submitted. Pursuant to Sections 53395.20 and 53397.5 of the IFD  
3 Law, the propositions to establish the IFD, to approve the Infrastructure Financing Plan, to  
4 establish the annual appropriations limit and to incur Bonds shall be submitted to the qualified  
5 electors (as defined below) of the IFD at an election called therefor as provided below.

6 Section 2. Qualified Electors. The Board of Supervisors hereby finds that fewer than  
7 12 persons have been registered to vote within the territory of the proposed IFD for each of  
8 the 90 days preceding the close of the public hearing conducted by the Board of Supervisors  
9 with respect to the proposed formation of the IFD and the proposed Infrastructure Financing  
10 Plan. Accordingly, and pursuant to Section 53395.20 of the IFD Law, the Board of  
11 Supervisors finds that, for these proceedings, the qualified electors are the landowners within  
12 the proposed IFD and that the vote shall be by such landowners or their authorized  
13 representatives, each having one vote for each acre or portion thereof such landowner owns  
14 in the proposed IFD as of the close of the public hearings.

15 Section 3. Conduct of Election. The Board of Supervisors hereby calls a special  
16 election to consider the measures described in section 1 above, which election shall be held  
17 on February 8, 2011, and the results thereof canvassed at the meeting of The Board of  
18 Supervisors on February 8, 2011. The Clerk of the Board of Supervisors is hereby designated  
19 as the official to conduct the election and to receive all ballots until 3:00 p.m. on the election  
20 date, or such earlier time as all of the qualified electors have voted. It is hereby  
21 acknowledged that the Clerk of the Board of Supervisors has on file the Resolution Proposing  
22 Formation, a certified map of the boundaries of the proposed IFD, and a sufficient description  
23 (including assessor's parcel numbers in a landowner election) to allow the Clerk of the Board  
24 of Supervisors to determine the electors of the proposed IFD. Pursuant to Section  
25 53395.20(c) of the IFD Law, the election shall be conducted by messenger or mail-delivered

1 ballot pursuant to Section 4000 et seq. of the California Elections Code. The Board of  
2 Supervisors hereby finds that Section 4108 of the California Elections Code is applicable to  
3 this special election.

4 Section 4. Ballot. The propositions described in section 1 above shall be set forth in  
5 separate ballot measures, the form of which are attached hereto as Exhibit "A" and by this  
6 reference incorporated herein and the form of ballot is hereby approved. The Clerk of the  
7 Board of Supervisors is hereby authorized and directed to cause a ballot, in substantially the  
8 form of Exhibit "A," to be delivered to each of the qualified electors of the IFD. Each ballot  
9 shall indicate the number of votes to be voted by the respective landowner to which the ballot  
10 pertains. Each ballot shall be accompanied by all supplies and written instructions necessary  
11 for the use and return of the ballot. The envelope to be used to return the ballot was enclosed  
12 with the ballot, had the return postage prepaid, and contained the following: (a) the name and  
13 address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is  
14 the owner of record or authorized representative of the landowner entitled to vote and is the  
15 person whose name appears on the envelope, (c) the printed name, signature and address of  
16 the voter, (d) the date of signing and place of execution of the declaration pursuant to clause  
17 (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened  
18 only by the canvassing board of the election.

19 Section 5. Waivers. The Board of Supervisors hereby further finds that the  
20 provisions of Section 53395.20(a) of the IFD Law requiring a minimum of 90 days following  
21 the adoption of the Resolution Proposing Formation to elapse before the special election are  
22 for the protection of the qualified electors of the IFD. There is on file with the Clerk of the  
23 Board of Supervisors a written waiver executed by all of the qualified electors of the IFD  
24 allowing for a shortening of the time for the special election to expedite the process of  
25 formation of the IFD and waiving any requirement for notice, analysis and arguments in

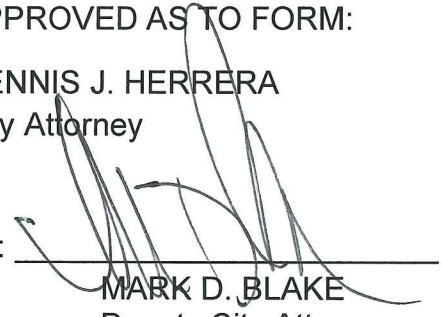
1 connection with the election. Accordingly, The Board of Supervisors finds and determines  
2 that the qualified electors have been fully apprised of and have agreed to the shortened time  
3 for the election and waiver of analysis and arguments, and have thereby been fully protected  
4 in these proceedings. The Board of Supervisors also finds and determines that the Clerk of  
5 the Board of Supervisors has concurred in the shortened time for the election. Analysis and  
6 arguments with respect to the ballot measures are hereby waived, as provided in Section  
7 53395.21(b) of the IFD Law.

