

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City of San Francisco to amend the Charter of the City by adding a new Section 8B.110 empowering the Board of Supervisors to issue revenue bonds for the acquisition of energy facilities.

The Board of Supervisors hereby submits to the qualified voters of the City at an election to be held on November 2, 2004, a proposal to amend the Charter of the City by adding a new Section 8B.110, to read as follows:

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

SECTION 8B.110. REVENUE BONDS FOR ENERGY FACILITIES

Notwithstanding the requirements of Section 9.107 or any other provision of this Charter, the Board of Supervisors may issue revenue bonds or other forms of indebtedness for the acquisition of energy transmission and distribution facilities owned by the local distribution utility after completion of a credible cost-benefit analysis which demonstrates that acquiring such facilities will provide cost benefits to consumers and after a finding by the Board of Supervisors that acquiring such facilities is in the public interest. Notwithstanding any other provision of this Charter or of any ordinance of the City and County, the Board of Supervisors may take any and all actions necessary to authorize, issue and repay such bonds, indebtedness or loans, including but not limited to

modifying schedules of rates and charges to provide for the payment and retirement of such bonds, subject to all of the following conditions:

(a) The Controller certifies in writing that sufficient unencumbered energy revenues will be available to timely meet all of its obligations arising from such issuance or obligation;

(b) An independent engineer certifies that the facilities to be acquired by the bonds, loans or other obligation meet appropriate utility standards; and

(c) The San Francisco Planning Department certifies that the facilities acquired with such bonds will comply with applicable requirements of the California Environmental Quality Act.

Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance of the Board of Supervisors.

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

By: _____
Deputy City Attorney