

1 [Earthquake Safety and Emergency Response General Obligation Bonds]

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3 **Resolution determining and declaring that the public interest and necessity demand**
4 **the construction, acquisition, improvement, renovation, and seismic retrofitting of the**
5 **Emergency Firefighting Water System, Firefighting Facilities and Infrastructure, Police**
6 **Facilities and Infrastructure, facilities for the Department of Emergency Management’s**
7 **911 Call Center, and other Disaster Response Facilities and Infrastructure for**
8 **earthquake and public safety and related costs necessary or convenient for the**
9 **foregoing purposes; authorizing landlords to pass-through 50% of the resulting**
10 **property tax increase to residential tenants in accordance with Chapter 37 of the**
11 **Administrative Code; finding that the estimated cost of such proposed project is and**
12 **will be too great to be paid out of the ordinary annual income and revenue of the City**
13 **and County and will require expenditures greater than the amount allowed therefor by**
14 **the annual tax levy; reciting the estimated cost of such proposed project; fixing the**
15 **date of election and the manner of holding such election and the procedure for voting**
16 **for or against the proposition; fixing the maximum rate of interest on such bonds and**
17 **providing for the levy and collection of taxes to pay both principal and interest;**
18 **prescribing notice to be given of such election; finding that a portion of the proposed**
19 **bond is not a project under CEQA and adopting findings under CEQA for the remaining**
20 **portion of the proposed bond; finding that the proposed bond is in conformity with the**
21 **priority policies of Planning Code Section 101.1(b) and is consistent with the General**
22 **Plan; consolidating the special election with the general election; establishing the**
23 **election precincts, voting places and officers for the election; waiving the word**
24 **limitation on ballot propositions imposed by Municipal Elections Code Section 510;**
25 **complying with the restrictions on the use of bond proceeds specified in Section 53410**

1 **of the California Government Code; incorporating the provisions of the Administrative**
2 **Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34**
3 **of the Administrative Code.**

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6 WHEREAS, the United States Geological Survey (the "U.S.G.S.") estimates a 72%
7 chance that one or more earthquakes of a magnitude of 6.7 or larger will occur in the Bay
8 Area before the year 2042; and,

9 WHEREAS, The U.S.G.S. predicts that a large earthquake occurring today on the San
10 Andreas or Hayward Fault would likely cause hundreds of deaths and billions of dollars in
11 damage; and,

12 WHEREAS, A large magnitude earthquake would damage critical City and County of
13 San Francisco (the "City") facilities and infrastructure, thereby compromising the capacity of
14 first responders, including fire and police personnel, to respond effectively; and,

15 WHEREAS, With adequate funding the City can renovate and seismically upgrade the
16 emergency firefighting water system (the "EFWS") and related facilities, including but not
17 limited to cisterns, pipes and tunnels, and related facilities (collectively, the "EFWS Project");
18 and,

19 WHEREAS, With adequate funding the City can construct, acquire, improve, renovate,
20 retrofit and complete critical firefighting facilities and infrastructure for earthquake safety and
21 emergency response including without limitation, neighborhood fire stations, a Fire
22 Department training facility and related facilities (collectively, the "Firefighting Facilities and
23 Infrastructure"); and,

24 WHEREAS, With adequate funding the City can construct, acquire, improve, renovate,
25 retrofit and complete police facilities and infrastructure for earthquake safety and emergency

1 response including without limitation, neighborhood police stations and related facilities
2 (collectively, the "Police Facilities and Infrastructure"); and,

3 WHEREAS, With adequate funding the City can construct improve, renovate, retrofit
4 and complete needed improvements to the City's 911 Call Center (the "911 Call Center"); and,

5 WHEREAS, With adequate funding the City can construct, acquire, improve, renovate,
6 retrofit and complete critical disaster response facilities and infrastructure for greater
7 earthquake safety and more effective emergency response (collectively, the "Disaster
8 Response Facilities and Infrastructure"); and

9 WHEREAS, The Earthquake Safety and Emergency Response Bond (the "Bond") will
10 provide funding for the EFWS, Firefighting Facilities and Infrastructure, Police Facilities and
11 Infrastructure, the 911 Call Center, and Disaster Response Facilities and Infrastructure; and,

12 WHEREAS, The Board recognizes the need to safeguard and enhance the City's
13 earthquake and emergency response and recovery by rehabilitating critical facilities that
14 support the City's first responders; now, therefore, be it

15 RESOLVED, By the Board:

16 Section 1. The Board determines and declares that the public interest and necessity
17 demand the construction, acquisition, improvement, renovation, completion and seismic
18 retrofitting of the EFWS Project, Firefighting Facilities and Infrastructure, Police Facilities and
19 Infrastructure, 911 Call Center, and Disaster Response Facilities and Infrastructure, and the
20 payment of related costs necessary or convenient for the foregoing purposes.

21 Section 2. The estimated cost of \$628,500,000 of the Bond is and will be too great to
22 be paid out of the ordinary annual income and revenue of the City, will require an expenditure
23 greater than the amount allowed by the annual tax levy, and will require the incurrence of
24 bonded indebtedness in an amount not to exceed \$628,500,000.

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1 Section 3. The Board, having reviewed the proposed legislation, makes the following
2 findings in compliance with the California Environmental Quality Act ("CEQA"), California
3 Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 14 California Code of
4 Regulations Sections 15000 et seq., ("CEQA Guidelines"), and Administrative Code Chapter
5 31 ("Chapter 31"):

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

17 (ii) Firefighting Facilities and Infrastructure. For the reasons set forth in the letter
18 from the Environmental Review Officer of the Planning Department, dated _____,
19 a copy of which is on file with the Clerk of the Board in File No. _____ and incorporated by
20 reference, the Board finds that the bond proposal as it relates to funds for Critical Firefighting
21 Facilities and Infrastructure is not subject to CEQA because as the establishment of a
22 government financing mechanism that does not involve any commitment to specific projects to
23 be constructed with the funds and no site has yet been identified for a training facility, it is not
24 a project as defined by CEQA and the CEQA Guidelines. The use of bond proceeds to
25 finance any project or portion of any project with funds for the Critical Firefighting Facilities

1 and Infrastructure portion of the Bond will be subject to approval of the Board upon completion
2 of planning and any further required environmental review under CEQA for the individual
3 Firefighting Facilities and Infrastructure projects.

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

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

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

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

7 Section 4. The Board finds and declares that the proposed Bond is (i) in conformity
8 with the priority policies of Section 101.1(b) of the Planning Code, (ii) in accordance with
9 Section 4.105 of the Charter and Section 2A.53(f) of the Administrative Code, and (iii)
10 consistent with the City’s General Plan, and adopts the findings of the Planning Department,
11 as set forth in the General Plan Referral Report dated _____, a copy of which is on
12 file with the Clerk of the Board in File No. _____ and incorporates such findings
13 by reference.

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

16 Section 6. Under Section 2.40 of the Administrative Code, the ordinance submitting
17 this proposal to the voters shall contain a provision authorizing landlords to pass-through 50%
18 of the resulting property tax increases to residential tenants in accordance with Chapter 37 of
19 the Administrative Code.

20 Section 7. Documents referenced in this resolution are on file with the Clerk of the
21 Board of Supervisors in File No. _____, which is hereby declared to be a part of

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1 this resolution as if set forth fully herein.

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3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA
5 City Attorney

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8 By: _____

9 KENNETH DAVID ROUX
10 Deputy City Attorney
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