

1 [Pedestrian Safety and Livable Streets Special Election.]

2

3 **Ordinance calling and providing for a special election to be held in the City and County**
4 **of San Francisco (the “City”) on Tuesday, November 5, 2002, for the purpose of**
5 **submitting to the voters of the City and County of San Francisco a proposition to incur**
6 **the following bonded debt of the City and County: One Hundred Fifty Million Dollars**
7 **(\$150,000,000) to finance street resurfacing, curb ramp construction, sidewalk**
8 **improvement and street structure improvement projects, street signal and fire alarm**
9 **call box improvement projects, street improvements for bicycle use and all other**
10 **structures and improvements necessary or convenient for the foregoing purposes;**
11 **finding that the estimated costs of such proposed projects are and will be too great to**
12 **be paid out of the ordinary annual income and revenue of the City and County and will**
13 **require expenditures greater than the amount allowed therefor by the annual tax levy;**
14 **reciting the estimated cost of such proposed project; fixing the date of election and the**
15 **manner of holding such election and the procedure for voting for or against the**
16 **proposition; fixing the maximum rate of interest on such bonds and providing for the**
17 **levy and collection of taxes to pay both principal and interest thereof; prescribing**
18 **notice to be given of such election; finding the proposed project is in conformity with**
19 **the priority policies of Planning Code Section 101.1(b) and with the General Plan**
20 **consistency requirement of Administrative Code Section 2A.53; consolidating the**
21 **special election with the general election; establishing the election precincts, voting**
22 **places and officers for the election; waiving the word limitation on ballot propositions**
23 **imposed by San Francisco Municipal Elections Code Section 510; complying with**
24 **Section 53410 of the California Government Code; and incorporating the provisions of**
25 **Article V of Chapter V of the San Francisco Administrative Code.**

1 Note: Board amendment additions are double underlined.
2 Board amendment deletions are ~~strikethrough normal~~.

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

4 Section 1. A special election is hereby called and ordered to be held in the City and
5 County of San Francisco (the "City") on Tuesday, the 5th day of November, 2002, for the
6 purpose of submitting to the electors of the City a proposition to incur bonded indebtedness of
7 the City for the project hereinafter described in the amount and for the purposes stated:

8 "PEDESTRIAN SAFETY AND LIVABLE STREETS BONDS, 2002, \$150,000,000 to
9 finance street resurfacing, curb ramp construction, sidewalk improvement and street structure
10 improvement projects, street signal and fire alarm call box improvement projects, street
11 improvements for bicycle use and all other structures and improvements necessary or
12 convenient for the foregoing purposes."

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

15 Section 2. The estimated cost of the project described in Section 1 hereof was fixed by
16 the Board of Supervisors of the City (the "Board of Supervisors") by the following resolution
17 and in the amount specified below:

18 Resolution No. 424-02, \$150,000,000.

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

25

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

3 Such estimate of costs as set forth in such resolution is hereby adopted and
4 determined to be the estimated cost of such improvements and financing.

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

12 Section 4. The Bond Special Election is hereby consolidated with the General Election
13 scheduled to be held in the City on Tuesday, November 5, 2002. The voting precincts, polling
14 places and officers of election for the November 5, 2002 General Election are hereby
15 adopted, established, designated and named, respectively, as the voting precincts, polling
16 places and officers of election for the Bond Special Election hereby called, and reference is
17 hereby made to the notice of election setting forth the voting precincts, polling places and
18 officers of election for the November 5, 2002 General Election by the Director of Elections to
19 be published in the official newspaper of the City on the date required under the laws of the
20 State of California.

21 Section 5. The ballots to be used at the Bond Special Election shall be the ballots to
22 be used at the November 5, 2002 General Election. The word limit for ballot propositions
23 imposed by San Francisco Municipal Elections Code Section 510 is hereby waived. On the
24 ballots to be used at the Bond Special Election, in addition to any other matter required by law
25 to be printed thereon, shall appear the following as a separate proposition:

1 " PEDESTRIAN SAFETY AND LIVABLE STREETS BONDS, 2002. Shall the City incur
2 \$150,000,000 of bonded indebtedness to finance street resurfacing, curb ramp construction,
3 sidewalk improvement and street structure improvement projects, street signal and fire alarm
4 call box improvement projects, street improvements for bicycle use and all other structures
5 and improvements necessary or convenient for the foregoing purposes?"

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

10 Section 6. If at the Bond Special Election it shall appear that two-thirds of all the voters
11 voting on the proposition voted in favor of and authorized the incurring of bonded
12 indebtedness for the purposes set forth in such proposition, then such proposition shall have
13 been accepted by the electors, and bonds authorized thereby shall be issued upon the order
14 of the Board of Supervisors. Such bonds shall bear interest at a rate not to exceed applicable
15 legal limits.

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

19 Section 7. For the purpose of paying the principal and interest on the bonds, the Board
20 of Supervisors shall, at the time of fixing the general tax levy and in the manner for such
21 general tax levy provided, levy and collect annually each year until such bonds are paid, or
22 until there is a sum in the Treasury of said City, or other account held on behalf of the
23 Treasurer of said City, set apart for that purpose to meet all sums coming due for the principal
24 and interest on the bonds, a tax sufficient to pay the annual interest on such bonds as the
25 same becomes due and also such part of the principal thereof as shall become due before the

1 proceeds of a tax levied at the time for making the next general tax levy can be made
2 available for the payment of such principal.

3 Section 8. 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 9. The Board of Supervisors having reviewed the proposed legislation, finds
7 and declares (i) that the proposed project is in conformity with the priority policies of Section
8 101.1(b) of the City Planning Code and (ii) in accordance with Section 2A.53(f) of the City
9 Administrative Code, that the proposed project is consistent with the City's General Plan, and
10 hereby adopts the findings of the City Planning Department, as set forth in the General Plan
11 Referral Report, dated May 16, 2002, and incorporates said findings by reference.

12 Section 10. Pursuant to Section 53410 of the California Government Code, the bonds
13 shall be for the specific purpose authorized herein and the proceeds of such bonds will be
14 applied only to the project described herein. The City will comply with the requirements of
15 Sections 543410(c) and 53410(d) of the California Government Code.

16 Section 11. Pursuant to Proposition F approved by the voters of the City in November
17 2001, the Pedestrian Safety and Livable Streets General Obligation Bonds are subject to, and
18 incorporate by reference, the provisions of Article V of Chapter V of the San Francisco
19 Administrative Code ("Proposition F Requirements"). Pursuant to Proposition F
20 Requirements, to the extent permitted by law, one-tenth of one percent (0.1%) of the gross
21 proceeds of the Pedestrian Safety and Livable Streets General Obligation Bonds shall be
22 deposited in a fund established by the Controller's Office and appropriated by the Board of
23 Supervisors at the direction of the citizen's bond oversight committee established by
24 Proposition F Requirements to cover the costs of said committee.

25

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

5

6 APPROVED AS TO FORM:

7 DENNIS J. HERRERA, City Attorney

8

9 By:

THERESA ALVAREZ
Deputy City Attorney

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25