San Francisco Bay
Restoration Authority

Resolution No. 29

Adoption of the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration, Measure AA - Special Parcel Tax Procedures Manual

Whereas, the San Francisco Bay Restoration Authority ("Authority") was established by the San Francisco Bay Restoration Authority Act, California Government Code Section 66700 et seq. ("Act") as a regional entity to generate and allocate resources for the protection and enhancement of tidal wetlands and wildlife habitat in San Francisco Bay and along its shoreline; and

Whereas, in June of 2016, The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure authorizing a parcel tax of $12/year ("Measure AA") passed with over a two-thirds majority in the nine-county San Francisco Bay Area; and

Whereas, at its November 30, 2016 Governing Board meeting, the San Francisco Bay Restoration Authority authorized NBS to administer the Measure AA parcel tax commencing July 1, 2017; and

Whereas, NBS has prepared the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration, Measure AA - Special Parcel Tax Procedures Manual to explain how the parcel tax will be administered.

Now Therefore Be It Resolved, that the Governing Board of the San Francisco Bay Restoration Authority hereby adopts the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration, Measure AA - Special Parcel Tax Procedures Manual as shown in Exhibit A to this Resolution 29.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on April 14, 2017, by the following vote:

AYES: Governing Board Members Pine, Gioia, Peskin, Bacon, Sears, Gorin

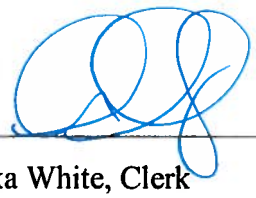
NOES: Governing Board Members ———

ABSENT: Governing Board Members Scharff

ABSTAIN: Governing Board Members ———

Dave Pine, Chair

I, Anulika White, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of April 14, 2017, which Resolution is on file in the office of this regional governmental entity.



Anulika White, Clerk

San Francisco Bay Restoration Authority

c/o State Coastal Conservancy
1515 Clay Street, 10th Floor
Oakland, CA 94612

(510) 286-7193

sfbayrestore.org
info@sfbayrestore.org

Memorandum

Date: April 7, 2017

To: Governing Board
San Francisco Bay Restoration Authority

From: Sam Schuchat, Executive Officer; Karen McDowell, Project Manager

Subject: Adopt Measure AA Parcel Tax Procedures Manual

The Authority has retained NBS to administer the Authority's special parcel tax. At the Authority's February 10, 2017 meeting, NBS presented a draft of the Authority's procedural manual explaining how the tax will administered, *San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration, Measure AA – Special Parcel Tax Procedures Manual* (Parcel Tax Procedures Manual). The draft Parcel Tax Procedures Manual was included for discussion on the agenda for the Authority's March 10, 2017 meeting. There have been no changes to the draft since it was presented to the Authority on February 10, 2017.

Recommendation

Staff recommends that the Authority adopt the Parcel Tax Procedures Manual.

Attachment

Resolution 29 – Adoption of San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration, Measure AA – Special Parcel Tax Procedures Manual.

San Francisco Bay Restoration Authority

San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration
Measure AA - Special Parcel Tax

Procedures Manual

Prepared by:

Measure AA Parcel Tax - Introduction

The San Francisco Bay Restoration Authority (the "Authority") is a regional government agency charged with raising and allocating resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. The Authority was created by the California legislature in 2008 with the enactment of Assembly Bill 2954. On January 13, 2016, the Authority's Board unanimously voted to place a funding measure on the June 7, 2016 ballot in the nine-county Bay Area to generate funds to protect and restore San Francisco Bay. The Measure was approved by the voters with a 70% affirmative vote. The tax will be levied annually at $12/parcel for a total of twenty (20) years (the "Parcel Tax"), commencing July 1, 2017 and ending June 30, 2037. The Parcel Tax is typically collected via the general property tax billing system for each participating county; Direct bills may be issued for any parcels not normally billed by such property tax systems. The Parcel Tax will be calculated and administered by NBS, as the Parcel Tax Administrator.

The Parcel Tax is calculated at a rate of $12.00 dollars per taxable parcel in the San Francisco Bay Area. The tracking of parcel data and calculation thereof is performed by the Parcel Tax Administrator, NBS. The County Property Tax bills will include a line item for this Parcel Tax, with the phone number of (888) 508-8157 printed on the tax bills for questions or information: there is a recorded message on this line with detailed information about the tax. Any other inquiries about the Parcel Tax that come directly to the Authority offices can be directed to NBS at (800) 676-7516 or via email at pos@nbsgov.com.

The Authority has adopted the administrative procedures, as outlined in this manual, to provide a clear and transparent process for taxpayers and other interested parties. Though the Parcel Tax is a flat uniform rate of $12, there are certain exemptions, exceptions, and administrative matters to take into account in the levying of the Parcel Tax.

The overall timeline is presented on the next page in calendar year format. All activities are performed by NBS unless stated otherwise.

