

1 [General Obligation Bond Election - Earthquake Safety and Emergency Response - Not to
2 Exceed \$628,500,000]

3 **Ordinance calling and providing for a special election to be held in the City and County**
4 **of San Francisco on Tuesday, March 3, 2020, for the purpose of submitting to**
5 **San Francisco voters a proposition to incur the following bonded debt of the City and**
6 **County: \$628,500,000 to finance the construction, acquisition, improvement,**
7 **renovation, and seismic retrofitting of the Emergency Firefighting Water System,**
8 **Firefighting Facilities and Infrastructure, Police Facilities and Infrastructure, Facilities**
9 **for the Department of Emergency Management's 911 Call Center, and other Disaster**
10 **Response Facilities and Infrastructure for earthquake and public safety and related**
11 **costs necessary or convenient for the foregoing purposes; authorizing landlords to**
12 **pass-through 50% of the resulting property tax increase to residential tenants in**
13 **accordance with Chapter 37 of the Administrative Code; finding that the estimated cost**
14 **of such proposed project is and will be too great to be paid out of the ordinary annual**
15 **income and revenue of the City and County and will require expenditures greater than**
16 **the amount allowed therefor by the annual tax levy; reciting the estimated cost of such**
17 **proposed project; fixing the date of election and the manner of holding such election**
18 **and the procedure for voting for or against the proposition; fixing the maximum rate of**
19 **interest on such bonds and providing for the levy and collection of taxes to pay both**
20 **principal and interest; prescribing notice to be given of such election; finding that a**
21 **portion of the proposed bond is not a project under CEQA and adopting findings under**
22 **CEQA for the remaining portion of the proposed bond; finding that the proposed bond**
23 **is in conformity with the priority policies of Planning Code Section 101.1(b) and is**
24 **consistent with the General Plan; consolidating the special election with the general**
25 **election; establishing the election precincts, voting places and officers for the election;**

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

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7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Findings.

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

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

22 C. 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 3rd day of March, 2020, 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

1 and for the purposes stated:

2 "SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND,
3 2020. \$628,500,000 of bonded indebtedness to improve fire, earthquake and emergency
4 response by improving, constructing, and/or replacing: deteriorating cisterns, pipes, and
5 tunnels, and related facilities to ensure firefighters a reliable water supply for fires and
6 disasters; neighborhood fire and police stations and supporting facilities; the City's 911 Call
7 Center; and other disaster response and public safety facilities, and to pay related costs, with
8 a duration up to 30 years from the time of issuance, an estimated tax rate of \$0.015/\$100 of
9 assessed property value, and estimated annual revenues of up to \$40,000,000, subject to
10 independent citizen oversight and regular audits; and authorizing landlords to pass-through to
11 residential tenants in units subject to Chapter 37 of the Administrative Code (the "Residential
12 Stabilization and Arbitration Ordinance") 50% of the increase in the real property taxes
13 attributable to the cost of the repayment of the 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 Administrative
18 Code (the "First Source Hiring Program"), which fosters construction and permanent
19 employment opportunities for qualified economically disadvantaged individuals. In addition,
20 all contracts that are funded with the proceeds of bonds authorized hereby also shall be
21 subject to the provisions of Chapter 14B of the Administrative Code (the "Local Business
22 Enterprise and Non-Discrimination in Contracting Ordinance"), which assists small and micro
23 local businesses to increase their ability to compete effectively for the award of City contracts.
24 The proposed program can be summarized as follows:

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1 A. EMERGENCY FIREFIGHTING WATER SYSTEM. A portion of the Bond shall
2 be allocated to the renovation and seismic upgrading of the emergency firefighting water
3 system (the "EFWS") and related facilities, including but not limited to cisterns, pipes and
4 tunnels, and related facilities (collectively, the "EFWS Project").

5 B. FIREFIGHTING FACILITIES AND INFRASTRUCTURE. A portion of the Bond
6 shall be allocated to the construction, acquisition, improvement, renovation, retrofitting and
7 completion of critical firefighting facilities and infrastructure for earthquake safety and
8 emergency response, including without limitation, neighborhood fire stations, a Fire
9 Department training facility and supporting facilities (collectively, the "Firefighting Facilities
10 and Infrastructure").

