[Declaring Results of Special Election Related to Infrastructure and Revitalization Financing District No. 1 (Treasure Island)]

Resolution declaring results of a special landowner election for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island); and determining other matters in connection therewith, as defined herein.

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

WHEREAS, Pursuant to IRFD Law Section 53369.5, an infrastructure and revitalization financing district may be divided into project areas; and

WHEREAS, This Board of Supervisors previously took certain actions under the IRFD Law in connection with the proposed redevelopment of Naval Station Treasure Island ("NSTI"), as contemplated by a Disposition and Development Agreement (Treasure Island/Yerba Buena Island) dated June 28, 2011 (the "DDA"), including a Financing Plan (Treasure Island/Yerba Buena Island) (the "Financing Plan"), between Treasure Island Community Development, LLC ("Developer") and the Treasure Island Development Authority, a California non-profit public benefit corporation ("TIDA"); and

WHEREAS, Developer and the City previously entered into a Development Agreement related to the Project Site to eliminate uncertainty in the City's land use planning for the Project Site and secure orderly development of the Project (as defined in the DDA) consistent with the DDA and other applicable requirements, and the Financing Plan is was also an exhibit to the Development Agreement; and
WHEREAS, On June 7, 2011, in Motion No. M11-0092, the Board of Supervisors unanimously affirmed certification of the Final Environmental Impact Report for the Project. On that same date, the Board of Supervisors, in Resolution No. 246-11, adopted CEQA findings and the MMRP, and made certain environmental findings under CEQA (collectively, the “FEIR”). Also on that date, the Board of Supervisors, in Ordinance No. 95-11, approved the DDA and other transaction documents, including the Transportation Plan and Infrastructure Plan; and

WHEREAS, Pursuant to the Financing Plan and the IRFD Law, the Board of Supervisors adopted Ordinance No. 21-17 on January 31, 2017, which the Mayor signed on February 9, 2017 (“IRFD Formation Ordinance”), pursuant to which the Board of Supervisors declared City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (“IRFD”) and the following project areas within the IRFD (collectively, “Initial Project Areas,” and together with any future project areas that may be established in the IRFD, the “Project Areas”) to be fully formed with full force and effect of law:

(i) Project Area A of the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (“Project Area A”);

(ii) Project Area B of the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (“Project Area B”);

(iii) Project Area C of the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (“Project Area C”);

(iv) Project Area D of the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (“Project Area D”); and

(v) Project Area E of the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (“Project Area E”); and,

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WHEREAS, The City formed the IRFD and the Project Areas for the purpose of financing the cost of certain facilities (the “Facilities”) as further provided in the IRFD Formation Ordinance; and,

WHEREAS, Pursuant to the IRFD Formation Ordinance, the Board of Supervisors also approved an Infrastructure Financing Plan for the IRFD (“IFP”); and

WHEREAS, The IRFD Law provides that the legislative body of an infrastructure and revitalization financing district may, at any time, add territory to a district or amend the infrastructure financing plan for the district by conducting the same procedures for the formation of a district or approval of bonds as provided in the IRFD Law; and

WHEREAS, The Board of Supervisors has been notified by the California State Board of Equalization that the boundaries of the IRFD and the Project Areas must conform to the boundaries of assessor parcel numbers established by the San Francisco Assessor-Recorder in order for the Board of Equalization to assign tax rate areas to the Project Areas; and

WHEREAS, The Board of Supervisors wishes to amend the boundaries of the IRFD and certain Initial Project Areas to reflect the final development parcels for certain portions of Treasure Island and Yerba Buena Island, including the addition of territory to the IRFD, and to approve an amended map for the IRFD; and

WHEREAS, Because the Board of Supervisors anticipates the need to make future changes to the boundaries of the IRFD and the Project Areas in order to conform to final development parcels approved by the Board of Supervisors so that the California State Board of Equalization can assign tax rate areas to the Project Areas, the Board of Supervisors wishes to amend the IFP to establish a procedure by which certain future amendments of the boundaries of the IRFD may be approved by the Board of Supervisors as the legislative body of the IRFD without further hearings or approvals, as long as the amendments will not adversely affect the owners of bonds issued by or for the IRFD; and
WHEREAS, The Board of Supervisors wishes to further amend the IFP to reduce the
tax increment allocated to the IRFD in order to conform to existing law; and

WHEREAS, The Board of Supervisors wishes to further amend the IFP to provide that
actions related to the IRFD, the Project Areas and the IFP shall not require the approval of the
qualified electors in the IRFD if the IRFD Law is amended to eliminate any such requirement;
and

