

1 [Resolution Declaring Results of Special Election Related to Infrastructure and Revitalization
2 Financing District No. 2 (Hoedown Yard, Pier 70)]

3 **Resolution declaring results of special elections for City and County of San Francisco**
4 **Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70);**
5 **determining other matters in connection therewith; and affirming the Planning**
6 **Department’s determination, and making findings under the California Environmental**
7 **Quality Act.**

8
9 WHEREAS, Under Chapter 2.6 of Part 1 of Division 2 of Title 5 of the California
10 Government Code, commencing with Section 53369 (“IRFD Law”), the Board of Supervisors
11 is authorized to establish an infrastructure and revitalization financing district and to act as the
12 legislative body for an infrastructure and revitalization financing district; and

13 WHEREAS, Pursuant to the IRFD Law and for the purpose of financing certain facilities
14 (“Facilities”), the Board of Supervisors has adopted a resolution “Resolution proposing
15 adoption of infrastructure financing plan and formation of City and County of San Francisco
16 Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); providing
17 for future annexation; determining other matters in connection therewith; and affirming the
18 Planning Department’s determination, and making findings under the California Environmental
19 Quality Act” (the Resolution Proposing Formation), proposing (i) the formation of “City and
20 County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown
21 Yard, Pier 70)” (“IRFD”), pursuant to the IRFD Law, in each case, pursuant to the IRFD Law
22 to finance the Facilities, (ii) approval of an infrastructure financing plan for the IRFD
23 (“Infrastructure Financing Plan”), (iii) a process for the future annexation of territory to the
24 IRFD and (iv) an annual appropriations limit, as defined by subdivision (h) of Section 8 of
25 Article XIII B of the California Constitution, for the IRFD; and

1 WHEREAS, The Board of Supervisors has also adopted a resolution entitled
2 “Resolution of intention to issue bonds for City and County of San Francisco Infrastructure
3 and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other
4 matters in connection therewith; and affirming the Planning Department’s determination, and
5 making findings under the California Environmental Quality Act” (“Resolution of Intention to
6 Issue Bonds”), proposing issuance from time to time of one or more series of bonds or other
7 debt for the IRFD (“Bonds”) for the purpose of financing the costs of the Facilities, as specified
8 in the Resolution of Intention to Issue Bonds in the maximum aggregate principal amount (i)
9 \$91.9 million (in 2017 dollars) plus (ii) the principal amount of Bonds approved by the Board
10 of Supervisors and the qualified electors of the annexation territory in connection with the
11 annexation of the annexation territory to the IRFD, so long as the Board makes the finding
12 specified in IRFD Law Section 53369.41(f); and

13 WHEREAS, Pursuant to the provisions of the Resolution Proposing Formation and the
14 Resolution of Intention to Issue Bonds, and pursuant to a “Resolution calling special election
15 for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2
16 (Hoedown Yard, Pier 70); determining other matters in connection therewith; and affirming the
17 Planning Department’s determination, and making findings under the California Environmental
18 Quality Act” (“Election Resolution”) adopted by the Board of Supervisors, the propositions to
19 establish the IRFD, to approve the Infrastructure Financing Plan, to establish an annual
20 appropriations limit for the IRFD and authorization to issue or incur Bonds for the IRFD were
21 submitted to the qualified electors in the IRFD as required by the provisions of the IRFD Law;
22 and

23 WHEREAS, Pursuant to the terms of the Election Resolution, which are by this
24 reference incorporated herein, the special election has been held and the Director of Elections
25 of the City and County of San Francisco has on file a Canvass and Statement of Results of

1 Election (“Canvass”) regarding the special election, a copy of which is attached hereto as
2 Exhibit A; and

3 WHEREAS, The Board of Supervisors has reviewed the Canvass, and finds it
4 appropriate and wishes to declare the results of the special election; now, therefore, be it

