

File No. 140896

Committee Item No. _____

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date September 2, 2014

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Joy Lamug

Date August 27, 2014

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Committee of the Whole - Special Election for the Community Facilities District No. 2014-1
2 (Transbay Transit Center)]

3 **Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on**
4 **September 2, 2014, at 3:00 p.m. to hold a public hearing on a Resolution (File No.**
5 **140816) calling for a special election in the City and County of San Francisco**
6 **Community Facilities District No. 2014-1 (Transbay Transit Center).**

7
8 **MOVED,** That the Board of Supervisors convene as a Committee of the Whole on
9 September 2, 2014, at 3:00 p.m. to hear all persons interested in the Resolution (File No.
10 140816) calling for a special election in the City and County of San Francisco Community
11 Facilities District No. 2014-1 (Transbay Transit Center).

1 [Special Election for the Community Facilities District No. 2014-1 (Transbay Transit Center)]

2

3 **Resolution calling for a special election in the City and County of San Francisco**
4 **Community Facilities District No. 2014-1 (Transbay Transit Center).**

5

6 WHEREAS, This Board of Supervisors has adopted a resolution entitled "Resolution of
7 formation of City and County of San Francisco Community Facilities District No. 2014-1
8 (Transbay Transit Center)" (the "Resolution of Formation"), ordering the formation of the "City
9 and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit
10 Center)" (the "CFD") and a future annexation area, authorizing the levy of a special tax on
11 property within the CFD and preliminarily establishing an appropriations limit for the CFD, all
12 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, constituting
13 Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California
14 Government Code (the "Mello-Roos Act"); and

15 WHEREAS, This Board of Supervisors has also adopted a resolution entitled
16 "Resolution determining necessity to incur bonded indebtedness for City and County of San
17 Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) and determining
18 other matters in connection therewith" (the "Resolution Determining Necessity"), determining
19 the necessity to incur bonded indebtedness and other debt (as defined in the Mello-Roos Act)
20 in the maximum aggregate principal amount of \$1,400,000,000 upon the security of the
21 special tax to be levied within the CFD pursuant to the Mello-Roos Act; and

22 WHEREAS, Pursuant to the provisions of the Resolution of Formation and the
23 Resolution Determining Necessity, the propositions of the levy of the special tax, the

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1 establishment of the appropriations limit and the incurring of the bonded indebtedness and
2 other debt shall be submitted to the qualified electors of the CFD as required by the provisions
3 of the Mello-Roos Act; now, therefore, be it

4 RESOLVED, That pursuant to Sections 53326, 53351 and 53325.7 of the Mello-Roos
5 Act, the issues of the levy of the special tax, the incurring of bonded indebtedness and other
6 debt (as defined in the Mello-Roos Act) and the establishment of the appropriations limit shall
7 be submitted to the qualified electors (as defined below) of the CFD at an election called
8 therefor as provided below; and, be it

9 FURTHER RESOLVED, That this Board of Supervisors hereby finds that fewer than 12
10 persons have been registered to vote within the territory of the CFD for each of the 90 days
11 preceding the close of the public hearings heretofore conducted and concluded by this Board
12 of Supervisors for the purposes of these proceedings. Accordingly, and pursuant to Section
13 53326 of the Mello-Roos Act, this Board of Supervisors finds that, for these proceedings, the
14 qualified electors are the landowners (as defined in the Mello-Roos Act) within the CFD and
15 that the vote shall be by such landowners or their authorized representatives, each having
16 one vote for each acre or portion thereof such landowner owns in the CFD as of the close of
17 the public hearings; and, be it

18 FURTHER RESOLVED, That this Board of Supervisors hereby calls a special election
19 to consider the measures described above, which election shall be held on December 9, 2014
20 (which date is at least 90, but not more than 180 days, following the date of adoption of the
21 Resolution of Formation, and which date has been concurred in by the Clerk of the Board of
22 Supervisors), and the results thereof canvassed at the meeting of this Board of Supervisors
23 on _____, 2014. Pursuant to Section 53327 of the Mello-Roos Act, the election
24 shall be conducted by messenger or mail-delivered ballot pursuant to Section 4000 of the
25 California Elections Code, provided, however, that for purposes of setting the date for the

1 election, Sections 53326 and 53327 of the Mello-Roos Act shall govern. The Clerk of the
2 Board of Supervisors is hereby designated as the official to conduct the election and to
3 receive all ballots until 2:00 p.m. on the election date; provided that if all qualified electors
4 have voted prior to 2:00 p.m. on the election date, the election shall be closed. It is hereby
5 acknowledged that the Clerk of the Board of Supervisors has on file the Resolution of
6 Formation, the Resolution Determining Necessity, a certified map of the boundaries of the
7 CFD, and a sufficient description to allow the Clerk of the Board of Supervisors to determine
8 the boundaries of the CFD and the qualified electors of the CFD; and, be it

