\$195,000,000]

[General Obligation Bond Election - San Francisco Clean and Safe Neighborhood Parks -

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Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 6, 2012, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: \$195,000,000 for the construction, reconstruction, renovation, demolition, environmental remediation and/or improvement of park, open space, and recreation facilities and all other structures, improvements, and related costs necessary or convenient for the foregoing purposes and paying all other costs necessary and convenient for effectuating those 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 therefore 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 thereof; prescribing notice to be given of such election; making environmental findings and findings of consistency with the General Plan; 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;

Mayor Lee, Supervisors Chu, Mar, Farrell, Chiu, Elsbernd, Wiener, Campos, Cohen, Kim, Olague BOARD OF SUPERVISORS

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complying with 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.

NOTE:

Additions are <u>single-underline italics Times New Roman</u>; deletions are <u>strike through italics Times New Roman</u>. Board amendment additions are <u>double-underlined</u>; Board amendment deletions are <u>strikethrough normal</u>.

Be it ordained by the People of the City and County of San Francisco: Section 1. Findings.

A. City and County of San Francisco ("City") staff has identified several park, open space, and recreation improvement projects to address public safety hazards, improve disabled access, improve water quality in the Bay and enhance the condition of neighborhood and waterfront park facilities and lands, and other issues facing the City's park system.

B. This Board of Supervisors (this "Board") now wishes to describe the terms of a ballot measure seeking approval for the issuance of a general obligation bond (the "Bond") to finance all or a portion of the projects described above.

Section 2. A special election is hereby called and ordered to be held in the City on Tuesday, the 6th day of November, 2012, for the purpose of submitting to the electors of the City a proposition to incur bonded indebtedness of the City for the project hereinafter described in the amount and for the purposes stated:

"SAN FRANCISCO CLEAN AND SAFE NEIGHBORHOOD PARKS BOND. \$195,000,000 of bonded indebtedness to fund certain costs associated with improving the safety and quality of neighborhood parks across the City and waterfront open spaces, enhancing water quality

and cleaning up environmental contamination along the Bay, replacing unsafe playgrounds,

fixing restrooms, improving access for the disabled, and ensuring the seismic safety of park and recreation facilities under the jurisdiction of, or maintained by, the Recreation and Park Commission or the jurisdiction of the Port Commission or any other projects, sites or properties otherwise specified herein, and all other structures, improvements and related costs necessary or convenient for the foregoing purpose and paying other costs necessary and convenient for effectuating those purposes, including costs connected with or incidental to the authorization, issuance and sale of the bonds."

The Bond also authorizes 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 hereby called and ordered shall be referred to herein as the "Bond Special Election."

Section 3. Proposed Projects.

The capital projects and related activities eligible for financing under this Bond (the "Projects") include the construction, reconstruction, renovation, demolition, environmental remediation and/or improvement of park, open space, and recreation facilities, under the jurisdiction of, or maintained by, the Recreation and Park Commission or the Port Commission or any other projects, sites or properties otherwise specified herein and all works, property and structures necessary or convenient for the foregoing purposes, as summarized and further described in the subsections below.

All expenditures of bond funds shall be made in accordance with applicable Federal, State, and local laws governing the management and expenditure of bond proceeds, including those governing the expenditure of bond proceeds on capital projects. To the extent permitted by law, the City shall ensure that contracts funded with the proceeds of

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bonds are administered in accordance with S.F. Administrative Code 6.22(G), the City's local hiring policy. This Bond finances both specific projects at specified locations and also sets up a funding mechanism to be used for certain kinds of work, where specific projects at specified locations will be determined following a design and planning process. Except for those Projects specifically identified under the Neighborhood Parks Repairs and Renovations, Section 3A, the remainder of the financing program set forth in this Bond is excluded from the California Environmental Quality Act ("CEQA"), as described below. The proposed program can be summarized as follows:

A. Neighborhood Park Repairs and Renovations =	\$98,805,000
B. Waterfront Park Repairs, Renovations, and Development =	\$34,500,000
C. Failing Playgrounds =	\$15,500,000
D. Citywide Parks =	\$21,000,000
E. Water Conservation =	\$5,000,000
F. Park Trail Reconstruction =	\$4,000,000
G. Community Opportunity Fund =	\$12,000,000
H. Park Forestry =	\$4,000,000
I. Citizens' Oversight Committee Audits=	\$195,000
Total Bond Funding =	\$195,000,000

