

File No. 091458

Committee Item No. _____

Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 2/9/10

Cmte Board

- Motion
- Resolution
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OTHER

(Use back side if additional space is needed)

Completed by: Renee Craig

Date 2/4/10

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

FILE NO. 091458

ORDINANCE NO.

1 [Earthquake Safety and Emergency Response General Obligation Bond Election.]

2
3 **Ordinance calling and providing for a special election to be held in the City and County**
4 **of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to**
5 **San Francisco voters a proposition to incur the following bonded debt of the City and**
6 **County: \$652,070,000 to finance the construction, acquisition, improvement, and**
7 **retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply**
8 **System, a Public Safety Building and a Forensic Sciences Center, and other critical**
9 **infrastructure and facilities for earthquake safety and related costs necessary or**
10 **convenient for the foregoing purposes; authorizing landlords to pass-through 50% of**
11 **the resulting property tax increase to residential tenants in accordance with Chapter 37**
12 **of the San Francisco Administrative Code; finding that the estimated cost of such**
13 **proposed project is and will be too great to be paid out of the ordinary annual income**
14 **and revenue of the City and County and will require expenditures greater than the**
15 **amount allowed therefor by the annual tax levy; reciting the estimated cost of such**
16 **proposed project; fixing the date of election and the manner of holding such election**
17 **and the procedure for voting for or against the proposition; fixing the maximum rate of**
18 **interest on such bonds and providing for the levy and collection of taxes to pay both**
19 **principal and interest; prescribing notice to be given of such election; finding that a**
20 **portion of the proposed bond is not a project under the California Environmental**
21 **Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San**
22 **Francisco Administrative Code Chapter 31 for the remaining portion of the bond;**
23 **finding that the proposed bond is in conformity with the priority policies of Planning**
24 **Code Section 101.1(b) and with the General Plan consistency requirement of Charter**
25 **Section 4.105 and Administrative Code Section 2A.53; consolidating the special**

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

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

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

13 Section 1. Findings.

14 A. This Board of Supervisors (this "Board") recognizes the need to safeguard and
15 enhance the City's earthquake and emergency response and recovery by rehabilitating critical
16 facilities that support the City's first responders.

17 B. The Earthquake Safety and Emergency Response Bond (the "Bond") will
18 provide funding to construct, improve and rehabilitate earthquake safety and emergency
19 responsiveness facilities and infrastructure (as described below in Section 3).

20 C. The Bond is recommended by the City's 10-year capital plan (the "Plan"), which
21 is approved each year by the Mayor of the City and this Board.

22 D. This Board now wishes to describe the terms of a ballot measure seeking
23 approval for the issuance of general obligation bonds to finance all or a portion of the City's
24 earthquake safety and response needs as described below.

25 Section 2. A special election is called and ordered to be held in the City on Tuesday,
the 8th day of June, 2010, for the purpose of submitting to the electors of the City a

1 proposition to incur bonded indebtedness of the City for the project described in the amount
2 and for the purposes stated:

3 "SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND,
4 2010. \$652,070,000 of bonded indebtedness to safeguard and enhance San Francisco's
5 earthquake safety and emergency responsiveness by constructing, acquiring, improving and
6 retrofitting critical San Francisco facilities and infrastructure, including the water system for
7 firefighting, neighborhood fire and police stations, police command center, Crime Lab, and
8 Medical Examiner and to pay related costs necessary or convenient for the foregoing
9 purposes, subject to independent citizen oversight and regular audits; and authorizing
10 landlords to pass-through to residential tenants in units subject to Chapter 37 of the San
11 Francisco Administrative Code (the "Residential Stabilization and Arbitration Ordinance") 50%
12 of the increase in the real property taxes attributable to the cost of the repayment of the
13 bonds."

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

16 Section 3. PROPOSED PROGRAM. All contracts that are funded with the proceeds of
17 bonds authorized hereby shall be subject to the provisions of Chapter 83 of the City's
18 Administrative Code (the "First Source Hiring Program"), which fosters construction and
19 permanent employment opportunities for qualified economically disadvantaged individuals. In
20 addition, all contracts that are funded with the proceeds of bonds authorized hereby also shall
21 be subject to the provisions of Chapter 14B of the City's Administrative Code (the "Local
22 Business Enterprise and Non-Discrimination in Contracting Ordinance"), which assists small
23 and micro local businesses to increase their ability to compete effectively for the award of City
24 contracts. The proposed program can be summarized as follows:
25

1 A. AUXILIARY WATER SUPPLY SYSTEM. A portion of the Bond shall be
2 allocated to the renovation and seismic upgrading of Auxiliary Water Supply System (the
3 "AWSS") core facilities consisting of a reservoir, two storage tanks and two pump stations
4 (collectively, the "AWSS Project").

