

1 [Safe Streets and Road Repair 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, November 3rd 2009, for the purpose of submitting to San**

5 **Francisco voters a proposition to incur the following bonded debt of the City and**

6 **County: \$368,000,000 to finance the resurfacing of roads, repair of sidewalks and**

7 **street structures, and the redesign of streetscapes to include curb ramps and other**

8 **pedestrian safety features and related costs necessary or convenient for the foregoing**

9 **purposes; authorizing landlords to pass-through 50% of the resulting property tax**

10 **increase to residential tenants in accordance with Chapter 37 of the San Francisco**

11 **Administrative Code; finding that the estimated cost of such proposed project is and**

12 **will be too great to be paid out of the ordinary annual income and revenue of the City**

13 **and County and will require expenditures greater than the amount allowed therefor by**

14 **the annual tax levy; reciting the estimated cost of such proposed project; fixing the**

15 **date of election and the manner of holding such election and the procedure for voting**

16 **for or against the proposition; fixing the maximum rate of interest on such bonds and**

17 **providing for the levy and collection of taxes to pay both principal and interest;**

18 **prescribing notice to be given of such election; finding that the proposed bond is not a**

19 **project under the California Environmental Quality Act, ("CEQA"); finding that the**

20 **proposed bond is in conformity with the priority policies of Planning Code Section**

21 **101.1(b) and with the General Plan consistency requirement of Charter Section 4.105**

22 **and Administrative Code Section 2A.53; consolidating the special election with the**

23 **general election; establishing the election precincts, voting places and officers for the**

24 **election; waiving the word limitation on ballot propositions imposed by San Francisco**

25 **Municipal Elections Code Section 510; complying with the restrictions on the use of**

1 **bond proceeds specified in Section 53410 of the California Government Code;**
2 **incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 –**
3 **5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco**
4 **Administrative Code.**

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

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

9 Section 1. Findings.

10 A. The Safe Streets and Road Repair Bond (the "Bond") will enhance the safety of
11 pedestrians, people with disabilities, cyclists, transit-riders and motorists by resurfacing
12 streets, repairing sidewalks, stairways, bridges, tunnels and related street structures, as well
13 as improving the design of City streetscapes to include curb ramps and other safety and
14 enhancement features.

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

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

20 D. This Board now wishes to describe the terms of a ballot measure seeking
21 approval for the issuance of general obligation bonds to finance all or a portion of the City's
22 annual road, sidewalk and street structure repair maintenance needs as described above.

23 Section 2. A special election is called and ordered to be held in the City on Tuesday,
24 the 3rd day of November, 2009, for the purpose of submitting to the electors of the City a
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1 proposition to incur bonded indebtedness of the City for the project described in the amount
2 and for the purposes stated:

3 "SAFE STREETS AND ROAD REPAIR BOND, 2009. \$368,000,000 of bonded
4 indebtedness to improve the safety and quality of San Francisco roads by fixing deteriorated
5 streets, reducing potholes, and repairing sidewalks, bridges and tunnels for the safety and
6 well-being of pedestrians, transit riders, motorists, people with disabilities, and cyclists and to
7 pay related costs necessary or convenient for the foregoing purposes, subject to independent
8 citizen oversight and regular financial audits; and authorizing landlords to pass-through to
9 residential tenants in units subject to Chapter 37 of the San Francisco Administrative Code
10 (the "Residential Stabilization and Arbitration Ordinance") 50% of the increase in the real
11 property taxes attributable to the cost of the repayment of the bonds

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

14 Section 3. PROPOSED PROGRAM. The proposed program can be summarized as
15 follows:

16 A. ROADS RESURFACING AND RECONSTRUCTION (estimated \$209 million). A
17 portion of the Bond shall be allocated toward the resurfacing and repair of "bumpy" streets
18 and toward the prevention of further deterioration. Selection of the streets for repair will be
19 prioritized according to the street condition score, clearances with utility companies and other
20 city agencies, type and frequency of street use by vehicles, bicycles and transit, complaints,
21 and geographic equity.

22 B. STREET STRUCTURE REPAIR AND REPLACEMENT (estimated \$24.9
23 million). A portion of the Bond shall be allocated toward providing safe street structures for
24 public use including the repair and replacement of structures that may include bridges,
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1 tunnels, stairways, guardrails, retaining walls, pedestrian overpasses and underpasses, and
2 viaducts.

3 C. CURB RAMP IMPROVEMENTS (estimated \$30.6 million). A portion of the Bond
4 shall be allocated toward the construction and reconstruction of curb ramps for the safety and
5 accessibility of residents and people with disabilities as mandated by the American with
6 Disabilities Act.

7 D. SIDEWALK REPAIR AND IMPROVEMENTS (estimated \$10.1 million). A
8 portion of the Bond shall be allocated toward the repair of buckling sidewalks around city
9 maintained facilities, around city maintained street trees, and around other areas maintained
10 by the Department of Public Works.

