

1 [General Obligation Bond Election - Road Repaving and Street Safety - \$248,000,000]

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3 **Ordinance calling and providing for a special election to be held in the City and County**
4 **of San Francisco on Tuesday, November 8, 2011, for the purpose of submitting to the**
5 **voters a proposition to incur the following bonded debt of the City and County:**
6 **\$248,000,000 to finance the repaving and reconstruction of roads, the rehabilitation and**
7 **seismic improvement of street structures, the replacement of sidewalks, the**
8 **installation and renovation of curb ramps, the redesign of streetscapes to include**
9 **pedestrian and bicycle safety improvements, and the construction, rehabilitation and**
10 **renovation of traffic infrastructure and related costs necessary or convenient for the**
11 **foregoing purposes; authorizing landlords to pass-through 50% of the resulting**
12 **property tax increase to residential tenants in accordance with Chapter 37 of the San**
13 **Francisco Administrative Code; finding that the estimated cost of such proposed**
14 **project is and will be too great to be paid out of the ordinary annual income and**
15 **revenue of the City and County and will require expenditures greater than the amount**
16 **allowed therefor by the annual tax levy; reciting the estimated cost of such proposed**
17 **project; fixing the date of election and the manner of holding such election and the**
18 **procedure for voting for or against the proposition; fixing the maximum rate of interest**
19 **on such bonds and providing for the levy and collection of taxes to pay both principal**
20 **and interest; prescribing notice to be given of such election; finding that the proposed**
21 **bond is not a project under the California Environmental Quality Act, (CEQA); finding**
22 **that the proposed bond is in conformity with the priority policies of Planning Code**
23 **Section 101.1(b) and with the General Plan consistency requirement of Charter Section**
24 **4.105 and Administrative Code Section 2A.53; consolidating the special election with**
25 **the general election; establishing the election precincts, voting places, and officers for**

1 the election; waiving the word limitation on ballot propositions imposed by
2 San Francisco Municipal Elections Code Section 510; complying with the restrictions
3 on the use of bond proceeds specified in California Government Code Section 53410;
4 incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 –
5 5.36; and waiving the time requirements specified in San Francisco Administrative
6 Code Section 2.34.

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are ~~*strikethrough italics Times New Roman*~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Findings.

12 A. The Road Repaving and Street Safety Bond (the "Bond") will enhance the safety
13 of pedestrians, people with disabilities, bicyclists, transit-riders and motorists by repaving
14 streets, replacing and/or reconstructing sidewalks, stairways, bridges, tunnels and related
15 street structures, installing curb ramps, and by constructing, rehabilitating and renovating
16 traffic infrastructure, as well as by constructing and installing safety improvements to redesign
17 and modernize street corridors.

18 B. This Board of Supervisors (this "Board") recognizes the need to enhance safety
19 and accessibility for all users of the City's public rights-of-way and to provide stable and
20 reliable funding for road, traffic, sidewalk and street infrastructure.

21 C. The Bond is recommended by the City's 10-year capital plan (the "Plan"), which
22 is approved each year by the Mayor of the City and this Board.

23 D. This Board now wishes to describe the terms of a ballot measure seeking
24 approval for the issuance of general obligation bonds to finance all or a portion of the City's
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1 annual road, traffic, sidewalk and street structure construction, reconstruction and renovation
2 needs as described above.

3 Section 2. A special election is called and ordered to be held in the City on Tuesday,
4 the 8th day of November, 2011, for the purpose of submitting to the electors of the City a
5 proposition to incur bonded indebtedness of the City for the project described in the amount
6 and for the purposes stated:

7 "ROAD REPAVING AND STREET SAFETY BOND, 2011. \$248,000,000 of bonded
8 indebtedness to fix potholes and repave deteriorating streets in neighborhoods throughout
9 San Francisco, repair and strengthen deteriorating stairways, bridges and overpasses,
10 improve safety for pedestrians and bicyclists, improve disabled access to sidewalks, and
11 construct and renovate traffic infrastructure to improve Municipal Transportation Agency
12 transit reliability and traffic flow on local streets, and to pay related costs necessary or
13 convenient for the foregoing purposes, subject to independent oversight and regular audits;
14 and authorizing landlords to pass-through to residential tenants in units subject to Chapter 37
15 of the San Francisco Administrative Code (the "Residential Stabilization and Arbitration
16 Ordinance") 50% of the increase in the real property taxes attributable to the cost of the
17 repayment of the bonds

18 The special election called and ordered shall be referred to in this ordinance as the
19 "Bond Special Election."

20 Section 3. PROPOSED PROGRAM. To the extent permitted by law, the City shall
21 ensure that contracts funded with the proceeds of bonds are administered in accordance with
22 S.F. Administrative Code 6.22(G), the City's local hiring policy The proposed program can be
23 summarized as follows:

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1 A. STREET REPAVING AND RECONSTRUCTION. A portion of the Bond shall be
2 allocated toward the repaving, repair, reconstruction and new construction of City streets and
3 toward the prevention of further deterioration. Selection of the streets for construction work will
4 be prioritized according to the pavement condition score, clearances with utility companies
5 and other city agencies, type and frequency of street use by vehicles, bicycles and transit,
6 complaints, and geographic equity.

