

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

December 22, 2022

File No. 211288

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Gibson:

On December 14, 2021, the following proposed Charter Amendment for the June 7, 2022, Election was received and assigned to the Board of Supervisors' Rules Committee:

File No. 211288

Charter Amendment (First Draft) to adopt a Declaration of Policy urging the Retirement Board to divest from fossil fuels; and to amend the Charter of the City and County of San Francisco to require that one of the members of the Retirement Board who is currently appointed by the Mayor shall instead be appointed by the Board of Supervisors, and to require the Board of Supervisors-appointed member to be experienced with the management of investment portfolios based on environmental, social, and governance factors; at election to be held on June 7, 2022.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning
Laura Lynch, Environmental Planning



City and County of San Francisco

Master Report

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

File Number: 211288 **File Type:** Charter Amendment **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Declaration of Policy and Charter Amendment - Fossil Fuel Disinvestment Policy; Retirement Board Membership **Date Introduced:** 12/14/2021

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Charter Amendment (First Draft) to adopt a Declaration of Policy urging the Retirement Board to divest from fossil fuels; and to amend the Charter of the City and County of San Francisco to require that one of the members of the Retirement Board who is currently appointed by the Mayor shall instead be appointed by the Board of Supervisors, and to require the Board of Supervisors-appointed member to be experienced with the management of investment portfolios based on environmental, social, and governance factors; at election to be held on June 7, 2022.

Sponsors: Peskin; Preston and Melgar

History of Legislative File 211288

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	12/14/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	01/13/2022	

1 [Declaration of Policy and Charter Amendment - Fossil Fuel Disinvestment Policy; Retirement
2 Board Membership]

3 **Describing and setting forth a proposal to the voters at an election to be held on June 7,**
4 **2022, to adopt a Declaration of Policy urging the Retirement Board to divest from fossil**
5 **fuels; and to amend the Charter of the City and County of San Francisco to require that**
6 **one of the members of the Retirement Board who is currently appointed by the Mayor**
7 **shall instead be appointed by the Board of Supervisors, and to require the Board of**
8 **Supervisors-appointed member to be experienced with the management of investment**
9 **portfolios based on environmental, social, and governance factors.**

11 Section 1. Declaration of Policy.

12 The People of the City and County of San Francisco hereby declare:

13 It shall be the policy of the City and County of San Francisco that the Retirement Board
14 should completely divest from fossil fuels, and the Retirement Board is urged to consider and
15 implement this policy.

17 Section 2. Charter Amendment.

18 The Board of Supervisors hereby submits to the qualified voters of the City and County,
19 at an election to be held on June 7, 2022, a proposal to amend the Charter of the City and County
20 by revising Section 12.100, to read as follows:

21 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
22 **Additions** are *single-underline italics Times New Roman font*.
23 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
24 **Asterisks (* * * *)** indicate the omission of unchanged Charter
25 subsections.

1 **SEC. 12.100. RETIREMENT BOARD.**

2 (a) The Retirement Board shall consist of seven members as follows: one member of the
3 Board of Supervisors appointed by the President of the Board of Supervisors; ~~three-two~~ public
4 members to be appointed by the Mayor pursuant to Section 3.100; one public member appointed
5 by the Board of Supervisors; and three members elected by the active members and retired
6 persons of the Retirement System from among their number. The public members appointed by
7 the Mayor shall be experienced in life insurance, actuarial science, employee pension planning,
8 or investment portfolio management, or hold a degree of doctor of medicine. The public member
9 appointed by the Board of Supervisors shall be experienced with the management of investment
10 portfolios based on environmental, social, and governance factors. There shall not be, at any one
11 time, more than one retired person on the Retirement Board. The term of the members, other than
12 the member of the Board of Supervisors ~~member~~ appointed by the President, shall be five years,
13 one term expiring on February 20~~th~~ of each year. The three elected members need not be
14 residents of the City and County. Vacancies on the Retirement Board shall be filled by the
15 appointing authority ~~Mayor~~ for the remainder of the unexpired term, except that in the case of
16 elected employee members, a vacancy shall be filled by a special election within 120 days after
17 the vacancy occurs unless the next regularly scheduled employee member election is to be held
18 within six months after such vacancy occurred. Elections shall be conducted by the Director of
19 Elections in a manner prescribed by ordinance.

20 (b) The Retirement Board shall appoint and may remove an executive director and an
21 actuary. The Board may employ a consulting actuary.

22 (c) In accordance with Article XVI, Section 17, of the California Constitution, the
23 Retirement Board shall have plenary authority and fiduciary responsibility for investment of
24 monies and administration of the Retirement System.

1 The Retirement Board shall be the sole authority and judge, consistent with this Charter
2 and ordinances, as to the conditions under which members of the Retirement System may receive
3 and may continue to receive benefits under the Retirement System, and shall have exclusive
4 control of the administration and investment of such funds as may be established.

5 The Retirement Board shall discharge its duties with respect to the system with the care,
6 skill, prudence, and diligence under the circumstances then prevailing that a prudent person
7 acting in a like capacity and familiar with these matters would use in the conduct of an enterprise
8 of a like character and with like aims.

9 The Retirement Board shall determine City and County and District contributions on the
10 basis of a normal contribution rate which shall be computed as a level percentage of
11 compensation which, when applied to the future compensation of the average new member
12 entering the System, together with the required member contribution, will be sufficient to
13 provide for the payment of all prospective benefits of such member. The portion of liability not
14 provided by the normal contribution rate shall be amortized over a period not to exceed twenty
15 years.

16 (d) The Retirement Board may act by a majority of the members present at a meeting so
17 long as a quorum is in attendance.

18
19 Section 3. Implementation of Charter Amendment.

20 Upon approval of this Charter Amendment at the June 7, 2022 election, the Clerk of the
21 Board of Supervisors shall, by no later than October 1, 2022, determine by lot one of the seats
22 appointed by the Mayor with a term ending February 20, 2023, to become the seat that will be
23 appointed by the Board of Supervisors as provided in the amendment to the first sentence of
24 Section 12.100. The member occupying that seat may serve the remainder of their term, but
25

1 upon expiration of said term or if said member vacates the seat before the term has expired, the
2 seat shall be filled by a member appointed by the Board of Supervisors.

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4 **APPROVED AS TO FORM:**
5 **DAVID CHIU, City Attorney**

6
7 By: /s/ _____
8 **MANU PRADHAN**
9 **Deputy City Attorney**
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LEGISLATIVE DIGEST

[Declaration of Policy and Charter Amendment - Fossil Fuel Disinvestment Policy; Retirement Board Membership]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to adopt a Declaration of Policy urging the Retirement Board to divest from fossil fuels; and to amend the Charter of the City and County of San Francisco to require that one of the members of the Retirement Board who is currently appointed by the Mayor shall instead be appointed by the Board of Supervisors, and to require the Board of Supervisors-appointed member to be experienced with the management of investment portfolios based on environmental, social, and governance factors.

Existing Law

The Retirement Board has plenary authority and fiduciary responsibility for investment of monies and administration of the Retirement System. It has seven members: the President of the Board of Supervisors appoints one member; the active members and retired persons of the Retirement System elect three members; and the Mayor appoints three members who must have experience in life insurance, actuarial science, employee pension planning or investment portfolio management, or hold a degree of doctor of medicine.

Amendments to Current Law

The measure would adopt an official Declaration of Policy, stating that the Retirement Board should completely divest from fossil fuels, and urge the Retirement Board to consider and implement this policy.

The measure would also amend the Charter, to provide that the Mayor shall appoint only two members to the Retirement Board, and that the third Mayoral appointee shall going forward be appointed by the Board of Supervisors. The Mayoral appointee serving in the seat in question could serve the remainder of their term, which expires on February 20, 2023. Upon expiration of said term, or if said member vacated their seat before the term expired, the Board of Supervisors could fill that seat. The Board-appointed member would be required to have experience with investing based on environmental, social, and governance factors.

Background

The Retirement Board oversees the administration, management, and operation of the City's retirement plans; manages the investment of the Retirement System's assets; approves disability benefit determinations; and approves actuarial assumptions used to fund long-term benefit promises of the SFERS Pension Plan.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor inquiries"
5. City Attorney Request.
6. Call File No. from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to adopt a Declaration of Policy urging the Retirement Board to divest from fossil fuels; and to amend the Charter of the City and County of San Francisco to require that one of the members of the Retirement Board who is currently appointed by the Mayor shall instead be appointed by the Board of Supervisors, and to require the Board of Supervisors-appointed member to be experienced with the management of investment portfolios based on environmental, social, and governance factors.

Signature of Sponsoring Supervisor:

For Clerk's Use Only

From: [Hepner, Lee \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [PRADHAN, MANU \(CAT\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Groth, Kelly \(BOS\)](#); [Angulo, Sunny \(BOS\)](#)
Subject: Peskin - Introduction Form - Fossil Fuels Divestment
Date: Tuesday, December 14, 2021 5:12:15 PM
Attachments: [01570873.DOCX](#)
[01570906.DOCX](#)
[Peskin - Introduction Form - Fossil Fuel Divestment Policy Statement and Charter Amendment.pdf](#)

Please find the attached Charter Amendment and corresponding Introduction Form attached hereto.

Thanks,
Lee

Lee Hepner
Legislative Aide
Supervisor Aaron Peskin
(415) 554-7419 | *pronouns: he, him, his*

[District 3 Website](#)

Sign up for our newsletter [here!](#)

From: Pradhan, Manu (CAT) <Manu.Pradhan@sfcityatty.org>
Sent: Monday, December 13, 2021 5:29 PM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; CHEESEBOROUGH, PAMELA (CAT) <Pamela.Cheeseborough@sfcityatty.org>; ZAREFSKY, PAUL (CAT) <Paul.Zarefsky@sfcityatty.org>; BUTA, ODAYA (CAT) <Odaya.Buta@sfcityatty.org>
Subject: retirement board

Supervisor Peskin,

Here is the measure you requested, concerning fossil fuels and the membership of the Retirement Board. Confirming it is approved as to form.

[Declaration of Policy and Charter Amendment - Fossil Fuel Disinvestment Policy; Retirement Board Membership]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to adopt a Declaration of Policy urging the Retirement Board to divest from fossil fuels; and to amend the Charter of the City and County of San Francisco to require that one of the members of the Retirement Board who is currently appointed by the Mayor shall instead be appointed by the Board of Supervisors, and to require the Board of Supervisors-appointed member to be experienced with the

**management of investment portfolios based on environmental, social,
and governance factors.**

Thank you-

Manu Pradhan

Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4658 Direct
www.sfcityattorney.org

1 [Declaration of Policy and Charter Amendment - Fossil Fuel Disinvestment Policy; Retirement
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4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6

7 By: /s/
8 MANU PRADHAN
9 Deputy City Attorney
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