5 B. CRITICAL FIREFIGHTING FACILITIES AND INFRASTRUCTURE. A portion of
6 the Bond shall be allocated to the construction, acquisition, improvement, retrofitting and
7 completion of critical firefighting facilities and infrastructure for earthquake safety and
8 emergency response not otherwise specifically enumerated in this ordinance, including
9 without limitation, neighborhood fire stations, and such facilities as cisterns, pipes and tunnels
10 for the water system for firefighting (collectively, the "Critical Firefighting Facilities and
11 Infrastructure").

12 C. PUBLIC SAFETY BUILDING AND FORENSIC SCIENCES CENTER. A portion
13 of the Bond shall be allocated to construct in Mission Bay (1) a Public Safety Building
14 consisting of a new police department command center, a southern district police station, and
15 a neighborhood fire station in a seismically secure facility to serve Mission Bay to
16 accommodate safety needs in a growing community and (2) a new seismically secure
17 Forensic Sciences Center to consolidate the Office of the Chief Medical Examiner and the
18 Police Department's Forensic Services Division (collectively, the "Public Safety Building and
19 Forensic Sciences Center").

20 D. CITIZEN'S OVERSIGHT COMMITTEE. A portion of the Bond shall be used to
21 perform audits of the Bond, as further described in Section 15.

22 The proposed uses and amounts described in this Section 3 are estimates only and,
23 with the exception of Section 3D above, are subject, without limitation, to review and revision
24 by the Mayor and the Board.

25 Section 4. BOND ACCOUNTABILITY MEASURES

1 The Bond shall include the following administrative rules and principles:

2 A. OVERSIGHT. The proposed bond funds shall be subjected to approval
3 processes and rules described in the San Francisco Charter and Administrative Code.
4 Pursuant to S.F. Administrative Code 5.31, the Citizen's General Obligation Bond Oversight
5 Committee shall conduct an annual review of bond spending, and shall provide an annual
6 report of the bond program to the Mayor and the Board of Supervisors.

7 B. TRANSPARENCY. The City shall create and maintain a Web page outlining and
8 describing the bond program, progress, and activity updates. The City shall also hold an
9 annual public hearing and reviews on the bond program and its implementation before the
10 Capital Planning Committee, the Police and Fire Commissions, and the Citizen's General
11 Obligation Bond Oversight Committee.

12 Section 5. The estimated cost of the bond financed portion of the project described in
13 Section 2 above was fixed by the Board by the following resolution and in the amount
14 specified below:

15 Resolution No. _____, \$652,070,000.

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

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

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

1 Section 6. The Bond Special Election shall be held and conducted and the votes
2 received and canvassed, and the returns made and the results ascertained, determined and
3 declared as provided in this ordinance and in all particulars not recited in this ordinance such
4 election shall be held according to the laws of the State of California (the "State") and the
5 Charter of the City (the "Charter") and any regulations adopted under State law or the Charter,
6 providing for and governing elections in the City, and the polls for such election shall be and
7 remain open during the time required by such laws and regulations.

8 Section 7. The Bond Special Election is consolidated with the General Election
9 scheduled to be held in the City on Tuesday, June 8, 2010. The voting precincts, polling
10 places and officers of election for the June 8, 2010 General Election are hereby adopted,
11 established, designated and named, respectively, as the voting precincts, polling places and
12 officers of election for the Bond Special Election called, and reference is made to the notice of
13 election setting forth the voting precincts, polling places and officers of election for the June 8,
14 2010 General Election by the Director of Elections to be published in the official newspaper of
15 the City on the date required under the laws of the State of California.

16 Section 8. The ballots to be used at the Bond Special Election shall be the ballots to
17 be used at the June 8, 2010 General Election. The word limit for ballot propositions imposed
18 by San Francisco Municipal Elections Code Section 510 is waived. On the ballots to be used
19 at the Bond Special Election, in addition to any other matter required by law to be printed
20 thereon, shall appear the following as a separate proposition:

21 "SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND,
22 2010. To safeguard and enhance San Francisco's earthquake safety and emergency
23 responsiveness by constructing, acquiring, improving and retrofitting critical San Francisco
24 facilities and infrastructure, including the water system for firefighting, neighborhood fire and
25 police stations, police command center, Crime Lab, and Medical Examiner and to pay related

1 costs necessary or convenient for the foregoing purposes, shall the City and County of San
2 Francisco issue \$652,070,000 in general obligation bonds subject to independent citizen
3 oversight and regular audits?"

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

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

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

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

1 Section 11. This ordinance shall be published in accordance with any State law
2 requirements, and such publication shall constitute notice of the Bond Special Election and no
3 other notice of the Bond Special Election hereby called need be given.

