

1 [Calling Special Election - Community Facilities District No. 2016-1 (Treasure Island)]

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3 **Resolution calling a special election in City and County of San Francisco Community**
4 **Facilities District No. 2016-1 (Treasure Island); and determining other matters in**
5 **connection therewith.**

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7 WHEREAS, Pursuant to the Mello-Roos Community Facilities Act of 1982, constituting
8 Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California
9 Government Code (“Mello-Roos Act”), this Board of Supervisors (“Board of Supervisors”) of
10 the City and County of San Francisco (“City”), State of California, has adopted a resolution
11 entitled “Resolution of formation of City and County of San Francisco Community Facilities
12 District No. 2016-1 (Treasure Island), Improvement Area No. 1 and a Future Annexation Area,
13 and determining other matters in connection therewith” (“Resolution of Formation”), on file
14 with the Clerk of the Board of Supervisors in File No. 161122, ordering (i) the formation of (A)
15 “City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island)”
16 (“CFD”), (B) “Improvement Area No. 1 of the City and County of San Francisco Community
17 Facilities District No. 2016-1 (Treasure Island)” (“Improvement Area No. 1”), and (C) a future
18 annexation area for the CFD (“Future Annexation Area”); and (ii) authorizing the levy of a
19 special tax on property within Improvement Area No. 1 and preliminarily establishing an
20 appropriations limit for Improvement Area No. 1; and

21 WHEREAS, This Board of Supervisors has also adopted a resolution entitled
22 “Resolution determining necessity to incur bonded indebtedness and other debt in an amount
23 not to exceed \$5.0 billion for the City and County of San Francisco Community Facilities
24 District No. 2016-1 (Treasure Island) and determining other matters in connection therewith”
25 (“Resolution Determining Necessity”), on file with the Clerk of the Board of Supervisors in File

1 No. 161123, determining (i) the necessity to incur bonded indebtedness and other debt (as
2 defined in the Mello-Roos Act) in the maximum aggregate principal amount of \$250 million for
3 Improvement Area No. 1 upon the security of the special tax to be levied within Improvement
4 Area No. 1 pursuant to the Mello-Roos Act and (ii) the necessity to incur bonded indebtedness
5 and other debt (as defined in the Mello-Roos Act) in the maximum aggregate principal amount
6 of \$4.75 billion for the territory in the CFD that is not in Improvement Area No. 1 (“Non-
7 Improvement Area No. 1 Indebtedness”) upon the security of the special tax to be levied in
8 such territory pursuant to the Mello-Roos Act; and

9 WHEREAS, Pursuant to the provisions of the Resolution of Formation and the
10 Resolution Determining Necessity, the propositions of the levy of the special tax, the
11 establishment of the appropriations limit and the incurring of the bonded indebtedness and
12 other debt for Improvement Area No. 1 shall be submitted to the qualified electors of
13 Improvement Area No. 1 as required by the provisions of the Mello-Roos Act; now, therefore,
14 be it

15 RESOLVED, That pursuant to Mello-Roos Act Sections 53326, 53351 and 53325.7, the
16 issues of the levy of the special tax, the incurring of bonded indebtedness and other debt and
17 the establishment of the appropriations limit for Improvement Area No. 1 shall be submitted to
18 the qualified electors (as defined below) of Improvement Area No. 1 at an election called
19 therefor as provided below; and, be it

20 FURTHER RESOLVED, The designation as an improvement area of any territory
21 annexing to the CFD, the maximum amount of bonded indebtedness and other debt for such
22 improvement area, the rate and method of apportionment of special tax for such improvement
23 area and the appropriations limit for such improvement area shall be identified and approved
24 in the unanimous approval executed by property owners in connection with their annexation to
25 the CFD (each, a “Unanimous Approval”) and in accordance with the Annexation Approval

1 Procedures described in the Resolution of Formation, and the amount of the maximum
2 indebtedness for such improvement area shall be subtracted from the Non-Improvement Area
3 No. 1 Indebtedness Limit as set forth in a resolution of this Board of Supervisors, which shall
4 result in a reduction in the Non-Improvement Area No. 1 Indebtedness Limit; and, be it

5 FURTHER RESOLVED, That this Board of Supervisors hereby finds that fewer than 12
6 persons residing in Improvement Area No. 1 have been registered to vote within the territory
7 of Improvement Area No. 1 for each of the 90 days preceding the close of the public hearings
8 heretofore conducted and concluded by this Board of Supervisors for the purposes of these
9 proceedings, and accordingly, and pursuant to Mello-Roos Act Section 53326, this Board of
10 Supervisors finds that, for these proceedings, the qualified electors are the landowners within
11 Improvement Area No. 1 and that the vote shall be by such landowners or their authorized
12 representatives, each having one vote for each acre or portion thereof such landowner owns
13 in Improvement Area No. 1 not exempt from the special tax as of the close of the public
14 hearings; and, be it

15 FURTHER RESOLVED, That this Board of Supervisors hereby calls a special election
16 in Improvement Area No. 1 to consider the propositions of the levy of the special tax, the
17 establishment of the appropriations limit and the incurring of the bonded indebtedness and
18 other debt for Improvement Area No. 1, which election shall be held on January 24, 2017, and
19 the results thereof canvassed at the meeting of this Board of Supervisors on January 24,
20 2017; and, be it

