

Item 1
File 10-1124
(continued from February 2, 2011)

Departments:
 Mayor's Office on Disability
 Department of Public Works
 Controller's Office

EXECUTIVE SUMMARY

Legislative Objective

- Ordinance appropriating \$477,732 of Certificates of Participation (COPs) Series 2011A proceeds to fund disability access and audio/visual improvements in the Board of Supervisors Chambers in FY 2010-2011 and placing these funds on Controller's Reserve pending issuance of the COPs.

Key Points

- In March 2008, the Board of Supervisors disapproved a required Certificate of Appropriateness, which terminated a similar disability access and audio/visual improvement project to the Board of Supervisors Chambers. On September 28, 2010, the Board of Supervisors approved a motion for a Certificate of Appropriateness to make the Board of Supervisors Chambers accessible to persons with disabilities.
- On October 26, 2010, the Board of Supervisors authorized the issuance of not-to-exceed \$48,000,000 of COPs, which included the \$600,000 for disability access improvements to the Board of Supervisors Chambers. The disability access improvements would include redesign of the President of the Board of Supervisors and Clerk of the Board podiums, installation of bronze handrails, and upgrading of electrical, computer, and audio/visual conduits.
- Although construction of these improvements would occur during Board recesses in August and December 2011, the 10-week construction period may require temporary relocation of the Board of Supervisors' meetings to another City Hall location for four to six meetings.

Fiscal Impacts

- Although the original estimated cost of the disability access improvements was \$600,000, the proposed supplemental appropriation is \$477,732, or \$122,268 less than previously estimated.
- If construction of the disability access improvements requires temporary relocation of the Board of Supervisors' meetings, additional costs of at least \$8,507 per meeting may be incurred, or an estimated \$34,028 for four meetings and \$51,042 for six meetings.

Policy Consideration

- A source of funds to pay for the costs of temporary relocation of the Board of Supervisors meetings has not been identified. Because these costs are necessary to the proposed disability access improvements, the Budget and Legislative Analyst recommends an amendment to the proposed ordinance to appropriate an additional \$51,042 of COPs funds, for a total appropriation of \$528,774.
- Because the Board of Supervisors in March of 2008 took actions that resulted in the termination of work on a similar disability access and audio/visual improvement project, approval of the proposed ordinance as amended, is a policy decision for the Board of Supervisors.

Recommendations

- Amend the proposed ordinance to appropriate \$528,774 of COP funds, including \$477,732 for disability access improvements in the Board of Supervisors Chambers and estimated costs of \$51,042 for temporary relocation costs.
- Place \$51,042 on Budget and Finance Committee reserve pending the submission by the Department of Technology and General Services Agency to the Budget and Finance Committee of the cost details for the temporary relocation of Board of Supervisors meetings.
- Approval of the proposed ordinance, as amended, is a policy matter for the Board of Supervisors.

MANDATE STATEMENT / BACKGROUND

Mandate Statement

Charter Section 9.105 requires that amendments to the annual appropriation ordinance be approved by ordinance of the Board of Supervisors, and may not be adopted unless the Controller certifies the availability of funds.

Background

On May 22, 2007, the Board of Supervisors approved a resolution (File 07-0367) adopting the City's American's with Disabilities Act (ADA) Transition Plan and Uniform Physical Access Strategy. According to Ms. Susan Mizner of the Mayor's Office of Disability, this ADA Plan is updated each year with the City's Capital Plan. Ms. Mizner advises that upgrades to the Board of Supervisors Legislative Chambers in City Hall to remove physical barriers pursuant to the ADA, at a General Fund cost of \$975,000 was included as part of the City's Capital Plan and FY 2007-2008 budget, as previously approved by the Board of Supervisors.

In FY 2007-2008, planning and design of these disability improvements commenced and the City's Historic Preservation Commission and the Planning Commission approved the required Certificate of Appropriateness¹ for this disability access project in City Hall. However, in March of 2008, the Board of Supervisors disapproved the required Certificate of Appropriateness, which effectively terminated the project. In FY 2009-2010, as part of the budget reductions, the unexpended \$804,359 of funds from the previously appropriated amount of \$975,000 in General Fund monies for this project were de-appropriated.

