

1 [San Francisco General Hospital and Trauma Center General Obligation Bond 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 on Tuesday, November 4<sup>th</sup> 2008, for the purpose of submitting to San**  
5 **Francisco voters a proposition to incur the following bonded debt of the City and**  
6 **County: \$887,400,000 for the building and/or rebuilding and improving of the**  
7 **earthquake safety of the San Francisco General Hospital and Trauma Center and**  
8 **related costs necessary or convenient for the foregoing purposes; authorizing**  
9 **landlords to pass-through 50% of the resulting property tax increase to residential**  
10 **tenants in accordance with Chapter 37 of the San Francisco Administrative Code;**  
11 **finding that the estimated cost of such proposed project is and will be too great to be**  
12 **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; prescribing notice to be**  
18 **given of such election; adopting findings under the California Environmental Quality**  
19 **Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31,**  
20 **including the adoption of a mitigation monitoring and reporting program and a**  
21 **statement of overriding considerations; finding that the proposed project is in**  
22 **conformity with the priority policies of Planning Code Section 101.1(b) and with the**  
23 **General Plan consistency requirement of Charter Section 4.105 and Administrative**  
24 **Code Section 2A.53; consolidating the special election with the general election;**  
25 **establishing the election precincts, voting places and officers for the election; waiving**

1 the word limitation on ballot propositions imposed by San Francisco Municipal  
2 Elections Code Section 510; complying with the restrictions on the use of bond  
3 proceeds specified in Section 53410 of the California Government Code; incorporating  
4 the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and  
5 waiving the time requirements specified in Section 2.34 of the San Francisco  
6 Administrative Code.

7 Note: Additions are *single-underline italics Times New Roman*;  
8 deletions are ~~*strikethrough italics Times New Roman*~~.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. Findings.

12 A. In 1994 the California legislature approved Senate Bill 1953 ("SB 1953"), which  
13 required hospitals to meet progressively higher levels of seismic safety beginning in January  
14 2002.

15 B. This Board of Supervisors (this "Board") recognizes the need to build a new,  
16 seismically safe acute care hospital at the San Francisco General Hospital and Trauma  
17 Center ("SFGH") to comply with the requirements of SB 1953 and to implement the San  
18 Francisco General Hospital Seismic Compliance Hospital Replacement Program (the  
19 "Project"), as more particularly described in the Final Environmental Impact Report ("FEIR")  
20 for the Project.

21 C. The Project and its associated costs are identified as the top priority in the City's  
22 10-year capital plan, which reviews the safety and seismic needs of City-owned buildings and  
23 property in the City and is approved each year by the Mayor of the City and the Board.

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1 D. This Board now wishes to describe the terms of a ballot measure seeking  
2 approval for the issuance of general obligation bonds (the "Bonds") to finance all or a portion  
3 of the Project described above.

4 Section 2. A special election is called and ordered to be held in the City on Tuesday,  
5 the 4th day of November, 2008, for the purpose of submitting to the electors of the City a  
6 proposition to incur bonded indebtedness of the City for the Project described in the amount  
7 and for the purposes stated:

8 "SAN FRANCISCO GENERAL HOSPITAL AND TRAUMA CENTER  
9 EARTHQUAKE SAFETY BONDS, 2008. \$887,400,000 of bonded indebtedness to ensure  
10 the availability of San Francisco General Hospital and Trauma Center in the event of a natural  
11 disaster or emergency, by building and/or rebuilding and improving the earthquake safety of  
12 the hospital and to pay related costs necessary or convenient for the foregoing purposes,  
13 subject to independent oversight and regular audits; and authorizing landlords to pass-through  
14 to residential tenants in units subject to Chapter 37 of the San Francisco Administrative Code  
15 (the "Residential Stabilization and Arbitration Ordinance") 50% of the increase in the real  
16 property taxes attributable to the cost of the repayment of the bonds.

17 The special election called and ordered shall be referred to in this ordinance as the  
18 "Bond Special Election."

19 Section 3. The estimated cost of the bond financed portion of the project described in  
20 Section 2 above was fixed by the Board by the following resolution and in the amount  
21 specified below:

22 Resolution No. \_\_\_\_\_, \$887,400,000.

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

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1 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 or other funds derived from taxes  
3 levied for those purposes and will require expenditures greater than the amount allowed by  
4 the annual tax levy.

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

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

9 Section 4. The Bond Special Election shall be held and conducted and the votes  
10 received and canvassed, and the returns made and the results ascertained, determined and  
11 declared as provided in this ordinance and in all particulars not recited in this ordinance such  
12 election shall be held according to the laws of the State of California (the "State") and the  
13 Charter of the City (the "Charter") and any regulations adopted under State law or the Charter,  
14 providing for and governing elections in the City, and the polls for such election shall be and  
15 remain open during the time required by such laws and regulations.

