

1 [General Obligation Bond Election - San Francisco Clean and Safe Neighborhood Parks -
2 \$195,000,000]

3 **Ordinance calling and providing for a special election to be held in the City and**
4 **County of San Francisco on Tuesday, November 6, 2012, for the purpose of**
5 **submitting to the voters of the City and County of San Francisco a proposition to**
6 **incur the following bonded debt of the City and County: \$195,000,000 for the**
7 **construction, reconstruction, renovation, demolition, environmental remediation**
8 **and/or improvement of park, open space, and recreation facilities and all other**
9 **structures, improvements, and related costs necessary or convenient for the**
10 **foregoing purposes and paying all other costs necessary and convenient for**
11 **effectuating those purposes; authorizing landlords to pass-through 50% of the**
12 **resulting property tax increase to residential tenants in accordance with Chapter 37**
13 **of the San Francisco Administrative Code; finding that the estimated cost of such**
14 **proposed project is and will be too great to be paid out of the ordinary annual income**
15 **and revenue of the City and County and will require expenditures greater than the**
16 **amount allowed therefore by the annual tax levy; reciting the estimated cost of such**
17 **proposed project; fixing the date of election and the manner of holding such election**
18 **and the procedure for voting for or against the proposition; fixing the maximum rate**
19 **of interest on such bonds and providing for the levy and collection of taxes to pay**
20 **both principal and interest thereof; prescribing notice to be given of such election;**
21 **making environmental findings and findings of consistency with the General Plan;**
22 **consolidating the special election with the general election; establishing the election**
23 **precincts, voting places and officers for the election; waiving the word limitation on**
24 **ballot propositions imposed by San Francisco Municipal Elections Code Section 510;**
25

1 **complying with Section 53410 of the California Government Code; incorporating the**
2 **provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and**
3 **waiving the time requirements specified in Section 2.34 of the San Francisco**
4 **Administrative Code.**

5 NOTE: Additions are *single-underline italics Times New Roman*;
6 deletions are *strike-through italics Times New Roman*.
7 Board amendment additions are double-underlined;
8 Board amendment deletions are ~~strikethrough normal~~.

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

9 Section 1. Findings.

10 A. City and County of San Francisco ("City") staff has identified several park, open
11 space, and recreation improvement projects to address public safety hazards, improve
12 disabled access, improve water quality in the Bay and enhance the condition of
13 neighborhood and waterfront park facilities and lands, and other issues facing the City's park
14 system.

15 B. This Board of Supervisors (this "Board") now wishes to describe the terms of a
16 ballot measure seeking approval for the issuance of a general obligation bond (the "Bond")
17 to finance all or a portion of the projects described above.

18 Section 2. A special election is hereby called and ordered to be held in the City on
19 Tuesday, the 6th day of November, 2012, for the purpose of submitting to the electors of the
20 City a proposition to incur bonded indebtedness of the City for the project hereinafter
21 described in the amount and for the purposes stated:

22 "SAN FRANCISCO CLEAN AND SAFE NEIGHBORHOOD PARKS BOND. \$195,000,000 of
23 bonded indebtedness to fund certain costs associated with improving the safety and quality
24 of neighborhood parks across the City and waterfront open spaces, enhancing water quality
25 and cleaning up environmental contamination along the Bay, replacing unsafe playgrounds,

1 fixing restrooms, improving access for the disabled, and ensuring the seismic safety of park
2 and recreation facilities under the jurisdiction of, or maintained by, the Recreation and Park
3 Commission or the jurisdiction of the Port Commission or any other projects, sites or
4 properties otherwise specified herein, and all other structures, improvements and related
5 costs necessary or convenient for the foregoing purpose and paying other costs necessary
6 and convenient for effectuating those purposes, including costs connected with or incidental
7 to the authorization, issuance and sale of the bonds."

8 The Bond also authorizes landlords to pass-through to residential tenants in units
9 subject to Chapter 37 of the San Francisco Administrative Code (the "Residential
10 Stabilization and Arbitration Ordinance") 50% of the increase in the real property taxes
11 attributable to the cost of the repayment of the bonds.