A. NEIGHBORHOOD PARK REPAIRS AND RENOVATIONS (approximately \$99 million). The City plans to pursue neighborhood park projects to be financed by the Bonds with the goal of improving the access of residents of the City to safe and high quality parks and recreation facilities. The City has identified the following projects (the "Identified Projects") for funding from the proceeds of the proposed Bonds. In connection with Section 3A.7., the Board of Supervisors, in Motion No. 11-91, affirmed certification of the North Beach Public Library and Joe DiMaggio Playground Master Plan Project Final

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Mayor Lee, Supervisors Chu, Mar, Farrell, Chiu, Elsbernd, Wiener, Campos, Cohen, Kim

**BOARD OF SUPERVISORS** 

1	11. Mountain Lake Park			
2	12. Potrero Hill Recreation Center			
3	13. South Park			
4	14. West Sunset Playground			
5	15. Willie "Woo Woo" Wong Playground			
6	B. WATERFRONT PARK REPAIRS, RENOVATIONS, and DEVELOPMENT			
7	(approximately \$34.5 million). The City plans to construct, repair, demolish, replace,			
8	remediate, and seismically upgrade structures and areas along the City's waterfront to			
9	create waterfront parks and open space and improve water quality in various neighborhoods			
10	on property under the jurisdiction of the Port Commission, with the goal of providing safe			
11	and high quality parks, open space, recreation facilities, nature restoration, and improved			
12	management of stormwater runoff to the Bay. Specific projects will be developed in various			
13	locations along the City's waterfront, but the Port has not yet determined the scope of, or			
14	how Bond proceeds would be allocated to, some of the specific projects. The use of Bond			
15	proceeds to finance any such project will be subject to approval of the City's Board of			
16	Supervisors upon completion of identification, planning and design of proposed projects and			
17.	completion of required environmental review under CEQA. Some waterfront parks that			
18	could be financed under this section following further public review and comment, and			
19	completion of environmental review under CEQA, may include but are not limited to:			
20	1. Islais Creek			
21	2. Warm Water Cove			
22	3. Northeast Wharf Plaza and Pier 27-29 Tip			
23	4. Agua Vista Park			
24	5. Pier 43 Plaza			

Pier 70 Parks

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- C. FAILING PLAYGROUNDS (\$15.5 million). A portion of the proceeds of the proposed bond shall be used to construct, reconstruct, and rehabilitate failing, dilapidated, and outdated playground equipment and play facilities, and related amenities, in the City's neighborhood parks on property under the jurisdiction of the Recreation and Park Commission. After identification and development of specific projects, environmental review required under CEQA will be completed.
- D. CITYWIDE PARKS (\$21 million). A portion of the proceeds of the proposed bond shall be used to improve a variety of activities in Citywide Parks, including \$9 million in Golden Gate Park, \$2 million in Lake Merced Park and all adjacent public rights-of-way, and \$10 million in John McLaren Park and those properties contiguous to it under the Recreation and Park Commission's jurisdiction. After identification and development of specific projects, environmental review required under CEQA will be completed.

E. WATER CONSERVATION (\$5 million). A portion of the proceeds of the proposed bond shall be used to construct, reconstruct, or improve irrigation equipment, drainage, water delivery and/or storage facilities, and related amenities in park areas throughout the City on property under the jurisdiction of the Recreation and Park Commission. The proposed expenditures for this purpose are intended to enhance water conservation and reduce irrigation needs by modernizing irrigation systems. After identification and development of specific projects, environmental review required under CEQA will be completed.

F. TRAILS RECONSTRUCTION (\$4 million). A portion of the proceeds of the proposed bond shall be used to repair and reconstruct park nature trails, pathways, and connectivity in Golden Gate Park and John McLaren Park. After identification and development of specific projects, environmental review required under CEQA will be completed.