11 E. STREETScape IMPROVEMENT AND ENHANCEMENT (estimated \$93.0
12 million). A portion of the Bond shall be allocated toward the redesign and modernization of
13 street corridors throughout San Francisco neighborhoods by constructing and installing safety
14 and environmental features.

15 F. CITIZEN'S OVERSIGHT COMMITTEE (\$0.400 million). A portion of the Bond
16 shall be used to perform audits of the Bond, as further described in Section 15.

17 The proposed uses and amounts described in this Section 3 are estimates only and,
18 with the exception of Section 3F above, are subject, without limitation, to review and revision
19 by the Mayor and the Board.

20 Section 4. BOND ACCOUNTABILITY MEASURES

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

22 A. OVERSIGHT. The proposed bond funds shall be subjected to approval
23 processes and rules described in the San Francisco Charter Administrative Code. Pursuant to
24 S.F. Administrative Code 5.31, the Citizen's General Obligation Bond Oversight Committee

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1 shall conduct an annual review of bond spending, and shall provide an annual report of the
2 bond program to the Mayor and the Board of Supervisors.

3 B. TRANSPARENCY. The City shall create and maintain a dedicated Web page
4 outlining and describing the bond program, progress, and activity updates. The City shall also
5 hold an annual public hearing and reviews on the bond program and its implementation before
6 the Capital Planning Committee and the Citizen’s General Obligation Bond Oversight
7 Committee.

8 C. COMMITMENT. The Director of Public Works, working with the Mayor and the
9 Controller, shall prepare and submit a report to the Board of Supervisors by September, 2012,
10 outlining and recommending a plan for sustainable long-term financing to meet the capital
11 improvement needs of the assets addressed in this Bond.

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

15 Resolution No. _____, \$368,000,000.

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

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

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

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

10 Section 7. The Bond Special Election is consolidated with the General Election
11 scheduled to be held in the City on Tuesday, November 3, 2009. The voting precincts, polling
12 places and officers of election for the November 3, 2009 General Election are hereby
13 adopted, established, designated and named, respectively, as the voting precincts, polling
14 places and officers of election for the Bond Special Election called, and reference is made to
15 the notice of election setting forth the voting precincts, polling places and officers of election
16 for the November 3, 2009 General Election by the Director of Elections to be published in the
17 official newspaper of the City on the date required under the laws of the State of California.

18 Section 8. The ballots to be used at the Bond Special Election shall be the ballots to
19 be used at the November 3, 2009 General Election. The word limit for ballot propositions
20 imposed by San Francisco Municipal Elections Code Section 510 is waived. On the ballots to
21 be used at the Bond Special Election, in addition to any other matter required by law to be
22 printed thereon, shall appear the following as a separate proposition:

23 "SAN FRANCISCO SAFE STREETS AND ROAD REPAIR BOND, 2009. To improve
24 the safety and quality of San Francisco roads by fixing deteriorated streets, reducing potholes,
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1 and repairing sidewalks, bridges and tunnels for the safety and well-being of pedestrians,
2 transit riders, motorists, people with disabilities, and cyclists, shall the City and County of San
3 Francisco issue \$368,000,000 in general obligation bonds subject to independent citizen
4 oversight and regular financial audits?"

5 Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark
6 the ballot in the location corresponding to a "YES" vote for the proposition, and to vote against
7 the proposition shall mark the ballot in the location corresponding to a "NO" vote for the
8 proposition.

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

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

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

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

6 Section 12. The Board finds and declares for the reasons set forth in the letter from the
7 City Planning Department, dated April 29, 2009, a copy of which is on file with the Clerk of the
8 Board in File No. _____ and incorporated by reference, that the Bond proposal is not a
9 project under the California Environmental Quality Act ("CEQA") because as the
10 establishment of a government financing mechanism that does not identify individual specific
11 projects to be constructed with the funds the Bond proposal is not a project as defined by
12 CEQA and CEQA Guidelines. The use of Bond proceeds to finance any project or portion of
13 any project will be subject to approval of the Board upon completion of planning and any
14 further required environmental review under CEQA for those individual projects.

15 Section 13. The Board finds and declares that the proposed Bond is (i) in conformity
16 with the priority policies of Section 101.1(b) of the City Planning Code, (ii) in accordance with
17 Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the City Administrative
18 Code, and (iii) consistent with the City's General Plan, and adopts the findings of the City
19 Planning Department, as set forth in the General Plan Referral Report, dated April 29, 2009, a
20 copy of which is on file with the Clerk of the Board in File No. _____ and incorporates
21 said findings by reference.

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

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

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

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

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

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20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA,
22 City Attorney

23 By: _____
24 Kenneth David Roux
25 Deputy City Attorney