7 B. STREET STRUCTURE REHABILITATION AND SEISMIC IMPROVEMENTS. A
8 portion of the Bond shall be allocated toward providing safe street structures for public use
9 including the rehabilitation and replacement of structures that may include bridges, tunnels,
10 stairways, retaining walls, and viaducts.

11 C. SIDEWALK ACCESSIBILITY IMPROVEMENTS. A portion of the Bond shall be
12 allocated toward the construction, reconstruction, and renovation of curb ramps and the
13 replacement of buckling sidewalks for the safety and accessibility of residents and people with
14 disabilities as mandated by the American with Disabilities Act. Sidewalk replacement will
15 occur at locations that are the City's responsibility to maintain, including City, State and
16 Federal properties and facilities, around City maintained street trees, and around other areas
17 maintained by the Department of Public Works.

18 D. STREETSCAPE, PEDESTRIAN AND BICYCLE IMPROVEMENT AND
19 ENHANCEMENT. A portion of the Bond shall be allocated toward the redesign and
20 modernization of street corridors equitably distributed throughout City neighborhoods by
21 constructing and installing safety improvements.

22 E. TRAFFIC SIGNAL INFRASTRUCTURE. A portion of the Bond shall be
23 allocated toward the construction, reconstruction and renovation of traffic signal infrastructure
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1 necessary to reduce travel time along key Muni transit routes and improve transit service
2 reliability.

3 F. CITIZEN'S OVERSIGHT COMMITTEE. A portion of the Bond shall be used to
4 perform audits of the Bond, as further described in Section 15.

5 The proposed uses described in this Section 3 are proposals only and, with the
6 exception of Section 3F above, are subject, without limitation, to review and revision by the
7 Mayor and the Board.

8 Section 4. BOND ACCOUNTABILITY MEASURES

9 The Bond shall include the following administrative rules and principles:

10 A. OVERSIGHT. The proposed bond funds shall be subjected to approval
11 processes and rules described in the San Francisco Charter Administrative Code. Pursuant to
12 S.F. Administrative Code 5.31, the Citizen's General Obligation Bond Oversight Committee
13 shall conduct an annual review of bond spending, and shall provide an annual report of the
14 bond program to the Mayor and the Board of Supervisors.

15 B. TRANSPARENCY. The City shall create and maintain a dedicated Web page
16 outlining and describing the bond program, progress, and activity updates. The City shall also
17 hold an annual public hearing and reviews on the bond program and its implementation before
18 the Capital Planning Committee and the Citizen's General Obligation Bond Oversight
19 Committee.

20 Section 5. The estimated cost of the bond financed portion of the project described in
21 Section 2 above was fixed by the Board by the following resolution and in the amount
22 specified below:

23 Resolution No. _____, Road Repaving and Street Safety General
24 Obligation Bonds. \$248,000,000.

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1 Such resolution was passed by two-thirds or more of the Board and approved by the
2 Mayor of the City (the "Mayor"). In such resolution it was recited and found by the Board that
3 the sum of money specified is too great to be paid out of the ordinary annual income and
4 revenue of the City in addition to the other annual expenses or other funds derived from taxes
5 levied for those purposes and will require expenditures greater than the amount allowed by
6 the annual tax levy.

7 The method and manner of payment of the estimated costs described in this ordinance
8 are by the issuance of bonds of the City not exceeding the principal amount specified.

9 Such estimate of costs as set forth in such resolution is adopted and determined to be
10 the estimated cost of such bond financed improvements and financing, as designed to date.

11 Section 6. The Bond Special Election shall be held and conducted and the votes
12 received and canvassed, and the returns made and the results ascertained, determined and
13 declared as provided in this ordinance and in all particulars not recited in this ordinance such
14 election shall be held according to the laws of the State of California (the "State") and the
15 Charter of the City (the "Charter") and any regulations adopted under State law or the Charter,
16 providing for and governing elections in the City, and the polls for such election shall be and
17 remain open during the time required by such laws and regulations.

18 Section 7. The Bond Special Election is consolidated with the General Election
19 scheduled to be held in the City on Tuesday, November 8, 2011. The voting precincts, polling
20 places and officers of election for the November 8, 2011 General Election are hereby
21 adopted, established, designated and named, respectively, as the voting precincts, polling
22 places and officers of election for the Bond Special Election called, and reference is made to
23 the notice of election setting forth the voting precincts, polling places and officers of election
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1 for the November 8, 2011 General Election by the Director of Elections to be published in the
2 official newspaper of the City on the date required under the laws of the State of California.

