

1 [Special Election for the Infrastructure Financing District No. 1 - Rincon Hill Area]

2

3 **Resolution calling for a special election for the City and County of San Francisco**
4 **Infrastructure Financing District No. 1 (Rincon Hill Area).**

5

6 RESOLVED, By the Board of Supervisors (Board of Supervisors) of the City and
7 County of San Francisco (City), State of California that:

8 WHEREAS, This Board of Supervisors has adopted a resolution entitled “Resolution
9 Proposing Formation of Infrastructure Financing District” (Resolution Proposing Formation),
10 proposing (i) the formation of the “City and County of San Francisco Infrastructure Financing
11 District No. 1 (Rincon Hill Area)” (IFD) pursuant to Government Code Section 53395 et seq.
12 (IFD Law) to finance certain public facilities (Facilities), (ii) approval of an infrastructure
13 financing plan for the IFD (Infrastructure Financing Plan) and (iii) an appropriations limit for the
14 proposed IFD; and,

15 WHEREAS, This Board of Supervisors has also adopted a resolution entitled
16 “Resolution of Intention to Issue Bonds” (Resolution of Intention to Issue Bonds), proposing
17 issuance of one or more series of bonds (Bonds) for the purpose of financing the costs of the
18 Facilities, as specified in the Resolution of Intention to Issue Bonds; and,

19 WHEREAS, Pursuant to the provisions of the Resolution Proposing Formation and the
20 Resolution of Intention to Issue Bonds, the propositions to establish the IFD, to approve the
21 Infrastructure Financing Plan, to establish the appropriations limit and to incur Bonds shall be
22 submitted to the qualified electors of the IFD as required by the provisions of the IFD Law;
23 now, therefore, be it

24 RESOLVED, By the Board as follows:

25

1 Section 1. Issues Submitted. Pursuant to Sections 53395.20 and 53397.5 of the IFD
2 Law, the propositions to establish the IFD, to approve the Infrastructure Financing Plan, to
3 establish the appropriations limit and to incur Bonds shall be submitted to the qualified
4 electors (as defined below) of the IFD at an election called therefor as provided below.

5 Section 2. Qualified Electors. The Board of Supervisors hereby finds that fewer than
6 12 persons have been registered to vote within the territory of the proposed IFD for each of
7 the 90 days preceding the close of the public hearing conducted by the Board of Supervisors
8 with respect to the proposed formation of the IFD and the proposed Infrastructure Financing
9 Plan. Accordingly, and pursuant to Section 53395.20 of the IFD Law, the Board of
10 Supervisors finds that, for these proceedings, the qualified electors are the landowners within
11 the proposed IFD 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 the proposed IFD as of the close of the public hearings.

14 Section 3. Conduct of Election. The Board of Supervisors hereby calls a special
15 election to consider the measures described in section 1 above, which election shall be held
16 on February 8, 2011, and the results thereof canvassed at the meeting of The Board of
17 Supervisors on February 8, 2011. The Clerk of the Board of Supervisors is hereby designated
18 as the official to conduct the election and to receive all ballots until 3:00 p.m. on the election
19 date, or such earlier time as all of the qualified electors have voted. It is hereby
20 acknowledged that the Clerk of the Board of Supervisors has on file the Resolution Proposing
21 Formation, a certified map of the boundaries of the proposed IFD, and a sufficient description
22 (including assessor's parcel numbers in a landowner election) to allow the Clerk of the Board
23 of Supervisors to determine the electors of the proposed IFD. Pursuant to Section
24 53395.20(c) of the IFD Law, the election shall be conducted by messenger or mail-delivered
25 ballot pursuant to Section 4000 et seq. of the California Elections Code. The Board of

