

FILE NO. 990921

ORDINANCE NO. 180-99

1 [Bond Special Election]  
2 CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY AND  
3 COUNTY OF SAN FRANCISCO ON TUESDAY, NOVEMBER 2, 1999, FOR THE PURPOSE  
4 OF SUBMITTING TO THE VOTERS A PROPOSITION TO INCUR BONDED DEBT AND/OR  
5 OTHER EVIDENCES OF INDEBTEDNESS AND/OR UNDERTAKE LEASE FINANCING BY  
6 OR FOR THE CITY AND COUNTY IN THE PRINCIPAL AMOUNT OF \$299,000,000 FOR  
7 THE ACQUISITION, IMPROVEMENT, CONSTRUCTION AND/OR RECONSTRUCTION OF  
8 A HEALTH CARE, ASSISTED LIVING AND/OR OTHER TYPE OF CONTINUING CARE  
9 FACILITY OR FACILITIES TO REPLACE LAGUNA HONDA HOSPITAL; PROVIDING FOR  
10 THE USE OF AVAILABLE TOBACCO SETTLEMENT REVENUES AND FOR THE USE OF  
11 STATE AND/OR FEDERAL GRANTS OR FUNDS RECEIVED BY THE CITY AND COUNTY  
12 THAT ARE REQUIRED TO FUND SUCH PROPOSED PROJECT; FINDING THAT THE  
13 ESTIMATED COST OF SUCH PROPOSED PROJECT IS AND WILL BE TOO GREAT TO  
14 BE PAID OUT OF THE ORDINARY ANNUAL INCOME AND REVENUE OF THE CITY AND  
15 COUNTY AND WILL REQUIRE EXPENDITURES GREATER THAN THE AMOUNT  
16 ALLOWED THEREFOR BY THE ANNUAL TAX LEVY; RECITING THE ESTIMATED COST  
17 OF SUCH PROPOSED PROJECT; FIXING THE DATE OF ELECTION AND THE MANNER  
18 OF HOLDING SUCH ELECTION AND THE PROCEDURE FOR VOTING FOR OR AGAINST  
19 THE PROPOSITION; FIXING THE MAXIMUM RATE OF INTEREST ON SUCH LEASE  
20 FINANCING, BONDED DEBT AND/OR OTHER EVIDENCES OF INDEBTEDNESS;  
21 PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY BOTH PRINCIPAL  
22 AND INTEREST OF SUCH BONDED DEBT AND/OR OTHER EVIDENCES OF  
23 INDEBTEDNESS; PRESCRIBING NOTICE TO BE GIVEN OF SUCH ELECTION;  
24 ESTABLISHING THE ELECTION PRECINCTS, VOTING PLACES AND OFFICERS FOR  
25 THE ELECTION; WAIVING THE WORD LIMITATION ON BALLOT PROPOSITIONS

DEPARTMENT OF PUBLIC HEALTH  
BOARD OF SUPERVISORS

1 IMPOSED BY SAN FRANCISCO MUNICIPAL ELECTIONS CODE SECTION 510; AND  
2 ACKNOWLEDGING RECEIPT OF FINDINGS BY THE CITY AND COUNTY PLANNING  
3 DEPARTMENT.

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

5 Section 1. A special election is hereby called and ordered to be held in the City and  
6 County of San Francisco on Tuesday, the 2nd day of November, 1999, for the purpose of  
7 submitting to the electors of the City and County a proposition to incur bonded debt and/or  
8 other evidences of indebtedness and/or undertake lease financing by or for the City and  
9 County of San Francisco for the Project hereinafter described in the amount and for the  
10 purposes stated in Section 7 hereof.

11 The special election hereby called and ordered shall be referred to herein as the "Bond  
12 Special Election."

13 Section 2. For purposes of this ordinance and the proposition to be voted upon set  
14 forth in Section 7 hereof, the following terms shall have the meanings set forth below:

15 "Available tobacco settlement revenues" is defined as the total payments the City and  
16 County receives under the 1998 Master Settlement Agreement (the "Agreement") over the  
17 term of any lease financing, bonded debt and/or other evidences of indebtedness authorized  
18 hereby that the City and County may use for the Project under applicable law, less  
19 \$1,000,000 of the amount the City and County receives each year under the Agreement  
20 during the term of any obligations authorized hereby, which amount the City and County  
21 <sup>will</sup> ~~intends~~ to use for tobacco education, prevention and control purposes.

22 "Project" is defined to include, without limitation, all works, property and structures  
23 necessary or convenient for the acquisition, improvement, construction and/or reconstruction  
24 of a new health care, assisted living and/or other type of continuing care facility or facilities to  
25 replace Laguna Honda Hospital, including, without limitation, infrastructure or other

DEPARTMENT OF PUBLIC HEALTH  
BOARD OF SUPERVISORS

Page 2  
6/2/99

1 improvements in the areas appurtenant to, or which provide access to, such new facility or  
2 facilities.

