

RESOLUTION NO. 218-99
(Adopted December 21, 1999)

**CALLING A SPECIAL ELECTION IN COMMUNITY FACILITIES
DISTRICT NO. 5 (MISSION BAY MAINTENANCE DISTRICT);
MISSION BAY NORTH AND MISSION BAY SOUTH
REDEVELOPMENT PROJECT AREAS**

BASIS FOR RESOLUTION

1. The Commission (the "Commission") of the Redevelopment Agency of the City and County of San Francisco has adopted a resolution Forming Community Facilities District No. 5 (Mission Bay Maintenance District), Authorizing the Levy of a Special Tax Within the District and Preliminarily Establishing an Appropriations Limit for the District; Mission Bay North and Mission Bay South Redevelopment Project Areas (the "Resolution of Formation"), ordering the formation of the Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 5 (Mission Bay Maintenance District) (the "District") authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District.
2. Pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the District as required by the Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311 of the California Government Code (the "Act").

FINDINGS

1. The Commission finds that fewer than 12 persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the public hearings conducted by the Commission for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, the Commission finds that for purposes of these proceedings the qualified electors are the landowners within the District and that the vote shall be by the landowners or their authorized representatives, each having one vote for each acre or portion thereof the landowner owns in the District as of the close of the public hearings.
2. The Commission finds that the Secretary has caused to be delivered to each of the qualified electors of the District a ballot in the form set forth in Exhibit A. Each ballot indicated the number of votes to be voted by the respective landowner to which it pertains. Each ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot was enclosed with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

3. The Commission finds that analysis and arguments with respect to the ballot measures described below have been waived by the voters in their ballots, as permitted in Section 53327 of the Act.
4. The Commission finds that the provision of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election is for the protection of the qualified electors of the District. The ballots of qualified electors of the District contain a statement of the electors waiving the time for the special election and waiving any requirement for analysis and arguments in connection with the election. Accordingly, the Commission finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments. The Commission also finds and determines that the Secretary has concurred in the shortened time for the election.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO, THAT:

1. Pursuant to Sections 53326 and 53325.7 of the Community Facilities Act of 1982, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 5 (Mission Bay Maintenance District) (the "District") at an election called for that purpose.
2. As authorized by Section 53353.5 of the Community Facilities Act of 1982, the two propositions of the levy of the special taxes and the establishment of the appropriations limit shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A. The form of ballot is hereby approved.
3. The Commission hereby calls a special election to consider the levy of the special taxes in the District and the establishment of an appropriations limit for the District, which election shall be held at City Hall, Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco, California immediately following adoption of this Resolution. The Secretary of the Agency is hereby designated as the official to conduct the election. It is hereby acknowledged that the Secretary has on file the Resolution of Formation of the District, a certified map of the proposed boundaries of the District, and a sufficient description to allow the Secretary to determine the boundaries of the District.

The voted ballots shall be accepted by the Secretary until the time for opening the ballots immediately following the adoption of this Resolution; and when all of the qualified voters electing to cast ballots have voted the election shall be closed.

4. Pursuant to Section 53327 of the Community Facilities Act of 1982, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 of the California Elections Code. This Commission hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of Section 4000 of the California Elections Code are applicable to the special election.

5. The Secretary is directed to publish in a newspaper of general circulation circulating within the District a copy of this resolution as soon as practicable after the date of adoption of this Resolution.

APPROVED AS TO FORM



Robert A. Firehock
Acting Agency General Counsel

EXHIBIT A

REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO
COMMUNITY FACILITIES DISTRICT NO. 5
(MISSION BAY MAINTENANCE DISTRICT)

OFFICIAL BALLOT

Special Tax Election
(December 21, 1999)

This ballot is for a special, landowner election. 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 Secretary of the Redevelopment Agency of the City and County of San Francisco and obtain another.

BALLOT MEASURE: Shall a special tax payable solely from lands within the Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 5 (Mission Bay Maintenance District) (the "District") be levied annually upon lands within the District to pay for the costs of operation maintenance and repair of open space parcels in the District as described in Resolution No. 181-99 of the Redevelopment Agency of the City and County of San Francisco (the "Agency") and the costs of the Agency in administering the District, and shall the annual appropriations limit of the District be established in the amount of \$20,000,000?

Yes: _____

No: _____

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326(a) and 53327(b) of the California Government Code.