

1 [Declaring Results of Special Election Related to Infrastructure and Revitalization Financing
2 District No. 1 (Treasure Island)]

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

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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 previously took certain actions under the IRFD
14 Law in connection with the proposed redevelopment of Naval Station Treasure Island
15 ("NSTI"), as contemplated by a Disposition and Development Agreement (Treasure
16 Island/Yerba Buena Island) dated June 28, 2011 (the "DDA"), including a Financing Plan
17 (Treasure Island/Yerba Buena Island) (the "Financing Plan"), between Treasure Island
18 Community Development, LLC ("Developer") and the Treasure Island Development Authority,
19 a California non-profit public benefit corporation ("TIDA"); and

20 WHEREAS, Developer and the City previously entered into a Development Agreement
21 related to the Project Site to eliminate uncertainty in the City's land use planning for the
22 Project Site and secure orderly development of the Project (as defined in the DDA) consistent
23 with the DDA and other applicable requirements, and the Financing Plan is was also an
24 exhibit to the Development Agreement; and

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1 WHEREAS, On June 7, 2011, in Motion No. M11-0092, the Board of Supervisors
2 unanimously affirmed certification of the Final Environmental Impact Report for the Project.
3 On that same date, the Board of Supervisors, in Resolution No. 246-11, adopted CEQA
4 findings and the MMRP, and made certain environmental findings under CEQA (collectively,
5 the “FEIR”). Also on that date, the Board of Supervisors, in Ordinance No. 95-11, approved
6 the DDA and other transaction documents, including the Transportation Plan and
7 Infrastructure Plan; and

8 WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of
9 Supervisors adopted Ordinance No. 21-17 on January 31, 2017, which the Mayor signed on
10 February 9, 2017 (“IRFD Formation Ordinance”), pursuant to which the Board of Supervisors
11 declared City and County of San Francisco Infrastructure and Revitalization Financing District
12 No. 1 (Treasure Island) (“IRFD”) and the following project areas within the IRFD (collectively,
13 “Initial Project Areas,” and together with any future project areas that may be established in
14 the IRFD, the “Project Areas”) to be fully formed with full force and effect of law:

15 (i) Project Area A of the City and County of San Francisco Infrastructure and
16 Revitalization Financing District No. 1 (Treasure Island) (“Project Area A”);

17 (ii) Project Area B of the City and County of San Francisco Infrastructure and
18 Revitalization Financing District No. 1 (Treasure Island) (“Project Area B”);

19 (iii) Project Area C of the City and County of San Francisco Infrastructure and
20 Revitalization Financing District No. 1 (Treasure Island) (“Project Area C”);

21 (iv) Project Area D of the City and County of San Francisco Infrastructure and
22 Revitalization Financing District No. 1 (Treasure Island) (“Project Area D”); and

23 (v) Project Area E of the City and County of San Francisco Infrastructure and
24 Revitalization Financing District No. 1 (Treasure Island) (“Project Area E”); and,

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1 WHEREAS, The City formed the IRFD and the Project Areas for the purpose of
2 financing the cost of certain facilities (the “Facilities”) as further provided in the IRFD
3 Formation Ordinance; and,

4 WHEREAS, Pursuant to the IRFD Formation Ordinance, the Board of Supervisors also
5 approved an Infrastructure Financing Plan for the IRFD (“IFP”); and

6 WHEREAS, The IRFD Law provides that the legislative body of an infrastructure and
7 revitalization financing district may, at any time, add territory to a district or amend the
8 infrastructure financing plan for the district by conducting the same procedures for the
9 formation of a district or approval of bonds as provided in the IRFD Law; and

10 WHEREAS, The Board of Supervisors has been notified by the California State Board
11 of Equalization that the boundaries of the IRFD and the Project Areas must conform to the
12 boundaries of assessor parcel numbers established by the San Francisco Assessor-Recorder
13 in order for the Board of Equalization to assign tax rate areas to the Project Areas; and

14 WHEREAS, The Board of Supervisors wishes to amend the boundaries of the IRFD
15 and certain Initial Project Areas to reflect the final development parcels for certain portions of
16 Treasure Island and Yerba Buena Island, including the addition of territory to the IRFD, and to
17 approve an amended map for the IRFD; and

18 WHEREAS, Because the Board of Supervisors anticipates the need to make future
19 changes to the boundaries of the IRFD and the Project Areas in order to conform to final
20 development parcels approved by the Board of Supervisors so that the California State Board
21 of Equalization can assign tax rate areas to the Project Areas, the Board of Supervisors
22 wishes to amend the IFP to establish a procedure by which certain future amendments of the
23 boundaries of the IRFD may be approved by the Board of Supervisors as the legislative body
24 of the IRFD without further hearings or approvals, as long as the amendments will not
25 adversely affect the owners of bonds issued by or for the IRFD; and

