

FILE NO. 071228

ORDINANCE NO. 237-07

1 [~~Park, Recreation and Open Space~~ Clean and Safe Neighborhood Parks General Obligation
2 Bond Election.]

3 **Ordinance calling and providing for a special election to be held in the City and County**
4 **of San Francisco on Tuesday, February 5th 2008, 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: One Hundred and Eighty-Five Million Dollars**
7 **(\$185,000,000) for the acquisition, construction, reconstruction, purchase, and/or**
8 **improvement of park, and recreation and open space facilities within the City and**
9 **County of San Francisco and all other structures, and improvements, and related costs**
10 **necessary or convenient for the foregoing purposes and paying all other costs**
11 **necessary and convenient for effectuating those purposes; authorizing landlords to**
12 **pass-through fifty percent (50%) of the resulting property tax increase to residential**
13 **tenants in accordance with Chapter 37 of the San Francisco Administrative Code;**
14 **finding that the estimated cost of such proposed project is and will be too great to be**
15 **paid out of the ordinary annual income and revenue of the City and County and will**
16 **require expenditures greater than the amount allowed therefore by the annual tax levy;**
17 **reciting the estimated cost of such proposed project; fixing the date of election and the**
18 **manner of holding such election and the procedure for voting for or against the**
19 **proposition; fixing the maximum rate of interest on such bonds and providing for the**
20 **levy and collection of taxes to pay both principal and interest thereof; prescribing**
21 **notice to be given of such election; finding that a portion of the proposed project is**
22 **categorically exempt from the California Environmental Quality Act, and a portion of the**
23 **remainder of the proposed project is excluded from the California Environmental Quality**
24 **Act; finding that the proposed project is in conformity with the priority policies of**
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1 Planning Code Section 101.1(b) and with the General Plan consistency requirement of
2 Administrative Code Section 2A.53; consolidating the special election with the general
3 election; establishing the election precincts, voting places and officers for the election;
4 waiving the word limitation on ballot propositions imposed by San Francisco Municipal
5 Elections Code Section 510; complying with Section 53410 of the California
6 Government Code; incorporating the provisions of Article V of Chapter V of the San
7 Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements
8 specified in Section 2.34 of the San Francisco Administrative Code.

9 Note: Additions are single-underline italics Times New Roman;
10 deletions are ~~strikethrough italics Times New Roman~~.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Findings.

15 A. City and County of San Francisco ("City") staff has identified several park, and
16 recreation ~~and open space~~ improvement projects within the City to address public safety
17 hazards, the condition of neighborhood park facilities and lands, equity of park access for City
18 ~~residents and neighborhoods, maintenance costs~~ and other issues facing the City's current
19 recreation system.

20 B. This Board of Supervisors (this "Board") now wishes to describe the terms of a
21 ballot measure seeking approval for the issuance of general obligation bonds (the "Bonds") to
22 finance all or a portion of the projects described above.

23 Section 2. A special election is hereby called and ordered to be held in the City on
24 Tuesday, the 5th day of February, 2008, for the purpose of submitting to the electors of the
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1 City a proposition to incur bonded indebtedness of the City for the project hereinafter
2 described in the amount and for the purposes stated:

3 "PARK, RECREATION AND OPEN SPACE CLEAN AND SAFE
4 NEIGHBORHOOD PARKS BONDS, 2008. \$185,000,000 of bonded indebtedness to fund
5 certain costs associated with the acquisition, construction, reconstruction, purchase, and/or
6 improvement of park, and recreation and open space facilities under the jurisdiction of the
7 Recreation and Park Commission or under the jurisdiction of the Port Commission located
8 within the City and City County of San Francisco and all other structures, improvements and
9 related costs necessary or convenient for the foregoing purpose, as further described in
10 Section 3 of the ordinance placing this measure onto the ballot, and paying other costs
11 necessary and convenient for effectuating those purposes, including costs connected with or
12 incidental to the authorization, issuance and sale of the bonds; and authorizing landlords to
13 pass-through to residential tenants in units subject to Chapter 37 of the San Francisco
14 Administrative Code (the "Residential Stabilization and Arbitration Ordinance") 50% of the
15 increase in the real property taxes attributable to the cost of the repayment of the bonds.