4 Section 12. The Board, having reviewed the proposed legislation, makes the following
5 findings in compliance with the California Environmental Quality Act ("CEQA"), California
6 Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 15 Cal. Administrative
7 Code Sections 15000 et seq., ("CEQA Guidelines"), and San Francisco Administrative Code
8 Chapter 31 ("Chapter 31"):

9 (i) Critical Firefighting Facilities and Infrastructure. For the reasons set forth in the
10 letter from the Planning Department, dated 1/7/10, a copy of which is on file
11 with the Clerk of the Board in File No. 091458 and incorporated by reference, the
12 Board finds that the bond proposal as it relates to funds for Critical Firefighting Facilities and
13 Infrastructure is not subject to CEQA because as the establishment of a government financing
14 mechanism that does not identify individual specific projects to be constructed with the funds,
15 it is not a project as defined by CEQA and the CEQA Guidelines. The use of bond proceeds
16 to finance any project or portion of any project with funds for the Critical Firefighting Facilities
17 and Infrastructure portion of the Bond will be subject to approval of the Board upon completion
18 of planning and any further required environmental review under CEQA for the individual
19 Critical Firefighting Facilities and Infrastructure projects.

20 (ii) AWSS Project. On December 10, 2009, the Planning Department
21 issued a Final Mitigated Negative Declaration ("FMND") for the AWSS Project, San Francisco
22 Planning Department Case No. 2009.0568E, which is on file with the Clerk of the Board in File
23 No. 091458 and which is incorporated into this ordinance by this reference. In
24 issuing the FMND the Planning Department determined that the AWSS Project could not have
25 a significant effect on the environment.

1 (a) The Board hereby adopts as its own the CEQA findings for the AWSS Project
2 made by the Planning Department in the FMND.

3 (b) The Board has reviewed and considered the information contained in the FMND
4 and all information pertaining to the AWSS Project in the Department's case file and all
5 documents referenced in this ordinance are either on file with the Clerk of the Board in File
6 No. 091458 or may be found in the files of the Planning Department, as the
7 custodian of records, at 1660 Mission Street in San Francisco.

8 (c) The AWSS Project as reflected in this ordinance is consistent with the project
9 described in the FMND and would not result in any significant impacts not identified in the
10 FMND nor cause significant effects identified in the FMND to be substantially more severe.

11 (d) In accordance with CEQA, the Board has considered the mitigation measures
12 described in the FMND and hereby requires the mitigation measures and the mitigation
13 monitoring and reporting program ("MMRP") denoted as Exhibit A to this ordinance and on file
14 with the Clerk of the Board in File No. 091458 to be imposed as conditions on the
15 implementation of the AWSS Project approved by this ordinance.

16 (e) With the implementation of the mitigation measures required in Exhibit A to this
17 ordinance, the environmental impacts resulting from AWSS Project on cultural resources,
18 biological resources and from releases of hazardous materials or creation of hazards would
19 be reduced to a less than significant level as described in the FMND.

20 (f) Based upon the whole record for the FMND, including all written materials and
21 any oral testimony received by the Board, the Board hereby finds that the FMND reflects the
22 independent judgment and analysis of the Planning Department and the Board, is adequate
23 and complete and there is no substantial evidence that the proposed AWSS Project, given the
24 implementation of the mitigation measures as stated in the FMND and the adoption of the
25 MMRP, could have a significant effect on the environment as shown in the analysis of the

1 FMND. The Board hereby adopts the FMND and the MMRP on file with the Clerk of the
2 Board as Exhibit A to this ordinance.

3 (iii) Public Safety Building and Forensic Sciences Center. The Public Safety
4 Building and the Forensic Sciences Center are proposed to be constructed within Mission
5 Bay. On September 17, 1998, the Redevelopment Agency Commission by Resolution No.
6 190-98 and the San Francisco Planning Commission by Resolution No. 14696 certified the
7 Final Subsequent Environmental Impact Report for the Mission Bay North and South
8 Redevelopment Plans ("FSEIR"). On October 19, 1998, the Board of Supervisors, by Motion
9 No. 98-132 affirmed certification of the FSEIR and by Resolution No. 854-98, adopted CEQA
10 findings, including a statement of overriding considerations and a Mission Bay mitigation
11 monitoring and reporting program ("Mission Bay MMRP") in support of various approval
12 actions taken by the Board to implement the Mission Bay Redevelopment Plans. Resolution
13 No. 854-98 is on file with the Clerk of the Board in File No. 091458 and
14 incorporated in this ordinance by this reference.