9 FURTHER RESOLVED, That as authorized by Section 53353.5 of the Mello-Roos Act,
10 the three propositions described in section 1 above shall be combined into a single ballot
11 measure, the form of which is attached hereto as Exhibit "A" and by this reference
12 incorporated herein and the form of ballot is hereby approved. The Clerk of the Board of
13 Supervisors is hereby authorized and directed to cause a ballot, in substantially the form of
14 Exhibit "A," to be delivered to each of the qualified electors of the CFD. Each ballot shall
15 indicate the number of votes to be voted by the respective landowner to which the ballot
16 pertains. Each ballot shall be accompanied by all supplies and written instructions necessary
17 for the use and return of the ballot. The envelope to be used to return the ballot shall be
18 enclosed with the ballot, shall have the return postage prepaid, and shall contain the following:
19 (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating
20 that the voter is the owner of record or authorized representative of the landowner entitled to
21 vote and is the person whose name appears on the envelope, (c) the printed name, signature
22 and address of the voter, (d) the date of signing and place of execution of the declaration
23 pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and
24 is to be opened only by the canvassing board of the election; and, be it

1 FURTHER RESOLVED, That this Board of Supervisors also hereby directs the Clerk of
2 the Board of Supervisors to do all things necessary and proper for the conduct of this special
3 election including, but not limited to, the hiring of a third-party firm experienced in the conduct
4 of elections under the Mello-Roos Act; solicitation of an impartial analysis from the City
5 Attorney; distribution of sample ballots and the printed material required by applicable law; the
6 conduct of the mail-ballot election; the counting of ballots; and the canvassing and certification
7 of the election; and, be it

8 FURTHER RESOLVED, That this Board of Supervisors hereby directs the City
9 Attorney to prepare an impartial analysis of the ballot measures (the "Impartial Analysis"), not
10 to exceed 500 words, in accordance with Elections Code Section 9280, and establishes _____,
11 2014, as the deadline for submitting the Impartial Analysis; and, be it

12 FURTHER RESOLVED, That this Board of Supervisors hereby directs the Controller to
13 prepare a financial analysis of the ballot measures in compliance with the City's Municipal
14 Elections Code; and, be it

15 FURTHER RESOLVED, That the President of this Board of Supervisors, or the
16 President's designee, is hereby authorized to prepare a written argument in favor of the
17 proposed measures, not to exceed 500 words in length, on behalf of the Board of
18 Supervisors, in accordance with Elections Code Sections 9282-9287. At the President's
19 discretion, the argument may also be signed by bona fide associations or by individual voters
20 who are eligible to vote; and, be it

21 FURTHER RESOLVED, That this Board of Supervisors hereby authorizes arguments
22 for and against the ballot measures and rebuttal arguments to be filed in accordance with
23 Sections 9282-9287, and establishes _____, 2014, as the deadline to file arguments for and
24 against the ballot measures, and _____, 2014, as the deadline to
25

1 file rebuttal arguments; and, be it

2 FURTHER RESOLVED, That City Council hereby establishes _____, 2014, through
3 _____, 2014, as the 10-calendar day examination period required by the Elections Code.
4 Voters may examine the ballot measures, the Impartial Analysis, the argument for the ballot
5 measures, the argument against the ballot measures and any rebuttal arguments in the office
6 of the City Clerk at 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102, between
7 the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday during such period; and, be it

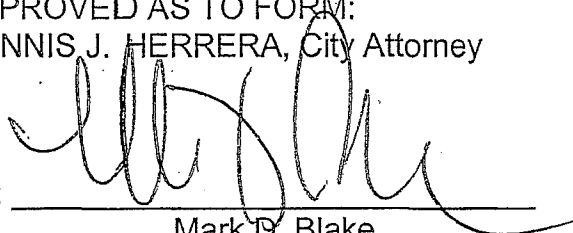
8 FURTHER RESOLVED, That this Board of Supervisors hereby finds that the measure
9 described above as it relates to the issuance of bonds and other debt constitutes a "local bond
10 measure" within the meaning of Sections 53410, et seq. of the California Government Code.
11 As a result, the bond measure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

18 FURTHER RESOLVED, That pursuant to Section 50075.1 of the Government Code,
19 the following accountability provisions shall apply to the special taxes: (a) the provision and/or
20 acquisition of the Facilities and the incidental costs thereof, all as defined in the Resolution of
21 Formation, shall constitute the specific single purpose; (b) the proceeds shall be applied only
22 to the specific purposes identified in the preceding clause (a); (c) there shall be created
23 special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall
24 be caused to be prepared an annual audit and report of the CFD under Section 50075.3 of the
25 Government Code; and, be it

1 FURTHER RESOLVED, That this Resolution shall take effect upon its adoption.

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

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6 By: _____



7 Mark D. Blake
8 Deputy City Attorney

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EXHIBIT A

CITY AND COUNTY OF SAN FRANCISCO
Community Facilities District No. 2014-1
(Transbay Transit Center)

FORM OF BALLOT

OFFICIAL BALLOT
SPECIAL TAX 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 2:00 p.m. on December 9, 2014, either by mail or in person. The Clerk of the Board of Supervisors office is located at 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

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: To finance acquisition and construction of facilities and pay costs identified in Board of Supervisors Resolution No. __, shall the City and County of San Francisco ("City"): incur \$1,400,000,000 of bonded and other debt for City and County of San Francisco Community

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Committee of the Whole - Special Election for the Community Facilities District No. 2014-1 (Transbay Transit Center)

The text is listed below or attached:

Board of Supervisors, sitting as a Committee of the Whole on September 2, 2014, at 3:00 p.m. special order on a hearing of persons interested in or objecting to a Resolution (File No. 140816) calling for a special election in the City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center).

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: