

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

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

7

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

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

24 WHEREAS, The Board of Supervisors has also adopted a resolution entitled
25 “Resolution of intention to issue bonds for City and County of San Francisco Infrastructure

1 and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other
2 matters in connection therewith; and affirming the Planning Department’s determination, and
3 making findings under the California Environmental Quality Act” (“Resolution of Intention to
4 Issue Bonds”), proposing issuance from time to time of one or more series of bonds or other
5 debt for the IRFD (“Bonds”) for the purpose of financing the costs of the Facilities, as specified
6 in the Resolution of Intention to Issue Bonds in the maximum aggregate principal amount of (i)
7 \$91,900,000 (in 2017 dollars) plus (ii) the principal amount of Bonds approved by the Board of
8 Supervisors and the qualified electors of the annexation territory in connection with the
9 annexation of the annexation territory to the IRFD, so long as the Board makes the finding
10 specified in IRFD Law, Section 53369.41(f); and

11 WHEREAS, Pursuant to the provisions of the Resolution Proposing Formation and the
12 Resolution of Intention to Issue Bonds, the propositions to establish the IRFD, to approve the
13 Infrastructure Financing Plan, to establish an annual appropriations limit for the IRFD and
14 authorization to issue or incur Bonds for the IRFD shall be submitted to the qualified electors
15 in the IRFD as required by the provisions of the IRFD Law; and

16 WHEREAS, Pursuant to the provisions of the IRFD Law, in circumstances where the
17 qualified electors in a district proposed to be formed under the IRFD are the landowners of
18 such district, a public agency is not a landowner for purposes of the IRFD Law, unless the
19 public agency owns all of the land to be included within the proposed district; now, therefore,
20 be it

21 RESOLVED, That pursuant to IRFD Law, Sections 53369.20 and 53369.43, the
22 propositions to establish the IRFD, to approve the Infrastructure Financing Plan, to establish
23 the annual appropriations limit for the IRFD and authorization to issue or incur Bonds for the
24 IRFD shall be submitted to the qualified electors (as defined below) of the IRFD at elections
25 called therefor as provided below; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors hereby finds that fewer than 12
2 persons have been registered to vote within the territory of the IRFD for each of the 90 days
3 preceding the close of the public hearing conducted by the Board of Supervisors with respect
4 to the proposed formation of the IRFD and the proposed Infrastructure Financing Plan and
5 that not all of the territory within the IRFD is owned by the City, and accordingly, and pursuant
6 to IRFD Law, Section 53369.20, the Board of Supervisors finds that, for these proceedings,
7 the qualified electors in the IRFD (which, pursuant to IRFD Law shall not include the City) are
8 the landowners within the IRFD and that the vote shall be by all such landowners (other than
9 the City) or their authorized representatives, each having one vote for each acre or portion
10 thereof such landowner owns in the proposed IRFD as of the close of the public hearings;
11 and, be it

12 FURTHER RESOLVED, That future annexations of property into the IRFD may occur
13 at any time after formation of the IRFD, but only if the Board of Supervisors has completed the
14 procedures set forth in the Infrastructure Financing Plan, which shall be based on the
15 following: (i) the Board of Supervisors adopts a resolution of intention to annex property (the
16 “annexation territory”) into the IRFD and describes the annexation territory to be included in
17 the IRFD, (ii) the resolution of intention is mailed to each owner of land in the annexation
18 territory and each affected taxing entity in the annexation territory, if any, in substantial
19 compliance with IRFD Law, Sections 53369.11 and 53369.12, (iii) the Board of Supervisors
20 directs the Port to prepare an amendment to the Infrastructure Financing Plan, if necessary,
21 and the designated official prepares any such amendment, in substantial compliance with
22 IRFD Law, Sections 53369.13 and 53369.14, (iv) any amendment to the Infrastructure
23 Financing Plan is sent to each owner of land and each affected taxing entity (if any) within the
24 annexation territory, in substantial compliance with IRFD Law, Sections 53369.15
25 and 53369.16, (v) the Board of Supervisors notices and holds a public hearing on the

