

1 [Neighborhood Historical Resources Preservation Bonds.]

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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 2, 2004, 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: Sixty Million Dollars (\$60,000,000) for the**

7 **acquisition, rehabilitation, renovation, improvement, construction or preservation of**

8 **certain historical resources, and structures benefiting historical resources, owned, or**

9 **to be owned, by the City and County and/or the San Francisco Unified School District**

10 **and paying all other costs necessary and convenient for effectuating those purposes**

11 **and authorizing landlords to passthrough fifty percent (50%) of the resulting property**

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

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

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

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

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

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

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

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

20 **prescribing notice to be given of such election; finding the proposed project is**

21 **excluded from the California Environmental Quality Act, and is in conformity with the**

22 **priority policies of Planning Code Section 101.1(b) and with the General Plan**

23 **consistency requirement of Administrative Code Section 2A.53; consolidating the**

24 **special election with the general election; establishing the election precincts, voting**

25 **places and officers for the election; waiving the word limitation on ballot propositions**

1 imposed by San Francisco Municipal Elections Code Section 510; complying with
2 Section 53410 of the California Government Code; incorporating the provisions of
3 Article V of Chapter V of the San Francisco Administrative Code; and requiring the
4 passage of an implementation ordinance prior to the sale of the bonds.

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. The City and County of San Francisco (the “City”) owns, or will own, a
10 number of historical resources, all of which are in need of significant investment, among other
11 things, to seismically strengthen, preserve, rehabilitate and place them into useful service. To
12 facilitate the commencement of work on such historical resources, and structures benefiting
13 historical resources, and to stimulate the securing of other public and private funds for them,
14 the City proposes to issue up to \$60,000,000 in general obligation bonds to help finance the
15 acquisition, rehabilitation, renovation, improvement, construction or preservation of these
16 historical resources and structures benefiting historic resources. Examples of historical
17 resources, and structures benefiting historical resources, which may apply for a portion, not to
18 exceed 20%, of the general obligation bond proceeds approved herein include, but are not
19 limited to, the following: the Old Mint, the Palace of Fine Arts, Coit Tower, a Waterfront
20 Pavilion to house the City’s historic 7000 pipe concert organ (Austin Organ Co. Opus 500),
21 McLaren Lodge, Trocadero Clubhouse (Stern Grove and Pine Lake Park), the Geneva Car
22 Barn Building, the San Francisco Unified School District’s School for the Arts – Nourse
23 Auditorium, the Sunnyside Conservatory, the Moscone Fieldhouse and the Bayview Opera
24 House.

1 Section 2. A special election is hereby called and ordered to be held in the City on
2 Tuesday, the 2nd day of November, 2004, for the purpose of submitting to the electors of the
3 City a proposition to incur bonded indebtedness of the City for the project hereinafter
4 described in the amount and for the purposes stated:

5 "NEIGHBORHOOD HISTORICAL RESOURCES PRESERVATION BONDS, 2004.
6 \$60,000,000 of bonded indebtedness to fund, in part, certain costs associated with the
7 acquisition, rehabilitation, renovation, improvement, construction or preservation of certain
8 historical resources, and structures benefiting historical resources, which are owned or to be
9 owned, by the City and County of San Francisco and/or the San Francisco Unified School
10 District, which are designated so in accordance with existing City policies and procedures,
11 and have available sufficient monies together with the bond proceeds, to ensure the
12 completion of the project prior to the application for a portion of the bond proceeds, which
13 amount shall not exceed 20% of the total amount of the bonds authorized herein, and paying
14 other costs necessary and convenient for effectuating those purposes; and authorizing
15 landlords to passthrough to residential tenants in units subject to Chapter 37 of the San
16 Francisco Administrative Code (the "Residential Stabilization and Arbitration Ordinance) 50%
17 of the increase in the real property taxes attributable to the cost of the repayment of the
18 bonds.

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

21 Section 3. The estimated cost of the bond financed portion of the project
22 described in Section 2 hereof was fixed by the Board of Supervisors of the City (the "Board of
23 Supervisors") by the following resolution and in the amount specified below:

24 Resolution No. 361-04, \$60,000,000.
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1 Such resolution was passed by two-thirds or more of the Board of Supervisors and
2 approved by the Mayor of the City (the “Mayor”). In such resolution it was recited and found
3 that 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 thereof or other funds derived
5 from taxes levied for those purposes and will require expenditures greater than the amount
6 allowed therefor by the annual tax levy.