11 C. POLICE FACILITIES AND INFRASTRUCTURE. A portion of the Bond shall be
12 allocated to the construction, acquisition, improvement, renovation, retrofitting and completion
13 of police facilities and infrastructure for earthquake safety and emergency response, including
14 without limitation, neighborhood police stations and supporting facilities (collectively, the
15 "Police Facilities and Infrastructure").

16 D. 911 CALL CENTER. A portion of the Bond shall be allocated to the construction,
17 improvement, renovation, retrofitting and completion of capital improvements to the City's 911
18 Call Center (the "911 Call Center").

19 E. DISASTER RESPONSE FACILITIES AND INFRASTRUCTURE. A portion of the
20 Bond shall be allocated to the construction, acquisition, improvement, renovation, retrofitting
21 and completion of seismically unsafe public facilities and infrastructure needed for effective
22 disaster response (collectively, the "Disaster Response Facilities and Infrastructure").

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

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

4 Section 4. BOND ACCOUNTABILITY MEASURES

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

6 A. OVERSIGHT. The proposed bond funds shall be subjected to approval
7 processes and rules described in the Charter and Administrative Code. Pursuant to
8 Administrative Code Section 5.31, the Citizen's General Obligation Bond Oversight
9 Committee shall conduct an annual review of bond spending and shall provide an annual
10 report of the bond program to the Mayor and the Board of Supervisors.

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

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

20 Resolution No. _____, \$628,500,000.

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

1 the annual tax levy.

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

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

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

13 Section 7. The Bond Special Election is consolidated with the General Election
14 scheduled to be held in the City on Tuesday, March 3, 2020. The voting precincts, polling
15 places and officers of election for the March 3, 2020 General Election are hereby adopted,
16 established, designated and named, respectively, as the voting precincts, polling places and
17 officers of election for the Bond Special Election called, and reference is made to the notice of
18 election setting forth the voting precincts, polling places and officers of election for the March
19 3, 2020 General Election by the Director of Elections to be published in the official newspaper
20 of the City on the date required under the laws of the State of California.

21 Section 8. The ballots to be used at the Bond Special Election shall be the ballots to
22 be used at the March 3, 2020 General Election. The word limit for ballot propositions imposed
23 by Municipal Elections Code Section 510 is waived. On the ballots to be used at the Bond
24 Special Election, in addition to any other matter required by law to be printed thereon, shall
25 appear the following as a separate proposition:

1 "SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND,
2 2020. To improve fire, earthquake and emergency response by improving, constructing,
3 and/or replacing: deteriorating cisterns, pipes, and tunnels, and related facilities to ensure
4 firefighters a reliable water supply for fires and disasters; neighborhood fire and police stations
5 and supporting facilities; the City's 911 Call Center; and other disaster response and public
6 safety facilities, and to pay related costs, shall the City and County of San Francisco issue
7 \$628,500,000 in general obligation bonds, with a duration up to 30 years from the time of
8 issuance, an estimated average tax rate of \$0.015/\$100 of assessed property value, and
9 projected average annual revenues of \$40,000,000, subject to citizen oversight and regular
10 audits?

11 The City's current debt management policy is to keep the property tax rate for City
12 general obligation bonds below the 2006 rate by issuing new bonds as older ones are retired
13 and the tax base grows, though this property tax rate may vary based on other factors."

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

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

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

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

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

16 Section 12. The Board, having reviewed the proposed legislation, makes the following
17 findings in compliance with the California Environmental Quality Act ("CEQA"), California
18 Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 14 California Code of
19 Regulations Sections 15000 et seq., ("CEQA Guidelines"), and Administrative Code Chapter
20 31 ("Chapter 31"):

21 (i) Emergency Firefighting Water System (EFWS) Project. For the reasons set
22 forth in the letter from the Environmental Review Officer of the Planning Department, dated
23 _____, a copy of which is on file with the Clerk of the Board in File No. _____
24 and incorporated by reference, the Board finds that the bond proposal as it relates to funds for
25 the EFWS Project is not subject to CEQA because as the establishment of a government

1 financing mechanism that does not involve any commitment to specific projects to be
2 constructed with the funds, it is not a project as defined by CEQA and the CEQA Guidelines.
3 The use of bond proceeds to finance any project or portion of any project with funds for the
4 EFWS Project portion of the Bond will be subject to approval of the Board upon completion of
5 planning and any further required environmental review under CEQA for the individual EFWS
6 projects.