15 (a) The Public Safety Building is proposed at Parcel 8 in the Mission Bay South
16 Redevelopment Plan Area, bounded by Mission Rock, China Basin and Third Streets. The
17 Redevelopment Agency has issued several addenda to the FSEIR to address various issues
18 and most recently issued Addendum No. 7 to address the location of the Public Safety
19 Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is
20 within the scope of the project analyzed in the FSEIR and will not result in any new significant
21 impacts or a substantial increase in the severity of previously identified significant effects that
22 alter the conclusions reached in the Mission Bay FSEIR. The Addendum No. 7 and any
23 supporting documents have been made available to the Board and the public, are on file with
24 the Clerk of the Board in File No. 091458 and Addendum No. 7 is incorporated in
25

1 this ordinance by this reference. Hereafter in this ordinance, the reference to the FSEIR
2 include any addenda to the FSEIR.

3 (b) The Forensic Sciences Center is proposed at 1600 Owens Street, also known
4 as Parcel 4 of Blocks 41-43 in the Mission Bay South Redevelopment Plan Area. The
5 Redevelopment Agency Commission by Resolution No. 199-2000 and Resolution
6 No. 163-2005, adopted CEQA Findings and approved a Major Phase and a Revised Major
7 Phase submission for Blocks 41-43, finding the proposed Major Phase development and
8 Revised Major Phase development as within the scope of impacts analyzed in the FSEIR.
9 The Redevelopment Agency Commission by Resolution No. 149-2006 approved a combined
10 basic concept and schematic design for a proposed project containing laboratory, office, retail
11 and ancillary uses, finding the basic concept and schematic design within the scope of the
12 project analyzed in the FSEIR. Redevelopment Agency Commission Resolutions
13 No. 199-2000, No. 163-2005 and No. 149-2006 are on file with the Clerk of the Board in File
14 No. 091458 and incorporated in this ordinance by this reference. The Forensic
15 Sciences Center will consist of laboratory, office and ancillary uses consistent with the uses
16 approved for the 1600 Owens Street site and the uses analyzed in the FSEIR and is therefore
17 within the scope of the project analyzed in the FSEIR.

18 (c) The Board has reviewed and considered the CEQA Findings and statement of
19 overriding considerations that it previously adopted, and reviewed and considered the above-
20 referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA
21 Findings contained in Addendum No. 7 and hereby adopts these additional CEQA Findings as
22 its own. The Board additionally finds that implementation of the Public Safety Building and
23 Forensic Sciences Center in Mission Bay (1) do not require major revisions in the FSEIR due
24 to the involvement of new significant environmental effects or a substantial increase in the
25 severity of previously identified significant effects, (2) no substantial changes have occurred

1 with respect to the circumstances under which the project analyzed in the FSEIR will be
2 undertaken that would require major revisions to the FSEIR due to the involvement of new
3 significant environmental effects, or a substantial increase in the severity of effects identified
4 in the FSEIR, and (3) no new information of substantial importance to the project analyzed in
5 the FSEIR has become available which would indicate that (i) the Public Safety Building and
6 Forensic Sciences Center will have significant effects not discussed in the FSEIR; (ii)
7 significant environmental effects will be substantially more severe; (iii) mitigation measures or
8 alternatives found not feasible which would reduce one or more significant effects have
9 become feasible; or (iv) mitigation measures or alternatives which are considerably different
10 from those in the FSEIR will substantially reduce one or more significant effects on the
11 environment.

12 Section 13. The Board finds and declares that the proposed Bond is (i) in conformity
13 with the priority policies of Section 101.1(b) of the San Francisco Planning Code, (ii) in
14 accordance with Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the
15 San Francisco Administrative Code, and (iii) consistent with the City's General Plan, and
16 adopts the findings of the Planning Department, as set forth in the General Plan Referral
17 Report dated 2009 January 7, 2010, a copy of which is on file with the Clerk
18 of the Board in File No. 091458 and incorporates such findings by reference.

19 Section 14. Under Section 53410 of the California Government Code, the bonds shall
20 be for the specific purpose authorized in this ordinance and the proceeds of such bonds will
21 be applied only for such specific purpose. The City will comply with the requirements of
22 Sections 53410(c) and 53410(d) of the California Government Code.

23 Section 15. The Bonds are subject to, and incorporate by reference, the applicable
24 provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the "Citizens' General
25 Obligation Bond Oversight Committee"). Under Section 5.31 of the Citizens' General

1 Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of one
2 percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by
3 the Controller's Office and appropriated by the Board of Supervisors at the direction of the
4 Citizens' General Obligation Bond Oversight Committee to cover the costs of such committee.

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

7 Section 17. 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.

11 Section 18. Documents referenced in this ordinance are on file with the Clerk of the
12 Board of Supervisors in File No. 091458, which is hereby declared to be a part of
13 this ordinance as if set forth fully herein.

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

17 By:

Kenneth David Roux
18 Kenneth David Roux
19 Deputy City Attorney
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