

1 [Calling Special Election - Infrastructure and Revitalization Financing District No. 1 (Treasure  
2 Island)]

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3 **Resolution calling a special election for City and County of San Francisco**  
4 **Infrastructure and Revitalization Financing District No. 1 (Treasure Island); and**  
5 **determining other matters in connection therewith.**

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 revitalization  
12 financing district may be divided into project areas; and

13 WHEREAS, This Board of Supervisors has adopted a resolution entitled “Resolution  
14 proposing adoption of infrastructure financing plan and formation of City and County of San  
15 Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and  
16 project areas therein; providing for future annexation; and determining other matters in  
17 connection therewith” (the “Resolution Proposing Formation”), on file with the Clerk of the  
18 Board of Supervisors in File No. 161117, proposing (i) the formation of (a) the “City and  
19 County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure  
20 Island)” (the “IRFD”), (b) “Project Area A of the City and County of San Francisco  
21 Infrastructure and Revitalization Financing District No. 1 (Treasure Island)” (“Project Area A”)  
22 as a project area within the IRFD, (c) “Project Area B of the City and County of San Francisco  
23 Infrastructure and Revitalization Financing District No. 1 (Treasure Island)” (“Project Area B”)  
24 as a project area within the IRFD, (d) “Project Area C of the City and County of San Francisco  
25 Infrastructure and Revitalization Financing District No. 1 (Treasure Island)” (“Project Area C”)

1 as a project area within the IRFD, (v) “Project Area D of the City and County of San Francisco  
2 Infrastructure and Revitalization Financing District No. 1 (Treasure Island)” (“Project Area D”)  
3 as a project area within the IRFD, and (e) “Project Area E of the City and County of San  
4 Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island)” (“Project  
5 Area E” and, together with Project Area A, Project Area B, Project Area C and Project Area D,  
6 the “Initial Project Areas” and together with any future project areas that may be established in  
7 the IRFD, the “Project Areas”) as a project area within the IRFD, in each case, pursuant to the  
8 IRFD Law to finance certain facilities (the “Facilities”), (ii) approval of an infrastructure  
9 financing plan for the IRFD and the Project Areas (“Infrastructure Financing Plan”), (iii) a  
10 process for the future annexation of territory to the IRFD, and (iv) an annual appropriations  
11 limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution,  
12 for the IRFD; and

13 WHEREAS, This Board of Supervisors has also adopted a resolution entitled  
14 “Resolution of intention to issue bonds for City and County of San Francisco Infrastructure  
15 and Revitalization Financing District No. 1 (Treasure Island); and determining other matters in  
16 connection therewith” (the “Resolution of Intention to Issue Bonds”), on file with the Clerk of  
17 the Board of Supervisors in File No. 161037, proposing issuance from time to time of one or  
18 more series of bonds or other debt for the IRFD (the “Bonds”) for the purpose of financing the  
19 costs of the Facilities, as specified in the Resolution of Intention to Issue Bonds in the  
20 maximum aggregate principal amount of (i) \$780 million plus (ii) the principal amount of Bonds  
21 approved by this Board of Supervisors and the qualified electors of annexation territory in  
22 connection with each annexation of annexation territory to the IRFD, so long as the Board  
23 makes the finding specified in IRFD Law Section 53369.41(f); and

24 WHEREAS, Pursuant to the provisions of the Resolution Proposing Formation and the  
25 Resolution of Intention to Issue Bonds, the propositions to establish the IRFD and the Initial

1 Project Areas, to approve the Infrastructure Financing Plan, to establish an annual  
2 appropriations limit for the IRFD and authorization to issue or incur Bonds for the IRFD shall  
3 be submitted to the qualified electors in the IRFD as required by the provisions of the IRFD  
4 Law; now, therefore, be it