1 WHEREAS, The Board of Supervisors wishes to further amend the IFP to reduce the
2 tax increment allocated to the IRFD in order to conform to existing law; and

3 WHEREAS, The Board of Supervisors wishes to further amend the IFP to provide that
4 actions related to the IRFD, the Project Areas and the IFP shall not require the approval of the
5 qualified electors in the IRFD if the IRFD Law is amended to eliminate any such requirement;
6 and

7 WHEREAS, On October 19, 2021, pursuant to Resolution No. 481-21, which the Mayor
8 signed on October 22, 2021 (“Resolution of Intention to Amend IRFD”), the Board of
9 Supervisors declared its intention to conduct proceedings to make the above-described
10 amendments to the IRFD and the IFP (“Amendments”), pursuant to Section 53369.5(b) of the
11 IRFD Law; and

12 WHEREAS, On October 26, 2021, pursuant to Resolution No. 497-21, which the Mayor
13 signed on November 5, 2021 (“Resolution Directing IFP Preparation”), the Board of
14 Supervisors authorized and directed the Director of the Office of Public Finance, or designee,
15 to prepare, or cause to be prepared, an amended IFP (“Amended IFP”) that is consistent with
16 the general plan of the City and includes all of the Amendments, pursuant to Section
17 53369.13 of the IRFD Law; and

18 WHEREAS, As required by the IRFD Law and the Resolution of Intention to Amend
19 IRFD, the Clerk of the Board of Supervisors caused to be mailed a copy of the Resolution of
20 Intention to Amend IRFD to each owner of land (as defined in the IRFD Law) within the IRFD
21 and to any affected taxing entities, and in addition, in accordance with IRFD Law Section
22 53369.17, the Clerk of the Board of Supervisors caused notice of the public hearing to be
23 published not less than once a week for four successive weeks in a newspaper of general
24 circulation published in the City; and

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1 WHEREAS, As further required by the IRFD Law and the Resolution Directing IFP
2 Preparation, the Director of the Office of Public Finance caused to be prepared the Amended
3 IFP, and the Treasure Island Director sent the Amended IFP to (i) the planning commission of
4 the City, (ii) this Board of Supervisors, (iii) each owner of land within the proposed IRFD and
5 (iv) each affected taxing entity (if any); and

6 WHEREAS, As further required by the IRFD Law, the Treasure Island Director sent to
7 the owners of land within the proposed amended IRFD, the affected taxing entities (if any), the
8 planning commission of the City and this Board of Supervisors any report required by the
9 California Environmental Quality Act (Division 13 (commencing with Section 21000) of the
10 Public Resources Code) (“CEQA”) that pertains to the Project; and

11 WHEREAS, The Clerk of the Board of Supervisors made the Amended IFP and the
12 reports required by CEQA available for public inspection; and

13 WHEREAS, On December 14, 2021, as required by the IRFD Law, the Board of
14 Supervisors, as the legislative body of the City, which is the only affected taxing entity that is
15 subject to the division of taxes pursuant the IRFD Law, considered and adopted its Resolution
16 No. 568-21, which the Mayor signed on December 22, 2021, pursuant to which the Board of
17 Supervisors, as the governing body of the City, in its capacity as an affected taxing entity,
18 approved the addition of territory to the IRFD and the other Amendments; and

19 WHEREAS, On January 11, 2022, following publication of a notice consistent with the
20 requirements of the IRFD Law, this Board of Supervisors, as the legislative body of the IRFD,
21 held a public hearing as required by the IRFD Law relating to the proposed Amendments; and

22 WHEREAS, At the hearing any persons having any objections to the Amendments, or
23 the regularity of any of the prior proceedings, and all written and oral objections, and all
24 evidence and testimony for and against the adoption of the Amendments, were heard and
25 considered, and a full and fair hearing was held; and

1 WHEREAS, On January 11, 2022, after holding the public hearing described above,
2 the Board of Supervisors, as the legislative body of the IRFD, (i) adopted its Resolution No.
3 010-22, which the Mayor signed on January 21, 2022 (“Resolution Proposing Amendments”),
4 proposing the addition of territory to the IRFD and the other Amendments, and (ii) adopted its
5 Resolution No. 011-22, which the Mayor signed on January 21, 2022 (“Election Resolution”),
6 pursuant to which the Board of Supervisors submitted the propositions to amend the IRFD
7 and the Initial Project Areas and to approve the Amended IFP to the qualified electors of the
8 IRFD as required by the provisions of the IRFD Law; and

