

[Creating an Independent Rate Payer Advocate to review and recommend utility service rates proposed by the San Francisco Public Utilities Commission.]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 8B.128, to require the City Administrator to appoint an Independent Rate Payer Advocate, and prescribing the duties and responsibilities of the Independent Rate Payer Advocate.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2008, a proposal to amend the Charter of the City and County by adding Section 8B.128 to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. 8B.128. **INDEPENDENT RATE PAYER ADVOCATE**

(a) The City Administrator shall appoint an Independent Rate Payer Advocate to evaluate, analyze and comment on rate proposals prepared by the San Francisco Public Utilities Commission under Charter section 8B.125. The City Administrator shall obtain such services prior to the San Francisco Public Utilities Commission's submission of any draft proposed rate changes to the Rate Fairness Board for its review. The Independent Rate Payer Advocate shall have at least five years of experience in utility rates methodology and analysis, and at least five years of experience relevant to the operation of water, wastewater or power utilities.

(b) The Independent Rate Payer Advocate shall conduct analyses, independent of the San Francisco Public Utilities Commission and from the ratepayers' perspective, to evaluate the efficiency, equity, and fiscal feasibility of utility rate proposals, contracts, investments, program expenditures and operations.

(c) The Independent Rate Payer Advocate may, at its discretion, hold public meetings and provide timely recommendations to the Rate Fairness Board, the San Francisco Public Utilities Commission, and the Board of Supervisors regarding rate proposals, contracts, investments, program expenditures and operations.

(d) The Independent Rate Payer Advocate shall have the opportunity to provide comment on utility rates proposed by the San Francisco Public Utilities Commission at any meeting of Rate Fairness Board, San Francisco Public Utilities Commission and Board of Supervisors where the meeting agenda includes the discussion of utility rates proposed by the San Francisco Public Utilities Commission. The Independent Rate Payer Advocate shall have at least the same amount of time at such meetings to provide such comments as the Boards or Commission allocate to the San Francisco Public Utilities Commission staff representatives.

(e) The Independent Rate Payer Advocate may accept rate payer inquiries, and provide appropriate explanations regarding proposed rates designed to enhance rate payer understanding of rate-setting methodologies, requirements and procedures. The Independent Rate Payer Advocate may conduct ratepayer outreach activities through the use of newsletters, internet websites, published office hours and community meeting attendance.

(f) The Independent Rate Payer Advocate shall have access to San Francisco Public Utilities Commission documents related to proposed utilities rates that it deems necessary to perform its duties under this Section, with the exception of documents and information that are confidential, privileged or otherwise not subject to disclosure under applicable state and local laws.

(g) If the City Administrator, in accordance with applicable City laws, determines that the services described in this Section will be provided through a professional services contract, the contract shall provide that the Independent Rate Payer Advocate may not bring or be party to a lawsuit against the City based on the rate adoption proceedings in which it participated, unless required to do so by law.

(h) Failure to comply with any provision of this Section will not invalidate, or serve as grounds to challenge or invalidate any rates adopted pursuant to Charter Section 8B.125.

(i) The costs of providing the services of the Independent Rate Payer Advocate shall be paid from revenues of the utility rates that are the subject matter of those services, as adopted by the Public Utilities Commission under Section 8B.125, that have been appropriated for such services by the San Francisco Public Utilities Commission, the Mayor and the Board of Supervisors in accordance with the budget and fiscal provisions of the Charter.

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

By: _____
JOHN RODDY
Deputy City Attorney