

1 [Resolution Calling Special Election - City and County of San Francisco Community Facilities
2 District No. 2014-1 (Transbay Transit Center)]

3 **Resolution calling special election in City and County of San Francisco Community**
4 **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) and determining other matters in connection therewith" (the
9 "Resolution of Formation"), ordering the formation of the "City and County of San Francisco
10 Community Facilities District No. 2014-1 (Transbay Transit Center)" (the "CFD") and a future
11 annexation area, authorizing the levy of a special tax on property within the CFD and
12 preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos
13 Community Facilities Act of 1982, as amended, constituting Chapter 2.5 of Part 1 of Division 2
14 of Title 5, commencing with Section 53311, of the California Government Code (the "Mello-
15 Roos Act"); and

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

23 WHEREAS, Pursuant to the provisions of the Resolution of Formation and the
24 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 as of the close of the public hearings or their
16 authorized representatives, each having one vote for each acre or portion thereof such
17 landowner owns in the CFD not exempt from the special tax. Attached hereto as "Exhibit B"
18 (which Exhibit B is incorporated herein by this reference) is an Election Manual, which
19 includes a description of the manner in which the votes for each qualified elector will be
20 calculated and summary of the election proceedings; and, be it

21 FURTHER RESOLVED, That That this Board of Supervisors hereby calls a special
22 election to consider the measures described above, which election shall be held on December
23 16, 2014 (which date is at least 90, but not more than 180 days, following the date of adoption
24 of the Resolution of Formation, and which date has been concurred in by the Election Official
25 (defined below)). Pursuant to Section 53327 of the Mello-Roos Act, the election shall be

1 conducted by messenger or mail-delivered ballot pursuant to Section 4000 of the California
2 Elections Code, provided, however, that for purposes of setting the date for the election,
3 Sections 53326 and 53327 of the Mello-Roos Act shall govern. The Director of Elections of
4 the City and County of San Francisco (the "Election Official") is hereby designated as the
5 official to conduct the election and to receive all ballots until 8:00 p.m. on the election date;
6 provided that if all qualified electors have voted prior to 8:00 p.m. on the election date, the
7 election shall be closed. It is hereby acknowledged that the Election Official has on file the
8 Resolution of Formation, the Resolution Determining Necessity, a certified map of the
9 boundaries of the CFD, and a sufficient description to allow the Election Official to determine
10 the boundaries of the CFD and the qualified electors of the CFD; and, be it

11 FURTHER RESOLVED, That as authorized by Section 53353.5 of the Mello-Roos Act,
12 the three propositions described above shall be combined into a single ballot measure, the
13 form of which is attached hereto as Exhibit "A" and by this reference incorporated herein and
14 the form of ballot is hereby approved (subject to amendment by the Election Official in
15 accordance with applicable provisions of law). The Election Official is hereby authorized and
16 directed to cause a ballot, in substantially the form of Exhibit "A" (subject to amendment by the
17 Election Official in accordance with applicable provisions of law) to be delivered to each of the
18 qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by
19 the respective landowner to which the ballot pertains. Each ballot shall be accompanied by all
20 supplies and written instructions necessary for the use and return of the ballot. The envelope
21 to be used to return the ballot shall be enclosed with the ballot, shall have the return postage
22 prepaid, and shall contain the following: (a) the name and address of the landowner, (b) a
23 declaration, under penalty of perjury, stating that the voter is the owner of record or authorized
24 representative of the landowner entitled to vote and is the person whose name appears on the
25 envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and

1 place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the
2 envelope contains an official ballot and is to be opened only by the canvassing board of the
3 election; and, be it

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

11 FURTHER RESOLVED, That the proposed election procedure is summarized in
12 Exhibit B, which the Election Official may amend from time to time as it determines is
13 necessary to comply with applicable provisions of law; and, be it

14 FURTHER RESOLVED, That this Board of Supervisors hereby directs the City
15 Attorney to prepare an impartial analysis of the ballot measure (the "Impartial Analysis"), not
16 to exceed 500 words, in accordance with Elections Code Section 9280, and directs the
17 Election Official to establish the deadline for preparation of such impartial analysis in
18 accordance with applicable provisions of law; and, be it

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

1 FURTHER RESOLVED, That this Board of Supervisors hereby authorizes arguments
2 for and against the ballot measure and rebuttal arguments to be filed in accordance with
3 Elections Code Sections 9282-9287, and directs the Election Official to establish the deadline
4 to file arguments and rebuttal arguments in accordance with applicable provisions of law; and,
5 be it

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

12 FURTHER RESOLVED, That this Board of Supervisors hereby authorizes arguments
13 for and against the ballot measure and rebuttal arguments to be filed in accordance with
14 Elections Code Sections 9282-9287, and directs the Election Official to establish the deadline
15 to file arguments and rebuttal arguments in accordance with applicable provisions of law; and,
16 be it

17 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Election
18 Official to establish the dates for the 10-calendar day examination period required by the
19 Elections Code in accordance with applicable provisions of law. Voters may examine the
20 ballot measure, the Impartial Analysis, the argument for the ballot measure, the argument
21 against the ballot measure and any rebuttal arguments in the office of the Election Official at 1
22 Dr. Carlton B. Goodlett Place, Room 48, San Francisco, California 94102, between the hours
23 of 8:00 a.m. and 5:00 p.m., Monday through Friday during such period; and, be it