9 WHEREAS, The Board of Supervisors recited in the Election Resolution that there was
10 on file with the Clerk of the Board of Supervisors and the Director of Elections of the City and
11 County of San Francisco one or more written waivers executed by all of the qualified electors
12 of the IRFD, and those waivers, as permitted by the IRFD Law, waived time limits specified in
13 the IRFD Law and any requirement of applicable law pertaining to the conduct of the election
14 in order to expedite the approval of the Amendments; and

15 WHEREAS, Pursuant to the terms of the Election Resolution, which are by this
16 reference incorporated herein, the special election was held on January 17, 2022, and all of
17 the qualified electors in the IRFD submitted ballots and voted in favor of the propositions; and

18 WHEREAS, The Director of Elections of the City and County of San Francisco has on
19 file a Canvass and Statement of Results of Election (“Canvass”) regarding the special
20 election, a copy of which is attached hereto as Exhibit A; and

21 WHEREAS, This Board of Supervisors has reviewed the Canvass, and finds it
22 appropriate and wishes to declare the results of the special election; and

23 WHEREAS, Staff has informed the Board of Supervisors that, as a result of
24 administrative oversight, the Resolution Proposing Amendments and the Election Resolution
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1 were not signed by the Mayor prior to the election, and, as a result, the resolutions were not
2 effective prior to the election; and

3 WHEREAS, Because all (100 percent) of the qualified electors in the IRFD submitted
4 waivers allowing for an accelerated election timeline and waiving any requirement of
5 applicable law pertaining to the conduct of the special election and submitted ballots in favor
6 of the propositions, staff has concluded, upon consultation with the City Attorney and bond
7 counsel, that there is no reasonable basis to conclude that the mis-sequencing described
8 above would have changed the outcome of the election; and

9 WHEREAS, Based on the information presented to it, the Board of Supervisors has
10 determined that there is no reasonable basis to conclude that the mis-sequencing described
11 above would have affected the outcome of the election, and the Board of Supervisors wishes
12 to ratify, confirm and approve the Resolution Proposing Amendments, the Election Resolution
13 and the election; now, therefore, be it

14 RESOLVED, That the Board of Supervisors is adopting this Resolution in its capacity
15 as the legislative body of the IRFD and as the “legislative body” as defined in the IRFD Law;
16 and, be it

17 FURTHER RESOLVED, That the foregoing recitals are all true and correct; and, be it

18 FURTHER RESOLVED, That the qualified electors at the special election within the
19 IRFD were presented with the propositions to amend the IRFD and the project areas therein
20 and to adopt the Amended IFP; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Canvass
22 and finds that it shall be a permanent part of the record of its proceedings for the IRFD.
23 Pursuant to the Canvass, the issues presented at the special election within the IRFD were
24 approved by all of the qualified electors; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
2 the FEIR and finds that the FEIR is adequate for its use for the actions taken by this
3 Resolution and incorporates the FEIR and the CEQA findings contained in Board of
4 Supervisors Resolution No. 246-11 by this reference; and, be it

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

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

22 FURTHER RESOLVED, That all actions authorized and directed by this Resolution,
23 consistent with any documents presented herein, and heretofore taken, including the
24 Resolution Proposing Amendments, the Election Resolution and the election at which all of
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1 the qualified electors voted in favor of the propositions, are hereby ratified, approved and
2 confirmed by this Board of Supervisors; and, be it

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

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8 APPROVED AS TO FORM:
9 DAVID CHIU
10 City Attorney

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11 By: /s/ MARK D. BLAKE
12 MARK D. BLAKE
13 Deputy City Attorney
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EXHIBIT A

CANVASS AND STATEMENT OF RESULT OF ELECTION

**CITY AND COUNTY OF SAN FRANCISCO
Infrastructure and Revitalization Financing District No. 1
(Treasure Island)**

I hereby certify that on _____, 2022, I canvassed the returns of the election held on January 17, 2022, in City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (the “IRFD”) and the total number of ballots cast in the IRFD and the total number of votes cast for and against the measures are as follows and the totals as shown for and against the measures are full, true and correct:

BALLOT MEASURE NO. 1: Shall the Board of Supervisors amend the “City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island),” including project areas therein (the “IRFD”), as proposed in the Board of Supervisors resolution entitled “Resolution proposing addition of territory to and adoption of amendments to the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; and determining other matters in connection therewith” adopted on January 11, 2022 (the “Resolution Proposing Amendments”)?

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Qualified Landowner Votes	Votes Cast	Votes cast YES	Votes cast NO
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BALLOT MEASURE NO. 2: Shall the Board of Supervisors
approve the amended infrastructure financing plan for the IRFD
and the Project Areas, as proposed for approval by the Board of
Supervisors in the Resolution Proposing Amendments?

Qualified Landowner Votes	Votes Cast	Votes cast YES	Votes cast NO
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IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of ____, 2022.

By: _____
Director of Elections