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

6 FURTHER RESOLVED, That the qualified electors at the special election within the
7 IRFD were presented with the propositions to establish the IRFD, to establish the annual
8 appropriations limit for the IRFD in the amount of \$91.9 million (in 2017 dollars), and
9 authorization to issue or incur Bonds from time to time in one or more series for the IRFD in
10 the maximum aggregate principal amount of (i) \$91.9 million (in 2017 dollars) plus (ii) the
11 principal amount of Bonds approved by the Board of Supervisors and the qualified electors of
12 the annexation territory in connection with the annexation of the annexation territory to the
13 IRFD, so long as the Board makes the finding specified in IRFD Law Section 53369.41(f), all
14 pursuant to the Resolution Proposing Formation and the Resolution of Intention to Issue
15 Bonds; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Canvass
17 and finds that it shall be a permanent part of the record of its proceedings for the IRFD.

18 Pursuant to the Canvass, the issues presented at the special election within the IRFD were
19 approved by the qualified electors by more than two-thirds of the votes cast at the special
20 election; and, be it

21 FURTHER RESOLVED, That in the “Resolution of Intention to establish City and
22 County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown
23 Yard, Pier 70) on land within the City and County of San Francisco commonly known as the
24 Hoedown Yard to finance the construction of affordable housing within Pier 70 and Parcel K
25 South; to provide for future annexation; to call a public hearing on September 11, 2018, on the

1 formation of the district and to provide public notice thereof; determining other matters in
2 connection therewith; and affirming the Planning Department’s determination, and making
3 findings under the California Environmental Quality Act,” the Board of Supervisors made
4 certain findings under the California Environmental Quality Act about the Final Environmental
5 Impact Report for the Pier 70 Mixed-Use District Project, and those findings are incorporated
6 in this Resolution as if set forth in their entirety herein; and, be it

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

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

25

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

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

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA
11 City Attorney

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13 By: _____

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MARK D. BLAKE
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. 2
(Hoedown Yard, Pier 70)**

I hereby certify that on September 11, 2018, I canvassed the returns of the election held on September 11, 2018, in City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70) (“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 form “City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70)” (the IRFD) as proposed in the Board of Supervisors resolution entitled “Resolution proposing adoption of infrastructure financing plan and formation of City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); providing for future annexation; determining other matters in connection therewith; and affirming the Planning Department’s determination, and making findings under the California Environmental Quality Act” adopted on September 11, 2018 (the Resolution Proposing Formation)?

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 infrastructure financing plan for the IRFD, as proposed for approval by the Board of Supervisors in the Resolution Proposing Formation?

Qualified Landowner Votes	Votes Cast	Votes cast YES	Votes cast NO
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BALLOT MEASURE NO. 3: Shall the annual appropriations limit of the IRFD be established in the amount of \$___ million, as set forth in the Resolution Proposing Formation?

Qualified Landowner Votes	Votes Cast	Votes cast YES	Votes cast NO
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BALLOT MEASURE NO. 4:
Shall the City and County of San Francisco be authorized from time to time to issue one or more series of bonds and other debt (Bonds) for the IRFD in the maximum aggregate principal amount of (i) \$91.9 million (in 2017 dollars) plus (ii) the principal amount of Bonds approved by the Board of Supervisors and the qualified electors of annexation territory in connection with each annexation of annexation territory to the IRFD, so long as the Board makes

1 the finding specified in Section 53369.41(f) of the IRFD Law, all as
 2 set forth in the Board of Supervisors resolution entitled "Resolution
 3 of intention to issue bonds for City and County of San Francisco
 4 Infrastructure and Revitalization Financing District No. 2 (Hoedown
 5 Yard); determining other matters in connection therewith; and
 6 affirming the Planning Department's determination, and making
 7 findings under the California Environmental Quality Act," with
 8 interest at a rate or rates not to exceed the maximum interest rate
 9 permitted by law at the time of sale of such series of Bonds, the
 10 proceeds of which Bonds will be used to acquire and/or construct
 11 certain facilities and pay for the costs of issuing each series of the
 12 Bonds and related expenses?

Qualified Landowner Votes	Votes Cast	Votes cast YES	Votes cast NO
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 17 **IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND** this ____ day of ____, 20__.

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 19 By: _____
 20 Director of Elections