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

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

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

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23
24 By: _____
25 Mark D. Blake
Deputy City Attorney

1 EXHIBIT A

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

5 FORM OF BALLOT

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8 **OFFICIAL BALLOT**
9 **SPECIAL TAX ELECTION**
10 **City and County of San**
11 **Francisco**
12 _____, 20__

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18 **INSTRUCTIONS TO VOTERS:** This ballot is for a special, landowner election. You
19 must return this ballot in the enclosed postage paid envelope to the office of the Director of
20 Elections of the City and County of San Francisco no later than the hour of 8:00 p.m. on
21 _____, 20__, either by mail or in person. The Director of Election's office is located at 1 Dr.
22 Carlton B. Goodlett Place, Room 48, San Francisco, California 94102.

23 To vote on the measure, mark a cross (+) with pen or pencil on the line after the word "Yes" or
24 after the word "No." If you wrongly mark, tear, or deface this ballot, return it to the Director of
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1 Elections and obtain another. Marking the ballot outside of the designated space to vote for
2 the ballot measure may compromise the secrecy of the ballot.

3 BALLOT MEASURE: To finance acquisition and construction 4 of facilities and pay costs identified in Board of Supervisors 5 Resolution No. __, shall the City and County of San Francisco 6 ("City"): incur \$1,400,000,000 of bonded and other debt for 7 City and County of San Francisco Community Facilities 8 District No. 2014-1 (Transbay Transit Center) ("CFD") with 9 interest rates not exceeding legal maximums; levy a special 10 tax in the CFD to pay debt service on bonds and debt, to pay 11 for authorized facilities, and to pay CFD administration costs; 12 and establish a \$300,000,000 annual CFD appropriations 13 limit?	Yes: _____ No: _____
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15 Assessor Parcel No. _____ [Insert voter name]
16 Acreage: _____ acres By: _____
17 Number of votes: _____ Its: _____

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1 EXHIBIT B

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

5 ELECTION MANUAL
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7 This manual has been prepared for the special election to be held in the City and
8 County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center)
9 (the “CFD”), and includes (i) a description of the manner in which the votes for each qualified
10 elector will be calculated and (ii) a summary of the election proceedings.
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12 I. **Vote Calculation**

13 The Board of Supervisors found that, for these proceedings, the qualified electors are
14 the landowners (as defined in the Mello-Roos Community Facilities Act of 1982, as amended
15 (the “Mello-Roos Act”)) within the CFD and ordered that the vote shall be by such landowners.
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17 The landowners in the CFD are (i) the private entities that own parcels that are entitled
18 to construct improvements that triggered an obligation to participate in the CFD pursuant to
19 Section 424.8 of the Planning Code or a disposition and development agreement with the
20 Office of Community Investment and Infrastructure and (ii) public agencies that, with respect
21 to a parcel that they intend to transfer to private ownership for the construction of
22 improvements that will trigger an obligation to participate in the CFD pursuant to Section
23 424.8 of the Planning Code or a disposition and development agreement with the Office of
24 Community Investment and Infrastructure, (A) have agreed that such parcel will be subject to
25 the special tax on the same basis as private property within the CFD and (B) have

1 affirmatively waived any defense based on the fact of public ownership to any action to
2 foreclose on such parcel in the event of nonpayment of the special tax.

3 Pursuant to Section 53326 of the Mello-Roos Act, each landowner as of the close of
4 the public hearings for the CFD or its authorized representatives will have one vote for each
5 acre or portion thereof such landowner owns in the CFD not exempt from the special tax.

6 Pursuant to Section 53340(h) of the Mello-Roos Act, the entirety of any nonexempt parcel in
7 the CFD will be encumbered by a continuing lien securing the obligation to pay special taxes.

8 II. **Summary of the Election Proceedings**

9 A summary of the election proceedings is set forth on the following page. The date for
10 each event will be determined by the Election Official based on the requirements of applicable
11 law.

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Resp. Party	Action	Legal Citation
BOS	Board of Supervisors passes 1) Resolution of Formation to establish the CFD, 2) Resolution of Necessity to Incur Bonded Indebtedness, and 3) Resolution Calling for a Special Election	Government Code, Sections 53323, Government Code, Section 53325.1, 53351, 53325.7, 53326, 53327, 53327.5, 53353.5
Mayor	Mayor signs Legislation	
Election Official	Election official publishes notices of the election, and notice of the deadline for submitting ballot arguments	Government Code, Sections 53326
Election Official	Publish Resolution Declaring Necessity to Incur Bonded Indebtedness	Government Code 53352
City Atty.	Deadline for preparation of impartial analysis	Elections Code, Section 9280
Election Official	Deadline for direct argument	Elections Code, Section 9286
Election Official	Deadline for rebuttal argument	Elections Code, Section 9284(a)(4)
Election Official	Public examination period	Elections Code, Section 9295(a)
Election Official	Mail ballot	Elections Code, Section 4101
Election Official	Election	Government Code, Section 53326-53327.5
Election Official	Canvass and reporting	Elections Code Sections 15110, 15301 et seq.
Election Official	Certification of election results	Elections Code, Section 15372

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