



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



Date: February 9, 2016
Board Meeting Date: March 8, 2016
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: John C. Beiers, County Counsel
Subject: Resolution Calling and Consolidating San Francisco Bay Restoration Measure Election and Requesting the Chief Elections Officer to Conduct said Election

RECOMMENDATION:

Adopt a resolution calling a special election for submittal to the qualified electors of San Mateo County a measure for a special parcel tax to fund programs under the San Francisco Bay Restoration Authority, consolidating said election with the June 7, 2016, Presidential Primary Election, and authorizing the Chief Elections Officer to provide the election services requested by the Authority.

BACKGROUND:

The San Francisco Bay Restoration Authority (SFBRA) was established as a special district by the California Legislature in 2008 to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat along the shorelines of the San Francisco Bay Area. The geographical boundaries of the SFBRA encompass the eight Bay Area counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, as well as the City and County of San Francisco.

Among other powers, the SFBRA's governing statute, California Government Code sections 66700, *et seq.*, allows the SFBRA to establish special taxes, subject to voter approval. On January 13, 2016, the SFBRA governing board voted to propose a measure to impose a special parcel tax to raise funds to protect and restore San Francisco Bay. This resolution, SFBRA Resolution #13, calls for a special election on the special parcel tax measure to be placed on the June 7, 2016, Presidential Primary Election ballot in each of the counties within the SFBRA's boundaries.

DISCUSSION:

SFBRA Resolution #13 requests that the measure, which the Registrars of Voters/Chief

Elections Officers of the relevant counties have designated as “Measure AA,” appear on the June 7, 2016, Presidential Primary Election ballot in all nine counties lying within the SFBRA’s jurisdiction, including San Mateo County.

If approved, the measure would impose a \$12 parcel tax on all parcels of land within the SFBRA’s boundaries, including those within San Mateo County. This parcel tax would continue for 20 years, and the funds from San Mateo County would be collected by the San Mateo County Tax Collector. According to SFBRA, the 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 Measure AA.

State law requires that, where the SFBRA proposes a special election, “the board of supervisors of the county or counties in which the measure is proposed shall call a special election on the measure.” Gov’t Code § 66704.05. As a result, the County must now call the election. That same statute further requires that “[t]he special election shall be consolidated with the next regularly scheduled statewide election....” The recommended action ensures that the County of San Mateo properly calls and consolidates the election for Measure AA in compliance with state laws.

Aside from each county placing the measure on the ballot, the County of Santa Clara, which has the most voters within SFBRA’s jurisdiction, is tasked, under California law, with additional Measure AA-related duties. Specifically, Santa Clara County must provide certain legal and translation services, and pursuant to Section 66704.05 of the Government Code, the Santa Clara County Counsel shall receive and review, and has the opportunity to revise, the SFBRA’s impartial analysis of Measure AA. Additionally, the law requires the County of Santa Clara to provide to the other eight counties the translations of the measure and its supporting documents into the languages required by state and federal law.

A copy of SFBRA Resolution #13 and of the text of the measure itself (SFBRA Resolution #14) are attached to the proposed resolution calling the election in San Mateo County. County Counsel has reviewed the proposed resolution calling the election and has approved it as to form. The Chief Elections Officer has been notified of the request and has agreed to provide the requested elections-related services.

The measure will pass if approved by at least two-thirds of the votes cast by all voters within the SFBRA jurisdictional boundaries who are voting upon the measure.

FISCAL IMPACT:

There is no net fiscal impact on the County as a result of the recommended action. Incremental costs, as defined by statute, incurred due to the recommended action will be reimbursed by the SFBRA, with additional possible reimbursement from the state. Any other costs associated with the election are either already budgeted and will be

absorbed by the Elections Office or will be reimbursed by other jurisdictions pursuant to applicable laws.