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

18 Section 3. PROPOSED PROJECTS.

19 The specific capital projects and related activities eligible for financing under this Bond
20 (the "Project") include the acquisition, construction, reconstruction, purchase, and/or
21 improvement of park, and recreation and open space facilities and properties, and all works,
22 property and structures necessary or convenient for the foregoing purposes, as summarized
23 and further described in the subsections below.

1 All expenditures of bond funds shall be made in accordance with applicable Federal,
2 State, and Local laws governing the management and expenditure of bond proceeds,
3 including those governing the expenditure of bond proceeds on capital projects and related
4 limitations on payment of staff salaries. Except for those Projects specifically identified as
5 categorically exempt, the remainder of the Projects are excluded from the California
6 Environmental Quality Act ("CEQA"). The use of Bond proceeds to finance any such project
7 will be subject to approval of the City's Board of Supervisors upon completion of planning and
8 any further required environmental review under CEQA.

9 The eligible expenditures of bond funds can be summarized as follows:

11	<u>A. Neighborhood Park Repairs and Renovations =</u>	<u>\$117,415,000</u>
12	<u>B. Waterfront Park Repairs, Renovations, and Development =</u>	<u>\$33,500,000</u>
13	<u>C. Park Restroom Repairs and Reconstruction =</u>	<u>\$11,400,000</u>
14	<u>D. Park Playfields Repairs and Reconstruction =</u>	<u>\$8,500,000</u>
15	<u>E. Neighborhood Park Trail Reconstruction =</u>	<u>\$5,000,000</u>
16	<u>F. Community Opportunity Fund =</u>	<u>\$5,000,000</u>
17	<u>G. Park Forestry =</u>	<u>\$4,000,000</u>
18	<u>H. Citizens' Oversight Committee Audits</u>	<u>\$185,000</u>
19	<u>Total Bond Funding =</u>	<u>\$185,000,000</u>

21 A. NEIGHBORHOOD PARK REPAIRS AND RENOVATIONS (\$117.415 million).

22 The City plans to pursue neighborhood park projects to be financed by the Bonds with the
23 goal of improving the access of residents of the City to safe and high quality parks and
24 recreation facilities. The City has identified the following projects (the "Identified Projects") for
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1 funding from the proceeds of the proposed Bonds: These Identified Projects have been
2 determined to be categorically exempt under CEQA.

3 1. Chinese Recreation Center

4 2. Mission Playground

5 3. Palega Recreation Center

6 4. Cayuga Playground

7 5. McCoppin Square

8 6. Sunset Playground

9 7. Fulton Playground

10 8. Mission Dolores Park

11 9. Cabrillo Playground

12 10. Glen Canyon Park

13 11. Lafayette Park

14 12. Raymond Kimbell Playground

15 B. WATERFRONT PARK REPAIRS, RENOVATIONS, and DEVELOPMENT

16 (\$33.5 million). The City plans to repair and seismically upgrade areas along City's waterfront
17 to create new waterfront parks in various neighborhoods on property under the jurisdiction of
18 the Port Commission, with the goal of providing safe and high quality parks, recreation
19 facilities, and nature restoration. The use of Bond proceeds to finance any such project will
20 be subject to approval of the City's Board of Supervisors upon completion of planning and
21 required environmental review under the CEQA. Examples of waterfront park projects which
22 may be financed under this section include:

23 1. Pier 43 Bay Trail Link

24 2. Brannan Street Wharf Park

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- 3. Bayfront Park at Mission Bay
- 4. Pier 70 Crane Cove Park
- 5. Warm Water Cove Park
- 6. Islais Creek Shoreline Parks
- 7. Herron's Head Park Entrance
- 8. The Blue Greenway Trail
- 9. Design Standards and Enhancements to all Blue-Greenway Projects

C. NEIGHBORHOOD PARK RESTROOM REPAIRS AND RECONSTRUCTION (\$11.4 million). A portion of the proceeds of the proposed bond shall be used to construct, reconstruct and rehabilitate freestanding restroom facilities in the City's neighborhood parks on property under the jurisdiction of the Recreation and Park Commission. The expenditure of bond proceeds for this purpose is subject to the review process identified in the 2008 Clean & Safe Neighborhood Parks Bond Report ("Bond Report") and approval of the Recreation and Park Commission.

