[Administrative Code - Water Enterprise Capital Cost Recovery Payment Surcharge Fund]

Ordinance amending Chapter 10, Article XIII of the Administrative Code to create the Public Utilities Water Enterprise Capital Cost Recovery Payment Surcharge Fund.

NOTE: Additions are _single-underline italics Times New Roman_;
deletions are ~~_strike-through italics Times New Roman_~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 10.100-225, to read as follows:

SECTION 10.100-225. PUBLIC UTILITIES WATER ENTERPRISE CAPITAL COST RECOVERY PAYMENT SURCHARGE FUND.

(a) **Establishment of Fund.** The Water Enterprise Capital Cost Recovery Payment Surcharge Fund is established as a category eight fund for the purpose of receiving capital cost recovery payment surcharge proceeds collected from wholesale water customers by the San Francisco Public Utilities Commission. Section 5.03.F of the July, 2009 "Water Supply Agreement Between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County and Santa Clara County" approved in San Francisco Public Utilities Commission Resolution Number 09-0069 adopted on April 28, 2009 allows the San Francisco Public Utilities Commission's wholesale water customers to prepay the balance of "Existing Regional Asset" capital costs. California Water Code section 81438(b) authorizes the San Francisco Public Utilities Commission to collect a surcharge from its wholesale water customers to pay required debt service and other costs associated with the issuance of revenue bonds by the Bay Area Water Supply and Conservation Agency for the purpose of funding the

1 *advance prepayment of Existing Regional Asset costs to San Francisco. Section 3.03(b) of the January*

2 *1, 2013 "Prepayment and Collection Agreement between the City and County of San Francisco and the*

3 *Bay Area Water Supply and Conservation Agency" requires the creation of a restricted reserve fund for*

4 *the use and administration of Capital Cost Recovery Payment Surcharge proceeds as set forth in*

5 *subsections (b) and (c).*

6   *(b) **Use of the Fund.** Money received into the fund shall be used exclusively for the deposit*

7 *and remittance of Capital Cost Recovery Payment Surcharge proceeds by the San Francisco Public*

8 *Utilities Commission to the Trustee for the Bay Area Water Supply and Conservation Agency revenue*

9 *bonds in accordance with the terms of the January 1, 2013 Prepayment and Collection Agreement*

10 *referenced in subsection (a) above.*

11   *(c) **Administration of Fund.** The fund shall be maintained from July 1, 2013 through* ~~July 1,~~

12 ~~2036~~ the termination date of the Wholesale Water Revenue Prepayment and Collection

13 Agreement.

14

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

16
   By:
17 JOSHUA MILSTEIN
   Deputy City Attorney
18

19

20

21

22

23

24

25

Mayor Lee and Supervisor Chu
BOARD OF SUPERVISORS

Page 2
12/10/2012
originated at : n:\puc\as2013\1120107\00813168.doc
revised on: 1/15/2013 – n:\puc\as2013\1120107\00820471.doc

City and County of San Francisco

Tails

Ordinance

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

File Number: 121194   **Date Passed:** February 05, 2013

Ordinance amending the Administrative Code, Chapter 10, Article XIII, to create the Public Utilities Water Enterprise Capital Cost Recovery Payment Surcharge Fund.

January 16, 2013 Budget and Finance Committee - AMENDED

January 16, 2013 Budget and Finance Committee - RECOMMENDED AS AMENDED

January 29, 2013 Board of Supervisors - PASSED, ON FIRST READING

    Ayes: 11 - Avalos, Breed, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Wiener and Yee

February 05, 2013 Board of Supervisors - FINALLY PASSED

    Ayes: 11 - Avalos, Breed, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Wiener and Yee

File No. 121194

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/5/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

_____
Mayor

_____
Date Approved