

1 [Administrative Code - Prohibition on Leasing for the Extraction of Fossil Fuels]

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3 **Ordinance amending the Administrative Code to prohibit the City from entering into or**
4 **extending leases for the extraction of fossil fuel from City-owned land, and requiring**
5 **inspections of any such land and evaluation of constructive future uses for such land.**
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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. The Administrative Code is hereby amended by adding Section 23.42, to
16 read as follows:

17 **SEC. 23.42. PROHIBITION ON LEASING OF CITY-OWNED LAND FOR THE**
18 **EXTRACTION OF FOSSIL FUELS.**

19 *(a) Title. This Section 23.42 may be cited as the “San Francisco Keep It in the Ground*
20 *Ordinance.”*

21 *(b) Findings.*

22 *(1) The 2014 Fifth Assessment Report of the Intergovernmental Panel on Climate*
23 *Change, a group of independent scientific experts from 195 countries under the auspices of the United*
24 *Nations, states:*

25 *(A) “Warming of the climate system is unequivocal, and since the 1950s, many of*
the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have
warmed, the amounts of snow and ice have diminished, and sea level has risen The period from

1 1983 to 2012 was very likely the warmest 30-year period of the last 800 years in the Northern
2 Hemisphere, where such assessment is possible (high confidence) and likely the warmest 30-year
3 period of the last 1400 years.

4 (B) “Human influence on the climate system is clear, and recent anthropogenic
5 emissions of green-house gases are the highest in history. Recent climate changes have had widespread
6 impacts on human and natural systems.

7 (C) “Without additional mitigation efforts beyond those in place today, and even
8 with adaptation, warming by the end of the 21st century will lead to high to very high risk of severe,
9 wide-spread and irreversible impacts globally (high confidence).”

10 (2) The World Meteorological Organization announced that 2015 is likely to be the
11 warmest year on record and that the years 2011-2015 have been the warmest five-year period on
12 record.

13 (3) The San Francisco Bay Conservation and Development Commission’s 2011 report,
14 “Living with a Rising Bay,” found that a 55-inch sea level rise by the end of the century would cause
15 substantial impacts to San Francisco and California, including: putting \$62 billion of Bay Area
16 shoreline development at risk, increasing the number of people at risk of flooding in the Bay Area to
17 270,000; and requiring at least \$14 billion worth of static structures to protect California’s shorelines.

18 (4) At the 2015 United Nations Climate Change Conference (COP 21), 196 parties
19 including the United States, negotiated the Paris Agreement that reaffirms the goal of limiting global
20 temperature increase well below 2 degrees Celsius while urging efforts to limit the increase to 1.5
21 degrees.

22 (5) Climate scientists have published several studies of the world’s remaining “carbon
23 budget,” which is the maximum amount of future carbon that can be emitted into the atmosphere to
24 provide a certain probability of limiting global temperature increase to 2 degrees Celsius, including:
25

1 (A) The International Energy Association’s “World Energy Outlook 2012”
2 estimates that “no more than one-third of proven reserves of fossil fuels can be consumed prior to 2050
3 if the world is to achieve the 2 degrees Celsius goal.”

4 (B) The Carbon Tracker Initiative’s 2014 report, “Unburnable Carbon,”
5 estimated that “to reduce the chance of exceeding 2 degrees Celsius warming to 20%,” the remaining
6 global carbon budget from 2011 to 2050 was 565 gigatons of carbon out of the 2,795 gigatons of
7 currently known fossil fuel reserves.

8 (6) Senator Jeff Merkley and Congressman Jared Huffman have introduced the “Keep it
9 in the Ground Act” to permanently prohibit new leases for the extraction of fossil fuels on all federal
10 public lands and in federal waters.

11 (7) Prohibiting fossil fuel leases on all City-owned property is consistent with Chapter 9,
12 Section 900(f) of the Environment Code, “Greenhouse Gas Emissions Targets and Departmental Action
13 Plans,” which states the intent of the Mayor and the Board of Supervisors to protect the health and
14 welfare in a manner that complements state and federal efforts to improve air quality by exercising a
15 leadership role in mandating local actions to reduce global warming.

16 (c) Prohibition. The City shall not enter into any lease, or extend any existing lease, that
17 provides for or allows the extraction of fossil fuel from City-owned land. For purposes of this Section
18 23.42, “fossil fuel” shall mean coal, petroleum, kerosene, oil, tar sands, oil shale, gas, and other
19 petroleum or hydrocarbon products that emit carbon dioxide ~~monoxide~~ as a byproduct of combustion.

20 (d) Fossil Fuel Remediation and Constructive Future Use. Regarding any City-owned property
21 that is or was previously leased for fossil fuel extraction:

22 (1) Within six months of the effective date of this Section 23.42, the Director of
23 Property, in coordination with the Department of the Environment, shall inspect such property to
24 ensure that any current or former lessee complies with, or complied with, all applicable federal, state,
25 and local environmental laws. Within 30 days of such inspection, the Director of Property shall submit

1 a report regarding the state of the property to the Board of Supervisors, including whether the Director
2 recommends additional inspections or further action;

3 (2) Upon the termination of any existing lease, the Director of Property, in coordination
4 with the Department of the Environment and the San Francisco Public Utilities Commission, shall
5 inspect such property to conduct an ecological evaluation of the property and ensure that the
6 lessee has removed all equipment and that the state of the property complies with all applicable
7 federal, state, and local environmental laws. Within 30 days of such inspection, the Director of
8 Property shall submit a report regarding the state of the property to the Board of Supervisors,
9 including a report on the value of the property as habitat and potential for restoration, and
10 whether the Director recommends additional inspections or further action; and

11 (3) Within 90 days of the inspection required under subsection (d)(2), the
12 Director of Property, in coordination with the Department of the Environment and the San Francisco
13 Public Utilities Commission, shall submit to the Board of Supervisors a “Just Transition Plan” for
14 the property. The Just Transition Plan shall evaluate possible constructive future uses for such
15 property, including renewable electricity generation, recreation, and habitat protection and
16 restoration. The Just Transition Plan shall also assess adverse impacts to workers from the
17 termination of the lease and identify mechanisms to minimize or eliminate those impacts,
18 including potential job creation from the possible constructive future uses and public access.

19 (e) Prospective Effect. The prohibition in this Section 23.42 is intended to have prospective
20 effect only, and shall not be interpreted to impair the obligations of any existing lease entered into by
21 the City before the effective date of this Section, or any reserved rights held by the State of California
22 or other person or entity in a deed or other instrument.

23 (f) Exclusive Jurisdiction Departments. This Section 23.42 shall not apply to any department of
24 the City that has exclusive jurisdiction over its real property to the extent application to that
25 department would violate the Charter or interfere with the department's ability to carry out its core

1 functions under the Charter. The Board of Supervisors urges departments of the City that have
2 exclusive jurisdiction over real property to adopt policies consistent with the prohibition set forth in
3 this Section.

4 (g) Undertaking for the General Welfare. In enacting and implementing this Section, the City is
5 assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on
6 its officers and employees, an obligation for breach of which it is liable in money damages to any
7 person who claims that such breach proximately caused injury.

8 Section 2. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

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

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15 By: _____
16 Elizabeth A. Dietrich
17 Deputy City Attorney

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