

FILE NO. __081453_____

ORDINANCE NO. _____
RO#09016

1 [Appropriating \$1,923,629,194 of Water Revenue Bond proceeds for the Water System
2 Improvement Program in the Public Utilities Commission for Fiscal Year 2008-2009.]

3
4 **Ordinance appropriating \$1,923,629,194 of San Francisco Water Revenue Bond**
5 **authorized in 2002 to fund construction and financing costs for the San Francisco**
6 **Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for**
7 **Fiscal Year 2008-2009, placing the entire appropriation by project on Controller’s**
8 **reserve subject to SFPUC and Board of Supervisors’ discretionary approvals following**
9 **completion of project-related analysis pursuant to California Environmental Quality Act**
10 **(CEQA), where required, and receipt of proceeds of indebtedness, adopting**
11 **environmental findings, , placing on Budget and Finance Committee reserve any**
12 **project in excess of \$100,000,000 and authorizing the increase of the Water Commercial**
13 **Paper Program from \$250,000,000 to \$500,000,000 to facilitate projected WSIP financing**
14 **needs.**

15
16 Be it ordained by the People of the City and County of San Francisco:

17
18 Section 1. The sources of funding outlined below are herein appropriated to reflect the
19 funding available for Fiscal Year 2008-2009.

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1 **SOURCES Appropriation**

2	Fund	Index Code	Subobject	Description	Amount
3	5W CPF 02A –	*WTRY5WCPF02A	80399	Proceeds of Debt	\$1,120,185,000
4	2002 Prop A Bond	– 2002 Prop A Bond			
5	5W CPF 02E –	*WTRY5WCPF02E	80399	Proceeds of Debt	803,444,194
6	2002 Prop E Bond	– 2002 Prop E Bond			
7	Total SOURCES Appropriation				\$1,923,629,194

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9 Section 2. The uses of funding outlined below are herein appropriated in the Subject 06700

10 Buildings Structures and Improvements, and reflect the projected uses of funding to support

11 the Water System Improvement Program for the SFPUC for Fiscal Year 2008-09.

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13 **USES Appropriation**

14	Fund	Index Code / Project Code	Subobject	Description	Amount
16	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	San Joaquin Water	\$94,961,645
17	2002 Prop A	CUWSJI 0100	Structures and	System Improvement	
18	Bond Fund		Improvements	Project	
20	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	Sunol Valley Water	\$129,431,053
21	2002 Prop A	CUWSVI 0100	Structures and	System Improvement	
22	Bond Fund		Improvements	Project	
25	Fund	Index Code /	Subobject	Description	Amount

1	Project Code				
2	5W CPF 02A –	WTRSIPCPF02	06700- Buildings	Bay Division Water	\$49,677,393
3	2002 Prop A		Structures and	System Improvement	
4	Bond Fund		Improvements	Project	
5					
6	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	Peninsula Water System	\$88,071,023
7	2002 Prop A	CUWPWI 0100	Structures and	Improvement Project	
8	Bond Fund		Improvements		
9					
10	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	San Francisco Regional	\$39,084,663
11	2002 Prop A	CUWSFR 0100 –	Structures and	Water System Projects	
12	Bond Fund		Improvements		
13					
14	5W CPF 02A –	737300BUD /	06700- Buildings	San Joaquin Pipeline	\$47,100,000
15	2002 Prop A	CUW373 0100 –	Structures and	System	
16	Bond Fund		Improvements		
17					
18	5W CPF 02A –	737100BUD /	06700- Buildings	Crystal Springs/San	\$2,581,341
19	2002 Prop A	CUW371 0100 –	Structures and	Andreas Transmission	
20	Bond Fund		Improvements	Upgrade	
21					
22	5W CPF 02A –	735900BUD /	06700- Buildings	Irvington Tunnel /	\$318,816,588
23	2002 Prop A	CUW359 0100 –	Structures and	Alameda Siphons	
24	Bond Fund		Improvements		
25	Fund	Index Code /	Subobject	Description	Amount