WHEREAS, On October 19, 2021, pursuant to Resolution No. 481-21, which the Mayor
signed on October 22, 2021 ("Resolution of Intention to Amend IRFD"), the Board of
Supervisors declared its intention to conduct proceedings to make the above-described
amendments to the IRFD and the IFP ("Amendments"), pursuant to Section 53369.5(b) of the
IRFD Law; and

WHEREAS, On October 26, 2021, pursuant to Resolution No. 497-21, which the Mayor
signed on November 5, 2021 ("Resolution Directing IFP Preparation"), the Board of
Supervisors authorized and directed the Director of the Office of Public Finance, or designee,
to prepare, or cause to be prepared, an amended IFP ("Amended IFP") that is consistent with
the general plan of the City and includes all of the Amendments, pursuant to Section
53369.13 of the IRFD Law; and

WHEREAS, As required by the IRFD Law and the Resolution of Intention to Amend
IRFD, the Clerk of the Board of Supervisors caused to be mailed a copy of the Resolution of
Intention to Amend IRFD to each owner of land (as defined in the IRFD Law) within the IRFD
and to any affected taxing entities, and in addition, in accordance with IRFD Law Section
53369.17, the Clerk of the Board of Supervisors caused notice of the public hearing to be
published not less than once a week for four successive weeks in a newspaper of general
circulation published in the City; and

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WHEREAS, As further required by the IRFD Law and the Resolution Directing IFP Preparation, the Director of the Office of Public Finance caused to be prepared the Amended IFP, and the Treasure Island Director sent the Amended IFP to (i) the planning commission of the City, (ii) this Board of Supervisors, (iii) each owner of land within the proposed IRFD and (iv) each affected taxing entity (if any); and

WHEREAS, As further required by the IRFD Law, the Treasure Island Director sent to the owners of land within the proposed amended IRFD, the affected taxing entities (if any), the planning commission of the City and this Board of Supervisors any report required by the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) (“CEQA”) that pertains to the Project; and

WHEREAS, The Clerk of the Board of Supervisors made the Amended IFP and the reports required by CEQA available for public inspection; and

WHEREAS, On December 14, 2021, as required by the IRFD Law, the Board of Supervisors, as the legislative body of the City, which is the only affected taxing entity that is subject to the division of taxes pursuant the IRFD Law, considered and adopted its Resolution No. 568-21, which the Mayor signed on December 22, 2021, pursuant to which the Board of Supervisors, as the governing body of the City, in its capacity as an affected taxing entity, approved the addition of territory to the IRFD and the other Amendments; and

WHEREAS, On January 11, 2022, following publication of a notice consistent with the requirements of the IRFD Law, this Board of Supervisors, as the legislative body of the IRFD, held a public hearing as required by the IRFD Law relating to the proposed Amendments; and

WHEREAS, At the hearing any persons having any objections to the Amendments, or the regularity of any of the prior proceedings, and all written and oral objections, and all evidence and testimony for and against the adoption of the Amendments, were heard and considered, and a full and fair hearing was held; and
WHEREAS, On January 11, 2022, after holding the public hearing described above, the Board of Supervisors, as the legislative body of the IRFD, (i) adopted its Resolution No. 010-22, which the Mayor signed on January 21, 2022 ("Resolution Proposing Amendments"), proposing the addition of territory to the IRFD and the other Amendments, and (ii) adopted its Resolution No. 011-22, which the Mayor signed on January 21, 2022 ("Election Resolution"), pursuant to which the Board of Supervisors submitted the propositions to amend the IRFD and the Initial Project Areas and to approve the Amended IFP to the qualified electors of the IRFD as required by the provisions of the IRFD Law; and

WHEREAS, The Board of Supervisors recited in the Election Resolution that there was on file with the Clerk of the Board of Supervisors and the Director of Elections of the City and County of San Francisco one or more written waivers executed by all of the qualified electors of the IRFD, and those waivers, as permitted by the IRFD Law, waived time limits specified in the IRFD Law and any requirement of applicable law pertaining to the conduct of the election in order to expedite the approval of the Amendments; and

WHEREAS, Pursuant to the terms of the Election Resolution, which are by this reference incorporated herein, the special election was held on January 17, 2022, and all of the qualified electors in the IRFD submitted ballots and voted in favor of the propositions; and