1 proposed annexation, in substantial compliance with IRFD Law, Sections 53369.17 and
2 53369.18, (vi) the Board of Supervisors adopts a resolution proposing the adoption of any
3 amendment to the Infrastructure Financing Plan and annexation of the annexation territory to
4 the IRFD, and submits the proposed annexation to the qualified electors in the annexation
5 territory, in substantial compliance with IRFD Law, Sections 53369.20-53369.22, with the
6 ballot measure to include the question of the proposed annexation of the annexation territory
7 into the IRFD, approval of the appropriations limit for the annexation territory and approval of
8 the issuance of bonds for the annexation territory, and (vii) after canvass of returns of any
9 election, and if two-thirds of the votes cast upon the question are in favor of the ballot
10 measure, the Board of Supervisors may, by ordinance, adopt the amendment to the
11 Infrastructure Financing Plan, if any, and approve the annexation of the annexation territory to
12 the IRFD, in substantial compliance with IRFD Law, Section 53369.23; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors hereby calls a special election
14 within the IRFD to consider the measures described above, which election shall be held on
15 October 16, 2018, and the results thereof canvassed at the meeting of the Board of
16 Supervisors on October 16, 2018; and, be it

17 FURTHER RESOLVED, That the Director of Elections of the City and County of San
18 Francisco is hereby designated as the official to conduct the election and to receive all ballots
19 until 3:00 p.m. on the election date, or such earlier time as all of the qualified electors have
20 voted; and, be it

21 FURTHER RESOLVED, It is hereby acknowledged that the Director of Elections has
22 on file the Resolution Proposing Formation, a certified map of the boundaries of the proposed
23 IRFD, and a sufficient description (including assessor's parcel numbers in a landowner
24 election) to allow the Director of Elections to determine the electors of the proposed IRFD;
25 and, pursuant to IRFD Law, Section 53369.20(c), the election shall be conducted by personal

1 service or mail-delivered ballot pursuant to California Elections Code, Section 4000 *et seq.*,
2 and the Board of Supervisors hereby finds that California Elections Code, Section 4108 is
3 applicable to this special election, with the timing of the election governed by IRFD Law,
4 Section 53369.20; and, be it

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

20 FURTHER RESOLVED, That the Board of Supervisors hereby further finds that the
21 provisions of IRFD Law, Section 53369.20(a) requiring a minimum of 90 days following the
22 adoption of the Resolution Proposing Formation to elapse before the special election are for
23 the protection of the qualified electors, and there is on file with the Clerk of the Board of
24 Supervisors and the Director of Elections of the City and County of San Francisco a written
25 waiver executed by all of the qualified electors of the IRFD allowing for a shortening of the

1 time for the special election to expedite the process of formation of the IRFD and waiving any
2 requirement for notice, analysis and arguments in connection with the election, and
3 accordingly, the Board of Supervisors finds and determines that the qualified electors have
4 been fully apprised of and have agreed to the shortened time for the election and waiver of
5 analysis and arguments, and have thereby been fully protected in these proceedings, and the
6 Board of Supervisors also finds and determines that the Director of Elections has concurred in
7 the shortened time for the election, and analysis and arguments with respect to the ballot
8 measure are hereby waived, as provided in IRFD Law, Section 53369.21(b); and, be it

9 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the proposed
10 issuance of Bonds constitutes a “local bond measure” within the meaning of California
11 Elections Code Sections 53410 *et seq.*, and as a result, the bond measure shall approve the
12 issuance of Bonds for the IRFD and include the following: (a) the specific purpose of the
13 Bonds shall be as set forth in the proposition; (b) any proceeds received from the sale of any
14 Bonds shall be applied only to the purposes set forth in the propositions; (c) the proceeds of
15 any Bonds shall be deposited into a special account to be created therefor as part of the
16 issuance of such Bonds; and (d) the City shall cause a report to be prepared annually under
17 Elections Code Section 53411; and, be it

