

BOARD of SUPERVISORS



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

MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Ahsha Safai, Chair
Rules Committee

FROM: Victor Young, Assistant Clerk

DATE: February 2, 2018

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, February 6, 2018

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, February 6, 2018. This item was acted upon at the Rules Committee Meeting on Thursday, February 1, 2018, at 2:00 p.m., by the votes indicated.

Item No. 13 **File No. 171308**

Charter Amendment - Revenue Bonds for Public Utilities Commission Clean Power, Water, and Clean Water Facilities

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors, and to clarify the scope of the Commission's bond authority with regard to the City's water and clean water utilities; at an election to be held on June 5, 2018.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Ahsha Safai - Aye
Supervisor Norman Yee - Aye
Supervisor Catherine Stefani - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Jon Givner, Deputy City Attorney

File No. 171308

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date February 1, 2018

Board of Supervisors Meeting

Date _____

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
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| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Charter Amendment</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Controller Financial Analysis</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination</u> |
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Completed by: Alisa Somera Date January 26, 2018

Completed by: V Young Date 2/2/17

1 [Charter Amendment - Revenue Bonds for Public Utilities Commission Clean Power, Water, and Clean
2 Water Facilities]

3 **Describing and setting forth a proposal to the voters at an election to be held on June 5,**
4 **2018, to amend the Charter of the City and County of San Francisco to authorize the**
5 **Public Utilities Commission to issue revenue bonds for facilities needed to produce and**
6 **deliver clean power when approved by ordinance receiving a two-thirds vote of the Board**
7 **of Supervisors, and to clarify the scope of the Commission's bond authority with regard to**
8 **the City's water and clean water utilities.**

9
10 Section 1. Findings.

11 (a) The Public Utilities Commission (PUC) has been producing clean, greenhouse-gas-
12 free electricity at facilities in the Hetch Hetchy system for delivery to San Francisco facilities
13 since shortly after the passage of the Raker Act in 1913. The PUC provides clean, affordable
14 electric power to all City departments including the Fire Department and Airport, public agencies
15 like the San Francisco Unified School District, and for other purposes such as affordable housing
16 developments. New facilities will enable the PUC to provide clean, affordable energy to new
17 neighborhood developments such as Treasure Island, Hunters Point Shipyard, Pier 70, and
18 Mission Rock.

19 (b) The PUC's provision of electric service saves the City approximately \$40 million
20 every year.

21 (c) The PUC's provision of electric service also provides revenue that it reinvests into
22 the City's clean and renewable energy facilities.

23 (d) The PUC's provision of clean, greenhouse-gas-free electricity supports the City's
24 sustainability goals, including the goal, adopted in Board of Supervisors Resolution No. 349-11,
25 of meeting 100% of electricity demand in San Francisco with renewable and/or greenhouse-gas-

1 free sources of supply by 2030. Currently, the PUC's greenhouse-gas-free electricity reduces the
2 City's carbon footprint by approximately 387 million pounds per year.

3 (e) The City's use of this clean electricity also reduces emissions of particulate matter
4 2.5 and nitrogen oxide, as compared to the electricity the City would otherwise receive. These
5 chemicals, emitted primarily from motor vehicles, power plants, and refineries, significantly
6 harm air quality and human health.

7 (f) The new facilities financed with the bonds authorized by this Charter amendment will
8 increase the use of the PUC's clean power and further reduce harmful emissions. These new
9 facilities will also increase sustainability by incorporating technologies like energy storage and
10 electric vehicle charging stations.

11 (g) The new facilities financed with these bonds will support reliable electric service,
12 earthquake resilience, and disaster recovery by including, by way of illustration but not
13 limitation, grid and grid-connected technologies, like electronic control systems and distributed
14 energy resources, and emerging "smart grid" innovations.

15 (h) From 1945 to 2015, the PUC provided service under a series of contracts that were
16 approved by federal regulators. On expiration of the final contract in June 2015, the City was
17 required by federal law and regulations to own more facilities in order to serve its customers.
18 The bonding authority provided in this Charter amendment is necessary for the PUC to finance
19 the cost of these facilities in an efficient and cost-effective way.