5 RESOLVED, That pursuant to IRFD Law Sections 53369.20 and 53369.43, the  
6 propositions to establish the IRFD and the Initial Project Areas, to approve the Infrastructure  
7 Financing Plan, to establish the annual appropriations limit for the IRFD and authorization to  
8 issue or incur Bonds for the IRFD shall be submitted to the qualified electors (as defined  
9 below) of the IRFD at elections called therefor as provided below; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby finds that fewer than 12  
11 persons have been registered to vote within the territory of the IRFD for each of the 90 days  
12 preceding the close of the public hearing conducted by the Board of Supervisors with respect  
13 to the proposed formation of the IRFD and the Initial Project Areas and the proposed  
14 Infrastructure Financing Plan, and accordingly, and pursuant to IRFD Law Section 53369.20,  
15 the Board of Supervisors finds that, for these proceedings, the qualified electors in the IRFD  
16 are the landowners within the IRFD and that the vote shall be by such landowners or their  
17 authorized representatives, each having one vote for each acre or portion thereof such  
18 landowner owns in the proposed IRFD as of the close of the public hearings; and, be it

19 FURTHER RESOLVED, That future annexations of property on Yerba Buena Island  
20 and Treasure Island into the IRFD may occur at any time after formation of the IRFD, but only  
21 if the Board of Supervisors has completed the procedures set forth in the Infrastructure  
22 Financing Plan, which shall be based on the following: (i) this Board of Supervisors adopts a  
23 resolution of intention to annex property (the "annexation territory") into the IRFD and  
24 describes whether the annexation territory will be included in one of the then-existing Project  
25 Areas or in a new Project Area and to issue Bonds, (ii) the resolution of intention is mailed to

1 each owner of land in the annexation territory and each affected taxing entity in the  
2 annexation territory, if any, in substantial compliance with IRFD Law Sections 53369.11 and  
3 53369.12, (iii) this Board of Supervisors designates TIDA to prepare an amendment to the  
4 Infrastructure Financing Plan, if necessary, and the designated official prepares any such  
5 amendment, in substantial compliance with IRFD Law Sections 53369.13 and 53369.14, (iv)  
6 any amendment to the Infrastructure Financing Plan is sent to each owner of land and each  
7 affected taxing entity (if any) within the annexation territory, in substantial compliance with  
8 IRFD Law Sections 53369.15 and 53369.16, and approved by this Board of Supervisors, as  
9 the legislative body of the only affected taxing entity that is subject to the division of taxes  
10 pursuant to the IRFD Law, (v) this Board of Supervisors notices and holds a public hearing on  
11 the proposed annexation, in substantial compliance with IRFD Law Sections 53369.17 and  
12 53369.18, (vi) this Board of Supervisors adopts a resolution proposing the adoption of any  
13 amendment to the Infrastructure Financing Plan and annexation of the annexation territory to  
14 the IRFD, and submits the proposed annexation to the qualified electors in the annexation  
15 territory, in substantial compliance with IRFD Law Sections 53369.20-53369.22, with the ballot  
16 measure to include the question of the proposed annexation of the annexation territory into  
17 the IRFD, approval of the appropriations limit for the IRFD and approval of the issuance of  
18 Bonds for the IRFD, and (vii) after canvass of returns of any election, and if two-thirds of the  
19 votes cast upon the question are in favor of the ballot measure, this Board may, by ordinance,  
20 adopt the amendment to the Infrastructure Financing Plan, if any, and approve the annexation  
21 of the annexation territory to the IRFD, in substantial compliance with IRFD Law Section  
22 53369.23; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors hereby calls a special election  
24 within the IRFD to consider the measures described above, which election shall be held on  
25 January 24, 2017, and the results thereof canvassed at the meeting of the Board of

1 Supervisors on January 24, 2017; the Director of Elections of the City and County of San  
2 Francisco is hereby designated as the official to conduct the election and to receive all ballots  
3 until 3:00 p.m. on the election date, or such earlier time as all of the qualified electors have  
4 voted; it is hereby acknowledged that the Director of Elections has on file the Resolution  
5 Proposing Formation, a certified map of the boundaries of the proposed IRFD, and a sufficient  
6 description (including assessor's parcel numbers in a landowner election) to allow the Director  
7 of Elections to determine the electors of the proposed IRFD; pursuant to Section 53369.20(c)  
8 of the IRFD Law, the election shall be conducted by personal service or mail-delivered ballot  
9 pursuant to California Elections Code Section 4000 *et seq.*, and this Board of Supervisors  
10 hereby finds that California Elections Code Section 4108 is applicable to this special election,  
11 with the timing of the election governed by IRFD Law Section 53369.20; and, be it

