

1 [Repealing financing provisions for Civic Center Garage.]

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3 **Ordinance amending Part I, Chapter 10, of the San Francisco Municipal Code**
4 **(Administrative Code), by repealing Article XIV (Sections 10.118 through 10.124),**
5 **providing a financing mechanism for the Civic Center Garage.**

6 Note: Additions are *italic; Times New Roman*; deletions
7 are ~~strikethrough italic; Times New Roman~~
8 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

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11 Section 1. Chapter 10 of the San Francisco Administrative Code is hereby amended
12 by repealing Section Article XIV (Sections 10.118 through 10.124.).

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14 ~~SEC. 10.118. FINDINGS; INCORPORATION OF AGREEMENT.~~

15 ~~Section 1.101 of the Charter provides that the City and County may make and enforce all laws,~~
16 ~~ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers~~
17 ~~in respect to its affairs and has all rights and powers appropriate to a City and County subject only to~~
18 ~~the restrictions and limitations contained in the Charter and that the specification or enumeration in~~
19 ~~the Charter of particular powers are not exclusive and that the exercise of all rights and powers of the~~
20 ~~City and County when not prescribed in the Charter shall be as provided by ordinance or resolution of~~
21 ~~the Board of Supervisors.~~

22 ~~Section 1.102 of the Charter provides that the Board of Supervisors may by ordinance enacted~~
23 ~~under authority of the Charter provide a procedure for the exercising of any rights or powers~~
24 ~~belonging to the City and County; and the City and County is fully empowered under its Charter and~~

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1 *the constitution and laws of the state to permit the construction and financing of public facilities in the*
2 *manner contemplated by this Article.*

3 ~~Since the procedure therefor is not fully provided either by the provisions of the Charter or by~~
4 ~~the provisions of pertinent statutes, it is desired by this Board of Supervisors to provide a procedure~~
5 ~~permitting the construction and financing by nonprofit corporations of such public facilities as this~~
6 ~~board may determine to permit to be constructed and financed by such procedure; and to permit a~~
7 ~~nonprofit corporation, the City of San Francisco Civic Plaza Parking Corporation, to construct and~~
8 ~~finance by such procedure an underground public off street parking facility beneath the northerly one-~~
9 ~~half of the Civic Center Plaza.~~

10 ~~There is now on file in the office of the Clerk of this Board a form of agreement and exhibits~~
11 ~~attached thereto between the City and County, the Recreation and Park Commission of the City and~~
12 ~~County, and the City of San Francisco Civic Plaza Parking Corporation, a nonprofit corporation~~
13 ~~organized and existing under the laws of the state, dated as of September 15, 1958, together with 11~~
14 ~~exhibits referred to therein and attached thereto, which exhibits are identified as follows:~~

15 ~~A. Plans and specifications~~

16 ~~B. Performance bond~~

17 ~~C. Labor and material bond~~

18 ~~D. Joint invitation for bids~~

19 ~~E. Bid form~~

20 ~~F. Land lease~~

21 ~~1. Bond indenture~~

22 ~~2. City lease~~

23 ~~3. Operating agreement~~

24 ~~4. Deed of trust with assignment of rents~~

25 ~~5. Assignment of lease~~

1 ~~Such agreement is referred to in the office of the Clerk under its file No. 12568-6 and is~~
2 ~~incorporated herein by this reference as if fully set forth herein at length.~~

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4 ~~SEC. 10.119. PURPOSE; AUTHORITY FOR ENACTMENT.~~

5 ~~This Article is enacted for the purpose and pursuant to the authority recited in Section 10.118 of~~
6 ~~this Code and pursuant to the home rule powers enjoyed and exercised by the City and County with~~
7 ~~respect to its municipal affairs.~~

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9 ~~SEC. 10.120. CONSTRUCTION AND FINANCING PURSUANT TO ARTICLE.~~

10 ~~When permitted by the Board of Supervisors, public facilities may be constructed or financed,~~
11 ~~or both, for the benefit of the inhabitants of the City and County in substantially the manner and in~~
12 ~~accordance with the general procedure established by the various documents approved by this Article~~
13 ~~for the construction and financing of the public off-street parking facility beneath the northerly one-half~~
14 ~~of Civic Center Plaza.~~