20 (i) The PUC will be able to provide service to its power customers with fewer delays and
21 at lower cost if it has the ability to finance required facilities in the same manner as the PUC's
22 water and clean water utilities, the Port, and the Airport, as well as municipal utilities operated
23 by other jurisdictions.

24 (j) Revenue bonds issued under the authority provided in this Charter amendment would
25 be subject to the review and oversight of the Public Utilities Revenue Bond Oversight

1 Committee, Administrative Code Sections 5A.30-5A.36, in addition to the requirements stated in
2 Charter Section 8B.124, subsections (a) and (b).

3 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
4 and County, at an election to be held on June 5, 2018, a proposal to amend the Charter of the
5 City and County by revising Section 8B.124, to read as follows:

6 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
7 **Additions** are *single-underline italics Times New Roman font*.
8 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
9 **Asterisks (* * * *)** indicate the omission of unchanged Charter
10 subsections.

11 **SEC. 8B.124. WATER, ~~AND~~ CLEAN WATER, AND POWER REVENUE BONDS.**

12 Notwithstanding, and in addition to, the authority granted under Charter Section 9.107,
13 the Public Utilities Commission is hereby authorized to issue revenue bonds, including notes,
14 commercial paper, or other forms of indebtedness, when authorized by ordinance approved by a
15 two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing,
16 expanding, repairing, or improving water facilities, ~~or~~ clean water facilities, power facilities, or
17 combinations of water, and clean water, and power facilities under the jurisdiction of the Public
18 Utilities Commission or for any other lawful purpose of the water, clean water, or power utilities
19 of the City in furtherance of the purposes herein provided. The Public Utilities Commission
20 shall endeavor to finance new power facilities that increase delivery of clean energy, enhance
21 reliability and safety, and increase sustainability by incorporating technologies like energy
22 storage and electric vehicle charging, as well as other technologies that become available. In no
23 event shall the Public Utilities Commission finance construction of a power
24
25

1 plant that generates electricity using fossil fuels or nuclear energy.

2 * * * *

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

6
7 By:  (for TLM)
8 THERESA L. MUELLER
9 Deputy City Attorney

10 n:\egana\as2018\1800258\01248497.docx



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Todd Rydstrom
Deputy Controller

January 16, 2018

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

RE: File 171308 – Charter amendment authorizing the Public Utilities Commission to issue revenue bonds when approved by ordinance

Dear Ms. Calvillo,

Should the proposed charter amendment be approved by the voters, in my opinion, it would have a minimal impact on the cost of government.

The amendment provides that the Public Utilities Commission (PUC) would be authorized to issue revenue bonds for power facilities when approved by ordinance. The ordinance authorizing such bonds must pass with a two-thirds vote of the Board of Supervisors. The PUC currently has this authority for water and clean water facilities. The proposed amendment would provide the PUC with capacity to develop bond-funded facilities across a broader range of solar power facilities, power storage facilities and other infrastructure for efficient power distribution.

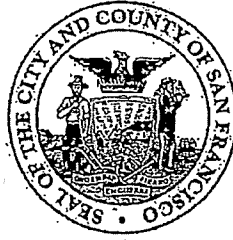
Existing requirements and controls over PUC bonds would all apply under the proposed amendment. These requirements include that the PUC obtain independent engineering certification that the bond-funded projects meet cost, schedule and debt coverage requirements, and that the Planning Department certify compliance with the California Environmental Quality Act. The PUC Commission, the Mayor and Board of Supervisors are all required to approve the bonds and bonds issued under this authority would be subject to ongoing review and oversight by the PUC Revenue Bond Oversight Committee.

Sincerely,

for
Ben Rosenfield
Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

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December 20, 2017

File No. 171308

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

Dear Ms. Gibson:

On December 12, 2017, Supervisor Peskin introduced legislation for the following proposed Charter Amendment for the June 5, 2018, Election:

**File No. 171308 Charter Amendment - Revenue Bonds for Public Utilities
Commission Power Facilities**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors; at an election to be held on June 5, 2018.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Alisa Somera
By: Alisa Somera, Legislative Deputy Director
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Laura Lynch, Environmental Planner

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c) (2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

Debra Dwyer 1/12/18

File No. 171308 · Presented in Committee (1/17/2018)



Rules Committee, Item 6

Charter Amendment: Revenue Bonds for New Power Facilities

Barbara Hale

Assistant General Manager, Power
San Francisco Public Utilities Commission

January 17, 2018



Power Enterprise

- The SFPUC has been producing clean, **greenhouse-gas-free** electricity since **1918**.
- Power provided to **all City departments, public agencies** (like SFUSD), and other purposes such as **affordable housing developments**.
- **Saves the City money** – currently about \$40 million every year.
- Provides revenue that **PUC reinvests** into the City's clean and renewable energy facilities.
- **Reduces the City's carbon footprint**, currently by **387 million pounds per year**.