18 FURTHER RESOLVED, That in the “Resolution of Intention to establish City and
19 County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown
20 Yard, Pier 70) on land within the City and County of San Francisco commonly known as the
21 Hoedown Yard to finance the construction of affordable housing within Pier 70 and Parcel K
22 South; to provide for future annexation; to call a public hearing on September 11, 2018, on the
23 formation of the district and to provide public notice thereof; determining other matters in
24 connection therewith; and affirming the Planning Department’s determination, and making
25 findings under the California Environmental Quality Act,” the Board of Supervisors made

1 certain findings under the California Environmental Quality Act about the Final Environmental
2 Impact Report for the Pier 70 Mixed-Use District Project, and those findings are incorporated
3 in this Resolution as if set forth in their entirety herein; and, be it

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

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

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

5

6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA
8 City Attorney

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10 By: _____

11 **MARK D. BLAKE**
12 Deputy City Attorney
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EXHIBIT A

CITY AND COUNTY OF SAN FRANCISCO
Infrastructure and Revitalization Financing District No. 2
(Hoedown Yard)

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 Director of Elections of the City and County of San Francisco no later than the hour of 3:00 p.m. on October 16 11, 2018, either by mail or in person. The office of the Director of Elections is located at 1 Dr. Carlton B. Goodlett Place, City Hall, 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 Director of Elections of the City and County of San Francisco and obtain another.

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)" (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);

1 providing for future annexation; determining other matters in
2 connection therewith; and affirming the Planning Department's
3 determination, and making findings under the California
4 Environmental Quality Act" adopted on October 16, 2018 (the
5 Resolution Proposing Formation)?

6
7 **YES:** _____

8 **NO:** _____

9
10 **BALLOT MEASURE NO. 2:** Shall the Board of Supervisors
11 approve the infrastructure financing plan for the IRFD, as proposed
12 for approval by the Board of Supervisors in the Resolution
13 Proposing Formation?

14 **YES:** _____

15 **NO:** _____

16
17 **BALLOT MEASURE NO. 3:** Shall the annual appropriations limit
18 of the IRFD be established in the amount of \$91.9 million, as set
19 forth in the Resolution Proposing Formation?

20
21 **YES:** _____

22 **NO:** _____

23
24 **BALLOT MEASURE NO. 4:** Shall the City and County of San
25 Francisco be authorized from time to time to issue one or more

1 series of bonds and other debt (Bonds) for the IRFD in the
2 maximum aggregate principal amount of (i) \$91.9 million (in 2017
3 dollars) plus (ii) the principal amount of Bonds approved by the
4 Board of Supervisors and the qualified electors of annexation
5 territory in connection with each annexation of annexation territory
6 to the IRFD, so long as the Board makes the finding specified in
7 Section 53369.41(f) of the IRFD Law, all as set forth in the Board
8 of Supervisors resolution entitled "Resolution of intention to issue
9 bonds for City and County of San Francisco Infrastructure and
10 Revitalization Financing District No. 2 (Hoedown Yard, Pier 70);
11 determining other matters in connection therewith; and affirming
12 the Planning Department's determination, and making findings
13 under the California Environmental Quality Act," with interest at a
14 rate or rates not to exceed the maximum interest rate permitted by
15 law at the time of sale of such series of Bonds, the proceeds of
16 which Bonds will be used to acquire and/or construct certain
17 facilities and pay for the costs of issuing each series of the Bonds
18 and related expenses?

19
20 **YES:** _____
21 **NO:** _____
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1 Assessor's Parcel Number(s): _____

2 Acreage: _____

3 Number of Votes: _____

4 Name of Property Owner: _____

5
6 **[Property owner signature block]**

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