- G. COMMUNITY OPPORTUNITY FUND (\$12 million). A portion of the proceeds of the proposed bond shall be used to create a program for the purpose of completing community-nominated projects. Community resources, including, but not limited to, in-kind contributions, sweat equity, and non-City funds, applied to a park, recreation or open space improvement project on property under the jurisdiction of the Recreation and Park Commission from non-City sources, can be matched by Bond proceeds. After identification and development of specific projects, environmental review required under CEQA will be completed.
- H. PARK FORESTRY (\$4 million). A portion of the proceeds of the proposed bond shall be used to plan and perform park reforestation, including tree removal, tree planting and other measures, to sustain the health of the forest on property under the jurisdiction of the Recreation and Park Commission. After identification and development of specific projects, environmental review required under CEQA will be completed.
- I. CITIZENS' OVERSIGHT COMMITTEE AUDITS (\$0.195 million). A portion of the proceeds of the proposed bond shall be used to perform audits of the bond program, as further described below in Section 14.

## Section 4. <u>Bond Program Accountability</u>.

The proposed bond program shall operate under the following administrative rules and shall be governed according to the following principles:

A. OVERSIGHT. Pursuant to S.F. Administrative Code §5.31, the Citizens' General Obligation Bond Oversight Committee shall conduct an annual review of bond spending, and shall provide an annual report on the management of the program to the Mayor, Board of Supervisors, the Recreation and Park Commission and the Port Commission. 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

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Board of Supervisors at the direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs of this committee and this review process.

B. COMMITMENT TO PROJECTS; SEVERABILITY. The proposed Bond proceeds shall be used towards completion of the projects described in Section 3 above. \$1 million of the funds specified in Section 3, Subsection G, above, and \$500,000 of the funds specified in Section 3, Subsection H, above, shall be set aside as a reserve (the "Reserve") and shall not be spent until all of the contracts have been awarded for the Identified Projects in Section 3, Subsection A. In the event that any of the Identified Projects cannot be completed due to lack of funds, funds from the Reserve shall be used to complete any such Identified Project. Should all projects described be completed under budget, unused bond proceeds shall be applied to other projects within any project category as approved by the Recreation and Park Commission and/or Port Commission, as applicable. In the event any provision of this Bond, including but not limited to any of the Identified Projects, is held invalid, such invalidity shall not affect any other provisions of this Bond that can be given effect without the provision held invalid, and to this end the provisions of this Bond are severable. Should the City be able to cure such invalidity in accordance with applicable law, Bond proceeds may be expended to address such provision or Identified Projects. Bond proceeds allocated herein to any project or purpose that is held to be invalid may be expended on any other project or purpose specified herein, as approved by the Recreation and Park Commission and/or the Port Commission as applicable.

C. PROGRAM TRANSPARENCY. The annual report of the Citizens' General Obligation Bond Oversight Committee shall be made available on the Controller's website. Additionally, the Recreation and Park Commission shall hold regular public hearings, not less than quarterly, to review the implementation of the bond program. Annually, the Recreation and Park Commission and the Port Commission shall hold a meeting to review

their respective capital plans. Additionally, the Capital Planning Committee shall hold a public review of the program not less than once a year.

Section 5. The estimated cost of the bond financed portion of the project described in Section 2 hereof was fixed by the Board of Supervisors of the City (the "Board of Supervisors") by the following resolution and in the amount specified below:

Resolution No. \_\_\_\_\_\_, \$195,000,000.

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

The method and manner of payment of the estimated costs described herein 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 hereby 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 thereafter received and canvassed, and the returns thereof made and the results thereof ascertained, determined and declared as herein provided and in all particulars not herein recited such election shall be held according to the laws of the State of California and the Charter of the City (the "Charter") and any regulations adopted pursuant thereto, 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 hereby consolidated with the General Election scheduled to be held in the City on Tuesday, November 6, 2012. The voting precincts, polling places and officers of election for the November 6, 2012 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 hereby called, and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election for the November 6, 2012 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 November 6, 2012 General Election. The word limit for ballot propositions imposed by San Francisco Municipal Elections Code Section 510 is hereby 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 CLEAN AND SAFE NEIGHBORHOOD PARKS BOND, To improve the safety and quality of neighborhood parks across the city and waterfront open spaces, enhance water quality and clean up environmental contamination along the Bay, replace unsafe playgrounds, fix restrooms, improve access for the disabled, and ensure the seismic safety of park and recreation facilities, shall the City and County of San Francisco issue \$195 million dollars in General Obligation bonds, subject to independent 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 thereby shall be issued upon the order of the Board of Supervisors. 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 thereof, the proposition shall be deemed adopted.