Current Law & Bonding Capabilities

- City Charter SEC. 8B.124:
 - The SFPUC is authorized to issue revenue bonds, when approved by the Board of Supervisors, for replacement and new water and wastewater facilities.
 - Power facilities not included.
- Under Charter sections 9.107(6) and (8) PUC already has the authority to issue revenue bonds for some power facilities, but this authority is limited to certain types of equipment.



Challenges

- **Can only use cash to fund new power facilities.**
 - Not financially efficient
 - Constrains ability to strategically invest in facilities to serve multiple customers
- **Since 2015, the City is required by federal law to own more facilities in order to serve its customers.**
- **Can't serve new customers without new facilities.**
- **Bonding needed to keep costs & rates low for our customers, and to better serve our existing and future customers.**



Charter Amendment

- Amend City Charter SEC. 8B.124:
 - The SFPUC is hereby authorized to issue revenue bonds, when authorized by ordinance approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing, expanding, repairing, or improving water facilities, or clean water facilities, power facilities, or combinations of water, and clean water, and power facilities under the jurisdiction of the Public Utilities Commission. The Public Utilities Commission shall endeavor to finance new power facilities that increase delivery of clean energy, enhance reliability and safety, and increase sustainability by incorporating technologies like energy storage and electric vehicle charging, as well other technologies that become available. In no event shall the Public Utilities Commission finance construction of a power plant that generates electricity using fossil fuels.



How it Would Work

- Existing requirements and controls over SFPUC bonds would all apply under proposed amendment:
- Receive approval from SFPUC Commission, the Mayor, and Board of Supervisors for the bonds;
- Obtain independent engineering certification that the bond-funded projects meet cost, schedule and debt coverage requirements;
- Receive Planning Department certification of CEQA Compliance; and
- Subject to ongoing review and oversight by the SFPUC Revenue Bond Oversight Committee.