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

14 Section 3. Proposed Projects.

15 The capital projects and related activities eligible for financing under this Bond (the
16 "Projects") include the construction, reconstruction, renovation, demolition, environmental
17 remediation and/or improvement of park, open space, and recreation facilities, under the
18 jurisdiction of, or maintained by, the Recreation and Park Commission or the Port
19 Commission or any other projects, sites or properties otherwise specified herein and all
20 works, property and structures necessary or convenient for the foregoing purposes, as
21 summarized and further described in the subsections below.

22 All expenditures of bond funds shall be made in accordance with applicable Federal,
23 State, and local laws governing the management and expenditure of bond proceeds,
24 including those governing the expenditure of bond proceeds on capital projects. To the
25 extent permitted by law, the City shall ensure that contracts funded with the proceeds of

1 bonds are administered in accordance with S.F. Administrative Code 6.22(G), the City's
2 local hiring policy. This Bond finances both specific projects at specified locations and also
3 sets up a funding mechanism to be used for certain kinds of work, where specific projects at
4 specified locations will be determined following a design and planning process. Except for
5 those Projects specifically identified under the Neighborhood Parks Repairs and
6 Renovations, Section 3A, the remainder of the financing program set forth in this Bond is
7 excluded from the California Environmental Quality Act ("CEQA"), as described below. The
8 proposed program can be summarized as follows:

9	A. Neighborhood Park Repairs and Renovations =	\$98,805,000
10	B. Waterfront Park Repairs, Renovations, and Development =	\$34,500,000
11	C. Failing Playgrounds =	\$15,500,000
12	D. Citywide Parks =	\$21,000,000
13	E. Water Conservation =	\$5,000,000
14	F. Park Trail Reconstruction =	\$4,000,000
15	G. Community Opportunity Fund =	\$12,000,000
16	H. Park Forestry =	\$4,000,000
17	I. Citizens' Oversight Committee Audits=	\$195,000
18	Total Bond Funding =	\$195,000,000

19 A. NEIGHBORHOOD PARK REPAIRS AND RENOVATIONS (approximately \$99
20 million). The City plans to pursue neighborhood park projects to be financed by the Bonds
21 with the goal of improving the access of residents of the City to safe and high quality parks
22 and recreation facilities. The City has identified the following projects (the "Identified
23 Projects") for funding from the proceeds of the proposed Bonds. In connection with Section
24 3A.7., the Board of Supervisors, in Motion No. 11-91, affirmed certification of the North
25 Beach Public Library and Joe DiMaggio Playground Master Plan Project Final

1 Environmental Impact Report (State Clearinghouse Number 2009042130) and, in Ordinance
2 No. 102-11, adopted CEQA findings related to approvals in furtherance of the
3 abovementioned Master Plan. For purposes of this Ordinance, the Board relies on said
4 actions and their supporting documents, including the Master Plan, copies of which are in
5 Clerk of the Board of Supervisors File Nos. 110615 and 110312, respectively, and
6 incorporates these documents by reference. In addition and upon approval of the voters
7 voting on this proposition, this Ordinance shall specifically authorize the design, uses, and
8 facilities contained in the Master Plan, including relocation of the new North Beach Public
9 Library to Assessor's Block 74, Lot 01, a parcel within the Master Plan site, as approved in
10 Recreation and Park Commission Resolution No. 1104-023. Said Resolution is incorporated
11 herein by reference and is subject, without limitation, to revision by the Recreation and Park
12 Commission in its sole discretion. The other Identified Projects set forth in this Section 3A
13 have been determined to be categorically exempt under CEQA as set forth in the Planning
14 Department's memoranda dated April 30, 2012 and May 14, 2012, which determination is
15 hereby affirmed by this Board.