3 Section 3. The first \$100,000,000 of available tobacco settlement revenues and/or any  
4 state and/or federal funds or grants received by the City and County that are required to be  
5 used to fund the Project shall first be applied to finance the costs of acquisition, construction  
6 and/or reconstruction of the Project. Any additional amounts from such sources received by  
7 the City and County shall be applied to reduce the amount of the outstanding obligations  
8 authorized hereby.

9 Section 4. The estimated costs of the Project to be financed with the obligations  
10 authorized hereby were fixed by the Board of Supervisors by the following resolution and in  
11 the principal amount specified below:

12 General Obligation Bonds, Resolution No. 577-99,  
13 \$299,000,000.

14 Such resolution was passed by two-thirds or more of the Board of Supervisors and  
15 approved by the Mayor. In such resolution it was recited and found that the estimated cost of  
16 said Project is and will be too great to be paid out of the ordinary annual income and revenue  
17 of the City and County in addition to the other annual expenses of the City and County and  
18 will require expenditures greater than the amount allowed therefor by the annual tax levy and  
19 will require lease financing and/or the issuance or incurrence of bonded debt and/or other  
20 evidences of indebtedness by or for the City and County not exceeding the principal amount  
21 specified.

22 Such estimate of cost as set forth in such resolution is hereby adopted and determined  
23 to represent a portion of the estimated cost of such improvements and financing.

24 Section 5. The Bond Special Election shall be held and conducted and the votes  
25 thereat received and canvassed, and the returns thereof made and the results thereof

1 ascertained, determined and declared as herein provided and in all particulars not herein  
2 recited such election shall be held according to the laws of the State of California, Municipal  
3 Elections Code, and the Charter of the City and County of San Francisco providing for and  
4 governing elections in the City and County of San Francisco, and the polls for such election  
5 shall be and remain open during the time required by such laws.

6 Section 6. The Bond Special Election is hereby consolidated with the Consolidated  
7 General Election scheduled to be held in the City and County of San Francisco on Tuesday,  
8 November 2, 1999. The voting precincts, polling places and officers of election for the  
9 November 2, 1999 Consolidated General Election are hereby adopted, established,  
10 designated and named, respectively, as the voting precincts, polling places and officers of  
11 election for the Bond Special Election hereby called, and reference is hereby made to the  
12 notice of election setting forth the voting precincts, polling places and officers of election for  
13 the November 2, 1999 Consolidated General Election by the Director of Elections to be  
14 published in the official newspaper of the City and County on the date required under the  
15 laws of the State of California.

16 Section 7. The ballots to be used at the Bond Special Election shall be the ballots to  
17 be used at the November 2, 1999 Consolidated General Election. The word limit for the ballot  
18 proposition imposed by San Francisco Municipal Elections Code Section 510 is hereby  
19 waived. On the ballots to be used at the Bond Special Election, in addition to any other  
20 matter required by law to be printed thereon, shall appear the following proposition:

21 "LAGUNA HONDA HOSPITAL, 1999. Shall the City and County incur bonded debt  
22 and/or other evidences of indebtedness and/or undertake lease financing, in an aggregate  
23 principal amount not exceeding \$299,000,000, for the acquisition, improvement, construction  
24 and/or reconstruction of a new health care, assisted living and/or other type of continuing  
25 care facility or facilities to replace Laguna Honda Hospital, and reduce the property tax impact

1 by requiring the application of available tobacco settlement revenues received by the City and  
2 County, and any state and/or federal grants or funds received by the City and County that are  
3 required to be used to fund these facilities, (a) to finance the acquisition, improvement,  
4 construction and/or reconstruction costs of such facilities, and (b) to pay the principal and  
5 redemption price of, interest on, reserve fund deposits, if any, and/or financing costs for the  
6 obligations authorized hereby?"

7 Each voter to vote in favor of the issuance of the foregoing proposition shall punch the  
8 ballot card in the hole after the word "YES" to the right of the proposition, and to vote against  
9 the proposition shall punch the ballot card in the hole after the word "NO" to the right of the  
10 proposition. If a numerical or other system is used at such special election, each voter to vote  
11 in favor of the proposition shall mark the ballot card or equivalent device after the number or  
12 in the location corresponding to a "YES" vote for the proposition and to vote against the  
13 proposition shall mark the ballot card or equivalent device after the number or in the location  
14 corresponding to a "NO" vote for the proposition.

