



City and County of San Francisco

Certified Copy

Ordinance

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

2010 FEB 26 PM 4:38

DEPARTMENT OF ELECTIONS

091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - \$412,300,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$412,300,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 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 therefor 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; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and 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 the restrictions on the use of bond proceeds specified in 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.

1/5/2010 Mayor - SUBSTITUTED

2/2/2010 Board of Supervisors - AMENDED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

2/2/2010 Board of Supervisors - CONTINUED AS AMENDED ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

2/9/2010 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING N

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 2 - Alioto-Pier and Avalos

2/9/2010 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Noes: 1 - Daly

Excused: 2 - Alioto-Pier and Avalos

2/23/2010 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

2/26/2010 Mayor - APPROVED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Ordinance is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

February 26, 2010

Date



Angela Calvillo
Clerk of the Board

40-10

FILE NO. 091458

ORDINANCE NO.

SAN FRANCISCO
FILED

2010 FEB 06 PM 4:38
DEPARTMENT OF ELECTIONS

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: \$412,300,000 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 other critical infrastructure and facilities for**
9 **earthquake safety and related costs necessary or convenient for the foregoing**
10 **purposes; authorizing landlords to pass-through 50% of the resulting property tax**
11 **increase to residential tenants in accordance with Chapter 37 of the San Francisco**
12 **Administrative Code; finding that the estimated cost of such proposed project is and**
13 **will be too great to be paid out of the ordinary annual income and revenue of the City**
14 **and County and will require expenditures greater than the amount allowed therefor by**
15 **the annual tax levy; reciting the estimated cost of such proposed project; fixing the**
16 **date of election and the manner of holding such election and the procedure for voting**
17 **for or against the proposition; fixing the maximum rate of interest on such bonds and**
18 **providing for the levy and collection of taxes to pay both principal and interest;**
19 **prescribing notice to be given of such election; finding that a portion of the proposed**
20 **bond is not a project under the California Environmental Quality Act ("CEQA") and**
21 **adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative**
22 **Code Chapter 31 for the remaining portion of the proposed bond; finding that the**
23 **proposed bond is in conformity with the priority policies of Planning Code Section**
24 **101.1(b) and with the General Plan consistency requirement of Charter Section 4.105**
25 **and Administrative Code Section 2A.53; consolidating the special election with the**

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

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*striketthrough italics Times New Roman*~~.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~striketthrough 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. This Board now wishes to describe the terms of a ballot measure seeking
21 approval for the issuance of general obligation bonds to finance all or a portion of the City's
22 earthquake safety and response needs as described below.

23 Section 2. A special election is called and ordered to be held in the City on Tuesday,
24 the 8th day of June, 2010, for the purpose of submitting to the electors of the City a
25 proposition to incur bonded indebtedness of the City for the project described in the amount
and for the purposes stated:

Mayor Newsom, Supervisors Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar
BOARD OF SUPERVISORS

1 "SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND,
2 2010. \$412,300,000 of bonded indebtedness to improve fire, earthquake and emergency
3 response and ensure firefighters a reliable water supply for fires and disasters, through
4 projects including: improving deteriorating pipes, hydrants, reservoirs, water cisterns and
5 pumps built after the 1906 earthquake; improving neighborhood fire stations; replacing the
6 seismically-unsafe emergency command center with an earthquake-safe building; and to pay
7 related costs, subject to independent citizen oversight and regular audits; and authorizing
8 landlords to pass-through to residential tenants in units subject to Chapter 37 of the San
9 Francisco Administrative Code (the "Residential Stabilization and Arbitration Ordinance") 50%
10 of the increase in the real property taxes attributable to the cost of the repayment of the
11 bonds."

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

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

23 A. AUXILIARY WATER SUPPLY SYSTEM. A portion of the Bond shall be
24 allocated to the renovation and seismic upgrading of Auxiliary Water Supply System (the
25

1 "AWSS") core facilities consisting of a reservoir, two storage tanks and two pump stations
2 (collectively, the "AWSS Project").

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

10 C. PUBLIC SAFETY BUILDING. A portion of the Bond shall be allocated to
11 construct in Mission Bay a Public Safety Building consisting of a new police department
12 command center, a southern district police station, and a neighborhood fire station in a
13 seismically secure facility to serve Mission Bay to accommodate safety needs in a growing
14 community (the "Public Safety Building").

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

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

20 Section 4. BOND ACCOUNTABILITY MEASURES

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

22 A. OVERSIGHT. The proposed bond funds shall be subjected to approval
23 processes and rules described in the San Francisco Charter and Administrative Code.
24 Pursuant to S.F. Administrative Code 5.31, the Citizen's General Obligation Bond Oversight
25

1 Committee shall conduct an annual review of bond spending, and shall provide an annual
2 report of the bond program to the Mayor and the Board of Supervisors.

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

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

11 Resolution No. 091457, \$412,300,000.

12 Such resolution was passed by two-thirds or more of the Board and approved by the
13 Mayor of the City (the "Mayor"). In such resolution it was recited and found by the Board that
14 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 or other funds derived from taxes
16 levied for those purposes and will require expenditures greater than the amount allowed by
17 the annual tax levy.

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

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

22 Section 6. The Bond Special Election shall be held and conducted and the votes
23 received and canvassed, and the returns made and the results ascertained, determined and
24 declared as provided in this ordinance and in all particulars not recited in this ordinance such
25 election shall be held according to the laws of the State of California (the "State") and the

1 Charter of the City (the "Charter") and any regulations adopted under State law or the Charter,
2 providing for and governing elections in the City, and the polls for such election shall be and
3 remain open during the time required by such laws and regulations.

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

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

17 "SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND,
18 2010. To improve fire, earthquake and emergency response and ensure firefighters a reliable
19 water supply for fires and disasters, through projects including: improving deteriorating pipes,
20 hydrants, reservoirs, water cisterns and pumps built after the 1906 earthquake; improving
21 neighborhood fire stations; replacing the seismically-unsafe emergency command center with
22 an earthquake-safe building; and to pay related costs, shall the City and County of San
23 Francisco issue \$412,300,000 in general obligation bonds, subject to citizen oversight and
24 regular audits?"
25

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

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

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

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

22 Section 11. This ordinance shall be published in accordance with any State law
23 requirements, and such publication shall constitute notice of the Bond Special Election and no
24 other notice of the Bond Special Election hereby called need be given.
25

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

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

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

23 (a) The Board hereby adopts as its own the CEQA findings for the AWSS Project
24 made by the Planning Department in the FMND.
25

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

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

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

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

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

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

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

24 (b) The Board has reviewed and considered the CEQA Findings and statement of
25 overriding considerations that it previously adopted, and reviewed and considered the above-

1 referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA
2 Findings contained in Addendum No. 7 and hereby adopts these additional CEQA Findings as
3 its own. The Board additionally finds that implementation of the Public Safety Building in
4 Mission Bay (1) does not require major revisions in the FSEIR due to the involvement of new
5 significant environmental effects or a substantial increase in the severity of previously
6 identified significant effects, (2) no substantial changes have occurred with respect to the
7 circumstances under which the project analyzed in the FSEIR will be undertaken that would
8 require major revisions to the FSEIR due to the involvement of new significant environmental
9 effects, or a substantial increase in the severity of effects identified in the FSEIR, and (3) no
10 new information of substantial importance to the project analyzed in the FSEIR has become
11 available which would indicate that (i) the Public Safety Building will have significant effects
12 not discussed in the FSEIR; (ii) significant environmental effects will be substantially more
13 severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or
14 more significant effects have become feasible; or (iv) mitigation measures or alternatives
15 which are considerably different from those in the FSEIR will substantially reduce one or more
16 significant effects on the environment.

17 Section 13. The Board finds and declares that the proposed Bond is (i) in conformity
18 with the priority policies of Section 101.1(b) of the San Francisco Planning Code, (ii) in
19 accordance with Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the
20 San Francisco Administrative Code, and (iii) consistent with the City's General Plan, and
21 adopts the findings of the Planning Department, as set forth in the General Plan Referral
22 Report dated January 7, 2010, a copy of which is on file with the Clerk of the Board in File No.
23 091458 and incorporates such findings by reference.

24 Section 14. Under Section 53410 of the California Government Code, the bonds shall
25 be for the specific purpose authorized in this ordinance and the proceeds of such bonds will

1 be applied only for such specific purpose. The City will comply with the requirements of
2 Sections 53410(c) and 53410(d) of the California Government Code.

3 Section 15. The Bonds are subject to, and incorporate by reference, the applicable
4 provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the "Citizens' General
5 Obligation Bond Oversight Committee"). Under Section 5.31 of the Citizens' General
6 Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of one
7 percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by
8 the Controller's Office and appropriated by the Board of Supervisors at the direction of the
9 Citizens' General Obligation Bond Oversight Committee to cover the costs of such committee.

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

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

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

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA,
City Attorney

22
23 By: Kenneth David Roux
Kenneth David Roux
24 Deputy City Attorney

25
Mayor Newsom, Supervisors Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar
BOARD OF SUPERVISORS



City and County of San Francisco

Tails
Ordinance

SAN FRANCISCO
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

2010 FEB 26 PM 4:39

DEPARTMENT OF ELECTIONS

File Number: 091458

Date Passed: February 23, 2010

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$412,300,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxillary Water Supply System, a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 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 therefor 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; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and 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 the restrictions on the use of bond proceeds specified in 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.

February 02, 2010 Board of Supervisors - CONTINUED AS AMENDED ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

February 02, 2010 Board of Supervisors - AMENDED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

February 09, 2010 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Noes: 1 - Daly

Excused: 2 - Alioto-Pier and Avalos

February 09, 2010 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 2 - Alioto-Pier and Avalos

February 23, 2010 Board of Supervisors - FINALLY PASSED

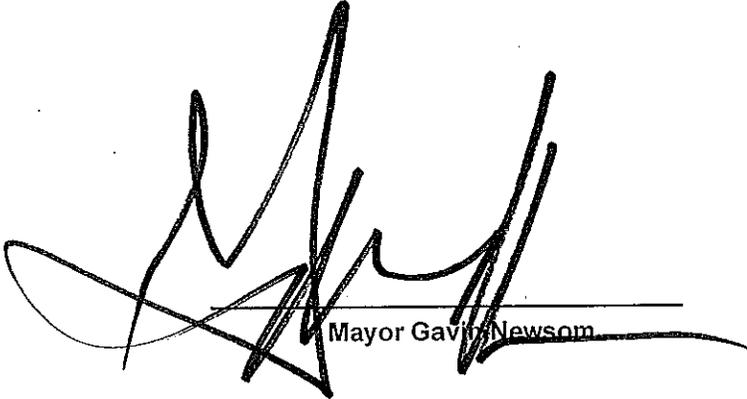
Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

File No. 091458

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/23/2010 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

26 February 2010

Date Approved

FILE NO. 091457

RESOLUTION NO.

1 [Earthquake Safety and Emergency Response General Obligation Bonds.]

2
3 **Resolution determining and declaring that the public interest and necessity demand**
4 **the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and**
5 **Police Stations, the Auxiliary Water Supply System, and a Public Safety Building, and**
6 **other critical infrastructure and facilities for earthquake safety and the payment of**
7 **related costs necessary or convenient for the foregoing purposes; finding that the**
8 **estimated cost of \$412,300,000 for such improvements is and will be too great to be**
9 **paid out of the ordinary annual income and revenue of the City and County and will**
10 **require incurring bonded indebtedness; finding that a portion of the proposed bond is**
11 **not a project under the California Environmental Quality Act ("CEQA") and adopting**
12 **findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code**
13 **Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond**
14 **is in conformity with the priority policies of Planning Code Section 101.1(b) and with**
15 **the General Plan consistency requirement of Charter Section 4.105 and Administrative**
16 **Code Section 2A.53; and waiving the time limits set forth in Administrative Code**
17 **Section 2.34.**

18
19 WHEREAS, The Working Group on California Earthquake Probabilities (a collaborative
20 effort of the United States Geological Survey (the "U.S.G.S."), the California Geological
21 Society and the Southern California Earthquake Center) estimates a 63% chance that one or
22 more earthquakes of a magnitude of 6.7 or larger will occur in the Bay Area before the year
23 2038; and,

1 WHEREAS, The U.S.G.S. predicts that a magnitude 7 earthquake occurring today on
2 the Hayward Fault would likely cause hundreds of deaths and almost \$100 billion in damage;
3 and,

4 WHEREAS, A large magnitude earthquake would damage critical City and County of
5 San Francisco (the "City") facilities and infrastructure, thereby compromising the capacity of
6 first responders, including fire and police personnel, to respond effectively; and,

7 WHEREAS, With adequate funding the City can construct, acquire, improve, retrofit
8 and complete critical firefighting facilities and infrastructure for earthquake safety and
9 emergency response not otherwise specifically enumerated in this resolution, including
10 without limitation, neighborhood fire stations and such facilities as cisterns, pipes and tunnels
11 for the water system for firefighting (collectively, the "Critical Firefighting Facilities and
12 Infrastructure"); and,

13 WHEREAS, With adequate funding the City can renovate and seismically upgrade the
14 Auxiliary Water Supply System (the "AWSS") core facilities consisting of a reservoir, two
15 storage tanks and two pump stations (collectively, the "AWSS Project"); and,

16 WHEREAS, With adequate funding the City can construct in Mission Bay a Public
17 Safety Building consisting of a new police department command center, a southern district
18 police station, and a neighborhood fire station in a seismically secure facility to serve Mission
19 Bay to accommodate safety needs in a growing community (the "Public Safety Building"); and,

20 WHEREAS, The Earthquake Safety and Emergency Response Bond (the "Bond") will
21 provide funding for Critical Firefighting Facilities and Infrastructure, the AWSS Project and the
22 Public Safety Building; and,

23 WHEREAS, The Board recognizes the need to safeguard and enhance the City's
24 earthquake and emergency response and recovery by rehabilitating critical facilities that
25 support the City's first responders; now, therefore, be it

1 RESOLVED, By the Board:

2 Section 1. The Board determines and declares that the public interest and necessity
3 demand the rehabilitation and seismic upgrade of Critical Firefighting Facilities and
4 Infrastructure and the AWSS, and the construction of a new seismically secure Public Safety
5 Building, and the payment of related costs necessary or convenient for the foregoing
6 purposes.

7 Section 2. The estimated cost of \$412,300,000 of the Bond is and will be too great to
8 be paid out of the ordinary annual income and revenue of the City, will require an expenditure
9 greater than the amount allowed by the annual tax levy, and will require the incurrence of
10 bonded indebtedness in an amount not to exceed \$412,300,000.

11 Section 3. The Board, having reviewed the proposed legislation, makes the following
12 findings in compliance with the California Environmental Quality Act ("CEQA"), California
13 Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 15 Cal. Administrative
14 Code Sections 15000 et seq., ("CEQA Guidelines"), and San Francisco Administrative Code
15 Chapter 31 ("Chapter 31"):

16 (i) Critical Firefighting Facilities and Infrastructure. For the reasons set forth in the
17 letter from the Planning Department, dated January 7, 2010, a copy of which is on file
18 with the Clerk of the Board in File No. 091457 and incorporated by reference,
19 the Board finds that the bond proposal as it relates to funds for Critical Firefighting Facilities
20 and Infrastructure is not subject to CEQA because as the establishment of a government
21 financing mechanism that does not identify individual specific projects to be constructed with
22 the funds, it is not a project as defined by CEQA and the CEQA Guidelines. The use of bond
23 proceeds to finance any project or portion of any project with funds for the Critical Firefighting
24 Facilities and Infrastructure portion of the Bond will be subject to approval of the Board upon
25

1 completion of planning and any further required environmental review under CEQA for the
2 individual Critical Firefighting Facilities and Infrastructure projects.

3 (ii) AWSS Project. On December 10, 2009, the Planning Department
4 issued a Final Mitigated Negative Declaration ("FMND") for the AWSS Project, San Francisco
5 Planning Department Case No. 2009.0568E, which is on file with the Clerk of the Board in File
6 No. 091457 and which is incorporated into this resolution by this reference. In
7 issuing the FMND the Planning Department determined that the AWSS Project could not have
8 a significant effect on the environment.

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

11 (b) The Board has reviewed and considered the information contained in the FMND
12 and all information pertaining to the AWSS Project in the Department's case file and all
13 documents referenced in this resolution are either on file with the Clerk of the Board in File
14 No. 091457 or may be found in the files of the Planning Department, as the
15 custodian of records, at 1660 Mission Street in San Francisco.

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

19 (d) In accordance with CEQA, the Board has considered the mitigation measures
20 described in the FMND and hereby requires the mitigation measures and the mitigation
21 monitoring and reporting program ("MMRP") denoted as Exhibit A to this resolution and on file
22 with the Clerk of the Board in File No. 091457 to be imposed as conditions on the
23 implementation of the AWSS Project approved by this resolution.