- 16 1. Angelo J. Rossi Playground
- 17 2. Balboa Park
- 18 3. Garfield Square
- 19 4. George Christopher Playground
- 20 5. Gilman Playground
- 21 6. Glen Canyon Park
- 22 7. Hyde/Turk Mini Park
- 23 8. Joe DiMaggio Playground
- 24 9. Margaret S. Hayward Playground
- 25 10. Moscone Recreation Center

- 1 11. Mountain Lake Park
- 2 12. Potrero Hill Recreation Center
- 3 13. South Park
- 4 14. West Sunset Playground
- 5 15. Willie “Woo Woo” Wong Playground

6 B. WATERFRONT PARK REPAIRS, RENOVATIONS, and DEVELOPMENT

7 (approximately \$34.5 million). The City plans to construct, repair, demolish, replace,
8 remediate, and seismically upgrade structures and areas along the City’s waterfront to
9 create waterfront parks and open space and improve water quality in various neighborhoods
10 on property under the jurisdiction of the Port Commission, with the goal of providing safe
11 and high quality parks, open space, recreation facilities, nature restoration, and improved
12 management of stormwater runoff to the Bay. Specific projects will be developed in various
13 locations along the City’s waterfront, but the Port has not yet determined the scope of, or
14 how Bond proceeds would be allocated to, some of the specific projects. The use of Bond
15 proceeds to finance any such project will be subject to approval of the City’s Board of
16 Supervisors upon completion of identification, planning and design of proposed projects and
17 completion of required environmental review under CEQA. Some waterfront parks that
18 could be financed under this section following further public review and comment, and
19 completion of environmental review under CEQA, may include but are not limited to:

- 20 1. Islais Creek
- 21 2. Warm Water Cove
- 22 3. Northeast Wharf Plaza and Pier 27-29 Tip
- 23 4. Agua Vista Park
- 24 5. Pier 43 Plaza
- 25 6. Pier 70 Parks

1 C. FAILING PLAYGROUNDS (\$15.5 million). A portion of the proceeds of the
2 proposed bond shall be used to construct, reconstruct, and rehabilitate failing, dilapidated,
3 and outdated playground equipment and play facilities, and related amenities, in the City's
4 neighborhood parks on property under the jurisdiction of the Recreation and Park
5 Commission. After identification and development of specific projects, environmental review
6 required under CEQA will be completed.

7 D. CITYWIDE PARKS (\$21 million). A portion of the proceeds of the proposed bond
8 shall be used to improve a variety of activities in Citywide Parks, including \$9 million in
9 Golden Gate Park, \$2 million in Lake Merced Park and all adjacent public rights-of-way, and
10 \$10 million in John McLaren Park and those properties contiguous to it under the Recreation
11 and Park Commission's jurisdiction. After identification and development of specific projects,
12 environmental review required under CEQA will be completed.

13 E. WATER CONSERVATION (\$5 million). A portion of the proceeds of the proposed
14 bond shall be used to construct, reconstruct, or improve irrigation equipment, drainage,
15 water delivery and/or storage facilities, and related amenities in park areas throughout the
16 City on property under the jurisdiction of the Recreation and Park Commission. The
17 proposed expenditures for this purpose are intended to enhance water conservation and
18 reduce irrigation needs by modernizing irrigation systems. After identification and
19 development of specific projects, environmental review required under CEQA will be
20 completed.

21 F. TRAILS RECONSTRUCTION (\$4 million). A portion of the proceeds of the
22 proposed bond shall be used to repair and reconstruct park nature trails, pathways, and
23 connectivity in Golden Gate Park and John McLaren Park. After identification and
24 development of specific projects, environmental review required under CEQA will be
25 completed.

1 G. COMMUNITY OPPORTUNITY FUND (\$12 million). A portion of the proceeds of
2 the proposed bond shall be used to create a program for the purpose of completing
3 community-nominated projects. Community resources, including, but not limited to, in-kind
4 contributions, sweat equity, and non-City funds, applied to a park, recreation or open space
5 improvement project on property under the jurisdiction of the Recreation and Park
6 Commission from non-City sources, can be matched by Bond proceeds. After identification
7 and development of specific projects, environmental review required under CEQA will be
8 completed.

9 H. PARK FORESTRY (\$4 million). A portion of the proceeds of the proposed bond
10 shall be used to plan and perform park reforestation, including tree removal, tree planting
11 and other measures, to sustain the health of the forest on property under the jurisdiction of
12 the Recreation and Park Commission. After identification and development of specific
13 projects, environmental review required under CEQA will be completed.