D. PARK PLAYFIELDS REPAIRS AND RECONSTRUCTION (\$8.5 million). A portion of the proceeds of the proposed bond shall be used to construct and/or reconstruct playing fields throughout the City on property under the jurisdiction of the Recreation and Park Commission. The proposed expenditures for this purpose are intended to leverage additional state, federal, or private contributions. The expenditure of bond proceeds for this purpose is subject to the review process identified in the Bond Report and approval of the Recreation and Park Commission.

E. PARK TRAIL RECONSTRUCTION (\$5.0 million). A portion of the proceeds of the proposed bond shall be used to repair and reconstruct park nature trails on property under

1 the jurisdiction of the Recreation and Park Commission, and their nearby natural
2 surroundings. The expenditure of bond proceeds for this purpose is subject to the review
3 process identified in the Bond Report and approval of the Recreation and Park Commission.

4 F. COMMUNITY OPPORTUNITY FUND (\$5.0 million). A portion of the proceeds
5 of the proposed bond shall be used to create a program for the purpose of completing
6 community-nominated projects. Community resources, including, but not limited to, in-kind
7 contributions, sweat equity, and non-City funds, applied to a park, recreation or open space
8 improvement project on property under the jurisdiction of the Recreation and Park
9 Commission from non-City sources, can be matched by Bond proceeds. No expenditures of
10 bond proceeds from this fund shall be authorized until policies, procedures, and criteria
11 governing the program have been adopted by the Recreation and Park Commission.

12 G. PARK FORESTRY (\$4.0 million). A portion of the proceeds of the proposed
13 bond shall be used to plan for, and perform, park reforestation, including tree removal, tree
14 planting and other measures to sustain the health of the forest on property under the
15 jurisdiction of the Recreation and Park Commission. The expenditure of bond proceeds for
16 this purpose is subject to the review process identified in the Bond Report and approval of the
17 Recreation and Park Commission.

18 H. CITIZENS' OVERSIGHT COMMITTEE AUDITS (\$0.185 million). A portion of
19 the proceeds of the proposed bond shall be used to perform audits of the bond program, as
20 further described below in Section 14.

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22 SECTION 4. BOND PROGRAM ACCOUNTABILITY.

23 The proposed bond program shall operate under the following administrative rules and
24 shall be governed according to the following principles:
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1 A. OVERSIGHT. No expenditure of bond funds shall be permitted without the prior
2 review and approval of the Recreation and Park Commission or the Port Commission (as
3 applicable), the Capital Planning Committee, the Board of Supervisors and the Mayor, subject
4 to the approval processes and rules described in the San Francisco Charter and
5 Administrative Code. Pursuant to S.F. Administrative Code §5.31, the Citizens' General
6 Obligation Bond Oversight Committee shall conduct an annual review of bond spending, and
7 shall provide an annual report on the management of the program to the Mayor, Board of
8 Supervisors, the Recreation and Park Commission and the Port Commission. To the extent
9 permitted by law, one-tenth of one percent (0.1%) of the gross proceeds of the Bonds shall be
10 deposited in a fund established by the Controller's Office and appropriated by the Board of
11 Supervisors at the direction of the Citizens' General Obligation Bond Oversight Committee to
12 cover the costs of this committee and this review process.

13 B. COMMITMENT TO PROJECTS. The proposed Bond proceeds shall be used
14 towards completion of the projects described in Section 3 above. Twenty percent (20%) of
15 the funds specified in Section 3, Subsections F and G, above, shall be set aside as a reserve
16 (the "Reserve") and shall not be spent until all of the Identified Projects in Section 3,
17 Subsection A, are complete. In the event that any of the Identified Projects cannot be
18 completed due to lack of funds, funds from the Reserve shall be used to complete any such
19 Identified Project. Should all projects described in a given project category be completed
20 under budget, unused bond proceeds shall be applied to other priority projects within that
21 project category, as described in the Bond Report, and approved by the Board of Supervisors.