1	Project Code				
2	5W CPF 02A –	737400BUD /	06700- Buildings	Calaveras Dam	\$240,863,657
3	2002 Prop A	CUW374 0100 –	Structures and	Replacement	
4	Bond Fund		Improvements		
5					
6	5W CPF 02A –	736800BUD /	06700- Buildings	Bay Division Pipeline	\$481,929,032
7	2002 Prop A	CUW368 0100 –	Structures and	Hydraulic Capacity	
8	Bond Fund		Improvements	Upgrade	
9					
10	5W CPF 02A –	730100BUD /	06700- Buildings	Groundwater Project	\$8,212,273
11	2002 Prop A	CUW301 0100 –	Structures and		
12	Bond Fund		Improvements		
13					
14	5W CPF 02A –	730200BUD /	06700- Buildings	Recycled Water Project	\$21,598,538
15	2002 Prop A	CUW302 0100 –	Structures and		
16	Bond Fund		Improvements		
17					
18	5W CPF 02A –	738800BUD /	06700- Buildings	Environmental Impact	\$2,634,739
19	2002 Prop A	CUW388 0100 –	Structures and	Project (PEIR)	
20	Bond Fund		Improvements		
21					
22	5W CPF 02A –	739400BUD /	06700- Buildings	Watershed Environmental	\$6,192,199
23	2002 Prop A	CUW394 0100 –	Structures and	Improvement Program	
24	Bond Fund		Improvements		
25	Fund	Index Code /	Subobject	Description	Amount

1	Project Code				
2	5W CPF 02A –	739201BUD /	06700- Buildings	Program Management	19,915,274
3	2002 Prop A	CUW392 0100 –	Structures and		
4	Bond Fund		Improvements		
5					
6	5W CPF 02A –	739201BUD /	081C4- CON	City Services Auditor	\$384,726
7	2002 Prop A	CUW392 0100 –	Internal Audits	0.2% allocation for	
8	Bond Fund			auditing	
9					
10	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	San Francisco Local	\$34,182,323
11	2002 Prop A	CUWSLR 0100 –	Structures and	Reservoirs	
12	Bond Fund		Improvements		
13					
14	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	San Francisco Local	\$81,361,426
15	2002 Prop A	CUWSLP 0100 –	Structures and	Pipeline/Valves	
16	Bond Fund		Improvements		
17					
18	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	San Francisco Local	\$3,490,279
19	2002 Prop A	CUWSLV 0100 –	Structures and	Pipeline/Valves	
20	Bond Fund		Improvements		
21					
22	5W CPF 02A –	WTRSIPCPF02A /	06700- Buildings	San Francisco Local	\$494,884
23	2002 Prop A	CUWSLM 0100 –	Structures and	Miscellaneous	
24	Bond Fund		Improvements		
25	Fund	Index Code /	Subobject	Description	Amount

	Project Code				
2	5W CPF 02A –	730000BUD /	06700- Buildings	Financing Costs	\$252,646,138
3	2002 Prop A	CUW300 0100 –	Structures and		
4	Bond Fund		Improvements		
5	Total USES Appropriation				<u>\$1,923,629,194</u>

7 Section 3: The total appropriation of \$1,923,629,194 is placed on Controller’s Appropriation
8 Reserve by project. Release of appropriation reserves by the Controller is subject to the prior
9 occurrence of:1) the SFPUC's and the Board of Supervisors’ discretionary adoption of CEQA
10 Findings for projects, following review and consideration of completed project-related
11 environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of
12 the San Francisco Administrative Code, where required, and 2) the Controller's certification of
13 funds availability, including proceeds of indebtedness. Any project in excess of \$100,000,000
14 is placed on Budget and Finance Committee reserve pending review and reserve release by
15 the Budget and Finance Committee.

17 Section 4: Findings.
18 (a) The Board of Supervisors makes the following findings in compliance with CEQA,
19 California Public Resources Code Section 21000 et seq., the CEQA Guidelines, 14 Cal. Code
20 of Regulations Sections 15000 et seq. (CEQA Guidelines), and San Francisco Administrative
21 Code Chapter 31 (Chapter 31). (i) On October 30, 2008, the Planning Commission reviewed
22 and considered the Water System Improvement Program Final Environmental Impact Report
23 (WSIP Final EIR) by Motion No. 17734, and found that the contents of said report and the
24 procedures through which the Final EIR was prepared, publicized, and reviewed, complied

1 with CEQA and Chapter 31; a copy of the motion is on file with the Clerk of the Board in File
2 No. _____ and is incorporated into this Ordinance by this reference;

3 (ii) On October 30, 2008, the SFPUC adopted Resolution Nos. 08-0200 and 08-0202 in which
4 the SFPUC: (A) approved the Phased Water System Improvement Program (Phased WSIP)
5 and (B) authorized the SFPUC General Manager to request that the Mayor recommend
6 approval of a Supplemental Appropriation to the Board of Supervisors in the amount of
7 \$1,923,629,194.