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

19 (iii) Police Facilities and Infrastructure. For the reasons set forth in the letter from
20 the Environmental Review Officer of the Planning Department, _____ a copy of
21 which is on file with the Clerk of the Board in File No. _____ and incorporated by
22 reference, the Board finds that the bond proposal as it relates to funds for Police Facilities and
23 Infrastructure is not subject to CEQA because as the establishment of a government financing
24 mechanism that does not involve any commitment to specific projects to be constructed with
25 the funds, it is not a project as defined by CEQA and the CEQA Guidelines. The use of bond

1 proceeds to finance any project or portion of any project with funds for the Police Facilities
2 and Infrastructure portion of the Bond will be subject to approval of the Board upon completion
3 of planning and any further required environmental review under CEQA for the individual
4 Police Facilities and Infrastructure projects.

5 (iv) 911 Call Center. The Environmental Review Officer in the Planning Department
6 determined that the 911 Call Center project is exempt from environmental review as a Class 1
7 Categorical Exemption, existing facilities, in a written determination dated _____ and
8 contained in Planning Department File No. 2019-005262EEC and this Board's File No.
9 _____.

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

22 Section 13. The Board finds and declares that the proposed Bond is (i) in conformity
23 with the priority policies of Section 101.1(b) of the Planning Code, (ii) in accordance with
24 Section 4.105 of the Charter and Section 2A.53(f) of the Administrative Code, and (iii)
25 consistent with the City's General Plan, and adopts the findings of the Planning Department,

1 as set forth in the General Plan Referral Report dated _____, a copy of which is on
2 file with the Clerk of the Board in File No. _____ and incorporates such findings
3 by reference.

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

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

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

17 Section 17. The City hereby declares its official intent to reimburse prior expenditures
18 of the City incurred or expected to be incurred prior to the issuance and sale of any series of
19 the Bonds in connection with the Project. The Board of Supervisors hereby declares the City's
20 intent to reimburse the City with the proceeds of the Bonds for expenditures with respect to
21 the Project (the "Expenditures" and each, an "Expenditure") made on and after that date that
22 is no more than 60 days prior to the passage of this Ordinance. The City reasonably expects
23 on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

24 Each Expenditure was and will be either (a) of a type properly chargeable to a capital
25 account under general federal income tax principles (determined in each case as of the date

1 of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item
2 that is not customarily payable from current revenues, or (d) a grant to a party that is not
3 related to or an agent of the City so long as such grant does not impose any obligation or
4 condition (directly or indirectly) to repay any amount to or for the benefit of the City. The
5 maximum aggregate principal amount of the Bonds expected to be issued for the Project is
6 \$628,500,000. The City shall make a reimbursement allocation, which is a written allocation
7 by the City that evidences the City's use of proceeds of the applicable series of Bonds to
8 reimburse an Expenditure, no later than 18 months after the later of the date on which the
9 Expenditure is paid or the related portion of the Project is placed in service or abandoned, but
10 in no event more than three years after the date on which the Expenditure is paid. The City
11 recognizes that exceptions are available for certain "preliminary expenditures," costs of
12 issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of
13 issuance and not the year of expenditure) and Expenditures for construction projects of at
14 least 5 years.

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

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1 Section 18. Documents referenced in this ordinance are on file with the Clerk of the
2 Board of Supervisors in File No. _____, which is hereby declared to be a part of
3 this ordinance as if set forth fully herein.
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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA,
7 City Attorney

8 By: _____
9 Kenneth David Roux
10 Deputy City Attorney
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