Annual Timeline

Month(s)	Task
January – February	Review first tax installment data and delinquencies. Authority receives first portion of Parcel Tax revenues.
February – April	Parcel research and analysis.
May – June	Review second tax installment data and delinquencies. Authority receives second installment of Parcel Tax revenues.
June	Compile preliminary Parcel Tax levy database. Authority receives remaining Parcel Tax revenues.
July	Finalize Parcel Tax database.
July	Submit tax rolls to County Auditor Controllers for Marin, San Francisco, and San Mateo.
August	Submit tax rolls to County Auditor Controllers for Alameda, Contra Costa, Napa, Santa Clara, Solano, and Sonoma.
September	Process any rejected parcels.
October– November	Respond to property owner inquiries (occurs year round).
December	Provide final Annual Levy Report to fulfill annual levy reporting requirements per California Government Code Section 50075. Assist the Authority with the reporting requirements for AB 2109.

Parcel Tax Method

Per Authority Resolution No. 14 ("Resolution"), the Parcel Tax method is as follows.

The Parcel Tax will be levied for twenty (20) years as discussed in Section 2 of the Resolution:

> "The annual tax shall be $12 per parcel for 20 years assessed against each parcel of taxable real property in the San Francisco Bay Area. A parcel is defined as any unit of land wholly or partially in the San Francisco Bay Area. All property that would otherwise be exempt from property taxes will also be exempt from the Parcel Tax."

Note that this is a summary of the information within this Resolution (and it may differ from the exact language in the ballot measure): Additional information can be found in the Resolution at the end of this manual.

Exemptions and Exceptions

Exemptions:
Parcels exempt from regular property taxes will also be exempt from the Parcel Tax. Certain religious and non-profit parcels are included herein. No senior or low-income exemptions are provided.

The Authority has also determined the following situations which may administratively result in an exemption to comply with the intent of the Resolution, that being a flat uniform tax per taxable parcel. The possible exceptions are as follows:

Exceptions:

The following exceptions may occur in one or more counties in the San Francisco Bay Area.

Contiguous Parcels
Contiguous Parcels are mainly residential properties that are made up of more than one parcel due to division by Tax Rate Area boundary or properties that have the house on one parcel and a portion of the yard or the garage on a separate parcel. These parcels are considered one residential property, but because they consist of more than one parcel, will be subject to the Parcel Tax multiple times. Therefore, Contiguous Parcels may receive an exemption.

Administrative Assessor Parcel Numbers (APNs)
Administrative APNs are used by the county for tracking purposes only. These parcels appear in the secured roll data but are not taxable. For example, Contra Costa County has thousands of APNs that are considered administrative parcels and they all begin with the number "9". No Parcel Tax will be levied on Administrative Parcels as the county will not apply charges or send a tax bill to such parcels.

Mobile Home Parcels
Mobile Home Parcels are parcels that track the actual mobile home and not the land they lie on. Mobile Home Parcels are non-taxable when the underlying APN is taxed. A unique first digit or a unique use code usually identifies Mobile Home Parcels. For example, Contra Costa County has thousands of APNs that are classified as mobile home parcels. These APNs are distinguished by each APN beginning with the number "7". Marin County has approximately 300 APNs that are classified as mobile home parcels. These APNs are distinguished by each parcel having a County Use Code of "12". No Parcel Tax will be levied on Mobile Home Parcels as the county will not apply charges or send a tax bill to such parcels.

Floating Home Parcels
A Floating Home is designed and built to be used as a stationary waterborne residential dwelling. Floating Homes are assessed in the same manner as real property. However, Marin County will not apply the Parcel Tax to Floating Home parcels. The Floating Home parcels in Marin County are distinguished by having a County Use Code of "13". There are approximately 300 floating home parcels in Marin County. No Parcel Tax will be levied on Floating Home Parcels as the county will not apply charges or send a tax bill to such parcels.

Timeshare Parcels
There are thousands of separate APNs that are for interval ownerships of certain physical units, typically a condominium in a multi-unit development; these are known as "Timeshares." The Authority will voluntarily reduce the parcel tax for these Timeshares to their proportionate share of the parcel tax as it applies to the physical unit. Alternatively, a Home Owners Association ("HOA") may be billed for the Parcel Tax, allowing for the Parcel Tax to be fairly apportioned amongst the Timeshare owners. The Parcel Tax Administrator will identify such Timeshares.

Parking Stall Parcels
Parking Stall Parcels are similar to Contiguous Parcels because they are mainly associated with residential properties. Parking stalls have a separate APN in San Francisco County for example, while the residence also has an APN. This can lead to a single residential property being subject to the Parcel Tax multiple times. These parcels are considered one residential property, but because they consist of more than one parcel, will be subject to the Parcel Tax multiple times. Therefore, Parking Stall Parcels may receive an exemption.