WHEREAS, The Director of Elections of the City and County of San Francisco has on file a Canvass and Statement of Results of Election ("Canvass") regarding the special election, a copy of which is attached hereto as Exhibit A; and

WHEREAS, This Board of Supervisors has reviewed the Canvass, and finds it appropriate and wishes to declare the results of the special election; and

WHEREAS, Staff has informed the Board of Supervisors that, as a result of administrative oversight, the Resolution Proposing Amendments and the Election Resolution
were not signed by the Mayor prior to the election, and, as a result, the resolutions were not
effective prior to the election; and

WHEREAS, Because all (100 percent) of the qualified electors in the IRFD submitted
 waivers allowing for an accelerated election timeline and waiving any requirement of
 applicable law pertaining to the conduct of the special election and submitted ballots in favor
 of the propositions, staff has concluded, upon consultation with the City Attorney and bond
counsel, that there is no reasonable basis to conclude that the mis-sequencing described
 above would have changed the outcome of the election; and

WHEREAS, Based on the information presented to it, the Board of Supervisors has
determined that there is no reasonable basis to conclude that the mis-sequencing described
above would have affected the outcome of the election, and the Board of Supervisors wishes
to ratify, confirm and approve the Resolution Proposing Amendments, the Election Resolution
and the election; now, therefore, be it

RESOLVED, That the Board of Supervisors is adopting this Resolution in its capacity
as the legislative body of the IRFD and as the “legislative body” as defined in the IRFD Law;
and, be it

FURTHER RESOLVED, That the foregoing recitals are all true and correct; and, be it
FURTHER RESOLVED, That the qualified electors at the special election within the
IRFD were presented with the propositions to amend the IRFD and the project areas therein
and to adopt the Amended IFP; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby approves the Canvass
and finds that it shall be a permanent part of the record of its proceedings for the IRFD.
Pursuant to the Canvass, the issues presented at the special election within the IRFD were
approved by all of the qualified electors; and, be it
FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR and finds that the FEIR is adequate for its use for the actions taken by this Resolution and incorporates the FEIR and the CEQA findings contained in Board of Supervisors Resolution No. 246-11 by this reference; and, be it

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

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

FURTHER RESOLVED, That all actions authorized and directed by this Resolution, consistent with any documents presented herein, and heretofore taken, including the Resolution Proposing Amendments, the Election Resolution and the election at which all of
the qualified electors voted in favor of the propositions, are hereby ratified, approved and
confirmed by this Board of Supervisors; and, be it

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

Enactment occurs when the Mayor signs the resolution, the Mayor returns the resolution
unsigned or does not sign the resolution within ten days of receiving it, or the Board of
Supervisors overrides the Mayor's veto of the resolution.

APPROVED AS TO FORM:
DAVID CHIU
City Attorney

By: /s/ MARK D. BLAKE
MARK D. BLAKE
Deputy City Attorney

Mayor Breed
BOARD OF SUPERVISORS
EXHIBIT A

CANVAS AND STATEMENT OF RESULT OF ELECTION

CITY AND COUNTY OF SAN FRANCISCO
Infrastructure and Revitalization Financing District No. 1
(Treasure Island)

I hereby certify that on _____, 2022, I canvassed the returns of the election held on January 17, 2022, in City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) (the “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 amend the “City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island),” including project areas therein (the “IRFD”), as proposed in the Board of Supervisors resolution entitled “Resolution proposing addition of territory to and adoption of amendments to the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; and determining other matters in connection therewith” adopted on January 11, 2022 (the “Resolution Proposing Amendments”)?
**Qualified Landowner Votes**

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<th>Votes Cast</th>
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**BALLOT MEASURE NO. 2**: Shall the Board of Supervisors approve the amended infrastructure financing plan for the IRFD and the Project Areas, as proposed for approval by the Board of Supervisors in the Resolution Proposing Amendments?

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<td>YES</td>
<td>NO</td>
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**IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND** this ___ day of ___, 2022.

By: ____________________________
    Director of Elections

Mayor Breed
BOARD OF SUPERVISORS

EXHIBIT A
Resolution declaring the results of a special landowner election for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island); and determining other matters in connection therewith, as defined herein.

January 11, 2022 Board of Supervisors - CONTINUED
    Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

February 01, 2022 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
    Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

February 01, 2022 Board of Supervisors - CONTINUED AS AMENDED
    Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

February 08, 2022 Board of Supervisors - ADOPTED
    Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
    Excused: 1 - Haney
I hereby certify that the foregoing Resolution was ADOPTED on 2/8/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved

2/18/22