24 (e) With the implementation of the mitigation measures required in Exhibit A to this
25 resolution, the environmental impacts resulting from AWSS Project on cultural resources,

1 biological resources and from releases of hazardous materials or creation of hazards would
2 be reduced to a less than significant level as described in the FMND.

3 (f) Based upon the whole record for the FMND, including all written materials and
4 any oral testimony received by the Board, the Board hereby finds that the FMND reflects the
5 independent judgment and analysis of the Planning Department and the Board, is adequate
6 and complete and there is no substantial evidence that the proposed AWSS Project, given the
7 implementation of the mitigation measures as stated in the FMND and the adoption of the
8 MMRP, could have a significant effect on the environment as shown in the analysis of the
9 FMND. The Board hereby adopts the FMND and the MMRP on file with the Clerk of the
10 Board as Exhibit A to this resolution.

11 (iii) Public Safety Building. The Public Safety Building is proposed to be
12 constructed within Mission Bay. On September 17, 1998, the Redevelopment Agency
13 Commission by Resolution No. 190-98 and the San Francisco Planning Commission by
14 Resolution No. 14696 certified the Final Subsequent Environmental Impact Report for the
15 Mission Bay North and South Redevelopment Plans ("FSEIR"). On October 19, 1998, the
16 Board of Supervisors, by Motion No. 98-132 affirmed certification of the FSEIR and by
17 Resolution No. 854-98, adopted CEQA findings, including a statement of overriding
18 considerations and a Mission Bay mitigation monitoring and reporting program ("Mission Bay
19 MMRP") in support of various approval actions taken by the Board to implement the Mission
20 Bay Redevelopment Plans. Resolution No. 854-98 is on file with the Clerk of the Board in File
21 No. 091457 and incorporated in this resolution by this reference.

22 (a) The Public Safety Building is proposed at Parcel 8 in the Mission Bay South
23 Redevelopment Plan Area, bounded by Mission Rock, China Basin and Third Streets. The
24 Redevelopment Agency has issued several addenda to the FSEIR to address various issues
25 and most recently issued Addendum No. 7 to address the location of the Public Safety

1 Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is
2 within the scope of the project analyzed in the FSEIR and will not result in any new significant
3 impacts or a substantial increase in the severity of previously identified significant effects that
4 alter the conclusions reached in the Mission Bay FSEIR. The Addendum No. 7 and any
5 supporting documents have been made available to the Board and the public, are on file with
6 the Clerk of the Board in File No. 091457 and Addendum No. 7 is incorporated in
7 this resolution by this reference. Hereafter in this resolution, the reference to the FSEIR
8 include any addenda to the FSEIR.

9 (b) The Board has reviewed and considered the CEQA Findings and statement of
10 overriding considerations that it previously adopted, and reviewed and considered the above-
11 referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA
12 Findings contained in Addendum No. 7 and hereby adopts these additional CEQA Findings as
13 its own. The Board additionally finds that implementation of the Public Safety Building in
14 Mission Bay (1) does not require major revisions in the FSEIR due to the involvement of new
15 significant environmental effects or a substantial increase in the severity of previously
16 identified significant effects, (2) no substantial changes have occurred with respect to the
17 circumstances under which the project analyzed in the FSEIR will be undertaken that would
18 require major revisions to the FSEIR due to the involvement of new significant environmental
19 effects, or a substantial increase in the severity of effects identified in the FSEIR, and (3) no
20 new information of substantial importance to the project analyzed in the FSEIR has become
21 available which would indicate that (i) the Public Safety Building will have significant effects
22 not discussed in the FSEIR; (ii) significant environmental effects will be substantially more
23 severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or
24 more significant effects have become feasible; or (iv) mitigation measures or alternatives

1 which are considerably different from those in the FSEIR will substantially reduce one or more
2 significant effects on the environment.

3 Section 4. The Board finds and declares that the proposed Bond is (i) in conformity
4 with the priority policies of Section 101.1(b) of the San Francisco Planning Code, (ii) in
5 accordance with Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the
6 San Francisco Administrative Code, and (iii) consistent with the City's General Plan, and
7 adopts the findings of the Planning Department, as set forth in the General Plan Referral
8 Report dated January 7, 2010, a copy of which is on file with the Clerk of the Board in File
9 No. 091457 and incorporates such findings by reference.