Exemption and Exception Application Process:
The Parcel Tax Administrator will endeavor to identify any or all of these exemptions or exceptions discussed above. Any property owner eligible for an exemption or exception as listed above, and others that may arise, may file for an exemption or exception from the Parcel Tax for the next fiscal year (first-time applicants only) with NBS, the Parcel Tax Administrator, at (800) 676-7516 (or email at pos@nbsgov.com). NBS will review the application and discuss it with the Authority, who will review the application of the method of tax. The Authority and NBS will discuss the applications semi-annually, in December and June. NBS will inform the property owner of the Authority's decision.

Any property owner granted an exemption or exception from the Parcel Tax does not need to complete an application annually. Exemptions/Exceptions will be honored until there is a change in ownership, parcel use, APN, or other relevant detail regarding the property in question.

Note: all completed applications must be received by June 30 in order to be eligible for an exemption for the following tax year.

Appeals Procedure

Measure AA was approved by the voters within the San Francisco Bay Area in July 2016, and is applicable to all properties within the San Francisco Bay Area. If disputes arise as to the formula or its application to individual parcels, such property owner may appeal their Parcel Tax.

The Parcel Tax was applied to each parcel based upon careful research and sources deemed to be reliable. If a property owner feels that the Parcel Tax has been calculated or applied in error, he or she must contact the Parcel Tax Administrator, NBS, at (800) 676-7516. The property owner must make contact as soon as possible, but in any case within one year from the receipt of the tax bill. NBS will review the application and discuss it with the Authority, who will review the application of the method of tax and determine the validity of the appeal. NBS will inform the property owner of the Authority's decision.

If the property owner is still not satisfied with the application, then he or she may request a final declaration from the Authority's Board. Their judgment will be considered final in any interpretations or discrepancies. In addition, the Board may pass any resolutions needed to clarify any ambiguities or issues with regard to the Parcel Tax and its application to parcels.

Teeter Plan

Each county collects and disburses property tax payments and direct charges, such as this Parcel Tax, to participating agencies within their respective county. The actual disbursements are performed based on actual collections of the tax from the property owners, or via the Teeter Plan. Actual collections will reflect any delinquencies, and later will include penalties and interest. The Teeter Plan essentially provides the taxing agency with 100% of their direct tax during the tax year with no delays in collection, but no penalties and interest later.

The Teeter Plan provides counties with an optional alternative method for allocating delinquent property tax revenues. Using the accrual method of accounting under the Teeter Plan, counties allocate property tax revenues based on the total amount of property taxes billed out, but not yet collected. The Teeter Plan allows counties to finance property tax receipts for local agencies by borrowing money to advance cash to each taxing jurisdiction in an amount equal to the current year's delinquent property taxes. In exchange, the counties themselves retain the penalties and interest on the delinquent taxes when collected. For counties not under the Teeter Plan, interest and penalty are allocated to all agencies based on their pro rata share of the delinquent property tax. However, the county retains the penalty on delinquent property taxes if the delinquency is cleared up within the same fiscal year.

The following table shows a breakdown of each county. Each County utilizes the Teeter Plan in some manner overall. However, only five counties have qualified the Authority's Parcel Tax for their Teeter Plan, and four have declined to offer the Teeter Plan at this time.

County	Qualify for Teeter Plan
Alameda	Does not Qualify
Contra Costa	Qualifies
Marin	Qualifies
Napa	Does not Qualify
San Francisco	Does not Qualify
San Mateo	Qualifies
Santa Clara	Qualifies
Solano	Qualifies
Sonoma	Does not Qualify

Property Owner Phone Line Message

Phone Line message for San Francisco Bay Restoration Parcel Tax, established August 2016

Phone number (888) 508-8157

Thank you for calling the San Francisco Bay Restoration Authority toll free information hotline. This message will give you detailed information about the parcel tax that shows on your County tax bill.

The Parcel Tax, called Measure AA, achieved approval by 70% of the votes for the nine Bay Area county region at the June 2016 election, which is above the 2/3 legal requirement. The tax is $12 per parcel per year, for a period of 20 years. The first tax bills for this parcel tax will be mailed in September of 2017.

This Parcel Tax is levied on all parcels within the nine Bay Area counties. The parcel tax funds will be used to restore wetlands and do important work to preserve a healthy San Francisco Bay.

The tax is $12 per year per parcel, and there are no low income nor senior exemptions. This tax may not be prepaid.

Your county property tax bill includes a line item for this parcel tax. Additional information about the tax, the uses of the funds, and the Restoration Authority is available on the website sfbayrestore.org. The Authority is governed by a seven-member Board, and it has an Oversight Committee to ensure fiscal matters are handled appropriately.

The actual tracking of parcel data and the calculations are done by the Special Tax Administrator, which is a private company called NBS. If you have questions after hearing this message, please visit myparceltax.com/SFBay for further information and web links, or you may call NBS at 800-676-7516. Once again, the website is myparceltax.com/SFBay.

