

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: John Arntz, Director, Department of Elections
Elaine Forbes, Executive Director, Port of San Francisco

FROM: *al*
for Alisa Somera, Legislative Deputy Director
Rules Committee

DATE: March 15, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Peskin on March 6, 2018:

File No. 180215

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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Daley Dunham, Port of San Francisco

1 [Municipal Elections Code - Disclosure Regarding Ballot Measures Involving Port Public Trust
2 Property]

3 **Ordinance amending the Municipal Elections Code to require a notice in the voter**
4 **information pamphlet for measures that would approve a development project or a**
5 **substantial land use or zoning change on land held subject to the public trust by the**
6 **City, acting by and through the Port Commission.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The Municipal Elections Code is hereby amended by revising Section 500,
16 to read as follows:

17 **SEC. 500. VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.**

18 With respect to any election to be held in the City and County, the Director of Elections
19 shall prepare a voter information pamphlet. The voter information pamphlet shall contain, in
20 addition to any other material required by the Charter or by general law, the following
21 materials:

22 * * * *

23 (c) **Contents as to measures:**

24 * * * *

25 (9) The following statement for each measure that would approve a development
project or substantial land use or zoning changes on land transferred in trust to the City, acting by and

1 through the Port Commission, under the Burton Act, Chapter 1333 of the Statutes of 1968, as it has
2 been amended and may be amended in the future: "Measure _____ involves the San Francisco
3 waterfront, which includes sovereign lands that the State of California has legislatively granted to the
4 City. These waterfront lands and their resources are protected by the common law public trust
5 doctrine and the City holds them in trust on behalf of all the People of California."

6 Measures, and the material specified in this Section relating to said measures, shall be
7 printed in the voter information pamphlet in the same order in which designated upon the
8 ballot.

9 If space allows, the items specified in ~~Subsections~~ (c)(1) to (c)(5) ~~of this Section~~ shall be
10 printed together on the same page of the voter information pamphlet. This page shall be
11 known as the "ballot measure title page." The ballot measure title page shall also indicate: the
12 page number at which the arguments for or against the measure are printed; and, if applicable
13 the page number at which the definitions of terms appearing on ballot measure title page are
14 printed.

15 The item specified in subsection (c)(9) shall be printed immediately preceding the legal text for
16 the measure.

17 * * * *

18 Section 2. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:



8 JON GIVNER
9 Deputy City Attorney

10 n:\legana\as2018\1800442\01256501.docx

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

n:\legana\as2018\1800442\01258216.docx