10 Section 5. The time limit for approval of this resolution specified in Section 2.34 of the
11 San Francisco Administrative Code is waived.

12 Section 6. Under Section 2.40 of the San Francisco Administrative Code, the
13 ordinance submitting this proposal to the voters shall contain a provision authorizing landlords
14 to pass-through 50% of the resulting property tax increases to residential tenants in
15 accordance with Chapter 37 of the San Francisco Administrative Code.

16 Section 7. Documents referenced in this resolution are on file with the Clerk of the
17 Board of Supervisors in File No. 091457, which is hereby declared to be a part of
18 this resolution as if set forth fully herein.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA
City Attorney

22 By: Kenneth David Roux
23 KENNETH DAVID ROUX
24 Deputy City Attorney

25
Mayor Newsom, Supervisors Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar
BOARD OF SUPERVISORS



City and County of San Francisco

Tails
Resolution

SAN FRANCISCO
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
2010 FEB 26 PM 4:39

DEPARTMENT OF ELECTIONS

File Number: 091457

Date Passed: February 23, 2010

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, and a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$412,300,000 for such improvements 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 incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

February 02, 2010 Board of Supervisors - CONTINUED AS AMENDED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

February 02, 2010 Board of Supervisors - AMENDED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

February 09, 2010 Board of Supervisors - CONTINUED AS AMENDED

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 2 - Alioto-Pier and Avalos

February 09, 2010 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

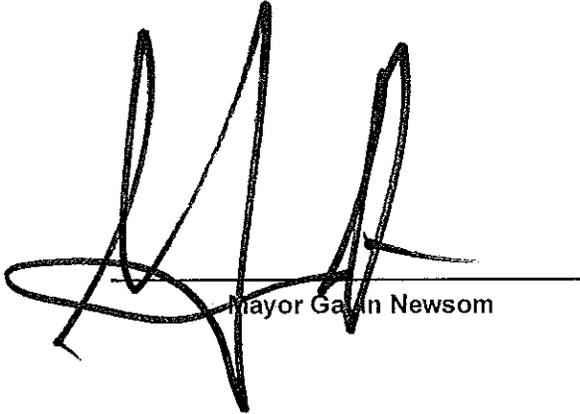
Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 2 - Alioto-Pier and Avalos

February 23, 2010 Board of Supervisors - ADOPTED

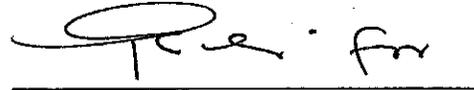
Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

File No. 091457

I hereby certify that the foregoing
Resolution was ADOPTED on 2/23/2010 by
the Board of Supervisors of the City and
County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

26 February 2010
Date Approved

SAN FRANCISCO
FILED

LEGISLATIVE DIGEST

2010 FEB 26 PM 4:39

DEPARTMENT OF CITY CLERK

[Earthquake Safety and Emergency Response General Obligation Bond Election]

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 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 therefor 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; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and 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 the restrictions on the use of bond proceeds specified in 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.

Existing Law

General Obligation Bonds of the City and County of San Francisco may be issued only with the assent of two-thirds of the voters voting on the proposition.

Ballot Proposition

This ordinance authorizes the following ballot proposition to be placed on the June 8, 2010 ballot:

FILE NO. 09V458

SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND, 2010. To safeguard and enhance San Francisco's earthquake safety and emergency responsiveness by constructing, acquiring, improving and retrofitting critical San Francisco facilities and infrastructure, including the water system for firefighting, neighborhood fire and police stations, police command center, Crime Lab, and Medical Examiner and to pay related costs necessary or convenient for the foregoing purposes, shall the City and County of San Francisco issue \$652,070,000 in general obligation bonds subject to independent citizen oversight and regular audits?

The ordinance fixes the maximum rate of interest on the Bonds, and provides for a levy and a collection of taxes to repay both the principal and interest on the Bonds. The ordinance also describes the manner in which the Bond Special Election will be held, and the ordinance provides for compliance with applicable state and local laws.

Background Information

The Board of Supervisors found that the amount of specified for this project is and will be too great to be paid out of the ordinary annual income and revenue of the City, and will require expenditures greater than the amount allowed therefor by the annual tax levy.