22 C. PROGRAM TRANSPARENCY. The City shall maintain a website describing the
23 bond program, progress achieved to date, and projections of future program activities, which
24 shall be updated not less than once per month. The annual report of the Citizens' General
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1 Obligation Bond Oversight Committee shall be made available on this website. Additionally,
2 the Recreation and Park Commission shall hold regular public hearings, not less than once a
3 month, to review the implementation of the bond program. Annually, the Recreation and Park
4 Commission shall hold a meeting to review the Recreation and Park Department capital plan.
5 The Port Commission shall hold public hearings, not less than once a quarter, to review the
6 implementation of the Port's portion of the bond program. Additionally, the Capital Planning
7 Committee shall hold a public review of the program not less than once a year.

8 Section 4-5. The estimated cost of the bond financed portion of the project described
9 in Section 2 hereof was fixed by the Board of Supervisors of the City (the "Board of
10 Supervisors") by the following resolution and in the amount specified below:

11 Resolution No. 502-07, \$185,000,000.

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

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

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

23 Section-5-6. The Bond Special Election shall be held and conducted and the votes
24 thereafter received and canvassed, and the returns thereof made and the results thereof

1 ascertained, determined and declared as herein provided and in all particulars not herein
2 recited such election shall be held according to the laws of the State of California and the
3 Charter of the City (the "Charter") and any regulations adopted pursuant thereto, providing for
4 and governing elections in the City, and the polls for such election shall be and remain open
5 during the time required by such laws and regulations.

6 Section ~~6~~7. The Bond Special Election is hereby consolidated with the Presidential
7 Primary Election scheduled to be held in the City on Tuesday, February 5, 2008. The voting
8 precincts, polling places and officers of election for the February 5, 2008 Presidential Primary
9 Election are hereby adopted, established, designated and named, respectively, as the voting
10 precincts, polling places and officers of election for the Bond Special Election hereby called,
11 and reference is hereby made to the notice of election setting forth the voting precincts,
12 polling places and officers of election for the February 5, 2008, Presidential Primary Election
13 by the Director of Elections to be published in the official newspaper of the City on the date
14 required under the laws of the State of California.

15 Section ~~7~~8. The ballots to be used at the Bond Special Election shall be the ballots to
16 be used at the February 5, 2008 Presidential Primary Election. The word limit for ballot
17 propositions imposed by San Francisco Municipal Elections Code Section 510 is hereby
18 waived. On the ballots to be used at the Bond Special Election, in addition to any other matter
19 required by law to be printed thereon, shall appear the following as a separate proposition:

20 "~~PARK, RECREATION AND OPEN SPACE~~ CLEAN AND SAFE NEIGHBORHOOD
21 PARKS BONDS, 2008. Shall the City incur \$185,000,000 of bonded indebtedness to fund
22 certain costs associated with the acquisition, construction, reconstruction, purchase and/or
23 improvement of park, and recreation and open space facilities located within the City, under
24 the jurisdiction of the Recreation Park Commission or under the jurisdiction of the Port
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1 Commission as further described in Section 3 of the ordinance placing this measure onto the
2 ballot, and paying other costs necessary and convenient for effectuating those purposes,
3 including costs connected with or incidental to the authorization, issuance and sale of the
4 bonds; and authorizing landlords to pass-through to residential tenants in units subject to
5 Chapter 37 of the San Francisco Administrative Code (the "Residential Stabilization and
6 Arbitration Ordinance") 50% of the increase in the real property taxes attributable to the cost
7 of the repayment of the bonds?"

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

12 Section ~~8-9~~. If at the Bond Special Election it shall appear that two-thirds of all the
13 voters voting on the proposition voted in favor of and authorized the incurring of bonded
14 indebtedness for the purposes set forth in such proposition, then such proposition shall have
15 been accepted by the electors, and bonds authorized thereby shall be issued upon the order
16 of the Board of Supervisors. Such bonds shall bear interest at a rate not exceeding applicable
17 legal limits.