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

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

12 Section 4. The Bond Special Election shall be held and conducted and the votes
13 thereafter received and canvassed, and the returns thereof made and the results thereof
14 ascertained, determined and declared as herein provided and in all particulars not herein
15 recited such election shall be held according to the laws of the State of California and the
16 Charter of the City (the “Charter”) and any regulations adopted pursuant thereto, providing for
17 and governing elections in the City, and the polls for such election shall be and remain open
18 during the time required by such laws and regulations.

19 Section 5. The Bond Special Election is hereby consolidated with the General Election
20 scheduled to be held in the City on Tuesday, November 2, 2004. The voting precincts, polling
21 places and officers of election for the November 2, 2004 General Election are hereby
22 adopted, established, designated and named, respectively, as the voting precincts, polling
23 places and officers of election for the Bond Special Election hereby called, and reference is
24 hereby made to the notice of election setting forth the voting precincts, polling places and
25 officers of election for the November 2, 2004 General Election by the Director of Elections to

1 be published in the official newspaper of the City on the date required under the laws of the
2 State of California.

3 Section 6. The ballots to be used at the Bond Special Election shall be the ballots to
4 be used at the November 2, 2004 General Election. The word limit for ballot propositions
5 imposed by San Francisco Municipal Elections Code Section 510 is hereby waived. On the
6 ballots to be used at the Bond Special Election, in addition to any other matter required by law
7 to be printed thereon, shall appear the following as a separate proposition:

8 "NEIGHBORHOOD HISTORICAL RESOURCES PRESERVATION BONDS, 2004.
9 Shall the City incur \$60,000,000 of bonded indebtedness to fund, in part, certain costs
10 associated with the acquisition, rehabilitation, renovation, improvement, construction or
11 preservation of certain historical resources, and structures benefiting historical resources,
12 which are owned, or to be owned, by the City and County of San Francisco and/or the San
13 Francisco Unified School District, are designated so in accordance with existing City policies
14 and procedures, and have available sufficient monies together with the bond proceeds, to
15 ensure the completion of the project prior to the application for a portion of the bond proceeds,
16 which amount shall not to exceed 20% of the total amount of the bonds authorized herein, and
17 paying other costs necessary and convenient for effectuating those purposes; and authorizing
18 landlords to passthrough to residential tenants in units subject to Chapter 37 of the San
19 Francisco Administrative Code (the "Residential Stabilization and Arbitration Ordinance) 50%
20 of the increase in the real property taxes attributable to the cost of repayment of the bonds?"

21 Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark
22 the ballot in the location corresponding to a "YES" vote for the proposition, and to vote against
23 the proposition shall mark the ballot in the location corresponding to a "NO" vote for the
24 proposition.

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1 Section 7. If at the Bond Special Election it shall appear that two-thirds of all the voters
2 voting on the proposition voted in favor of and authorized the incurring of bonded
3 indebtedness for the purposes set forth in such proposition, then such proposition shall have
4 been accepted by the electors, and bonds authorized thereby shall be issued upon the order
5 of the Board of Supervisors. Such bonds shall bear interest at a rate not exceeding applicable
6 legal limits.

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

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

19 Section 9. This ordinance shall be published in accordance with any state law
20 requirements, and such publication shall constitute notice of the Bond Special Election and no
21 other notice of the Bond Special Election hereby called need be given.

22 Section 10. The Board of Supervisors having reviewed the proposed legislation, finds
23 and declares (i) that the proposed project is excluded from the California Environmental
24 Quality Act ("CEQA") under CEQA Guidelines section 15378(b)(4) as the creation of a
25 government funding mechanism that does not involve any commitment to any specific project,

1 (ii) that the proposed project is in conformity with the priority policies of Section 101.1(b) of the
2 City Planning Code and, (iii) in accordance with Section 2A.53(f) of the City Administrative
3 Code, that the proposed project is consistent with the City's General Plan, and hereby adopts
4 the findings of the City Planning Department, as set forth in the General Plan Referral Report,
5 dated May 24, 2004, and incorporates said findings by reference.

6 Section 11. Pursuant to Section 53410 of the California Government Code, the bonds
7 shall be for the specific purpose authorized herein and the proceeds of such bonds will be
8 applied only to the project described herein. The City will comply with the requirements of
9 Sections 53410(c) and 53410(d) of the California Government Code.

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

19 Section 13. The Neighborhood Historical Preservation Bonds shall not be sold until an
20 implementation ordinance is adopted by the Board of Supervisors and approved by the Mayor
21 establishing procedures for the administration and oversight of the projects to be financed with
22 the proceeds of the Neighborhood Historical Preservation Bonds.

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

3 APPROVED AS TO FORM:

4 DENNIS J. HERRERA, City Attorney
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6 By: _____
7 THERESA ALVAREZ HACKETT
8 Deputy City Attorney
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