

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

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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).**

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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 3, 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 December 3, 2014. Pursuant to Section 53327 of the Mello-Roos Act, the election shall be
24 conducted by messenger or mail-delivered ballot pursuant to Section 4000 of the California
25 Elections Code, provided, however, that for purposes of setting the date for the election,

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

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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
11 establishes September 19, 2014, as the deadline for submitting the Impartial Analysis; and, be
12 it

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

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

22 FURTHER RESOLVED, That this Board of Supervisors hereby authorizes arguments
23 for and against the ballot measures and rebuttal arguments to be filed in accordance with
24 Sections 9282-9287, and establishes September 19, 2014, as the deadline to file arguments
25 for and against the ballot measures, and September 29, 2014, as the deadline to

1 file rebuttal arguments; and, be it

2 FURTHER RESOLVED, That City Council hereby establishes September 30, 2014,
3 through October 9, 2014, as the 10-calendar day examination period required by the Elections
4 Code. Voters may examine the ballot measures, the Impartial Analysis, the argument for the
5 ballot measures, the argument against the ballot measures and any rebuttal arguments in the
6 office of the City Clerk at 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102,
7 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday during such period;
8 and, be it

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

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

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

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

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9 By: _____
10 Mark D. Blake
11 Deputy City Attorney

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