3 Section 8. The ballots to be used at the Bond Special Election shall be the ballots to
4 be used at the November 8, 2011 General Election. The word limit for ballot propositions
5 imposed by San Francisco Municipal Elections Code Section 510 is waived. On the ballots to
6 be used at the Bond Special Election, in addition to any other matter required by law to be
7 printed thereon, shall appear the following as a separate proposition:

8 "SAN FRANCISCO ROAD REPAVING AND STREET SAFETY BOND, 2011. To fix
9 potholes and repave deteriorating streets in neighborhoods throughout San Francisco, repair
10 and strengthen deteriorating stairways, bridges and overpasses, improve safety for
11 pedestrians and bicyclists, improve disabled access to sidewalks, and construct and renovate
12 traffic infrastructure to improve Municipal Transportation Agency transit reliability and traffic
13 flow on local streets, shall the City and County of San Francisco issue \$248,000,000 in
14 general obligation bonds subject to independent oversight and regular audits?"

15 Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark
16 the ballot in the location corresponding to a "YES" vote for the proposition, and to vote against
17 the proposition shall mark the ballot in the location corresponding to a "NO" vote for the
18 proposition.

19 Section 9. If at the Bond Special Election it shall appear that two-thirds of all the voters
20 voting on the proposition voted in favor of and authorized the incurring of bonded
21 indebtedness for the purposes set forth in such proposition, then such proposition shall have
22 been accepted by the electors, and bonds authorized shall be issued upon the order of the
23 Board. Such bonds shall bear interest at a rate not exceeding applicable legal limits.

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1 The votes cast for and against the proposition shall be counted separately and when
2 two-thirds of the qualified electors, voting on the proposition, vote in favor, the proposition
3 shall be deemed adopted.

4 Section 10. For the purpose of paying the principal and interest on the bonds, the
5 Board shall, at the time of fixing the general tax levy and in the manner for such general tax
6 levy provided, levy and collect annually each year until such bonds are paid, or until there is a
7 sum in the Treasury of said City, or other account held on behalf of the Treasurer of said City,
8 set apart for that purpose to meet all sums coming due for the principal and interest on the
9 bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due
10 and also such part of the principal thereof as shall become due before the proceeds of a tax
11 levied at the time for making the next general tax levy can be made available for the payment
12 of such principal.

13 Section 11. This ordinance shall be published in accordance with any State law
14 requirements, and such publication shall constitute notice of the Bond Special Election and no
15 other notice of the Bond Special Election hereby called need be given.

16 Section 12. The Board finds and declares for the reasons set forth in the letter from the
17 City Planning Department, dated _____, 2011, a copy of which is on file with the Clerk of
18 the Board in File No. _____ and incorporated by reference, that the Bond proposal is
19 not a project under the California Environmental Quality Act ("CEQA") because as the
20 establishment of a government financing mechanism that does not identify individual specific
21 projects to be constructed with the funds the Bond proposal is not a project as defined by
22 CEQA and CEQA Guidelines. The use of Bond proceeds to finance any project or portion of
23 any project will be subject to approval of the Board upon completion of planning and any
24 further required environmental review under CEQA for those individual projects.

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1 Section 13. The Board finds and declares that the proposed Bond is (i) in conformity
2 with the priority policies of Section 101.1(b) of the City Planning Code, (ii) in accordance with
3 Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the City Administrative
4 Code, and (iii) consistent with the City’s General Plan, and adopts the findings of the City
5 Planning Department, as set forth in the General Plan Referral Report, dated _____,
6 2011, a copy of which is on file with the Clerk of the Board in File No. _____ and
7 incorporates said findings by reference.

8 Section 14. Under Section 53410 of the California Government Code, the bonds shall
9 be for the specific purpose authorized in this ordinance and the proceeds of such bonds will
10 be applied only for such specific purpose. The City will comply with the requirements of
11 Sections 53410(c) and 53410(d) of the California Government Code.

12 Section 15. The Bonds are subject to, and incorporate by reference, the applicable
13 provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the “Citizens’ General
14 Obligation Bond Oversight Committee”). Under Section 5.31 of the Citizens’ General
15 Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of one
16 percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by
17 the Controller’s Office and appropriated by the Board of Supervisors at the direction of the
18 Citizens’ General Obligation Bond Oversight Committee to cover the costs of such committee.

19 Section 16. The time requirements specified in Section 2.34 of the San Francisco
20 Administrative Code are waived.

21 Section 17. The appropriate officers, employees, representatives and agents of the
22 City are hereby authorized and directed to do everything necessary or desirable to accomplish
23 the calling and holding of the Bond Special Election, and to otherwise carry out the provisions
24 of this ordinance.

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1 Section 18. Documents referenced in this ordinance are on file with the Clerk of the
2 Board of Supervisors in File No. , which is hereby declared to be a part of this ordinance as
3 if set forth fully herein.

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

8 By: _____
9 Kenneth David Roux
10 Deputy City Attorney

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