Resolution determining and declaring that the public interest and necessity demand
the repaving and reconstruction of roads, the rehabilitation and seismic improvement
of street structures, the replacement of sidewalks, the installation and renovation of
curb ramps, the redesign of streetscapes to include pedestrian and bicycle safety
improvements, and the construction, rehabilitation, and renovation of traffic
infrastructure and the payment of related costs necessary or convenient for the
foregoing purposes; finding that the estimated cost of $248,000,000 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 of San Francisco and will require incurring bonded
indebtedness; finding that the proposed bond is not a project under the California
Environmental Quality Act (CEQA); 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; providing for the City and County of San Francisco to declare its official intent
to reimburse prior expenditures; and waiving the time limits set forth in Administrative
Code Section 2.34.

WHEREAS, The City and County of San Francisco (the "City") has experienced a
significant decline in the condition of City streets, sidewalks and street structures,
accompanied by a projected decline in revenues available for such critical infrastructure
projects; and,

WHEREAS, City staff has identified a capital improvement need totaling $248,000,000
in projects relating to street repaving, street structure rehabilitation and seismic improvement,
curb ramp installations, sidewalk replacement, and streetscape and traffic infrastructure improvements; and,

WHEREAS, Substandard and crumbling streets and sidewalks present hazards for pedestrians, people with disabilities, bicyclists, motorists and transit-riders; and,

WHEREAS, Deteriorating streets increase vehicle maintenance costs for motorists and transit operators, and compromise the mobility of emergency response vehicles; and,

WHEREAS, With adequate funding the City can implement cost-effective measures to repave streets before they fall into disrepair and before they must be reconstructed at a much greater cost; and,

WHEREAS, Sidewalk improvements and curb ramps are essential to providing equal access for people with disabilities to the City’s network of streets and roads; and,

WHEREAS, Street structures such as tunnels, bridges, and stairways connect residents to neighborhoods throughout the City and are in need of rehabilitation and seismic improvement; and,

WHEREAS, The current design of City streets and sidewalks does not maximize the use of public spaces and rights-of-way; and,

WHEREAS, The City’s traffic infrastructure, including but not limited to traffic signal infrastructure, are in need of construction and renovation to improve transit efficiency and,

WHEREAS, The traffic infrastructure improvements will make Muni more efficient and reliable thereby increasing transit use; and,

WHEREAS, The redesign of the City’s streets and sidewalks will promote a more walkable and bikable environment and safely accommodate the expected increase in pedestrian and bicycle traffic volumes; and,
WHEREAS, Current transportation revenues are insufficient to address the capital improvement need described above and the current needs of the City's roadway infrastructure; and,  

WHEREAS, The Road Repaving and Street Safety Bond (the "Bond") will enhance the safety of pedestrians, people with disabilities, bicyclists, transit-riders and motorists by repaving streets, replacing sidewalks, stairways, bridges, tunnels and related street structures, installing curb ramps, and by constructing, rehabilitating and renovating traffic infrastructure, as well as by constructing and installing safety improvements to redesign and modernize street corridors (collectively, the "Project"); and,  

WHEREAS, The Bond is recommended by the City's 10-year capital plan, which is approved each year by the Mayor of the City and the Board of Supervisors of the City (the "Board"); and,  

WHEREAS, The Board recognizes the need to enhance and improve public safety for pedestrians, cyclists, motorists, people with disabilities and transit-riders and to provide stable and reliable funding for road, traffic, sidewalk and street infrastructure; now, therefore, be it  

RESOLVED, By the Board:  

Section 1. The Board determines and declares that the public interest and necessity demand the repavement of streets, the replacement of sidewalks, stairways, bridges, tunnels and related street structures, the installation of curb ramps, the construction, rehabilitation and renovation of traffic infrastructure, as well as the construction and installation of safety improvements to redesign and modernize street corridors, and the payment of related costs necessary or convenient for the foregoing purposes.  

Section 2. The estimated cost of $248,000,000 of the Bond is and will be too great to be paid out of the ordinary annual income and revenue of the City, will require an expenditure
greater than the amount allowed by the annual tax levy, and will require the incurrence of
bonded indebtedness in an amount not to exceed $248,000,000.

Section 3. The Board, having reviewed the proposed legislation, finds and declares for
the reasons set forth in the letter from the City Planning Department, dated May 19, 2011, a
copy of which is on file with the Clerk of the Board in File No. 110655 and incorporated by
reference, that the Bond proposal is not subject to the California Environmental Quality Act
("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 will be subject to approval of the Board upon completion of
planning and any further required environmental review under CEQA for those individual
projects.

Section 4. 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 City Planning Department, as set forth in the General Plan Referral
Report dated May 20, 2011, a copy of which is on file with the Clerk of the Board in File
No. 110655 and incorporates such findings by reference.

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

Section 6. Under Section 2.40 of the San Francisco Administrative Code, the
ordinance submitting this proposal to the voters shall contain a provision authorizing landlords
Section 7. The City hereby declares its official intent to reimburse prior expenditures of the City incurred or expected to be incurred prior to the issuance and sale of any series of bonds in connection with the Project (collectively, the "Series 2012 Bonds"). The Board hereby declares the City's intent to reimburse the City with the proceeds of the Series 2012 Bonds for the expenditures with respect to the Project (the "Expenditures" and each, an "Expenditure") made on and after that date that is no more than 60 days prior to adoption of this Resolution. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Series 2012 Bonds.

Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Series 2012 Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City. The maximum aggregate principal amount of the Series 2012 Bonds expected to be issued for the Project is $248,000,000. The City shall make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the applicable Series of 2012 Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the
year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 8. Documents referenced in this resolution are on file with the Clerk of the Board of Supervisors in File No. 110655, which is hereby declared to be a part of this resolution as if set forth fully herein.

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: KENNETH DAVID ROUX
Deputy City Attorney
Resolution determining and declaring that the public interest and necessity demand the repaving and reconstruction of roads, the rehabilitation and seismic improvement of street structures, the replacement of sidewalks, the installation and renovation of curb ramps, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and the construction, rehabilitation, and renovation of traffic infrastructure and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $248,000,000 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 of San Francisco and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act (CEQA); 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; providing for the City and County of San Francisco to declare its official intent to reimburse prior expenditures; and waiving the time limits set forth in Administrative Code Section 2.34.

May 26, 2011 Budget and Finance Committee - RECOMMENDED

June 07, 2011 Board of Supervisors - ADOPTED

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Kim, Mar, Mirkarimi and Wiener
Noes: 2 - Elsbernd and Farrell

I hereby certify that the foregoing Resolution was ADOPTED on 6/7/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee
Date Approved