On September 28, 2010, the Board of Supervisors approved a motion for a new Certificate of Appropriateness to make the Board of Supervisors' Chamber accessible to persons with disabilities (File 101183; Motion M10-137).

¹ In accordance with the City's Planning Code, a Certificate of Appropriateness must be approved by the Historic Preservation Commission, the local governing agency that has responsibility for approving improvements to historic landmark buildings, such as City Hall, and then subsequently approved by the Planning Commission and the Board of Supervisors.

On October 26, 2010, the Board of Supervisors approved an ordinance (File 10-1159) authorizing the issuance of not-to-exceed \$48,000,000 of Certificates of Participation (COPs) to finance (a) \$38,364,935 of various street improvement projects, (b) \$600,000 for disability access improvements to the Board of Supervisors legislative chambers, (c) \$7,875,065 for financing costs, and (d) \$1,160,000 to provide sufficient additional funds for potential market fluctuations. Ms. Nadia Sesay, Director of the Controller's Office of Public Finance anticipates issuing the not-to-exceed \$48,000,000 of COPs in late March, 2011.

Of the total up to \$48,000,000 of COP proceeds, the Board of Supervisors previously appropriated \$38,364,935 for various street improvement projects in DPW's FY 2010-2011 budget. On November 23, 2010, the Board of Supervisors also approved a \$9,035,065 supplemental appropriation of the COP proceeds to fund (a) \$7,875,065 for various financing costs and (b) \$1,160,000 for a reserve fund to cover potential market fluctuations (File 10-1271), and placed all of these funds on Controller's Reserve pending the issuance of the COPs. Therefore, there is a remaining balance of \$600,000 (\$48,000,000 total issuance less previous appropriations of \$38,364,935 and \$9,035,065) of COP proceeds which has not yet been appropriated by the Board of Supervisors.

On November 16, 2010, the Capital Planning Committee recommended approval of the subject \$477,732 supplemental appropriation of COP proceeds for disability access improvements to the Board of Supervisors Chambers in City Hall.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would appropriate \$477,732 of Certificates of Participation (COPs) Series 2011 A proceeds to (a) fund disability access improvements and required replacement and upgrades of the electrical conduits in the Board of Supervisors Chambers in City Hall, and (b) place these funds on Controller's Reserve pending issuance of the COPs. As previously noted, the COP issuance is anticipated to take place in March 2011.

The specific disability access and electrical conduit improvements to be completed with the requested \$477,732 are as follows:

- President of the Board of Supervisors podium would be lowered from five steps to two steps, a reduction of three steps, to be 12 inches above the Chamber floor level;
- Ramp with bronze handrail would be constructed on west side for disabled access to the President's podium;
- Clerk of the Board's podium would be lowered by one step to be at floor level and would be moved 14 inches forward toward the center of the Chambers to

provide additional access space between the Clerk of the Board’s podium and the President’s podium; and

- Electrical, computer and audio/visual cable conduits currently under the Clerk of the Board and the President’s podiums would be removed. Existing cabling in these conduits would be replaced and upgraded with a combination of copper wires, fiber optic cables and network cables in the floor under and the wall behind the Clerk of the Board and the President’s podiums.

Table 1 below itemizes the proposed expenditures with the requested \$477,732 of COP proceeds

Table 1: Requested Supplemental Appropriation for Disability Access Improvements to the Board of Supervisors Chambers		
Historic Preservation Architects/Engineers Contracts		\$49,824
DPW Construction Labor		201,678
Carpenters	\$119,279	
Carpenter Supervisor	12,910	
Electrician	47,892	
Painter	3,212	
Painter Supervisor	385	
Cement Mason	18,000	
Materials: carpentry, electrical, paint		25,200
Bronze Handrail		49,000
Audio/Visual Work		131,680
Hazardous Materials		20,350
Total		\$477,732

FISCAL IMPACTS

Mr. Gary Hoy, City Architect at the Department of Public Works (DPW) advises that, based on Request for Qualifications (RFQ) processes, the architectural design and structural electrical engineering work was completed in 2008. Two private firms, (a) Page and Turnbull, a firm which specializes in historic preservation architectural services completed the design work at a cost of \$88,628, and (b) Biggs Cardoza and FW Associates completed the structural and electrical engineering design services at a cost of \$43,577. In addition, Mr. Hoy advises that DPW expended \$38,436 for overall design and management services, for a total of \$170,641 expenditures for this project in 2008.