16 Section 5. The Bond Special Election is consolidated with the General Election  
17 scheduled to be held in the City on Tuesday, November 4, 2008. The voting precincts, polling  
18 places and officers of election for the November 4, 2008 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 called, and reference is made to  
21 the notice of election setting forth the voting precincts, polling places and officers of election  
22 for the November 4, 2008 General Election by the Director of Elections to be published in the  
23 official newspaper of the City on the date required under the laws of the State of California.

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1           Section 6. The ballots to be used at the Bond Special Election shall be the ballots to  
2 be used at the November 4, 2008 General Election. The word limit for ballot propositions  
3 imposed by San Francisco Municipal Elections Code Section 510 is waived. On the ballots to  
4 be used at the Bond Special Election, in addition to any other matter required by law to be  
5 printed thereon, shall appear the following as a separate proposition:

6           "SAN FRANCISCO GENERAL HOSPITAL AND TRAUMA CENTER EARTHQUAKE  
7 SAFETY BONDS, 2008. To ensure the availability of San Francisco General Hospital and  
8 Trauma Center in the event of a natural disaster or emergency, by building and/or rebuilding  
9 and improving the earthquake safety of the hospital and to pay related costs necessary or  
10 convenient for the foregoing purposes, shall the City and County of San Francisco issue  
11 \$887,400,000 in general obligation bonds subject to independent oversight and regular  
12 audits?"

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

17           Section 7. If at the Bond Special Election it shall appear that two-thirds of all the voters  
18 voting on the proposition voted in favor of and authorized the incurring of bonded  
19 indebtedness for the purposes set forth in such proposition, then such proposition shall have  
20 been accepted by the electors, and bonds authorized shall be issued upon the order of the  
21 Board. Such bonds shall bear interest at a rate not exceeding 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, the proposition  
24 shall be deemed adopted.

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1           Section 8. For the purpose of paying the principal and interest on the bonds, the Board  
2 shall, at the time of fixing the general tax levy and in the manner for such general tax levy  
3 provided, levy and collect annually each year until such bonds are paid, or until there is a sum  
4 in the Treasury of said City, or other account held on behalf of the Treasurer of said City, set  
5 apart for that purpose to meet all sums coming due for the principal and interest on the bonds,  
6 a tax sufficient to pay the annual interest on such bonds as the same becomes due and also  
7 such part of the principal thereof as shall become due before the proceeds of a tax levied at  
8 the time for making the next general tax levy can be made available for the payment of such  
9 principal.

10           Section 9. 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 10. The Board finds and declares that in accordance with the actions  
14 contemplated in this ordinance, this Board, in approving Resolution No. \_\_\_\_\_, including the  
15 Attachment A and Exhibit 1 to Attachment A, adopted findings for the Project pursuant to the  
16 California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco  
17 Administrative Code Chapter 31, including the adoption of a mitigation monitoring and  
18 reporting program and a statement of overriding considerations, ("CEQA Findings"). The  
19 CEQA Findings for the Project are on file with the Clerk of the Board in File No. \_\_\_\_\_  
20 and are incorporated into this ordinance by this reference.

21           Section 11. The Board finds and declares that the proposed Project is (i) in conformity  
22 with the priority policies of Section 101.1(b) of the City Planning Code, (ii) in accordance with  
23 Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the City Administrative  
24 Code, and (iii) consistent with the City's General Plan, and adopts the findings of the City  
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1 Planning Department, as set forth in the General Plan Referral Report, dated July \_\_\_\_\_,  
2 2008, a copy of which is on file with the Clerk of the Board in File No. \_\_\_\_\_ and  
3 incorporates said findings by reference.

4 Section 12. Under Section 53410 of the California Government Code, the bonds shall  
5 be for the specific purpose authorized in this ordinance and the proceeds of such bonds will  
6 be applied only to the Project. The City will comply with the requirements of Sections  
7 53410(c) and 53410(d) of the California Government Code.

8 Section 13. The Bonds are subject to, and incorporate by reference, the applicable  
9 provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the “Citizens’ General  
10 Obligation Bond Oversight Committee”). Under Section 5.31 of the Citizens’ General  
11 Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of one  
12 percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by  
13 the Controller’s Office and appropriated by the Board of Supervisors at the direction of the  
14 Citizens’ General Obligation Bond Oversight Committee to cover the costs of such committee.

15 Section 14. The time requirements specified in Section 2.34 of the San Francisco  
16 Administrative Code are waived.

17 Section 15. The appropriate officers, employees, representatives and agents of the  
18 City are hereby authorized and directed to do everything necessary or desirable to accomplish  
19 the calling and holding of the Bond Special Election, and to otherwise carry out the provisions  
20 of this ordinance.

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1           Section 16. Documents referenced in this ordinance are on file with the Clerk of the  
2 Board of Supervisors in File No.       , which is hereby declared to be a part of this ordinance as  
3 if set forth fully herein.

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5 APPROVED AS TO FORM:  
6 DENNIS J. HERRERA,  
7 City Attorney

8 By: \_\_\_\_\_  
9       Kenneth David Roux  
10       Deputy City Attorney

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