15 Section 8. If the Director of Elections shall certify to the Board of Supervisors that two-  
16 thirds of all the voters voting on such proposition voted in favor of and authorized the  
17 incurring of bonded debt and/or other evidences of indebtedness and/or lease financing for  
18 the purposes set forth in such proposition, then such proposition shall have been accepted by  
19 the electors, and bonded debt and/or other evidences of indebtedness and/or lease financing  
20 authorized thereby shall be issued or incurred upon the order of the Board of Supervisors.  
21 Such bonded debt and/or other evidences of indebtedness and/or lease financing shall bear  
22 interest at a rate not to exceed twelve percent (12%) per annum.

23 Section 9. In anticipation of the issuance or incurrence of bonded debt and/or other  
24 evidences of indebtedness and/or lease financing, the City and County may issue commercial  
25 paper notes, bond anticipation notes or other short-term evidences of indebtedness to finance

1 and refinance the costs of the Project, provided that the aggregate principal amount thereof  
2 outstanding at any time shall not exceed the authorized but unissued amount of obligations  
3 authorized hereby.

4 Section 10. For the purpose of paying the principal of and interest on any general  
5 obligation bonds or other evidences of indebtedness (excluding any lease financing), the  
6 Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for  
7 such general tax levy provided, levy and collect annually each year until such bonded debt  
8 and/or other evidences of indebtedness are paid, or until there are sufficient sums set apart  
9 for that purpose to meet all sums coming due for the principal of and interest on such bonded  
10 debt and/or other evidences of indebtedness, a tax sufficient to pay the annual interest on  
11 such bonded debt and/or other evidences of indebtedness as the same becomes due and  
12 also such part of the principal thereof as shall become due before the proceeds of a tax  
13 levied at the time for making the next general tax levy can be made available for the payment  
14 of such principal.

15 Section 11. The Board of Supervisors hereby acknowledges receipt of findings by the  
16 City and County Planning Department that the Bond Special Election is in conformity with the  
17 priority policies of Section 101.1(b) of the City and County Planning Code and with the City  
18 and County's General Plan, as set forth in a letter dated April 27, 1999 on file with the Clerk  
19 of the Board of Supervisors in File No. 990921.

20 Section 12. This ordinance shall be published once a day for at least seven (7) days in  
21 the official newspaper of the City and County and such publication shall constitute notice of  
22 the election and no other notice of the election hereby called need be given.

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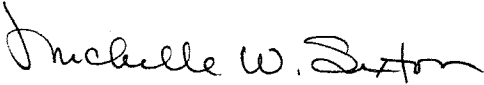
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DEPARTMENT OF PUBLIC HEALTH  
BOARD OF SUPERVISORS

1 Section 13. The appropriate officers, employees, representatives and agents of the  
2 City and County of San Francisco are hereby authorized and directed to do everything  
3 necessary or desirable to accomplish the calling and holding of the Bond Special Election,  
4 and to otherwise carry out the provisions of this ordinance.

5  
6 APPROVED AS TO FORM:

7 LOUISE H. RENNE  
8 City Attorney

9  
10 By:   
11 MICHELLE W. SEXTON  
12 Deputy City Attorney

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DEPARTMENT OF PUBLIC HEALTH  
BOARD OF SUPERVISORS

Page 7  
6/2/99



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 990921

**Date Passed:**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 2, 1999, for the purpose of submitting to the voters a proposition to incur bonded debt and/or other evidences of indebtedness and/or undertake lease financing by or for the City and County in the principal amount of \$299,000,000 for the acquisition, improvement, construction and/or reconstruction of a health care, assisted living and/or other type of continuing care facility or facilities to replace Laguna Honda Hospital; providing for the use of available tobacco settlement revenues and for the use of State and/or Federal grants or funds received by the City and County that are required to fund such proposed project; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and procedure for voting for or against the proposition; fixing the annual rate of interest on such lease financing, bonded debt and/or other evidences of indebtedness; providing for the levy and collection of taxes to pay both principal and interest of such bonded debt and/or other evidences of indebtedness; prescribing notice to be given of such election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; and acknowledging receipt of findings by the City and County Planning Department.

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June 14, 1999 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Teng, Yaki, Yee  
Noes: 2 - Kaufman, Newsom

June 21, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Teng, Yaki, Yee  
Noes: 2 - Kaufman, Newsom

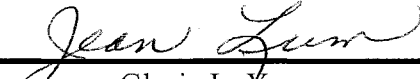


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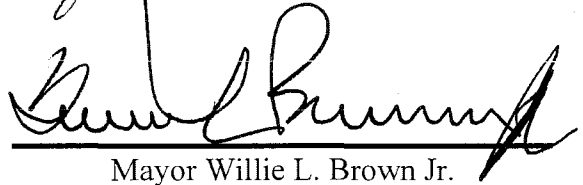
I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on June 21, 1999 by  
the Board of Supervisors of the City and  
County of San Francisco.

JUN 25 1999

Date Approved



Gloria L. Young  
for Clerk of the Board



Mayor Willie L. Brown Jr.