Resolutions

The following pages contain Resolution #13 calling the Special Election and Resolution #14 authorizing the Ballot Measure.

San Francisco Bay
Restoration Authority

Resolution #13

CALLING A SPECIAL ELECTION TO BE HELD FOR THE SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS; REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION

WHEREAS, in accordance with Section 50075 et seq. of the Government Code, cities, counties and districts in California have the authority to impose special taxes pursuant to the provisions of Article XIII-A of the California Constitution, subject to the approval of two-thirds of the votes cast by voters voting upon the proposition;

WHEREAS, the San Francisco Bay Restoration Authority ("Authority"), a regional governmental entity, is authorized pursuant to the aforementioned provisions of the Government Code, as well as the San Francisco Bay Restoration Authority Act (Title 7.25 of the Government Code, commencing with section 66700), to levy a parcel tax, subject to the requisite two-thirds voter approval, in the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco (such nine counties, collectively, the "San Francisco Bay Area");

WHEREAS, after years of study, the Authority has prepared the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the "Measure") in order to fund programs that will:

- Reduce trash, pollution and harmful toxins;
- Improve water quality;
- Restore habitat for fish, birds and wildlife;
- Protect communities from floods; and
- Increase shoreline access for public enjoyment and recreation.

WHEREAS, the Authority proposes to levy a special parcel tax of $12 per year for 20 years on each parcel wholly or partially in the San Francisco Bay Area, subject to two-thirds voter approval, to fund the programs identified in the Measure. Such a levy is anticipated to generate approximately $25,000,000 a year to fund specific clean water, pollution prevention and habitat restoration projects and other purposes, including, without limitation, the possible payment of debt service on bonds issued by or on behalf of the Authority, all as set forth in the Measure; and

WHEREAS, pursuant to Government Code section 66704.05, when the Authority proposes the Measure to levy a parcel tax, the board of supervisors of the counties, including the City and County of San Francisco, (hereafter, all references to "County" include the City and County of San Francisco) in which the parcel tax is proposed, are required to call a special election on the Measure.

Resolution #13

CALLING A SPECIAL ELECTION TO BE HELD FOR THE SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS; REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION

NOW THEREFORE, THE SAN FRANCISCO BAY RESTORATION AUTHORITY GOVERNING BOARD HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:

FIRST: A special election is hereby called within each of the following nine Counties: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma and the City and County of San Francisco (comprising the entire jurisdiction of said Authority), which election is to be consolidated with the general election to be held on June 7, 2016. As required by Elections Code sections 13247 and 10403, the abbreviated form of the Measure as it shall appear on the ballot is as follows:

> San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program.
>
> To protect San Francisco Bay for future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods, and increasing shoreline public access, shall the San Francisco Bay Restoration Authority authorize a parcel tax of $12 per year, raising approximately $25 million annually for twenty years with independent citizen oversight, audits, and all funds staying local?

Resolution #13

CALLING A SPECIAL ELECTION TO BE HELD FOR THE SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS; REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION

The Measure shall be voted on within the entire jurisdiction of the Authority, which pursuant to the San Francisco Bay Restoration Authority Act (Act), comprises the nine Counties enumerated above and referred to in the Act as the San Francisco Bay Area. A 2/3 vote of all votes cast on the measure is required to pass the measure.

SECOND: The Registrar of Voters of each County in the San Francisco Bay Area is requested to give notice of said election in accordance with law and to perform all other acts which are required for the holding and conducting of said election.

THIRD: The Board of Supervisors of each County within the San Francisco Bay Area is hereby requested to order the consolidation of the Authority's special election with the other elections to be held on June 7, 2016, to conduct such election in accordance with the requirements set forth in Elections Code section 10418, and to provide the election precincts, polling places, and voting booths which shall in each County be the same, and that there shall be only one set of election officers in each of said precincts; and to further provide that the question set forth above shall be set forth in each form of ballot to be used at said election. Said Board of Supervisors is further requested to order the Registrar of Voters to: (a) set forth on all sample ballots relating to said consolidation election, to be mailed to the qualified electors of the Authority, the question set forth above and (b) provide absentee voter ballots for said consolidation election for use by qualified electors of said Authority who are entitled thereto, in the manner provided by law.

FOURTH: Pursuant to Government Code section 66704.05, each County within the San Francisco Bay Area shall use the exact ballot question, impartial analysis, and ballot language provided by the Authority. If two or more Counties are required to prepare a translation of ballot materials into a different language, the County that contains the largest population among those Counties that are required to prepare a translation of ballot materials into the same language shall prepare the translation and that translation shall be used by the other Counties, as applicable.

FIFTH: Pursuant to Government Code section 66704.05, the Registrar of Voters of each County within the San Francisco Bay Area shall mutually agree to use the same letter designation for the Measure.

