

1 [Street Resurfacing, Pedestrian Safety and Access Improvement Bond Special Election.]

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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 8, 2005, for the purpose of**  
5 **submitting to the voters of the City a proposition to incur the following bonded debt of**  
6 **the City: Two Hundred and Eight Million Dollars (\$208,000,000) to finance street**  
7 **reconstruction, pavement renovation, disabled access curb ramp construction,**  
8 **sidewalk and street improvements, street structure rehabilitation and improvements,**  
9 **pedestrian safety street and signal improvements, street improvements for bicycle use**  
10 **and all other structures and improvements necessary or convenient for the foregoing**  
11 **purposes; finding that the estimated costs of such proposed projects are and will be**  
12 **too great to be paid out of the ordinary annual income and revenue of the City 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 questions**  
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:           Additions are *single-underline italics Times New Roman*;  
2                                   deletions are *strikethrough italics Times New Roman*.  
3                                   Board amendment additions are double underlined.  
4                                   Board amendment deletions are ~~strikethrough normal~~.

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

5                   Section 1. A special election is hereby called and ordered to be held in the City and  
6                   County of San Francisco (the "City") on Tuesday, the 8th day of November, 2005, for the  
7                   purpose of submitting to the electors of the City a proposition to incur bonded indebtedness of  
8                   the City for the project hereinafter described in the amount and for the purposes stated:

9                   "STREET RESURFACING, PEDESTRIAN SAFETY AND ACCESS IMPROVEMENT  
10                   BONDS, 2005, \$208,000,000 to finance street reconstruction, pavement renovation, disabled  
11                   access curb ramp construction, sidewalk and street improvements, street structure  
12                   rehabilitation and improvements, pedestrian safety street and signal improvements, street  
13                   improvements for bicycle use and all other structures and improvements necessary or  
14                   convenient for the foregoing purposes."

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

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

20                   Resolution No. \_\_\_\_\_, \$208,000,000.

21                   Such estimated cost includes the costs of printing the bonds, as well as legal and other fees,  
22                   costs and expenses incidental to or connected with the authorization, issuance and sale of the  
23                   bonds.

24                   Such resolution was passed by two-thirds or more of the Board of Supervisors and  
25                   approved by the Mayor of the City (the "Mayor"). In such resolution it was recited and found

1 that the sum of money specified is too great to be paid out of the ordinary annual income and  
2 revenue of the City in addition to the other annual expenses thereof or other funds derived  
3 from taxes levied for those purposes and will require expenditures greater than the amount  
4 allowed therefor by the annual tax levy.

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

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

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

16 Section 4. The Bond Special Election is hereby consolidated with the General Election  
17 scheduled to be held in the City on Tuesday, November 8, 2005. The voting precincts, polling  
18 places and officers of election for the November 8, 2005 General Election are hereby  
19 adopted, established, designated and named, respectively, as the voting precincts, polling  
20 places and officers of election for the Bond Special Election hereby called, and reference is  
21 hereby made to the notice of election setting forth the voting precincts, polling places and  
22 officers of election for the November 8, 2005 General Election by the Director of Elections to  
23 be published in the official newspaper of the City on the date required under the laws of the  
24 State of California.

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1 Section 5. The ballots to be used at the Bond Special Election shall be the ballots to  
2 be used at the November 8, 2005 General Election. The word limit for ballot questions  
3 imposed by San Francisco Municipal Elections Code Section 510 is hereby waived. On the  
4 ballots to be used at the Bond Special Election, in addition to any other matter required by law  
5 to be printed thereon, shall appear the following as a separate question:

6 "STREET RESURFACING, PEDESTRIAN SAFETY AND ACCESS IMPROVEMENT  
7 BONDS, 2005. Shall the City incur \$208,000,000 of bonded indebtedness to finance street  
8 reconstruction, pavement renovation, disabled access curb ramp construction, sidewalk and  
9 street improvements, street structure rehabilitation and improvements, pedestrian safety  
10 street and signal improvements, street improvements for bicycle use and all other structures  
11 and improvements necessary or convenient for the foregoing purposes?"

12 Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark  
13 the ballot in the location corresponding to a "YES" vote for the proposition, and to vote against  
14 the proposition shall mark the ballot card in the location corresponding to a "NO" vote for the  
15 proposition.

16 Section 6. If at the Bond Special Election it shall appear that two-thirds of all the voters  
17 voting on the proposition voted in favor of and authorized the incurring of bonded  
18 indebtedness for the purposes set forth in such proposition, then such proposition shall have  
19 been accepted by the electors, and bonds authorized thereby may be issued for the purposes  
20 and up to the amounts set forth above upon the order of the Board of Supervisors. Such  
21 bonds shall bear interest at a rate not to exceed applicable legal limits.

22 The votes cast for and against the proposition shall be counted separately and when  
23 two-thirds of the qualified electors, voting on the proposition, vote in favor thereof, the  
24 proposition shall be deemed adopted.  
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1 Section 7. For the purpose of paying the principal and interest on the bonds, the Board  
2 of Supervisors shall, at the time of fixing the general tax levy and in the manner for such  
3 general tax levy provided, levy and collect annually each year until such bonds are paid, or  
4 until there is a sum in the Treasury of said City, or other account held on behalf of the  
5 Treasurer of said City, set apart for that purpose to meet all sums coming due for the principal  
6 and interest on the bonds, a tax sufficient to pay the annual interest on such bonds as the  
7 same becomes due and also such part of the principal thereof as shall become due before the  
8 proceeds of a tax levied at the time for making the next general tax levy can be made  
9 available for the payment of such principal.

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

13 Section 9. The Board of Supervisors having reviewed the proposed legislation, finds  
14 and declares (i) that the proposed project is in conformity with the priority policies of Section  
15 101.1(b) of the City Planning Code and (ii) in accordance with Section 2A.53(f) of the City  
16 Administrative Code, that the proposed project is consistent with the City's General Plan, and  
17 hereby adopts the findings of the City Planning Department, as set forth in the General Plan  
18 Referral Report, dated \_\_\_\_\_, and incorporates said findings by reference.

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

23 Section 11. Pursuant to Proposition F approved by the voters of the City in November  
24 2001, the Street Resurfacing, Pedestrian Safety and Access Improvement General Obligation  
25 Bonds are subject to, and incorporate by reference, the provisions of Article V of Chapter V of

1 the San Francisco Administrative Code (“Proposition F Requirements”). Pursuant to  
2 Proposition F Requirements, to the extent permitted by law, one-tenth of one percent (0.1%)  
3 of the gross proceeds of the Street Resurfacing, Pedestrian Safety and Access Improvement  
4 General Obligation Bonds shall be deposited in a fund established by the Controller’s Office  
5 and appropriated by the Board of Supervisors at the direction of the citizen’s bond oversight  
6 committee established by Proposition F Requirements to cover the costs of said committee.

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

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12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

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15 By: \_\_\_\_\_  
16 MICHAEL J. MARTIN  
17 Deputy City Attorney

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