

1 [Park, Recreation and Open Space General Obligation Bond Election.]

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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, February 5th 2008, for the purpose of submitting to the**
5 **voters of the City and County of San Francisco a proposition to incur the following**
6 **bonded debt of the City and County: One Hundred and Eighty-Five Million Dollars**
7 **(\$185,000,000) for the acquisition, construction, reconstruction or improvement of park,**
8 **recreation and open space facilities within the City and County of San Francisco and all**
9 **other structures and improvements necessary or convenient for the foregoing**
10 **purposes and paying all other costs necessary and convenient for effectuating those**
11 **purposes; authorizing landlords to passthrough fifty percent (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 thereof; prescribing notice to be given of such election; finding that the**
21 **proposed project is excluded from the California Environmental Quality Act; finding**
22 **that the proposed project is in conformity with the priority policies of Planning Code**
23 **Section 101.1(b) and with the General Plan consistency requirement of Administrative**
24 **Code Section 2A.53; consolidating the special election with the general election;**
25 **establishing the election precincts, voting places and officers for the election; waiving**

1 the word limitation on ballot propositions imposed by San Francisco Municipal
2 Elections Code Section 510; complying with Section 53410 of the California
3 Government Code; incorporating the provisions of Article V of Chapter V of the San
4 Francisco Administrative Code; and waiving the time requirements specified in Section
5 2.34 of the San Francisco Administrative Code.

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

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

10 Section 1. Findings.

11 A. City and County of San Francisco ("City") staff has identified several park,
12 recreation and open space improvement projects within the City to address public safety,
13 equity of park access for City residents and neighborhoods, maintenance costs and other
14 issues facing the City's current recreation system.

15 B. This Board of Supervisors (this "Board") now wishes to describe the terms of a
16 ballot measure seeking approval for the issuance of general obligation bonds (the "Bonds") to
17 finance all or a portion of the projects described above.

18 Section 2. A special election is hereby called and ordered to be held in the City on
19 Tuesday, the 5th day of February, 2008, for the purpose of submitting to the electors of the
20 City a proposition to incur bonded indebtedness of the City for the project hereinafter
21 described in the amount and for the purposes stated:

22 "PARK, RECREATION AND OPEN SPACE BONDS, 2008. \$185,000,000 of
23 bonded indebtedness to fund certain costs associated with the acquisition, construction,
24 reconstruction or improvement of park, recreation and open space facilities located within the
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1 City, as further described in Section 3 of the ordinance placing this measure onto the ballot,
2 and paying other costs necessary and convenient for effectuating those purposes, including
3 costs connected with or incidental to the authorization, issuance and sale of the bonds; and
4 authorizing landlords to passthrough to residential tenants in units subject to Chapter 37 of the
5 San Francisco Administrative Code (the "Residential Stabilization and Arbitration Ordinance")
6 50% of the increase in the real property taxes attributable to the cost of the repayment of the
7 bonds.

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

10 Section 3. The specific capital projects and related activities eligible for financing under
11 this Bond (the "Project") include the acquisition, construction, reconstruction and improvement
12 of park, recreation and open space facilities and properties, and all works, property and
13 structures necessary or convenient for the foregoing purposes.

14 Section 4. The estimated cost of the bond financed portion of the project described in
15 Section 2 hereof was fixed by the Board of Supervisors of the City (the "Board of
16 Supervisors") by the following resolution and in the amount specified below:

17 Resolution No. _____, \$185,000,000.

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

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1 The method and manner of payment of the estimated costs described herein are by the
2 issuance of bonds of the City not exceeding the principal amount specified.

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

6 Section 5. The Bond Special Election shall be held and conducted and the votes
7 thereafter received and canvassed, and the returns thereof made and the results thereof
8 ascertained, determined and declared as herein provided and in all particulars not herein
9 recited such election shall be held according to the laws of the State of California and the
10 Charter of the City (the "Charter") and any regulations adopted pursuant thereto, providing for
11 and governing elections in the City, and the polls for such election shall be and remain open
12 during the time required by such laws and regulations.

