

FILE NO.

1 [Amending the Administrative Code to add a new section establishing procedures for the
2 disclosure of certain information in connection with bond-financed projects including public
3 access to financing proposals, the identification of other funding sources, the limitation on the
4 transferability of bond authority, the expiration of bond authority, and the enforcement of said
5 procedures.]

6 **Ordinance amending Chapter 10 of the Administrative Code by adding Article IX**
7 **thereto; requiring any ballot measure submitted to the voters to include certain**
8 **information; requiring public access to financing proposals for capital projects;**
9 **requiring the commitment of additional funds for projects financed in part with bond**
10 **proceeds; limiting the transferability of bond authority for other projects; authorizing**
11 **the expiration of bond authority; requiring the Controller to enforce this Article; and all**
12 **other matters related thereto.**

13 Note: This section is entirely new.

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

15 Section 1. The San Francisco Administrative Code is hereby amended by adding
16 Article IX, to read as follows:

17 **ARTICLE IX. PUBLIC DISCLOSURE OF BOND-FINANCED PROJECTS.**

18 Section 43.9.1. **PURPOSE.** The purpose of this Article is to establish procedures for
19 the full and adequate disclosure to the public of projects which are to be funded, in whole or in
20 part, with bond proceeds approved by the voters of the City and County of San Francisco (the
21 "City") in an effort to ensure that the voters are fully informed as to the nature, costs and
22 timing of such projects and to help ensure that the proceeds derived from the issuance and
23 sale of the bonds are expended in accordance with the voters' authorization.

24 Section 43.9.2. **CONTENTS OF BALLOT MEASURE REQUIRED BY ARTICLE IX.**

25 Any ballot measure, and the voter information pamphlet prepared in connection with such
ballot measure by the Department of Elections in accordance with the San Francisco

1 Elections Code, submitted by the Board of Supervisors to the qualified voters of the City
2 authorizing and approving the issuance of bonds shall contain an itemization of the following:

3 **(a)** A description of the project or projects to be financed in part, or in whole, with the bond
4 proceeds.

5 **(b)** The location of the project or projects to be financed in part, or in whole, with the bond
6 proceeds.

7 **(c)** The total projected costs of each project which shall include the costs to be paid from bond
8 proceeds, and the costs, if any, to be paid from other sources of funds.

9 **(d)** The identification of all other sources of funds, including interest earnings on bond funds, ~~if~~
10 ~~any~~, which shall be utilized in connection with the implementation, construction, ~~or~~
11 completion, or debt repayment of a project or projects.

12 **(e)** The projected completion date for each project, including the order of priority for multiple
13 projects approved and authorized in a single ballot measure.

14 ~~**(f)** The date on which the authority for voter approved bonds expires.~~

15 In addition to the information provided above in items (a) through (e), the ballot measure and voter
16 information package may make reference to more detailed information as presented in the CIAC report
17 (as defined herein).

18 Section 43.9.3. PUBLIC ACCESS TO FINANCING PROPOSALS FOR CAPITAL
19 PROJECTS. Any City department, agency, enterprise or commission or Board of Supervisors
20 preparing a report for long-term financing proposals for capital projects in accordance with
21 Section 3.22 of this Administrative Code, or its successor, (the "CIAC report") shall, in addition
22 to the requirements of Section 3.22 of this Administrative Code, file such report with the Clerk
23 of the Board and the Government Documents room of the San Francisco Main Library.

24 Section 43.9.4. OTHER SOURCES OF FUNDS. If other sources of funds are
25 identified for the implementation, construction, ~~or~~ completion, or debt repayment of a project or

1 a list of projects to be financed in part with voter-approved bonds, such funds must be secured
2 to such the project ~~or projects~~ prior to the sale and issuance of any authorized bonds for such
3 project ~~or projects~~. To the extent such sources of funds cannot be secured, in whole or in part,
4 and no alternative sources of funding can be secured, the project or projects may be modified,
5 to the extent possible, to eliminate the need for the other sources of funds in a manner
6 consistent with the voters' authorization.

7 Section 43.9.5. TRANSFERABILITY OF BOND PROCEEDS. Bonds approved by the
8 voters shall not be used for projects that are inconsistent with the voters' authorization.

9 However, with regard to bonds approved by the voters in a single proposition for multiple projects, any
10 reallocation of bond proceeds among such projects in an amount exceeding 10% of the total bond
11 funds authorized as set forth in the ballot measure (pursuant to Section 43.9.2 hereof) and in the
12 related CIAC report must be heard by the CIAC at a public hearing before any additional bonds are
13 issued. If such reallocation is approved by the CIAC, the CIAC shall forward, in writing, the proposed
14 reallocation to the Mayor and the Board of Supervisors for their approval. The revised CIAC report
15 shall simultaneously be filed with the Clerk of the Board and the Government Documents room of the
16 San Francisco Main Library.

17 Section 43.9.6. EXPIRED BONDING AUTHORITY. ~~Authorization for bonds which have~~
18 ~~not been approved by the Board of Supervisors by the date set forth in the ballot measure submitted to~~
19 ~~the voters in accordance with Section 43.9.1(f) of this Article shall expire and shall not be issued after~~
20 ~~said date. The Board of Supervisors, in accordance with appropriate State law (which shall include~~
21 ~~Section 43630 of the Government Code of the State of California as such legislation is amended or~~
22 ~~replaced), may determine that any bond issue remaining unsold shall not be issued or sold. State law~~
23 ~~currently provides that the Board of Supervisors may take such action three years after a bond election.~~

1 Section 43.9.7. ENFORCEMENT. The Office of the Controller shall be responsible for
2 ensuring that the provisions of this Article are met. To the extent any provision of this Article
3 is unclear or ambiguous, such matter will be addressed by action of the Board of Supervisors.

4 Section 43.9. 8. VALIDITY OF THE BONDS. The validity of the authorization and
5 issuance of any bonds is not dependent on and shall not be affected in any way by any failure
6 of the City to provide any information as required by this Article.

7 Section 43.9.9. CONSTRUCTION. The powers conferred by the provisions of this
8 Article are in addition to and supplemental to the powers conferred by the Charter or any other
9 ordinance or law.

10 APPROVED AS TO FORM:
11 LOUISE H. RENNE, DENNIS J. HERRERA City Attorney

12 By: _____
13 Theresa Alvarez
14 Deputy City Attorney