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16 ~~SEC. 10.121. APPROVAL OF AGREEMENT FOR PARKING FACILITY BENEATH PORTION OF~~
17 ~~CIVIC CENTER PLAZA.~~

18 ~~The agreement, dated as of September 15, 1958, between the City and County, the Recreation~~
19 ~~and Park Commission, and the City of San Francisco Civic Plaza Parking Corporation and all of the~~
20 ~~exhibits referred to therein are hereby expressly approved and provided as the procedure permitting~~
21 ~~the construction and financing of the underground parking facility beneath the northerly one-half of the~~
22 ~~Civic Center Plaza and the Mayor is hereby authorized and requested to execute the agreement.~~

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1 ~~SEC. 10.122. CALL FOR BIDS FOR CIVIC CENTER PLAZA PARKING FACILITY; AWARD AND~~
2 ~~EXECUTION OF LAND LEASE AND OPERATING AGREEMENT.~~

3 ~~— The Director of Property is hereby authorized and directed to call for bids, jointly with the~~
4 ~~Recreation and Park Commission, for the land lease and operating agreement that are attached to the~~
5 ~~agreement approved as provided by Section 10.121 of this Code as exhibits, in accordance with the~~
6 ~~joint invitation for bids attached to the agreement as exhibit (d); and the award thereof shall be made~~
7 ~~by the Recreation and Park Commission and approved by this board. Following the award by the~~
8 ~~Recreation and Park Commission and approval by this board of the land lease and operating~~
9 ~~agreement award, the Mayor is hereby further authorized and requested to execute the land lease, city~~
10 ~~lease and operating agreement referred to in such agreement.~~

11
12 ~~SEC. 10.123. EXECUTION AND ATTESTATION OF DOCUMENTS IN CONNECTION WITH CIVIC~~
13 ~~CENTER PLAZA PARKING FACILITY.~~

14 ~~— The agreement, land lease, city lease and operating agreement shall each be executed in~~
15 ~~substantially the forms now on file with any changes therein that may hereafter become necessary~~
16 ~~which do not materially change any term or provision thereof. The Clerk of the Board of Supervisors is~~
17 ~~authorized and directed to attest the execution of the same.~~

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19 ~~SEC. 10.124. CITY ACTING AS PARKING AUTHORITY OF CIVIC CENTER PLAZA PARKING~~
20 ~~FACILITY.~~

21 ~~— It is hereby determined that with respect to the public off street parking facility beneath the~~
22 ~~northerly one half of the Civic Center Plaza, the City and County, in addition to its general powers, is~~
23 ~~hereby transacting business as and exercising the powers of a parking authority, and shall have~~
24 ~~jurisdiction and control over the facility and project.~~

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APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: 
THOMAS J. OWEN
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 001807

Date Passed:

Ordinance amending Part I Chapter 10, of the San Francisco Municipal Code (Administrative Code), by repealing Article XIV (Sections 10.118 through 10.124), providing a financing mechanism for the Civic Center Garage.

December 4, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 11, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

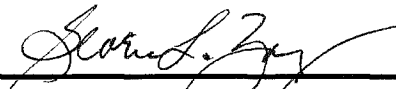
Absent: 1 - Becerril

File No. 001807

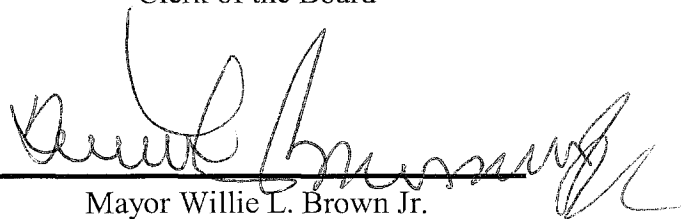
I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 11, 2000 by the Board of Supervisors of the City and County of San Francisco.

DEC 22 2000

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.