12           FURTHER RESOLVED, That the propositions described above shall be set forth in  
13 separate ballot measures, the forms of which are attached hereto as Exhibit "A" and by this  
14 reference incorporated herein and the form of ballot is hereby approved, and the Director of  
15 Elections is hereby authorized and directed to cause a ballot, in substantially the form of  
16 Exhibit "A," to be delivered to each of the qualified electors of the IRFD, and each ballot shall  
17 indicate the number of votes to be voted by the respective landowner to which the ballot  
18 pertains; each ballot shall be accompanied by all supplies and written instructions necessary  
19 for the use and return of the ballot, and the envelope to be used to return the ballot shall be  
20 enclosed with the ballot, with the return postage prepaid, and shall contain the following: (a)  
21 the name and address of the landowner, (b) a declaration, under penalty of perjury, stating  
22 that the voter is the owner of record or authorized representative of the landowner entitled to  
23 vote and is the person whose name appears on the envelope, (c) the printed name, signature  
24 and address of the voter, (d) the date of signing and place of execution of the declaration

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1 pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and  
2 is to be opened only by the canvassing board of the election; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby further finds that the provisions  
4 of IRFD Law Section 53369.20(a) requiring a minimum of 90 days following the adoption of the  
5 Resolution Proposing Formation to elapse before the special election are for the protection of the  
6 qualified electors, and there is on file with the Clerk of the Board of Supervisors in File No. 161118 and  
7 the Director of Elections of the City and County of San Francisco a written waiver executed by all of  
8 the qualified electors of the IRFD allowing for a shortening of the time for the special election to  
9 expedite the process of formation of the IRFD and the Initial Project Areas and waiving any  
10 requirement for notice, analysis and arguments in connection with the election, and accordingly, this  
11 Board of Supervisors finds and determines that the qualified electors have been fully apprised of and  
12 have agreed to the shortened time for the election and waiver of analysis and arguments, and have  
13 thereby been fully protected in these proceedings, and this Board of Supervisors also finds and  
14 determines that the Director of Elections has concurred in the shortened time for the election, and  
15 analysis and arguments with respect to the ballot measure are hereby waived, as provided in IRFD  
16 Law Section 53369.21(b); and, be it

17 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the proposed  
18 issuance of Bonds constitutes a “local bond measure” within the meaning of California  
19 Elections Code Sections 53410 *et seq.*, and as a result, the bond measure shall approve the  
20 issuance of Bonds for the IRFD and include the following: (a) the specific purpose of the  
21 Bonds shall be as set forth in the proposition; (b) any proceeds received from the sale of any  
22 Bonds shall be applied only to the purposes set forth in the propositions; (c) the proceeds of  
23 any Bonds shall be deposited into a special account to be created therefor as part of the  
24 issuance of such Bonds; and (d) the City shall cause a report to be prepared annually under  
25 Elections Code Section 53411; and, be it

1           FURTHER RESOLVED, That in the "Resolution of intention to establish City and  
2 County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure  
3 Island) and project areas therein to finance the construction and/or acquisition of facilities on  
4 Treasure Island and Yerba Buena Island; to provide for future annexation; to call a public  
5 hearing on the formation of the district and project areas therein and to provide public notice  
6 thereof; and determining other matters in connection therewith", this Board of Supervisors  
7 made certain findings under the California Environmental Quality Act ("CEQA") about the Final  
8 Environmental Impact Report ("FEIR") for the disposition and development of a portion of  
9 Naval Station Treasure Island, and those findings are incorporated in this Resolution as if set  
10 forth in their entirety herein; and, be it

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

19           FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of  
20 Public Finance, the Clerk of the Board of Supervisors and any and all other officers of the City  
21 are hereby authorized, for and in the name of and on behalf of the City, to do any and all  
22 things and take any and all actions, including execution and delivery of any and all  
23 documents, assignments, certificates, requisitions, agreements, notices, consents,  
24 instruments of conveyance, warrants and documents, which they, or any of them, may deem  
25 necessary or advisable in order to effectuate the purposes of this Resolution; provided

1 however that any such actions be solely intended to further the purposes of this Resolution,  
2 and are subject in all respects to the terms of the Resolution; and, be it

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

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

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11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA  
City Attorney

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15 By: \_\_\_\_\_

16 MARK D. BLAKE  
17 Deputy City Attorney  
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