SIXTH: Each Registrar of Voters of each County within the San Francisco Bay Area is hereby authorized and requested to canvass, or cause to be canvassed, as provided by law, the returns of said special election with respect to the total votes cast for and against said question and to certify such canvass of the votes cast to the Governing Board of the Authority.

Resolution #13

CALLING A SPECIAL ELECTION TO BE HELD FOR THE SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS; REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION

SEVENTH: The clerk of this Board is hereby authorized and directed to certify to the due adoption of the resolution and to transmit a copy hereof so certified to each of the Registrar of Voters within the San Francisco Bay Area.

EIGHTH: The attachment to Resolution No. 14 shall comprise the full text of the Measure.

NINTH: The Authority recognizes that each County in the San Francisco Bay Area will incur additional costs because of the consolidation of the election on the Measure with the June 7, 2016 election and agrees to reimburse each County for the "incremental costs" thereof, as defined in Government Code section 66704.05(h). The Chair of the Authority is hereby authorized and directed to expend the necessary funds to pay those costs.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on January 13, 2016, by the following vote:

AYES: Governing Board Members Pine, Caldwell, Gioia, Mclver, Spering, Wicke

NOES: Governing Board Members none

ABSENT: Governing Board Members none

ABSTAIN: Governing Board Members none

Dave Pine
Chair

I, Kelly Malinowski, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of January 13, 2016, which Resolution is on file in the office of this regional governmental entity.

Kelly Malinowski
Clerk of the Governing Board

San Francisco Bay
Restoration Authority

Resolution #14

SPECIAL PARCEL TAX BALLOT MEASURE FOR VOTER APPROVAL: THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

WHEREAS, the San Francisco Bay (sometimes referred to herein as the "Bay") is the region's greatest natural resource and its central feature and contributes significantly to the State's economic health and vitality. The Bay is a hub of interconnected open-spaces, watersheds, natural habitats, scenic areas, agricultural lands, and regional trails;

WHEREAS, the San Francisco Bay and its wetlands, waterways and shoreline are a significant part of the State's coastal resources and a healthy Bay not only enhances the quality of life for all Bay Area residents but is essential to support the state's human and wildlife populations;

WHEREAS, the San Francisco Bay must be protected and restored so that current and future generations may use and enjoy it;

WHEREAS, the restoration, preservation, and maintenance of the San Francisco Bay and its wetlands, improvement of Bay water quality, provision of public access to the Bay shoreline, and enhancement of shoreline recreational amenities for the growing population of the San Francisco Bay Area are immediate state and regional priorities;

WHEREAS, wetland restoration in the San Francisco Bay is necessary to address the growing danger that global warming and rises in sea level pose to the economic well-being, public health, natural resources, and environment of the State. Tidal wetlands can prevent flooding and adapt to rising sea levels;

WHEREAS, the protection and restoration of the San Francisco Bay require efficient and effective use of public funds, leveraging of local funds with State and federal resources, and investment of significant resources over a sustained period for habitat restoration on shoreline parcels, parks, and recreational facilities, and public access to natural areas;

WHEREAS, in 2008, the State established the San Francisco Bay Restoration Authority (the "Authority") for the purpose of assisting in the restoration, enhancement, protection and enjoyment of the wetlands and wildlife in the San Francisco Bay and shoreline, including raising funds for programs that would protect and restore the Bay;

WHEREAS, the Authority is a regional governmental entity comprising the nine counties that touch the San Francisco Bay: the Counties of Alameda, Contra Costa, Marin, Napa,

San Mateo, Santa Clara, Solano and Sonoma, and the City and County of San Francisco (such nine counties, collectively, the "San Francisco Bay Area");

WHEREAS, after years of study, the Authority has prepared the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the "Measure") in order to fund programs that will:

- Reduce trash, pollution and harmful toxins;
- Improve water quality;
- Restore habitat for fish, birds and wildlife;
- Protect communities from floods; and
- Increase shoreline access for public enjoyment and recreation.

WHEREAS, in accordance with Section 50075 et seq. of the Government Code, cities, counties and districts in the State have the authority to impose special taxes pursuant to the provisions of Article XIII-A of the California Constitution, subject to the approval of two-thirds of the votes cast by voters voting upon the proposition;

WHEREAS, the Authority is authorized pursuant to the aforementioned provisions of the Government Code, as well as the San Francisco Bay Restoration Authority Act (Title 7.25 of the Government Code, commencing with section 66700), to levy a parcel tax, subject to the requisite two-thirds voter approval, in the San Francisco Bay Area; and

WHEREAS, the Authority proposes to levy a special parcel tax of $12 per year for 20 years on each parcel wholly or partially in the San Francisco Bay Area, subject to two-thirds voter approval, to fund the programs identified in the Measure. Such a levy is anticipated to generate approximately $25,000,000 a year to fund specific clean water, pollution prevention and habitat restoration projects and other purposes, including the possible payment of debt service on bonds, all as set forth in the Measure; and

WHEREAS, the proceeds from the parcel tax will be spent only for local projects that directly improve the Bay, and cannot be taken away by the State. The Measure also requires citizen oversight, transparency, independent audits of all money collected and spent, and strict caps on the amount that may be spent on project management and administration.