1 Supervisors hereby finds that Section 4108 of the California Elections Code is applicable to
2 this special election.

3 Section 4. Ballot. The propositions described in section 1 above shall be set forth in
4 separate ballot measures, the form of which are attached hereto as Exhibit "A" and by this
5 reference incorporated herein and the form of ballot is hereby approved. The Clerk of the
6 Board of Supervisors is hereby authorized and directed to cause a ballot, in substantially the
7 form of Exhibit "A," to be delivered to each of the qualified electors of the IFD. Each ballot
8 shall indicate the number of votes to be voted by the respective landowner to which the ballot
9 pertains. Each ballot shall be accompanied by all supplies and written instructions necessary
10 for the use and return of the ballot. The envelope to be used to return the ballot was enclosed
11 with the ballot, had the return postage prepaid, and contained the following: (a) the name and
12 address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is
13 the owner of record or authorized representative of the landowner entitled to vote and is the
14 person whose name appears on the envelope, (c) the printed name, signature and address of
15 the voter, (d) the date of signing and place of execution of the declaration pursuant to clause
16 (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened
17 only by the canvassing board of the election.

18 Section 5. Waivers. The Board of Supervisors hereby further finds that the
19 provisions of Section 53395.20(a) of the IFD Law requiring a minimum of 90 days following
20 the adoption of the Resolution Proposing Formation to elapse before the special election are
21 for the protection of the qualified electors of the IFD. There is on file with the Clerk of the
22 Board of Supervisors a written waiver executed by all of the qualified electors of the IFD
23 allowing for a shortening of the time for the special election to expedite the process of
24 formation of the IFD and waiving any requirement for notice, analysis and arguments in
25 connection with the election. Accordingly, The Board of Supervisors finds and determines

1 that the qualified electors have been fully apprised of and have agreed to the shortened time
2 for the election and waiver of analysis and arguments, and have thereby been fully protected
3 in these proceedings. The Board of Supervisors also finds and determines that the Clerk of
4 the Board of Supervisors has concurred in the shortened time for the election. Analysis and
5 arguments with respect to the ballot measures are hereby waived, as provided in Section
6 53395.21(b) of the IFD Law.

7 Section 6. Accountability. The Board of Supervisors hereby finds that the proposed
8 debt issuance constitutes a “local bond measure” within the meaning of Sections 53410, et
9 seq. of the California Government Code. As a result, the bond measure shall include the
10 propositions set forth above and the following: (a) the specific purpose of the bonds shall be
11 as set forth in the propositions; (b) any proceeds received from the sale of any bonds shall be
12 applied only to the purposes set forth in the propositions; (c) the proceeds of any bonds shall
13 be deposited into special accounts to be created therefor as part of the issuance of the bonds;
14 and (d) the City shall cause a report to be prepared annually under Section 53411 of the
15 Government Code.

16 Section 7. Effective Date. This Resolution shall take effect upon its adoption.
17

18 APPROVED AS TO FORM:

19 DENNIS J. HERRERA
20 City Attorney

21 By: _____
22 MARK D. BLAKE
23 Deputy City Attorney
24
25

EXHIBIT A

**CITY AND COUNTY OF SAN FRANCISCO
Infrastructure Financing District No. 1
(Rincon Hill Area)**

**OFFICIAL BALLOT
SPECIAL 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 3:00 p.m. on February 8, 2011, either by mail or in person. The Clerk of the Board of Supervisors's office is located at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, San Francisco, California, 94102-4689.

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 NO. 1: Shall the Board of Supervisors form the "City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area)" (the "IFD") as proposed for formation in its "Resolution Proposing Formation of Infrastructure Financing District" adopted on February 8, 2011 (the "Resolution Proposing Formation")?

YES: _____

NO: _____

BALLOT MEASURE NO. 2: Shall the Board of Supervisors approve the infrastructure financing plan for the IFD, as proposed for approval by the Board of Supervisors in the Resolution Proposing Formation?

YES: _____

NO: _____

BALLOT MEASURE NO. 3: Shall the annual appropriations limit of the IFD be established in the amount of \$23.6 million, as set forth in the Resolution Proposing Formation?

YES: _____

NO: _____

BALLOT MEASURE NO. 4: Shall the City and County of San Francisco issue one or more series of bonds in the maximum aggregate principal amount of not to exceed \$22 million, with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the IFD, the proceeds of which bonds will be used to acquire and/or construct certain facilities and pay for the costs of issuing the bonds and related expenses?

YES: _____

NO: _____

Assessor's Parcel Number(s): _____

Acreage: _____

Number of Votes: _____

Name of Property Owner: _____

[Property owner signature block]