According to Mr. Hoy, Page and Turnbull will continue to provide historic preservation architectural and engineering support services during the construction phase of the project at a cost of \$49,824, as shown in Table 1 above. Mr. Hoy advises that DPW's Building Repair staff will complete the disability access construction work at a cost of \$201,678 for labor and \$25,200 for materials. According to Mr. Hoy, if the proposed supplemental appropriation is approved, bronze handrails, as required in the approval by the Historic Preservation Commission, would be competitively bid and fabricated specifically for this project, at an estimated cost of \$49,000. In addition, Mr. Hoy notes that an additional \$20,350 is included in the above estimate to provide for potential hazardous materials removal and disposal.

According to Mr. Rohan Lane, City Hall Media/Security Systems Manager, and as shown in Table 1 above, the cost of \$131,680 for the Audio/Visual work is based on an estimate received from the vendor who installed all of the existing audio/visual cables in City Hall, including the existing cables in the Board of Supervisors Chambers. Mr. Lane explains that all of the audio/visual cables and conduits for the Board of Supervisors Chambers are currently run through the President's and Clerk of the Board's podiums. Therefore, if these podiums are lowered to provide disability access, all of the audio/visual cables and conduits must first be removed, replaced and relocated further below the lowered podiums. Mr. Lane advises that as part of this removal and relocation of the conduits, all of the electrical, computer and audio/visual cables will be upgraded to provide faster computer network speed and video capabilities.

As noted above, when the Board of Supervisors authorized the issuance of up to \$48,000,000 of COPs, DPW estimated that up to \$600,000 would be expended on the subject disability access improvements in the Board of Supervisors Chambers. However, as noted above, the requested supplemental appropriation is for \$477,732, or \$122,268 less than the original \$600,000 anticipated cost. According to Ms. Sesay, if the proposed supplemental appropriation is approved prior to the sale of the COPs, then the reduced amount of \$477,732 would be included in the March, 2011 COP issuance.

Mr. Hoy advises that during the recent Board of Supervisors recess in December of 2010, DPW staff completed the first phase of construction. They removed some of the hazardous material tiles and adhesive in the Board Chambers, and then replaced the carpeting in the area of the proposed President and Clerk of the Board podiums. According to Mr. Hoy, this work cost approximately \$15,000 and was funded with DPW's emergency abatement funds that were previously appropriated by the Board of Supervisors in DPW's FY 2010-2011 budget. These costs are not reflected in Table 1 above and according to Mr. Hoy, would not be reimbursed from the subject supplemental appropriation.

The Budget and Legislative Analyst estimates the total estimated cost of the proposed disability access and audio/visual improvements would be \$663,373, including the subject requested \$477,732 supplemental appropriation from COP proceeds, the \$170,641 to complete the initial design and engineering, and \$15,000 for DPW's December 2010 hazardous materials work.

General Fund revenues would be used to pay the debt service on the subject COPs proceeds over a period of 20 years, at an estimated interest rate of 6.5 percent. As noted above, the Board of Supervisors previously authorized the issuance of the COPs.

POLICY CONSIDERATIONS

Completion of the Disability Access Improvements May Require the Board of Supervisors to Temporarily Use Alternative Meeting Rooms in City Hall

According to Mr. Hoy, if the proposed supplemental appropriation is approved, DPW estimates that it will take approximately 10 weeks to complete the second phase of the renovation or approximately 48 working days. Construction could begin on August 16, 2011 and finish on October 20, 2011, with Board of Supervisors approval.

Because the work will directly impact the President and Clerk of the Board's podiums, and use of computer and electrical systems in the Chambers, Mr. Hoy acknowledges that the Board of Supervisors may be required to use an alternative room in City Hall on a short-term basis.² DPW anticipates completing some of the remaining work during the Board of Supervisors' recess in August of 2011 but there are six Board of Supervisors meetings currently on the 2011 calendar for the period following the recess until the expected finish date of October 20 which would require the Board of Supervisors moving to a different location. However, if the Board of Supervisors cancels meetings during the weeks of Labor Day and Indigenous People's Day, there are a total of four meetings that would need to be relocated while the second phase of renovation is completed.