NOW THEREFORE, THE SAN FRANCSICO BAY RESTORATION AUTHORITY GOVERNING BOARD HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:

Section 1. Approval of Ballot Measure.
Pursuant to Government Code sections 50075 through 50077.5 and the San Francisco Bay Restoration Authority Act (Title 7.25 of the Government Code, commencing with section 66700 of the Government Code), the Authority hereby adopts the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the "Measure") and approves the placement of the Measure on the June 7, 2016 election ballot within the San Francisco Bay Area. A full copy of the Measure is attached hereto.

Section 2. Tax Imposed and Rate.
Subject to two-thirds approval of the voters voting on the Measure, a special parcel tax (the "Special Tax") shall be levied in the amount and in accordance with the terms and procedures set forth in the Measure, for a twenty-year year period commencing July 1, 2017 and ending June 30, 2037. The Special Tax shall be levied at an annual rate of twelve dollars ($12) per parcel of taxable real property (as defined in the Measure) wholly or partially within the San Francisco Bay Area. The proceeds from the Special Tax shall be used solely to support the programs and priorities and other purposes set forth in the Measure, including, without limitation, the payment of debt service on bonds issued by or on behalf of the Authority for the purposes set forth in the Measure.

Section 3. Method of Collection.
Subject to two-thirds approval of the voters voting on the Measure, the Special Tax shall be collected by the Tax Collector of each county, including the City and County of San Francisco (hereafter, all references to "County" include the City and County of San Francisco) within the San Francisco Bay Area in accordance with the terms and procedures set forth in the Measure.

Section 4. Accountability.
The Authority's levy, collection and expenditure of the Special Tax shall be subject to the transparency, independent audit, and accountability measures set forth in the Measure, including requirements that: (a) the proceeds of the Special Tax be used solely for supporting the programs and priorities and other purposes set forth in the Measure; (b) the proceeds of the Special Tax be deposited in a special account; (c) the proceeds of the Special Tax be spent only for projects in the San Francisco Bay Area identified in the Measure and cannot be taken by the State; (d) an independent, annual audit be conducted of all Special Tax proceeds collected and allocated under the Measure; (e) an annual report be prepared showing both the amounts of Special Tax proceeds collected and expended and the status of any project funded pursuant to the Measure; and (f) annual audits and reports be submitted to an Independent Citizen Oversight Committee for review, with its findings to be posted on the Authority's website.

Section 5. Additional Action.
The Chair of the Governing Board of the Authority, or any of his or her designees, is hereby authorized and directed to make any changes to the text of the Measure attached hereto, to the abbreviated form of the Measure, or to the text of this Resolution or Resolution No.13 (calling the special election), as may be convenient or necessary to comply with the intent of this Resolution and Resolution No.13 to place the Measure on the June 7, 2016 ballot, the requirements of elections officials, or the requirements of the law; and to take or authorize any administrative actions necessary to effectuate placing the measure on the ballot and administering the said election, including without limitation, drafting the argument in favor of the measure and fixing the dates on which arguments and rebuttals are due .

Section 6. CEQA.
Pursuant to the State California Environmental Quality Act (CEQA) Guidelines section 15378(b)(4), adoption of this resolution to place the Measure, a government funding mechanism, on the ballot for voter approval is not a project subject to the requirements of CEQA. Prior to approval of funding of any projects pursuant to the Measure, any necessary environmental review required by CEQA shall be completed.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on January 13, 2016, by the following vote:

AYES: Governing Board Members Pine, Caldwell, Gioia, Mirer, Shaw/for, Sutter

NOES: Governing Board Members none

ABSENT: Governing Board Members none

ABSTAIN: Governing Board Members none

Dave Pine
Chair

I, Kelly Malinowski, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of January 13, 2016, which Resolution is on file in the office of this regional governmental entity.

Kelly Malinowski
Clerk of the Governing Board

Attachment to Resolution 14 of

Governing Board
San Francisco Bay Restoration Authority

Special Parcel Tax Ballot Measure for Voter Approval
The San Francisco Bay Clean Water, Pollution Prevention and
Habitat Restoration Measure

THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

The people of the San Francisco Bay Restoration Authority do ordain as follows:

Section 1. Findings and Purpose.

Over the last century, landfill and toxic pollution have had a massive impact on San Francisco Bay (sometimes referred to herein as the "Bay"). It is not too late to reverse this impact and restore the Bay for future generations. To meet that objective, in 2008, state law established the San Francisco Bay Restoration Authority (the "Authority"), to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay and along its shoreline.

The purpose of the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the "Measure") is to protect and restore San Francisco Bay to benefit future generations by reducing trash, pollution, and harmful toxins, improving water quality, restoring habitat for fish, birds, and wildlife, protecting communities from flood and increasing shoreline public access and recreational areas.