13 Section 6. The Bond Special Election is hereby consolidated with the Presidential
14 Primary Election scheduled to be held in the City on Tuesday, February 5, 2008. The voting
15 precincts, polling places and officers of election for the February 5, 2008 Presidential Primary
16 Election are hereby adopted, established, designated and named, respectively, as the voting
17 precincts, polling places and officers of election for the Bond Special Election hereby called,
18 and reference is hereby made to the notice of election setting forth the voting precincts,
19 polling places and officers of election for the February 5, 2008 Presidential Primary Election
20 by the Director of Elections to be published in the official newspaper of the City on the date
21 required under the laws of the State of California.

22 Section 7. The ballots to be used at the Bond Special Election shall be the ballots to
23 be used at the February 5, 2008 Presidential Primary Election. The word limit for ballot
24 propositions imposed by San Francisco Municipal Elections Code Section 510 is hereby
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1 waived. On the ballots to be used at the Bond Special Election, in addition to any other matter
2 required by law to be printed thereon, shall appear the following as a separate proposition:

3 "PARK, RECREATION AND OPEN SPACE BONDS, 2008. Shall the City incur
4 \$185,000,000 of bonded indebtedness to fund certain costs associated with the acquisition,
5 construction, reconstruction or improvement of park, recreation and open space facilities
6 located within the City, as further described in Section 3 of the ordinance placing this measure
7 onto the ballot, and paying other costs necessary and convenient for effectuating those
8 purposes, including costs connected with or incidental to the authorization, issuance and sale
9 of the bonds; and authorizing landlords to passthrough to residential tenants in units subject to
10 Chapter 37 of the San Francisco Administrative Code (the "Residential Stabilization and
11 Arbitration Ordinance") 50% of the increase in the real property taxes attributable to the cost
12 of the repayment of the bonds?"

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

17 Section 8. If at the Bond Special Election it shall appear that two-thirds of all the voters
18 voting on the proposition voted in favor of and authorized the incurring of bonded
19 indebtedness for the purposes set forth in such proposition, then such proposition shall have
20 been accepted by the electors, and bonds authorized thereby shall be issued upon the order
21 of the Board of Supervisors. Such bonds shall bear interest at a rate not exceeding applicable
22 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 thereof, the
3 proposition shall be deemed adopted.

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

13 Section 10. 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 11. The Board of Supervisors having reviewed the proposed legislation, finds
17 and declares (i) that the proposed Project is excluded from CEQA under CEQA Guidelines
18 section 15378(b)(4) as the creation of a government funding mechanism that does not involve
19 any commitment to any specific project, (ii) that the proposed Project is in conformity with the
20 priority policies of Section 101.1(b) of the City Planning Code and, (iii) in accordance with
21 Section 2A.53(f) of the City Administrative Code, that the proposed Project is consistent with
22 the City's General Plan, and hereby adopts the findings of the City Planning Department, as
23 set forth in the General Plan Referral Report, dated _____, 2007, and incorporates said
24 findings by reference.

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1 Section 12. Pursuant to Section 53410 of the California Government Code, the bonds
2 shall be for the specific purpose authorized herein and the proceeds of such bonds will be
3 applied only to the project described herein. The City will comply with the requirements of
4 Sections 53410(c) and 53410(d) of the California Government Code.

5 Section 13. The Bonds are subject to, and incorporate by reference, the applicable
6 provisions of Article V of Chapter V of the San Francisco Administrative Code (the "Citizens'
7 General Obligation Bond Oversight Committee"). Pursuant to Section 5.31 of the Citizens'
8 General Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of
9 one percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund
10 established by the Controller's Office and appropriated by the Board of Supervisors at the
11 direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs of
12 said committee.

13 Section 14. The time requirements specified in Section 2.34 of the San Francisco
14 Administrative Code are hereby waived.

15 Section 15. The appropriate officers, employees, representatives and agents of the
16 City are hereby authorized and directed to do everything necessary or desirable to accomplish
17 the calling and holding of the Bond Special Election, and to otherwise carry out the provisions
18 of this ordinance.

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1 Section 16. Documents referenced herein are on file with the Clerk of the Board of
2 Supervisors in File No. , which is hereby declared to be a part of this ordinance as if set
3 forth fully herein.

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

7 By: _____
8 Michael J. Martin
9 Deputy City Attorney

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