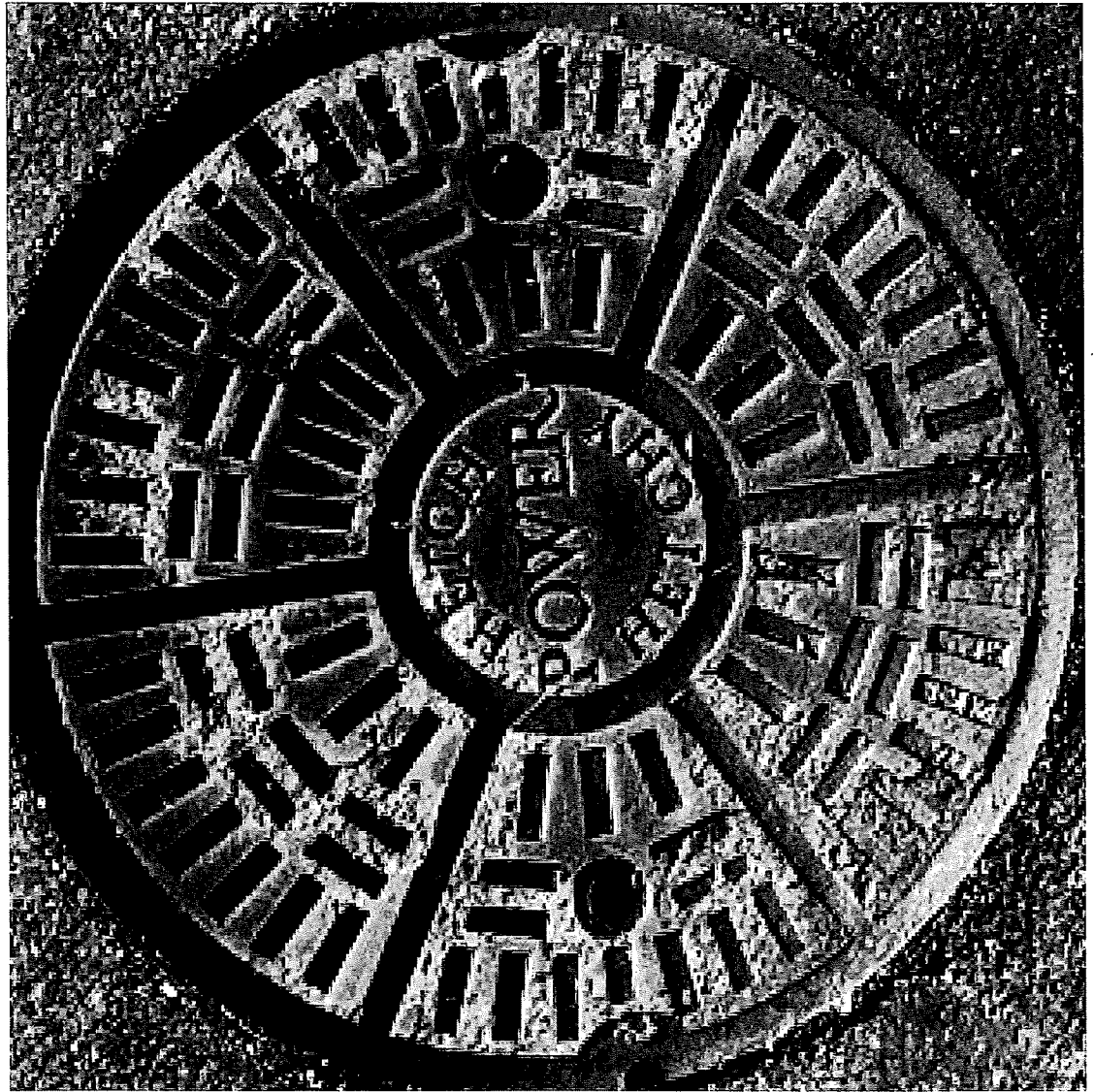


Benefits of Amendment

- **Increase** in the amount of **clean and affordable energy delivered to San Francisco.**
 - Greater reductions to **City's Carbon Footprint**
 - **Reduces health risks** associated with dirty energy
 - Greater ability to **incorporate innovation** – solar, electric vehicle charging stations, grid controls
 - Greater **independence** to provide clean energy, reducing disruptions & delays
 - Increases **resiliency** of City to respond to earthquakes and other disasters
 - Allows for **more efficient and cost effective financing** of projects.

Questions?

San Francisco
**Water
Power
Sewer**





December 11, 2017

San Francisco Board of Supervisors
London Breed, President
City Hall, Rm 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear President Breed and Supervisors,

We write as advocates for progressive and effective transportation policy to voice our strong opposition to the City Charter amendment being introduced by Supervisors Peskin and Safaí. This amendment purports to improve the performance and responsiveness of the San Francisco Municipal Transportation Agency (SFMTA) by breaking it into two separate agencies: one responsible for Muni operations and another overseeing parking and traffic. It would also enact governance changes to the two new agencies by modifying appointments to its board and by giving the Board of Supervisors additional legislative responsibility for changes to parking, traffic and policy approved by the new agencies' board. We strongly oppose this proposed amendment for the following reasons:

Increased bureaucracy. When San Francisco voters created the SFMTA in 1999 and strengthened its authority in 2007, they voted for sound governance, combining transit operations with transportation policy and engineering. Splitting the agency into two entities again would reverse the progress voters made and create an unnecessary duplication of services, decrease coordination in planning, policy making, and operations, and cost taxpayers untold millions in additional City expenditures.

More unnecessary process and politics. San Francisco currently struggles to make improvements to transit and our streets at a pace that matches the growth in jobs and residents the city has experienced over the past decade. Voters recognize this and twice in recent years have rejected introducing more process and politics into the City's transportation management - voting resoundingly just last year against a charter amendment to split MTA Board appointments between the Mayor and the Board of Supervisors. Adding an additional layer of review to every proposed bus stop, parking space and bike lane promises to further slow the rate of such improvements. People who live and work in our city need better transit and safe streets delivered more quickly. Further politicizing the process by which those improvements are approved will only slow things down.