Section 2. Funding of San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.

Subject to voter approval, the Authority hereby establishes a special parcel tax (the "Special Tax") the proceeds of which shall be used solely for the purpose of supporting the programs and priorities and other purposes set forth in this Measure. The Special Tax shall be levied at a rate of twelve dollars ($12) per parcel within the jurisdiction of the Authority, which consists of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco (such nine counties, collectively, the "San Francisco Bay Area"). The Special Tax shall be levied annually for a total of twenty (20) years, commencing July 1, 2017 and ending June 30, 2037.

The Special Tax shall be levied on each parcel of taxable property within the San Francisco Bay Area, and shall be collected by the tax collectors of each county (including the City and County of San Francisco) in the San Francisco Bay Area (the "Tax Collectors") at the same time as, and along with, and will be subject to the same penalties as general, *ad valorem* taxes collected by the Tax Collectors. The Special Tax and any penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid. Any Special Tax levied shall become a lien upon the properties against which taxes are assessed and collectible as herein provided. The Special Tax shall appear as a separate item on the tax bill.

All property that is otherwise exempt from *ad valorem* property taxes in any year shall also be exempt from the Special Tax in such year. The Authority shall adopt procedures that set forth any clarifications and exemptions to address unique circumstances and any procedure for claimants seeking an exemption, refund, reduction or recomputation of the Special Tax.

Section 3. San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.

The revenues from the Special Tax set forth in Section 2 above shall be used solely for the purpose of supporting programs and priorities and purposes set forth in this Measure, including the following:

A. Program Descriptions

Under this Measure, the Authority may fund projects along the Bay shorelines within the Authority's jurisdiction, which consists of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco. The shorelines include the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of the Delta Primary Zone. These projects shall advance the following programs:

1. Safe, Clean Water and Pollution Prevention Program

The purpose of this program to be funded under the Measure is to remove pollution, trash and harmful toxins from the Bay in order to provide clean water for fish, birds, wildlife, and people.

a. Improve water quality by reducing pollution and engaging in restoration activities, protecting public health and making fish and wildlife healthier.
b. Reduce pollution levels through shoreline cleanup and trash removal from the Bay.
c. Restore wetlands that provide natural filters and remove pollution from the Bay's water.
d. Clean and enhance creek outlets where they flow into the Bay.

2. Vital Fish, Bird and Wildlife Habitat Program

The purpose of this program to be funded under the Measure is to significantly improve wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife in and around the Bay.

a. Enhance the San Francisco Bay National Wildlife Refuge, shoreline parks and open space preserves, and other protected lands in and around the Bay, providing expanded and improved habitat for fish, birds and mammals.
b. Protect and restore wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl and fish.
c. Provide for stewardship, maintenance and monitoring of habitat restoration projects in and around the Bay, to ensure their ongoing benefits to wildlife and people.

3. Integrated Flood Protection Program

The purpose of this program to be funded under the Measure is to use natural habitats to protect communities along the Bay's shoreline from the risks of severe coastal flooding caused by storms and high water levels.

a. Provide nature-based flood protection through wetland and habitat restoration along the Bay's edge and at creek outlets that flow to the Bay.

b. Build and/or improve flood protection levees that are a necessary part of wetland restoration activities, to protect existing shoreline communities, agriculture, and infrastructure.

4. Shoreline Public Access Program

The purpose of this program to be funded under the Measure is to enhance the quality of life of Bay Area residents, including those with disabilities, through safer and improved public access, as part of and compatible with wildlife habitat restoration projects in and around the Bay.

a. Construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities along the shoreline and manage these public access facilities.
b. Provide interpretive materials and special outreach events about pollution prevention, wildlife habitat, public access, and flood protection, to protect the Bay's health and encourage community engagement.

B. Additional Allocation Criteria and Community Benefits

1. The Authority shall ensure that the Measure's revenue is spent in the most efficient and effective manner, consistent with the public interest and in compliance with existing law. The Authority shall give priority to projects that:
   a. Have the greatest positive impact on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents.
   b. Have the greatest long-term impact on the Bay, to benefit future generations.
   c. Provide for geographic distribution across the region and ensure that there are projects funded in each of the nine counties in the San Francisco Bay Area over the life of the Measure.
   d. Increase impact value by leveraging state and federal resources and public/private partnerships.
   e. Benefit economically disadvantaged communities.
   f. Benefit the region's economy, including local workforce development, employment opportunities for Bay Area residents, and nature-based flood protection for critical infrastructure and existing shoreline communities.
   g. Work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.
   h. Incorporate monitoring, maintenance and stewardship to develop the most efficient and effective strategies for restoration and achievement of intended benefits.
   i. Meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy.