14 I. CITIZENS' OVERSIGHT COMMITTEE AUDITS (\$0.195 million). A portion of
15 the proceeds of the proposed bond shall be used to perform audits of the bond program, as
16 further described below in Section 14.

17 Section 4. Bond Program Accountability.

18 The proposed bond program shall operate under the following administrative rules
19 and shall be governed according to the following principles:

20 A. OVERSIGHT. Pursuant to S.F. Administrative Code §5.31, the Citizens' General
21 Obligation Bond Oversight Committee shall conduct an annual review of bond spending,
22 and shall provide an annual report on the management of the program to the Mayor, Board
23 of Supervisors, the Recreation and Park Commission and the Port Commission. To the
24 extent permitted by law, one-tenth of one percent (0.1%) of the gross proceeds of the Bonds
25 shall be deposited in a fund established by the Controller's Office and appropriated by the

1 Board of Supervisors at the direction of the Citizens' General Obligation Bond Oversight
2 Committee to cover the costs of this committee and this review process.

3 B. COMMITMENT TO PROJECTS; SEVERABILITY. The proposed Bond proceeds
4 shall be used towards completion of the projects described in Section 3 above. \$1 million of
5 the funds specified in Section 3, Subsection G, above, and \$500,000 of the funds specified
6 in Section 3, Subsection H, above, shall be set aside as a reserve (the "Reserve") and shall
7 not be spent until all of the contracts have been awarded for the Identified Projects in
8 Section 3, Subsection A. In the event that any of the Identified Projects cannot be
9 completed due to lack of funds, funds from the Reserve shall be used to complete any such
10 Identified Project. Should all projects described be completed under budget, unused bond
11 proceeds shall be applied to other projects within any project category as approved by the
12 Recreation and Park Commission and/or Port Commission, as applicable. In the event any
13 provision of this Bond, including but not limited to any of the Identified Projects, is held
14 invalid, such invalidity shall not affect any other provisions of this Bond that can be given
15 effect without the provision held invalid, and to this end the provisions of this Bond are
16 severable. Should the City be able to cure such invalidity in accordance with applicable law,
17 Bond proceeds may be expended to address such provision or Identified Projects. Bond
18 proceeds allocated herein to any project or purpose that is held to be invalid may be
19 expended on any other project or purpose specified herein, as approved by the Recreation
20 and Park Commission and/or the Port Commission as applicable.

21 C. PROGRAM TRANSPARENCY. The annual report of the Citizens' General
22 Obligation Bond Oversight Committee shall be made available on the Controller's website.
23 Additionally, the Recreation and Park Commission shall hold regular public hearings, not
24 less than quarterly, to review the implementation of the bond program. Annually, the
25 Recreation and Park Commission and the Port Commission shall hold a meeting to review

1 their respective capital plans. Additionally, the Capital Planning Committee shall hold a
2 public review of the program not less than once a year.

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

6 Resolution No. _____, \$195,000,000.

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

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

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

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

1 Section 7. The Bond Special Election is hereby consolidated with the General
2 Election scheduled to be held in the City on Tuesday, November 6, 2012. The voting
3 precincts, polling places and officers of election for the November 6, 2012 General Election
4 are hereby adopted, established, designated and named, respectively, as the voting
5 precincts, polling places and officers of election for the Bond Special Election hereby called,
6 and reference is hereby made to the notice of election setting forth the voting precincts,
7 polling places and officers of election for the November 6, 2012 General Election by the
8 Director of Elections to be published in the official newspaper of the City on the date
9 required under the laws of the State of California.

10 Section 8. The ballots to be used at the Bond Special Election shall be the ballots to
11 be used at the November 6, 2012 General Election. The word limit for ballot propositions
12 imposed by San Francisco Municipal Elections Code Section 510 is hereby waived. On the
13 ballots to be used at the Bond Special Election, in addition to any other matter required by
14 law to be printed thereon, shall appear the following as a separate proposition:

15 "SAN FRANCISCO CLEAN AND SAFE NEIGHBORHOOD PARKS BOND, To
16 improve the safety and quality of neighborhood parks across the city and waterfront open
17 spaces, enhance water quality and clean up environmental contamination along the Bay,
18 replace unsafe playgrounds, fix restrooms, improve access for the disabled, and ensure the
19 seismic safety of park and recreation facilities, shall the City and County of San Francisco
20 issue \$195 million dollars in General Obligation bonds, subject to independent oversight and
21 regular audits?"