8 (iii) SFPUC Resolution No. 08-0200 contained environmental findings and adopted a
9 mitigation monitoring and reporting plan (MMRP), the MMRP and environmental findings,
10 including exhibits, are collectively referred to herein as "SFPUC CEQA Findings" for the
11 implementation of the Phased WSIP, as required by CEQA. SFPUC CEQA Findings included
12 extensive findings regarding the Phased WSIP potential environmental impacts, the
13 sufficiency of mitigation measures, responsibility for implementation of mitigation measures
14 including a mitigation and monitoring report, and a statement of overriding considerations
15 regarding potentially significant and unavoidable impacts. The SFPUC CEQA Findings
16 reflected the SFPUC's independent review and consideration of the relevant environmental
17 information contained in the WSIP Final EIR and the administrative record. The SFPUC
18 CEQA Findings are on file with the Clerk of the Board of Supervisors in File No. _____
19 and are incorporated herein by reference.

20 (iv) The Board of Supervisors has had the opportunity to review and consider the Final EIR
21 and the administrative record, which are located at the Planning Department at 1650 Mission
22 Street, Suite 400, in file no. 2005.0159E. The Board of Supervisors has reviewed and
23 considered the Final EIR and the SFPUC CEQA Findings with respect to this Ordinance,
24 including the MMRP and Statement of Overriding Considerations adopted by the SFPUC on
25 October 30, 2008, and determined that said Findings remain valid for the actions

1 contemplated in this Ordinance; there are no changed circumstances or other factors present
2 that would require additional environmental review for this Ordinance.

3 (v) The Board hereby adopts as its own and incorporates the SFPUC CEQA Findings
4 contained in SFPUC Resolution No. 08-0200 by reference as though such findings were fully
5 set forth in this Ordinance.

6 (vi) The Board of Supervisors endorses the implementation of the mitigation measures
7 identified in the SFPUC CEQA Findings and recommends for adoption any mitigation
8 measures that are enforceable by agencies other than City agencies, all as set forth in the
9 SFPUC CEQA Findings, including the MMRP contained in the referenced SFPUC CEQA
10 Findings.

11 (vii) The Board of Supervisors finds on the basis of substantial evidence in light of the whole
12 record that: (A) the WSIP Supplemental Appropriation reflected in this Ordinance before the
13 Board of Supervisors will not require revisions to the Final EIR due to the involvement of new
14 significant environmental effects or substantially increase in the severity of previously
15 identified significant effects; (B) no substantial changes have occurred with respect to the
16 circumstances under which the Phased WSIP will be undertaken which would require major
17 revisions to the Final EIR due to the involvement of new significant environmental effects, or a
18 substantial increase in the severity of effects identified in the Final EIR; and (C) no new
19 information of substantial importance to the Phased WSIP has become available which would
20 indicate (1) the Program will have significant effects not discussed in the Final EIR; (2)
21 significant environmental effects will be substantially more severe; (3) mitigation measures or
22 alternatives found not feasible which would reduce one or more significant effects have
23 become feasible; or (4) mitigation measures or alternatives which are considerably different
24 from those in the Final EIR would substantially reduce one or more significant effects on the
25 environment.

1 Section 5. For purposes of budgetary control, five previously designated Stand-Alone
2 Projects will be monitored and spending controlled by the Controller as follows:

Stand Alone Projects	Proposed Region for Budgetary Control
San Joaquin Pipeline System	San Joaquin Region
Crystal Springs/San Andreas Trans Upgrade	Peninsula Region
Irvington Tunnel/Alameda Siphons	Sunol Region
Calaveras Dam Replacement	Sunol Region
Bay Division Pipeline Reliability Upgrade	Bay Division Region
Groundwater Projects	Stand Alone
Recycled Water Project	Stand Alone
Programmatic Environmental Impact Project	Stand Alone
Bay Area Desalination	Stand Alone
WEIP - Watershed Management	Stand Alone
Program Management Services WSIP	Stand Alone

16 Section 6: The SFPUC is authorized to increase the Water Commercial Paper Program from
17 \$250,000,000 to \$500,000,000 to facilitate WSIP financing needs.

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19 Section 7. The approvals contained herein shall extend to any agreements, or any
20 amendments to existing agreements, or certificates necessary or desirable for the purpose of
21 implementing the issuance, sale and delivery of the Commercial Paper Notes and the Bank
22 Notes, and shall be subject to compliance with Article V of Chapter 43 of the San Francisco
23 Administrative Code, in consultation with the City Attorney.

24
25 Section 8. The Director of the Mayor’s Office of Public Finance (the “Director”), the City
Attorney, and all other appropriate officers, employees, representatives and agents of the City

1 are hereby authorized and directed to do everything necessary or desirable to provide for the
2 issuance of the Commercial Paper Notes and the Bank Notes.

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FUNDS AVAILABLE

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13 APPROVED AS TO FORM:

BEN ROSENFELD

14

15 DENNIS J. HERRERA, City Attorney

Controller

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17 By: _____

By: _____

18

19 Deputy City Attorney

Date: Amended 12/03/2008

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