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

21 Section ~~9-10~~. For the purpose of paying the principal and interest on the bonds, the
22 Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for
23 such general tax levy provided, levy and collect annually each year until such bonds are paid,
24 or until there is a sum in the Treasury of said City, or other account held on behalf of the
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1 Treasurer of said City, set apart for that purpose to meet all sums coming due for the principal
2 and interest on the bonds, a tax sufficient to pay the annual interest on such bonds as the
3 same becomes due and also such part of the principal thereof as shall become due before the
4 proceeds of a tax levied at the time for making the next general tax levy can be made
5 available for the payment of such principal.

6 Section ~~40-11~~. This ordinance shall be published in accordance with any state law
7 requirements, and such publication shall constitute notice of the Bond Special Election and no
8 other notice of the Bond Special Election hereby called need be given.

9 Section ~~44-12~~. The Board of Supervisors having reviewed the proposed legislation,
10 finds and declares (i) that the Identified Projects are categorically exempt from CEQA as
11 described in the letter dated *Sept 6*, 2007 from the Planning Department, (ii) that the
12 remainder of the proposed Project is excluded from CEQA under CEQA Guidelines section
13 15378(b)(4) as the creation of a government funding mechanism that does not involve any
14 commitment to any specific project, ~~(ii)-(iii)~~ that the proposed Project is in conformity with the
15 priority policies of Section 101.1(b) of the City Planning Code and, ~~(iii)~~ (iv) in accordance with
16 Section 2A.53(f) of the City Administrative Code, that the proposed Project is consistent with
17 the City's General Plan, and hereby adopts the findings of the City Planning Department, as
18 set forth in the General Plan Referral Report, dated *Sept 6*, 2007, and incorporates said
19 findings by reference.

20 Section ~~42-13~~. Pursuant to Section 53410 of the California Government Code, the
21 bonds shall be for the specific purpose authorized herein and the proceeds of such bonds will
22 be applied only to the ~~project~~ Project described herein. The City will comply with the
23 requirements of Sections 53410(c) and 53410(d) of the California Government Code.

1 Section ~~13~~ 14. The Bonds are subject to, and incorporate by reference, the applicable
2 provisions of ~~Article V of Chapter V of the San Francisco Administrative Code~~ Sections 5.30 –
3 5.36 (the "Citizens' General Obligation Bond Oversight Committee"). Pursuant to Section
4 5.31 of the Citizens' General Obligation Bond Oversight Committee, to the extent permitted by
5 law, one-tenth of one percent (0.1%) of the gross proceeds of the Bonds shall be deposited in
6 a fund established by the Controller's Office and appropriated by the Board of Supervisors at
7 the direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs
8 of said committee.

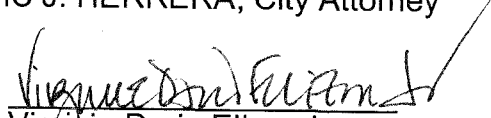
9 Section ~~14~~ 15. The time requirements specified in Section 2.34 of the San Francisco
10 Administrative Code are hereby waived.

11 Section ~~15~~ 16. The appropriate officers, employees, representatives and agents of the
12 City are hereby authorized and directed to do everything necessary or desirable to accomplish
13 the calling and holding of the Bond Special Election, and to otherwise carry out the provisions
14 of this ordinance.

1 Section ~~46-17~~. Documents referenced herein are on file with the Clerk of the Board of
2 Supervisors in File No. ^{07/228}, which is hereby declared to be a part of this ordinance as if set
3 forth fully herein.
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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 Virginia Dario Elizondo
9 Deputy City Attorney
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City and County of San Francisco

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

Tails

Ordinance

File Number: 071228

Date Passed:

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, February 5th 2008, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: One Hundred and Eighty-Five Million Dollars (\$185,000,000) for the construction, reconstruction, purchase, and/or improvement of park, and recreation facilities within the City and County of San Francisco and all other structures, and improvements, and related costs necessary or convenient for the foregoing purposes and paying all other costs necessary and convenient for effectuating those purposes; authorizing landlords to pass-through fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that a portion of the proposed project is categorically exempt from the California Environmental Quality Act, and the remainder of the proposed project is excluded from the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

October 16, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

October 23, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell,
Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

File No. 071228

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 23, 2007
by the Board of Supervisors of the City and
County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

October 24, 2007

Date Approved

[Signature]
Mayor Gavin Newsom