

1 [General Obligation Bonds - Earthquake Safety and Emergency Response - Not to Exceed
2 \$628,500,000]

3 **Resolution determining and declaring that the public interest and necessity demand**
4 **the construction, acquisition, improvement, renovation, and seismic retrofitting of the**
5 **Emergency Firefighting Water System, firefighting facilities and infrastructure, police**
6 **facilities and infrastructure, facilities for the Department of Emergency Management’s**
7 **911 Call Center, and other disaster response facilities and infrastructure for earthquake**
8 **and public safety 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 Administrative Code, Chapter 37;**
11 **finding that the estimated cost of \$628,500,000 for such proposed project is and will be**
12 **too great to be paid out of the ordinary annual income and revenue of the City and**
13 **County and will require expenditures greater than the amount allowed therefor by the**
14 **annual tax levy; reciting the estimated cost of such proposed project; fixing the**
15 **maximum rate of interest on such bonds and providing for the levy and collection of**
16 **taxes to pay both principal and interest; finding that a portion of the proposed bond is**
17 **not a project under the California Environmental Quality Act (CEQA) and adopting**
18 **findings under CEQA for the remaining portion of the proposed bond; finding that the**
19 **proposed bond is in conformity with the eight priority policies of Planning Code,**
20 **Section 101.1(b), and is consistent with the General Plan; complying with the**
21 **restrictions on the use of bond proceeds specified in California Government Code,**
22 **Section 53410; and waiving the time requirements specified in Administrative Code,**
23 **Section 2.34.**

1 WHEREAS, The United States Geological Survey (the "U.S.G.S.") estimates a 72%
2 chance that one or more earthquakes of a magnitude of 6.7 or larger will occur in the Bay
3 Area before the year 2042; and

4 WHEREAS, The U.S.G.S. predicts that a large earthquake occurring today on the San
5 Andreas or Hayward Fault would likely cause hundreds of deaths and billions of dollars in
6 damage; and

7 WHEREAS, A large magnitude earthquake would damage critical City and County of
8 San Francisco (the "City") facilities and infrastructure, thereby compromising the capacity of
9 first responders, including fire and police personnel, to respond effectively; and

10 WHEREAS, With adequate funding the City can construct, acquire, improve, renovate,
11 retrofit, complete and seismically upgrade the emergency firefighting water system (the
12 "EFWS") and related facilities, including but not limited to cisterns, pipes and tunnels, and
13 related facilities (collectively, the "EFWS Project"); and

14 WHEREAS, With adequate funding the City can construct, acquire, improve, renovate,
15 retrofit and complete critical firefighting facilities and infrastructure for earthquake safety and
16 emergency response including without limitation, neighborhood fire stations, a Fire
17 Department training facility and related facilities (collectively, the "Firefighting Facilities and
18 Infrastructure"); and

19 WHEREAS, With adequate funding the City can construct, acquire, improve, renovate,
20 retrofit and complete police facilities and infrastructure for earthquake safety and emergency
21 response including without limitation, neighborhood police stations and related facilities
22 (collectively, the "Police Facilities and Infrastructure"); and,

23 WHEREAS, With adequate funding the City can construct improve, renovate, retrofit
24 and complete needed improvements to the City's 911 Call Center (the "911 Call Center"); and,
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1 WHEREAS, With adequate funding the City can construct, acquire, improve, renovate,
2 retrofit and complete critical disaster response facilities and infrastructure for greater
3 earthquake safety and more effective emergency response (collectively, the "Disaster
4 Response Facilities and Infrastructure"); and

5 WHEREAS, The Earthquake Safety and Emergency Response Bond (the "Bond") will
6 provide funding for the EFWS, Firefighting Facilities and Infrastructure, Police Facilities and
7 Infrastructure, the 911 Call Center, and Disaster Response Facilities and Infrastructure; and

8 WHEREAS, The Board recognizes the need to safeguard and enhance the City's
9 earthquake and emergency response and recovery by rehabilitating critical facilities that
10 support the City's first responders; now, therefore, be it

11 RESOLVED, By the Board:

12 Section 1. The Board determines and declares that the public interest and necessity
13 demand the construction, acquisition, improvement, renovation, completion and seismic
14 retrofitting of the EFWS Project, Firefighting Facilities and Infrastructure, Police Facilities and
15 Infrastructure, 911 Call Center, and Disaster Response Facilities and Infrastructure, and the
16 payment of related costs necessary or convenient for the foregoing purposes.

17 Section 2. The estimated cost of \$628,500,000 of the Bond is and will be too great to
18 be paid out of the ordinary annual income and revenue of the City, will require an expenditure
19 greater than the amount allowed by the annual tax levy, and will require the incurrence of
20 bonded indebtedness in an amount not to exceed \$628,500,000.

