Amendment of the Whole
in Board
2/9/10

FILE NO. 091458

ORDINANCE NO.

[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: $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.

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

Section 1. Findings.

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

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

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

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

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

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

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

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

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

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

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

Section 4. BOND ACCOUNTABILITY MEASURES

The Bond shall include the following administrative rules and principles:

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

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

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

Resolution No. _______, $412,300,000.

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

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

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

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

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

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

"SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND, 2010. To improve fire, earthquake and emergency response and ensure firefighters a reliable water supply for fires and disasters, through projects including: improving deteriorating pipes, hydrants, reservoirs, water cisterns and pumps built after the 1906 earthquake; improving neighborhood fire stations; replacing the seismically-unsafe emergency command center with an earthquake-safe building; and to pay related costs, shall the City and County of San Francisco issue $412,300,000 in general obligation bonds, subject to citizen oversight and regular audits?"
Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark the ballot in the location corresponding to a "YES" vote for the proposition, and to vote against the proposition shall mark the ballot in the location corresponding to a "NO" vote for the proposition.

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

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

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

Section 11. This ordinance shall be published in accordance with any State law requirements, and such publication shall constitute notice of the Bond Special Election and no other notice of the Bond Special Election hereby called need be given.
Section 12. The Board, having reviewed the proposed legislation, makes the following
findings in compliance with the California Environmental Quality Act ("CEQA"), California
Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 15 Cal. Administrative
Code Sections 15000 et seq., ("CEQA Guidelines"), and San Francisco Administrative Code
Chapter 31 ("Chapter 31"):

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

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

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

Mayor Newsom, Supervisors Chiu, Avalos, Campos, Duffy, Mirkarimi, Mar
BOARD OF SUPERVISORS
(b) The Board has reviewed and considered the information contained in the FMND and all information pertaining to the AWSS Project in the Department's case file and all documents referenced in this ordinance are either on file with the Clerk of the Board in File No. 091458 or may be found in the files of the Planning Department, as the custodian of records, at 1660 Mission Street in San Francisco.

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

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

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

(f) Based upon the whole record for the FMND, including all written materials and any oral testimony received by the Board, the Board hereby finds that the FMND reflects the independent judgment and analysis of the Planning Department and the Board, is adequate and complete and there is no substantial evidence that the proposed AWSS Project, given the implementation of the mitigation measures as stated in the FMND and the adoption of the MMRP, could have a significant effect on the environment as shown in the analysis of the FMND. The Board hereby adopts the FMND and the MMRP on file with the Clerk of the Board as Exhibit A to this ordinance.
(iii) Public Safety Building. The Public Safety Building is proposed to be constructed within Mission Bay. On September 17, 1998, the Redevelopment Agency Commission by Resolution No. 190-98 and the San Francisco Planning Commission by Resolution No. 14696 certified the Final Subsequent Environmental Impact Report for the Mission Bay North and South Redevelopment Plans ("FSEIR"). On October 19, 1998, the Board of Supervisors, by Motion No. 98-132 affirmed certification of the FSEIR and by Resolution No. 854-98, adopted CEQA findings, including a statement of overriding considerations and a Mission Bay mitigation monitoring and reporting program ("Mission Bay MMRP") in support of various approval actions taken by the Board to implement the Mission Bay Redevelopment Plans. Resolution No. 854-98 is on file with the Clerk of the Board in File No. 091458 and incorporated in this ordinance by this reference.

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

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

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

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

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

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

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

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

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

By: Kenneth David Roux
Deputy City Attorney

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

Date Approved 2/26/2010