Contradicts Transit First policy. Being a "Transit First" city — a policy enshrined in our City charter — means that San Francisco makes transportation decisions that prioritize and encourage modes of transportation other than private automobile use. Decoupling the operations of transit from the planning and design of our streets is a step backwards from Transit First, threatening the City's ability to achieve its ambitious Vision Zero and Climate Action Strategy goals.

San Franciscans deserve safe, affordable and reliable transportation choices. The SFMTA is an imperfect institution, and we acknowledge that much must be done to improve its responsiveness and performance. Rather than fixing the SFMTA's shortcomings, however, this charter amendment will compound them. It brings a hammer to a problem that requires a scalpel, breaking up an agency that has worked to incrementally improve transit and traffic amid an influx of tens of thousands of additional vehicles in recent years.

On behalf of the tens of thousands of members and San Franciscans whom we represent, we urge you to oppose this charter amendment, and we look forward to working with each of you to improve the experience of moving around San Francisco. The health and wellbeing of our neighborhoods, businesses and residents depends on it.

Sincerely,

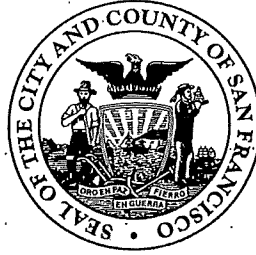
Brian Wiedenmeier, Executive Director
San Francisco Bicycle Coalition

Rachel Hyden, Executive Director
San Francisco Transit Riders

Gabriel Metcalf, Executive Director
SPUR

Jodie Medeiros, Executive Director
Walk San Francisco

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December 20, 2017

File No. 171308

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

Dear Ms. Gibson:

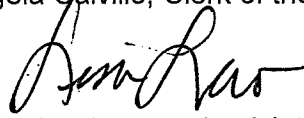
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**File No. 171308 Charter Amendment - Revenue Bonds for Public Utilities
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Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors; at an election to be held on June 5, 2018.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

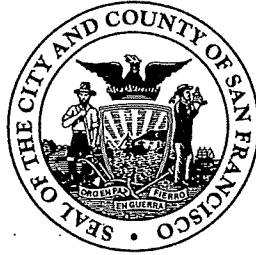
for 

By: Alisa Somera, Legislative Deputy Director
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Laura Lynch, Environmental Planner

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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: *ll*
for Alisa Somera, Legislative Deputy Directory, Rules Committee
Board of Supervisors

DATE: December 20, 2017

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 5, 2018 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the June 5, 2018, Election, introduced by Supervisor Peskin on December 12, 2017. This matter is being referred to you in accordance with Rules of Order 2.22.4.

**File No. 171308 Charter Amendment - Revenue Bonds for Public Utilities
Commission Power Facilities**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors; at an election to be held on June 5, 2018.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7711 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director

BOARD of SUPERVISORS



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MEMORANDUM

TO: Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Mayor's Office
Jon Givner, Deputy City Attorney; Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Naomi Kelly, City Administrator, Office of the City Administrator
Harlan Kelly, Jr., General Manager, Public Utilities Commission
Elaine Forbes, Executive Director, Port of San Francisco
Ivar C. Satero, Airport Director, San Francisco International Airport

FROM: *u*
for Alisa Somera, Legislative Deputy Director, Rules Committee
Board of Supervisors

DATE: December 20, 2017

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 5, 2018 Election

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Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7711 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Shahde Tavakoli, Mayor's Office
 Kyle Kundert, Ethics Commission
 Lynn Khaw, Office of the City Administrator
 Lihmeei Leu, Office of the City Administrator
 Juliet Ellis, Public Utilities Commission
 Donna Hood, Public Utilities Commission
 John Scarpulla, Public Utilities Commission
 Daley Dunham, Port of San Francisco
 Cathy Widener, San Francisco International Airport

Introduction Form

By a Member of the Board of Supervisors or Mayor

2017 DEC 12 PM 4: 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. Question(s) 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):

Peskin; Tang

Subject:

Charter Amendment - Revenue Bonds for Public Utilities Commission Power Facilities

The text is listed:

Describing and setting forth a proposal to the voters at an election to be held on June 5, 2018, to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors.

Signature of Sponsoring Supervisor:

For Clerk's Use Only