2. The Authority shall ensure that 50% of the total net revenue generated during the 20-year term of the Special Tax is allocated to the four Bay Area regions, defined as the North Bay (Sonoma, Marin, Napa and Solano Counties), East Bay (Alameda and Contra Costa Counties), West Bay (City and County of San Francisco and San Mateo County) and South Bay (Santa Clara County) in proportion to each region's share of the Bay Area's population, as determined in the 2010 census, and consistent with the priorities set forth in this section. As a result, each region will receive the following minimum percentage of

total net revenue generated during the 20-year term of the Special Tax: North Bay: 9%, East Bay: 18%, West Bay: 11%, South Bay: 12%. The remaining revenue shall be allocated consistent with all other provisions of this Measure.

3. The Authority shall conduct one or more public meetings annually to gain public input on selection of projects under this Measure. All actions, including decisions about selecting projects for funding, will be made by the Authority in public meetings with advance notice and with meeting materials made available in advance to the public.

4. The Authority may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. All interest income shall be used solely to support programs and priorities set forth in this Measure.

5. No Special Tax proceeds shall be used for campaign advocacy.

6. No more than 5% of the Special Tax proceeds generated in any given fiscal year may be used by the Authority for general government purposes in such fiscal year, including to administer the projects funded under this Measure. Any unused funds may be carried over for use in subsequent fiscal years.

7. The Authority shall have the right, power and authority to pledge Special Tax proceeds to the payment of bonds of the Authority or another public agency (including, but not limited to, a joint powers authority created pursuant to Article 1 of the Joint Exercise of Powers Act (Government Code Section 6500 et seq.)), and use Special Tax proceeds to pay debt service on such bonds and the costs of issuance related thereto.

C. Accountability and Oversight

In order to ensure accountability, transparency and public oversight of funds collected and allocated under this Measure and comply with State law, all of the following shall apply:

1. The specific purpose of the Special Tax shall be to support only programs and priorities and other purposes listed in this Measure. The Special Tax proceeds shall be applied only for specific purposes of this Measure and shall be spent only in accordance with the procedures and limitations set forth in this Measure.

2. A separate account shall be created by the Authority into which all Special Tax proceeds must be deposited. The Authority shall commission an independent annual audit of all revenues deposited in, and all expenditures made from, the separate account and publish annual financial statements.

3. All Special Tax revenue, except as set forth in Section 3.B.6 above, shall be spent on projects for the benefit of the San Francisco Bay Area, and shall not be taken by the State.

4. The Authority shall prepare annual written reports showing (i) the amount of funds collected and expended from Special Tax proceeds and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the Special Tax, as

identified above. The report shall comply with Government Code section 50075.3, be posted on the Authority's website, and be submitted to the Bay Restoration Advisory Committee, established pursuant to Government Code section 66703.7 (the "Advisory Committee"), for review and comment.

5. The Advisory Committee shall provide advice to the Authority on all aspects of its activities under this Measure to ensure maximum benefit, value, and transparency. Advisory Committee meetings will be announced in advance and will be open to the public. The responsibilities of the Advisory Committee shall include, but shall not be limited to: (a) advising the Authority about implementation of this Measure; and (b) making recommendations regarding expenditure priorities under this Measure.

6. The Authority shall appoint six members of the public to an Independent Citizens Oversight Committee that shall: (a) annually review the Authority's conformance with the Measure; (b) review the Authority's audits and expenditure and financial reports; and (c) publish an annual report of its findings, which shall be posted on the Authority's website. The six members shall include residents of the North Bay, East Bay, West Bay, and South Bay, as defined in Government Code 66703(a), who are experts in water quality, pollution reduction, habitat restoration, flood protection, improvement of public access to the Bay, or financing of these objectives. No person may serve on the Independent Citizens Oversight Committee who (a) is an elected official or government employee, or (b) has had or could have a financial interest in decisions of the Authority as defined by Government Code section 87103 and the Fair Political Practices Commission.

Section 4. Establishment of Appropriation Limit.

Pursuant to Article XIII-B of the California Constitution and section 66704.05(b)(2) of the Government Code, the appropriation limit of the Authority shall be set by the total revenues actually received by the Authority from the proceeds of the Special Tax levied in fiscal year 2017-18, as adjusted each fiscal year thereafter for the estimated change in the cost of living, population and number of parcels on which the Special Tax is levied (such estimate to be determined by the Governing Body of the Authority and be conclusive for all purposes after made). The appropriation limit may be further adjusted by any other changes that may be permitted or required by Article XIII-B of the California Constitution.

Section 5. Amendments and Severability.

A. The Governing Board of the Authority shall be empowered to amend this Measure by majority vote of its members to further the purposes of this Measure, to conform the provisions of this Measure to applicable State law, to modify the methods of levy and collection of the Special Tax, or to assign the duties of public officials under this Measure.

B. If any part of this Measure is held to be invalid for any reason, such decision shall not affect the remaining portions of this Measure and the voters declare that they would have passed the remainder of this Measure as if such invalid portion were not included.