If the Board of Supervisors Chambers were not available for use due to construction of the above-noted improvements, both Mr. Hoy and Mr. Lane advise that alternative temporary facilities such as the North or South Light Courts in City Hall could potentially be arranged. As shown in Table 2 below, estimated costs for temporarily relocating the Board of Supervisors meetings to the North or South Light Courts range from \$34,028 for four meetings to \$51,042 for six meetings, including (a) the provision of audio/visual equipment and staff, (b) the provision of SFGTV equipment and staff and (c) labor costs associated with set-up and removal of table, chairs and power set-up requirements before and after the meetings.

² According to the City Attorney, in accordance with City Charter Section 2.103, Board of Supervisors' meetings shall be held in City Hall.

Table 2: Weekly Cost of Relocating Board of Supervisors Meetings to Light Courts		
	North Light Court	South Light Court
Audio/Visual Equipment and Staff	\$5,172	\$5,172
SFGTV Equipment and Staff	2,535	2,535
Costs associated with set-up and removal of table, chairs, and power set-up requirements before and after meetings	800	800
Total Cost for Relocation	\$8,507	\$8,507
Total Cost for 4 Weeks of Relocation	\$34,028	\$34,028
Total Cost for 6 Weeks of Relocation	\$51,042	\$51,042

There may be additional costs for locating Board of Supervisors meetings, including (a) compensation to the North Light Court café if the café were required to close during its normal operating hours, and (b) any potential lost revenue to the City if revenue generating events can not be scheduled in the North or South Light Courts during Board of Supervisors meetings. Estimates for these costs were not available from Mr. Rob Reiter, City Hall Building Manager, or Ms. Elsie McAteer, Director of Sales and Marketing for the City Hall Events Department, as of the writing of this report.

In addition to the estimated time of ten weeks for construction work in the Board Chambers from approximately August 16, 2011 through October 20, 2011, DPW will install brass handrails that need to be specially fabricated. According to Mr. Hoy, because fabrication may take up to nine months to complete, DPW could not complete the installation of the bronze handrails in August, 2011. Mr. Hoy anticipates that DPW could install the bronze handrails during the following December, 2011 holiday break, when the Board of Supervisors Chambers was not in use.

The Costs of Temporary Relocation Should Be Included in the COPS

A source of funds to pay for the costs of temporary relocation of the Board of Supervisors meetings to an alternative location in City Hall, ranging from an estimated \$34,028 to \$51,042, has not been identified. Because these costs are necessary to the proposed disability access improvements in the Board of Supervisors Chambers, the Budget and Legislative Analyst recommends an amendment to the proposed ordinance to appropriate an additional \$51,042 of COP funds to pay for the estimated costs of temporary relocation, and placing those funds on Budget and Finance Committee reserve, pending submission of the details of the relocation costs by the Department of Technology and General Services Agency. Therefore, the total requested appropriation would be \$528,774 including \$477,732 for disability access improvements in the Board of Supervisors Chambers and \$51,042 for temporary relocation costs.

The Board of Supervisors in March of 2008 took actions that resulted in the termination of work on a similar disability access and audio/visual improvement project, which was to be funded with General Fund revenues. Therefore, approval of the proposed ordinance to appropriate \$528,774 of COP funds, for a similar disability access and audio/visual improvement project, in which the debt service would be repaid with General Fund revenues, is a policy decision for the Board of Supervisors.

At the February 2, 2011 Budget and Finance Committee meeting, Ms. Mizner was requested to provide the Budget and Finance Committee with a list of the outstanding disability access improvements still needed in the City. As of the writing of this report, Ms. Mizner advises that she will provide this list directly to the Budget and Finance Committee on February 9, 2011.

RECOMMENDATIONS

- Amend the proposed ordinance to appropriate \$528,774 of COP funds, including \$477,732 for disability access improvements in the Board of Supervisors Chambers and estimated costs of \$51,042 for temporary relocation costs.
- Place \$51,042 on Budget and Finance Committee reserve pending submission by the Department of Technology and General Services Agency to the Budget and Finance Committee of the cost details for the temporary relocation of Board of Supervisors meetings.
- Approval of the proposed ordinance, as amended, is a policy matter for the Board of Supervisors.