8 Section 6. Accountability. The Board of Supervisors hereby finds that the proposed  
9 debt issuance constitutes a "local bond measure" within the meaning of Sections 53410, et  
10 seq. of the California Government Code. As a result, the bond measure shall include the  
11 propositions set forth above and the following: (a) the specific purpose of the bonds shall be  
12 as set forth in the propositions; (b) any proceeds received from the sale of any bonds shall be  
13 applied only to the purposes set forth in the propositions; (c) the proceeds of any bonds shall  
14 be deposited into special accounts to be created therefor as part of the issuance of the bonds;  
15 and (d) the City shall cause a report to be prepared annually under Section 53411 of the  
16 Government Code.

17 Section 7. Effective Date. This Resolution shall take effect upon its adoption.

18  
19 APPROVED AS TO FORM:

20 DENNIS J. HERRERA  
21 City Attorney

22  
23 By:   
24 MARK D. BLAKE  
25 Deputy City Attorney

**EXHIBIT A**

**CITY AND COUNTY OF SAN FRANCISCO  
Infrastructure Financing District No. 1  
(Rincon Hill Area)**

**OFFICIAL BALLOT  
SPECIAL ELECTION**

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the Clerk of the Board of Supervisors of the City and County of San Francisco no later than the hour of 3:00 p.m. on February 8, 2011, either by mail or in person. The Clerk of the Board of Supervisors' office is located at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, San Francisco, California, 94102-4689.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the Clerk of the Board of Supervisors of the City and County of San Francisco and obtain another.

**BALLOT MEASURE NO. 1:** Shall the Board of Supervisors form the "City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area)" (the "IFD") as proposed for formation in its "Resolution Proposing Formation of Infrastructure Financing District" adopted on February 8, 2011 (the "Resolution Proposing Formation")?

YES: \_\_\_\_\_  
NO: \_\_\_\_\_

**BALLOT MEASURE NO. 2:** Shall the Board of Supervisors approve the infrastructure financing plan for the IFD, as proposed for approval by the Board of Supervisors in the Resolution Proposing Formation?

YES: \_\_\_\_\_  
NO: \_\_\_\_\_

**BALLOT MEASURE NO. 3:** Shall the annual appropriations limit of the IFD be established in the amount of \$23.6 million, as set forth in the Resolution Proposing Formation?

YES: \_\_\_\_\_  
NO: \_\_\_\_\_

**BALLOT MEASURE NO. 4:** Shall the City and County of San Francisco issue one or more series of bonds in the maximum aggregate principal amount of not to exceed \$22 million, with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the IFD, the proceeds of which bonds will be used to acquire and/or construct certain facilities and pay for the costs of issuing the bonds and related expenses?

YES: \_\_\_\_\_

NO: \_\_\_\_\_

Assessor's Parcel Number(s): \_\_\_\_\_

Acreage: \_\_\_\_\_

Number of Votes: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

**[Property owner signature block]**



City and County of San Francisco  
Tails  
Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 101560

Date Passed: February 08, 2011

Resolution calling for a special election for the City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

January 24, 2011 Land Use and Economic Development Committee - CONTINUED

January 31, 2011 Land Use and Economic Development Committee - RECOMMENDED

January 31, 2011 Land Use and Economic Development Committee - REFERRED

February 02, 2011 Budget and Finance Committee - AMENDED

February 02, 2011 Budget and Finance Committee - RECOMMENDED AS AMENDED

February 08, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 101560

I hereby certify that the foregoing  
Resolution was ADOPTED on 2/8/2011 by  
the Board of Supervisors of the City and  
County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor Edwin Lee

Date Approved