22 Each voter to vote in favor of the issuance of the foregoing bond proposition shall
23 mark the ballot in the location corresponding to a "YES" vote for the proposition, and to vote
24 against the proposition shall mark the ballot in the location corresponding to a "NO" vote for
25 the proposition.

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

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

10 Section 10. For the purpose of paying the principal and interest on the bonds, the
11 Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for
12 such general tax levy provided, levy and collect annually each year until such bonds are
13 paid, or until there is a sum in the Treasury of said City, or other account held on behalf of
14 the Treasurer of said City, set apart for that purpose to meet all sums coming due for the
15 principal and interest on the bonds, a tax sufficient to pay the annual interest on such bonds
16 as the same becomes due and also such part of the principal thereof as shall become due
17 before the proceeds of a tax levied at the time for making the next general tax levy can be
18 made available for the payment of such principal.

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

22 Section 12. The Board of Supervisors, having reviewed the proposed legislation,
23 finds, affirms and declares (i) that in regard to the Joe DiMaggio Playground (as defined in
24 Section 3A.7. of this Ordinance), the Board of Supervisors, in Motion No. 11-91, affirmed
25 certification of the North Beach Public Library and Joe DiMaggio Playground Master Plan

1 Project Final Environmental Impact Report (State Clearinghouse Number 2009042130) and,
2 in Ordinance No. 102-11, adopted CEQA findings related to approvals in furtherance of the
3 abovementioned Master Plan; (ii) the other Identified Projects are categorically exempt from
4 CEQA as described in the memoranda dated April 30, 2012 and May 14, 2012 from the
5 Planning Department, (iii) that the remainder of the proposed Project is excluded from
6 CEQA because the program is not defined as a “project” under CEQA Guidelines section
7 15378(b)(4), but is the creation of a government funding mechanism that does not involve
8 any commitment to any specific project, (iv) that the proposed Project is in conformity with
9 the priority policies of Section 101.1(b) of the City Planning Code and, (iv) in accordance
10 with Section 2A.53(f) of the City Administrative Code, that the proposed Project is consistent
11 with the City’s General Plan, and hereby adopts the findings of the City Planning
12 Department, as set forth in the General Plan Referral Reports, dated May 31, 2012 and
13 June 20, 2012, and incorporates said findings by reference. For purposes of Section 12(i),
14 the Board relies on the abovementioned Motion and Ordinance and their supporting
15 documents, copies of which are in Clerk of the Board of Supervisors File Nos. 110615 and
16 110312, respectively, and incorporates these documents by reference.

17 Section 13. Pursuant to Section 53410 of the California Government Code, the
18 bonds shall be for the specific purpose authorized herein and the proceeds of such bonds
19 will be applied only to the Project described herein. The City will comply with the
20 requirements of Sections 53410(c) and 53410(d) of the California Government Code.

21 Section 14. The Bonds are subject to, and incorporate by reference, the applicable
22 provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the “Citizens’
23 General Obligation Bond Oversight Committee”). Pursuant to Section 5.31 of the Citizens’
24 General Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of
25 one percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund

1 established by the Controller's Office and appropriated by the Board of Supervisors at the
2 direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs of
3 said committee.

4 Section 15. The time requirements specified in Section 2.34 of the San Francisco
5 Administrative Code are hereby waived.

6 Section 16. The appropriate officers, employees, representatives and agents of the
7 City are hereby authorized and directed to do everything necessary or desirable to
8 accomplish the calling and holding of the Bond Special Election, and to otherwise carry out
9 the provisions of this ordinance.

10 Section 17. Documents referenced herein are on file with the Clerk of the Board of
11 Supervisors in File No. , which is hereby declared to be a part of this ordinance as if set
12 forth fully herein.

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14
15 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

16
17 By: _____
KENNETH DAVID ROUX
18 Deputy City Attorney