Section 10. For the purpose of paying the principal and interest on the bonds, the Board of Supervisors 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 of Supervisors, having reviewed the proposed legislation, finds, affirms and declares (i) that in regard to the Joe DiMaggio Playground (as defined in Section 3A.7. of this Ordinance), the Board of Supervisors, in Motion No. 11-91, affirmed certification of the North Beach Public Library and Joe DiMaggio Playground Master Plan

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Project Final Environmental Impact Report (State Clearinghouse Number 2009042130) and, in Ordinance No. 102-11, adopted CEQA findings related to approvals in furtherance of the abovementioned Master Plan; (ii) the other Identified Projects are categorically exempt from CEQA as described in the memoranda dated April 30, 2012 and May 14, 2012 from the Planning Department, (iii) that the remainder of the proposed Project is excluded from CEQA because the program is not defined as a "project" under CEQA Guidelines section 15378(b)(4), but is the creation of a government funding mechanism that does not involve any commitment to any specific project, (iv) that the proposed Project is in conformity with the priority policies of Section 101.1(b) of the City Planning Code and, (iv) in accordance with Section 2A.53(f) of the City Administrative Code, that the proposed Project is consistent with the City's General Plan, and hereby adopts the findings of the City Planning Department, as set forth in the General Plan Referral Reports, dated May 31, 2012 and June 20, 2012, and incorporates said findings by reference. For purposes of Section 12(i). the Board relies on the abovementioned Motion and Ordinance and their supporting documents, copies of which are in Clerk of the Board of Supervisors File Nos. 110615 and 110312, respectively, and incorporates these documents by reference.

Section 13. Pursuant to Section 53410 of the California Government Code, the bonds shall be for the specific purpose authorized herein and the proceeds of such bonds will be applied only to the Project described herein. The City will comply with the requirements of Sections 53410(c) and 53410(d) of the California Government Code.

Section 14. 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"). Pursuant to 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

1	established by the Controller's Office and appropriated by the Board of Supervisors at the		
2	direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs of		
. 3	said committee.		
4	Section 15. The time requirements specified in Section 2.34 of the San Francisco		
5	Administrative Code are hereby waived.		
6	Section 16. The appropriate officers, employees, representatives and agents of the		
7	City are hereby authorized and directed to do everything necessary or desirable to		
8	accomplish the calling and holding of the Bond Special Election, and to otherwise carry out		
9	the provisions of this ordinance.		
10	Section 17. Documents referenced herein are on file with the Clerk of the Board of		
11	Supervisors in File No. , which is hereby declared to be a part of this ordinance as if set		
12	forth fully herein.		
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15	APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney		
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17	By: Limet Daind Levi KENNETH DAVID ROUX		
18	Deputy City Attorney		
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#### **LEGISLATIVE DIGEST**

[General Obligation Bond Election - San Francisco Clean and Safe Neighborhood Parks - \$195,000,000]

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 6, 2012, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: \$195,000,000 for the construction, reconstruction, renovation, demolition, environmental remediation and/or improvement of park, open space, and recreation facilities and all other structures, improvements, and related costs necessary or convenient for the foregoing purposes and paying all other costs necessary and convenient for effectuating those 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 therefore 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 thereof; prescribing notice to be given of such election; making environmental findings and findings of consistency with the General Plan; 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 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 November 6, 2012 ballot:

SAN FRANCISCO CLEAN AND SAFE NEIGHBORHOOD PARKS BOND, To improve the safety and quality of neighborhood parks across the city and waterfront open spaces, enhance water quality and clean up environmental contamination along the

**BOARD OF SUPERVISORS** 

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Bay, replace unsafe playgrounds, fix restrooms, improve access for the disabled, and ensure the seismic safety of park and recreation facilities, shall the City and County of San Francisco issue \$195 million dollars in General Obligation bonds, subject to independent 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.