### AMENDED IN COMMITTEE 6/18/14 ORDINANCE NO. 148-14

FILE NO. 140509

[General Obligation Bond Election - Transportation and Road Improvement]

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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 4, 2014, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$500,000,000 to finance the construction, acquisition, and improvement of certain transportation and transit related improvements, 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 under Administrative Code Chapter 37; providing for the levy and collection of taxes to pay both principal and interest on such bonds; incorporating the provisions of Administrative Code, Sections 5.30 – 5.36; setting certain procedures and requirements for the 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 Administrative Code, Chapter 31, for the remaining portion of the bond; and finding that the proposed bond is in conformity with the eight 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.

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Additions are <u>single-underline italics Times New Roman;</u> deletions are <u>strikethrough italics Times New Roman</u>.

Board amendment additions are <u>double underlined</u>.

Board amendment deletions are <del>strikethrough normal</del>.

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

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Section 1. Findings.

Note:

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A. This Board of Supervisors (this "Board") recognizes the City's current street and transportation infrastructure (the "Street and Transportation System") is inadequate to meet

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current demands, and that the safety of City streets and transportation infrastructure will further decline without new investment.

- B. The cost of making the necessary and required improvements to the Street and Transportation System has been estimated by the Mayor's Transportation Task Force at \$10.1 billion over the next 15 years.
- C. The Board recognizes the need to enhance the City's Street and Transportation System in order to create a system that is more reliable, efficient and meets future demand.
- D. The Transportation and Road Improvement General Obligation Bond (the "Bond") will provide a portion of the funding necessary to construct, improve and rehabilitate the Street and Transportation System (as further defined in Section 3 below).
- E. 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 improvements to its Street and Transportation System as described below.

Section 2. A special election is called and ordered to be held in the City on Tuesday, the 4th day of November, 2014, 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 TRANSPORTATION AND ROAD IMPROVEMENT BOND.
\$500,000,000 of bonded indebtedness to construct, redesign and rebuild streets and sidewalks and to make infrastructure repairs and improvements that increase MUNI service reliability, ease traffic congestion, reduce vehicle travel times, enhance pedestrian and bicycle safety, and improve disabled access, 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

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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, to the extent the Local Business Enterprise and Non-Discrimination Contracting Ordinance does not conflict with applicable state or federal law.

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

Projects to be funded under the proposed Bond may include but are not limited to the following:

B. PROVIDE FASTER AND MORE RELIABLE TRANSIT. A portion of the Bond may be allocated to constructing improvements, such as those identified in the Transit Effectiveness Project, that will improve Muni service reliability and reduce travel time on Muni. Examples of improvements that are designed to reduce travel time and improve reliability include: adding transit bulbs/boarding islands and accessible platforms; the addition of transit-only lanes; and installation of traffic signals or other traffic calming measures at intersections.

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A portion of the Bond may be allocated to fund the City's share of needed improvements to Caltrain's infrastructure. This investment will improve reliability.

#### C. IMPROVE SAFETY AND ACCESSIBILITY AT TRANSIT STOPS.

A portion of the Bond may be allocated to improve street conditions for people who have limited mobility or other disabilities that can impede access to transit. The construction of infrastructure like new escalators and boarding islands will improve the safety and accessibility of transit stations and stops and allow for level boarding for people with mobility impairments.

# D. IMPROVE PEDESTRIAN SAFETY THROUGH FOCUSED ENGINEERING EFFORTS AT HIGH-INJURY LOCATIONS.

A portion of the Bond may be allocated to deliver pedestrian safety improvements at locations throughout the City where the majority of pedestrian injuries and fatalities occur. Pedestrian safety capital projects will be designed and built to most effectively address the specific safety issues present at each intersection or corridor. Examples of improvements include refuge islands, speed tables, and corner curb bulb-outs.

## E. INSTALL MODERN TRAFFIC SIGNALS TO IMPROVE SAFETY AND MOBILITY.

A portion of the Bond may be allocated to more effectively manage traffic congestion in the City, improve the overall reliability of the transit system, and improve pedestrian safety by replacing obsolete and deteriorating traffic signal infrastructure. The program will install and update traffic signals and install pedestrian countdown signals and audible pedestrian signals to improve visibility and the overall safety and efficiency of the roadway.

F. BUILD STREETS THAT ENABLE SAFE TRAVEL FOR ALL USERS AND PROVIDE SAFER, WELL-DEFINED BIKEWAYS.

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A portion of the Bond may be allocated to building streets, including but not limited to curb bulb-outs, raised crosswalks, and improved sidewalks at intersection corners; median islands; separated bikeways, and bicycle parking. This program could also include installing basic infrastructure to decrease the cost of future projects, such as underground signal conduit.

G. INVEST IN DEVELOPMENT OF CRITICAL CAPITAL PROJECTS ALONG KEY TRANSIT CORRIDORS.

A portion of the Bond may be allocated to upgrade City streets that anchor the transit system in order to increase transit speed and reliability, reduce congestion, and to ensure that people can safely and efficiently move around the City. The focus of this program is to fund corridor-wide projects that encourage street interconnectivity to create a comprehensive, integrated, efficient and connected network for all modes.