21 Section 3. The Board, having reviewed the proposed legislation, makes the following
22 findings in compliance with the California Environmental Quality Act ("CEQA"), California
23 Public Resources Code, Sections 21000 et seq., the CEQA Guidelines, 14 California Code of
24 Regulations, Sections 15000 et seq., ("CEQA Guidelines"), and Administrative Code,
25 Chapter 31 ("Chapter 31"):

1 (i) Emergency Firefighting Water System (EFWS) Project. For the reasons set
2 forth in the letter from the Environmental Review Officer of the Planning Department, dated
3 May 8, 2019, a copy of which is on file with the Clerk of the Board in File No. 190500 and
4 incorporated by reference, the Board finds that the bond proposal as it relates to funds for the
5 EFWS Project is not subject to CEQA because as the establishment of a government
6 financing mechanism that does not involve any commitment to specific projects to be
7 constructed with the funds, it is not a project as defined by CEQA and the CEQA Guidelines.
8 The use of bond proceeds to finance any project or portion of any project with funds for the
9 EFWS Project portion of the Bond will be subject to approval of the Board upon completion of
10 planning and any further required environmental review under CEQA for the individual EFWS
11 projects.

12 (ii) Firefighting Facilities and Infrastructure. For the reasons set forth in the letter
13 from the Environmental Review Officer of the Planning Department, dated May 8, 2019, a
14 copy of which is on file with the Clerk of the Board in File No. 190500 and incorporated by
15 reference, the Board finds that the bond proposal as it relates to funds for Critical Firefighting
16 Facilities and Infrastructure is not subject to CEQA because as the establishment of a
17 government financing mechanism that does not involve any commitment to specific projects to
18 be constructed with the funds and no site has yet been identified for a training facility, it is not
19 a project as defined by CEQA and the CEQA Guidelines. The use of bond proceeds to
20 finance any project or portion of any project with funds for the Critical Firefighting Facilities
21 and Infrastructure portion of the Bond will be subject to approval of the Board upon completion
22 of planning and any further required environmental review under CEQA for the individual
23 Firefighting Facilities and Infrastructure projects.

24 (iii) Police Facilities and Infrastructure. For the reasons set forth in the letter from
25 the Environmental Review Officer of the Planning Department, May 8, 2019, a copy of which

1 is on file with the Clerk of the Board in File No. 190500 and incorporated by reference, the
2 Board finds that the bond proposal as it relates to funds for Police Facilities and Infrastructure
3 is not subject to CEQA because as the establishment of a government financing mechanism
4 that does not involve any commitment to specific projects to be constructed with the funds, it
5 is not a project as defined by CEQA and the CEQA Guidelines. The use of bond proceeds to
6 finance any project or portion of any project with funds for the Police Facilities and
7 Infrastructure portion of the Bond will be subject to approval of the Board upon completion of
8 planning and any further required environmental review under CEQA for the individual Police
9 Facilities and Infrastructure projects.

10 (iv) 911 Call Center. The Environmental Review Officer in the Planning Department
11 determined that the 911 Call Center project is exempt from environmental review as a Class 1
12 Categorical Exemption, existing facilities, in a written determination dated May 8, 2019, and
13 contained in Planning Department File No. 2019-005262EEC and this Board's File No.
14 190500.

15 (v) Disaster Response Facilities and Infrastructure. For the reasons set forth in the
16 letter from the Environmental Review Officer of the Planning Department, dated May 8, 2019,
17 a copy of which is on file with the Clerk of the Board in File No. 190500 and incorporated by
18 reference, the Board finds that the bond proposal as it relates to funds for Disaster Response
19 Facilities and Infrastructure is not subject to CEQA because as the establishment of a
20 government financing mechanism that does not involve any commitment to specific projects to
21 be constructed with the funds, it is not a project as defined by CEQA and the CEQA
22 Guidelines. The use of bond proceeds to finance any project or portion of any project with
23 funds for the Disaster Response Facilities and Infrastructure portion of the Bond will be
24 subject to approval of the Board upon completion of planning and any further required
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1 environmental review under CEQA for the individual Disaster Response Facilities and
2 Infrastructure projects.

3 Section 4. The Board finds and declares that the proposed Bond is (i) in conformity
4 with the eight priority policies of Planning Code, Section 101.1(b), (ii) in accordance with
5 Charter, Section 4.105 and Administrative Code, Section 2A.53(f), and (iii) consistent with the
6 General Plan, and adopts the findings of the Planning Department, as set forth in the General
7 Plan Referral Report dated May 8, 2019, a copy of which is on file with the Clerk of the Board
8 in File No. 190500 and incorporates such findings by reference.

9 Section 5. The time limit for approval of this resolution specified in Administrative
10 Code, Section 2.34 is waived.

11 Section 6. Under Administrative Code, Section 2.40, the ordinance submitting this
12 proposal to the voters shall contain a provision authorizing landlords to pass-through 50% of
13 the resulting property tax increases to residential tenants in accordance with Administrative
14 Code, Chapter 37.

15 Section 7. Documents referenced in this resolution are on file with the Clerk of the
16 Board of Supervisors in File No. 190500, which is hereby declared to be a part of ///

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25 this resolution as if set forth fully herein.

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APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: _____
KENNETH DAVID ROUX
Deputy City Attorney
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