21 FURTHER RESOLVED, The Director of Elections of the City and County of San
22 Francisco is hereby designated as the official to conduct the election and to receive all ballots
23 until 3:00 p.m. on the election date, and it is hereby acknowledged that the Clerk of the Board
24 of Supervisors and the Director of Elections has on file the Resolution of Formation, a certified
25 map of the boundaries of the CFD and Improvement Area No. 1, and a sufficient description

1 to allow the Director of Elections to determine the electors of Improvement Area No. 1, and
2 pursuant to Mello-Roos Act Section 53327, the election shall be conducted by messenger or
3 mail-delivered ballot pursuant to California Elections Code Section 4000, except that Mello-
4 Roos Act Sections 53326 and 53327 Act shall govern for purposes of determining the date of
5 election; and, be it

6 FURTHER RESOLVED, That as authorized by Mello-Roos Act Section 53353.5, the three
7 propositions described above shall be combined into a single ballot measure for Improvement Area
8 No. 1, the form of which is attached hereto as Exhibit "A" and by this reference incorporated herein
9 and the form of ballot is hereby approved, and the Director of Elections is hereby authorized and
10 directed to cause a ballot, in substantially the form of Exhibit "A," to be delivered to each of the
11 qualified electors of Improvement Area No. 1, and each ballot shall indicate the number of votes to be
12 voted by the respective landowner to which the ballot pertains, and each ballot shall be accompanied
13 by all supplies and written instructions necessary for the use and return of the ballot, and the envelope
14 to be used to return the ballot was enclosed with the ballot, had the return postage prepaid, and
15 contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of
16 perjury, stating that the voter is the owner of record or authorized representative of the landowner
17 entitled to vote and is the person whose name appears on the envelope, (c) the printed name,
18 signature and address of the voter, (d) the date of signing and place of execution of the declaration
19 pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be
20 opened only by the canvassing board of the election; and, be it

21 FURTHER RESOLVED, That this Board of Supervisors hereby further finds that the
22 provisions of Mello-Roos Act Section 53326 requiring a minimum of 90 days following the
23 adoption of the Resolution of Formation to elapse before the special election are for the
24 protection of the qualified electors of Improvement Area No. 1, and there is on file with the
25 Clerk of the Board of Supervisors and the Director of Elections a written waiver executed by

1 all of the qualified electors of Improvement Area No. 1 allowing for a shortening of the time for
2 the special election to expedite the process of formation of Improvement Area No. 1 and
3 waiving any requirement for notice, analysis and arguments in connection with the election,
4 and accordingly, this Board of Supervisors finds and determines that the qualified electors
5 have been fully apprised of and have agreed to the shortened time for the election and waiver
6 of analysis and arguments, and have thereby been fully protected in these proceedings, and
7 this Board of Supervisors also finds and determines that the Director of Elections has
8 concurred in the shortened time for the election; and, be it

9 FURTHER RESOLVED, Analysis and arguments with respect to the ballot measures
10 are hereby waived, as provided in Mello-Roos Act Section 53327; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the proposed
12 issuance of bonds and other debt for Improvement Area No. 1 constitutes a “local bond
13 measure” within the meaning of California Government Code Sections 53410 *et seq.*, and as
14 a result, the bond measure shall include the propositions set forth above and the following: (a)
15 the specific purpose of the bonds and other debt shall be as set forth in the propositions; (b)
16 any proceeds received from the sale of any bonds and other debt shall be applied only to the
17 purposes set forth in the propositions; (c) the proceeds of any bonds and other debt shall be
18 deposited into special accounts to be created therefor as part of the issuance of the bonds
19 and other debt; and (d) the City shall cause a report to be prepared annually under
20 Government Code Section 53411; and, be it

21 FURTHER RESOLVED, That under Government Code Section 50075.1, the following
22 accountability provisions shall apply to the special taxes: (a) the provision and/or acquisition of
23 the Facilities and the Services, the payment of debt service on the bonds and other debt and
24 the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the
25 specific single purpose; (b) the proceeds shall be applied only to the specific purposes

1 identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the
2 proceeds shall be deposited; and (d) there shall be caused to be prepared an annual audit
3 and report of the CFD; and, be it

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

12 FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Office of
13 Public Finance, the Clerk of the Board of Supervisors and any and all other officers of the City
14 are hereby authorized, for and in the name of and on behalf of the City, to do any and all
15 things and take any and all actions, including execution and delivery of any and all
16 documents, assignments, certificates, requisitions, agreements, notices, consents,
17 instruments of conveyance, warrants and documents, which they, or any of them, may deem
18 necessary or advisable in order to effectuate the purposes of this Resolution; provided
19 however that any such actions be solely intended to further the purposes of this Resolution,
20 and are subject in all respects to the terms of the Resolution; and, be it

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

24 FURTHER RESOLVED, That this Resolution shall take effect upon its enactment.
25 Enactment occurs when the Mayor signs the resolution, the Mayor returns the resolution

1 unsigned or does not sign the resolution within ten days of receiving it, or the Board of
2 Supervisors overrides the Mayor's veto of the resolution.

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

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7 By: _____

8 Mark D. Blake
9 Deputy City Attorney

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