H. FIX MUNI FACILITIES TO IMPROVE VEHICLE MAINTENANCE EFFICIENCY.

A portion of the Bond may be allocated to build new and improve the conditions and operations of existing SFMTA facilities, some of which are over 100 years old. The improvements will update facility layouts and structures to streamline SFMTA's capacity for maintenance work, improve access to necessary parts and materials, and enable reliable service delivery.

#### 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.

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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 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. 140508 , \$500,000,000.

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.

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Section 7. The Bond Special Election is consolidated with the General Election scheduled to be held in the City on Tuesday, November 4, 2014. The voting precincts, polling places and officers of election for the November 4, 2014 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 November 4, 2014 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 4, 2014 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 TRANSPORTATION AND ROAD IMPROVEMENT BOND. To construct, redesign and rebuild streets and sidewalks and to make infrastructure repairs and improvements that increase MUNI service reliability, ease traffic congestion, reduce vehicle travel times, enhance pedestrian and bicycle safety, and improve disabled access, shall the City and County of San Francisco issue \$500 million in general obligation bonds, subject to independent 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"):

(a) SFMTA Transit Effectiveness Project.

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- (i) A portion of the bond proposal relates to funds for SFMTA's Transit Effectiveness Project ("TEP"). On March 27, 2014, the San Francisco Planning Commission by Motion No. 19105 certified the Final Environmental Impact Report for the Transit Effectiveness Project ("TEP FEIR"), and on March 28, the SFMTA Board of Directors by Resolution No. 14-041 approved the TEP as described in Resolution No. 14-041, and adopted findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Chapter 31 of the Administrative Code ("CEQA Findings"), including findings rejecting alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations. Planning Commission Motion No. 19105 and SFTMA Board Resolution No. 14-041 are on file with the Clerk of the Board in File No. 140509 and incorporated in this ordinance by reference.
- (ii) The Planning Commission certification became final on May 22, 2014, upon the withdrawal of the one appeal filed with the Board of Supervisors that challenged the certification, which documentation is on file with the Clerk of the Board in File 140326. The Board has reviewed and considered the CEQA Findings adopted by the SFMTA Board, including the statement of overriding considerations and the mitigation monitoring and reporting program, and hereby adopts the CEQA Findings as its own. The Board additionally finds that the portion of the bond proposal that relates to funds for the TEP as reflected in this ordinance is consistent with the project as described in the TEP FEIR.
- (iii) Additionally, the Board finds that the portion of the bond proposal that relates to funds for the TEP as reflected in this ordinance: (1) does not require major revisions in the TEP FEIR 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 TEP FEIR will be undertaken that would require major revisions to the TEP FEIR due to



the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the TEP FEIR; and (3) no new information of substantial importance to the project analyzed in the TEP FEIR has become available that would indicate: (i) the TEP will have significant effects not discussed in the TEP FEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible that would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives that are considerably different from those in the TEP FEIR will substantially reduce one or more significant effects on the environment.

(b) For the reasons set forth in the letter from the Environmental Review Officer of the Planning Department, dated May 28, 2014, a copy of which is on file with the Clerk of the Board in File No. 140509 and incorporated in this ordinance by reference, the Board finds that the portion of the bond proposal that relates to funds for transportation and road improvements other than funds for implementation of improvements within the scope of the TEP is not subject to CEQA because as the establishment of a government financing mechanism that does not involve any commitment to specific projects to be constructed with bond 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 that relates to funds for transportation and road improvements other than funds for implementation of improvements within the scope of the TEP will be subject to approval of the Board upon completion of planning and any further required environmental review under CEQA.

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

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Report dated May 28, 2014, a copy of which is on file with the Clerk of the Board in File No. 140509 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 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 "Future Bonds"). The Board hereby declares the City's intent to reimburse the City with the proceeds of the Future 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 Future 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

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the date of the Expenditure), (b) a cost of issuance with respect to the Future 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 Future Bonds expected to be issued for the Project is \$500,000,000. 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 Future 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 18. 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.

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

By:

Kenneth David Roux

**Deputy City Attorney** 

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### City and County of San Francisco Tails

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

### **Ordinance**

File Number:

140509

Date Passed: July 15, 2014

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 4, 2014, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$500,000,000 to finance the construction, acquisition, and improvement of certain transportation and transit related improvements, 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 under Administrative Code, Chapter 37; providing for the levy and collection of taxes to pay both principal and interest on such bonds; incorporating the provisions of Administrative Code, Sections 5.30-5.36; setting certain procedures and requirements for the 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 Administrative Code, Chapter 31, for the remaining portion of the bond; and finding that the proposed bond is in conformity with the eight 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.

June 18, 2014 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 18, 2014 Budget and Finance Committee - CONTINUED AS AMENDED

June 23, 2014 Budget and Finance Committee - RECOMMENDED

July 08, 2014 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 15, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

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I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/15/2014 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board

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Date Approved

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