


BOARD of SUPERVISORS



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## MEMORANDUM

TO: Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Naomi Kelly, City Administrator, Office of the City Administrator  
Deborah Raphael, Director, Department of the Environment  
All Other City Department Heads via Andres Power, Liaison to the Board  
of Supervisors, Mayor's Office

FROM:  Alisa Somera, Legislative Deputy Director  
Rules Committee

DATE: June 11, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Mayor Farrell on June 5, 2018:

**File No. 180615**

**Ordinance amending the Administrative Code to require City departments to report information to the Public Utilities Commission regarding water conservation efforts.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Juliet Ellis, Public Utilities Commission  
Donna Hood, Public Utilities Commission  
John Scarpulla, Public Utilities Commission  
Christopher Whitmore, Public Utilities Commission  
Lynn Khaw, Office of the City Administrator  
Lihmeei Leu, Office of the City Administrator  
Peter Gallotta, Department of the Environment  
Anthony Valdez, Department of the Environment  
Shahde Tavakoli, Mayor's Office

1 [Administrative Code - Water Conservation Reporting by City Departments]

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3 **Ordinance amending the Administrative Code to require City departments to report**  
4 **information to the Public Utilities Commission regarding water conservation efforts.**

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6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

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

14 Section 1. The Administrative Code is hereby amended by adding Chapter 63A, to  
15 consist of Sections 63A.1, 63A.2, and 63A.3, to read as follows:

16 **CHAPTER 63A: WATER CONSERVATION REPORTING.**

17 **SEC. 63A.1. FINDINGS.**

18 (a) San Franciscans have some of the lowest rates of water use in California, and the City and  
19 County of San Francisco has taken many steps over the last 30-plus years to help residents and  
20 businesses, as well as municipal facilities and public landscapes, efficiently use water, rain or shine,  
21 and to make conservation a way of life in San Francisco.

22 (b) Due to the growing impacts of climate change, cities across California must plan how they  
23 will respond during prolonged drought conditions. Reducing water demand through conservation,  
24 diversifying supplies, and expanding onsite reuse opportunities are important steps to building a more  
25 climate-resilient water supply system. In addition, cities like San Francisco should be developing  
appropriate drought response plans for the City's entire water system, including municipal customers,

1 as well as individual customers. Prudent and forward-thinking investments and planning are essential  
2 to improving the overall resiliency of the City's water system. City departments, as major water users,  
3 must be prepared for scenarios where conservation alone will not be enough to prevent water shortage  
4 concerns.

5 (c) The three-year period from October 2011 to September 2014 was the driest in California's  
6 hydrologic record and, as a result, reservoir storage, snowpack, and reservoir inflows were  
7 significantly lower than normal throughout the State. The unprecedented dry weather conditions  
8 prompted the Governor to declare a drought emergency for the State of California. The City issued a  
9 directive calling for all customers of the San Francisco Public Utilities Commission's Hetch Hetchy  
10 Regional Water System to voluntarily reduce water use by at least 10%. The Mayor's Office issued  
11 Executive Directive 14-01 requiring all City departments to develop individual water conservation  
12 plans and take immediate steps to achieve a mandatory 10% reduction in their water consumption. In  
13 July 2014, new emergency regulations issued by the State Water Resources Control Board required the  
14 City to implement outdoor water waste restrictions and impose mandatory reductions in outdoor water  
15 use.

16 (e) While the 2014 emergency drought directives were lifted for most areas of the State in April  
17 2017, requirements for water suppliers to report monthly water use and implement outdoor water waste  
18 prohibitions continued and are expected to become permanent. Additionally, in 2016, the Governor  
19 directed the State to develop and transition to a long-term water use efficiency framework that makes  
20 "water conservation a California way of life." (Executive Order B-37-16 dated May 9, 2016).

21 (f) In response to State actions, the City lifted its call for a 10% reduction in water use in April  
22 2017, but continues to promote efficient water use and provide conservation assistance and incentives  
23 to help customers save water and money. In response to the Mayor's Executive Directive 14-01, most  
24 City departments have submitted water conservation plans and fixture inventories. Through these and  
25

1 other actions, City departments have reduced their water use by 30%, comparing the volume used  
2 during 2017 to water used during 2013.

3 (h) Recognizing the need to build even greater resiliency for potential future droughts, the City  
4 must continue to monitor its water conservation efforts and prepare for future dry conditions.

5 **SEC. 63A.2. DEFINITIONS.**

6 “City” shall mean City and County of San Francisco.

7 “State” shall mean State of California, or department of the State having jurisdiction over  
8 managing or protecting California water resources.

9 “Department” shall mean any agency, board, commission, office, or department of the City  
10 having jurisdiction over land and facilities owned or leased by the City that is billed for water supplied  
11 by the San Francisco Public Utilities Commission.

12 **SEC. 63A.3. REQUIRED REPORTS.**

13 (a) Initial Report. Within 90 days of the effective date of this Chapter 63A, all Departments  
14 shall report the following information to San Francisco Public Utilities Commission:

15 (1) A summary of all water-saving practices the Department implemented to address the  
16 City’s call for voluntary 10% indoor and mandatory 25% outdoor water reduction during the 2014-  
17 2017 drought.

18 (2) The name and contact information of the Department representative or  
19 representatives responsible for implementing the requirements of this Chapter 63A and coordinating  
20 the Department’s water conservation efforts with the San Francisco Public Utilities Commission.

21 (3) An inventory of the Department’s plumbing fixtures that do not meet the  
22 requirements of Section 709 of the Environment Code.

23 (4) An inventory of all existing Landscape Areas, as defined in Section 63.3 of the  
24 Administrative Code, under the jurisdiction of the Department that do not meet the requirements of  
25 Chapter 63 of the Administrative Code.

1                   **(b) Drought Response Plan.**

2                   (1) Within 180 days of the effective date of this Chapter 63A, the five City departments  
3 with the highest water consumption amounts in fiscal year 2017, as determined by the San Francisco  
4 Public Utilities Commission, shall submit to the San Francisco Public Utilities Commission a drought  
5 response plan that includes the following information:

6                                   (A) The indoor and outdoor temporary water reduction measures the  
7 Department would take when water rationing or reduction in excess of 20% is imposed by an action of  
8 the State or the San Francisco Public Utilities Commission;

9                                   (B) The order in which the Department anticipates it would implement  
10 the water reduction measures necessary to meet rationing or reduction requirements; and

11                                   (C) The estimated percent reduction in Departmental water use the  
12 Department could achieve by implementing each of the water reduction measures identified under  
13 subsection (b)(1)(A).

14                   (2) The Departments shall consult with and seek technical assistance from the San  
15 Francisco Public Utilities Commission during development and implementation of the drought  
16 response plans required by this subsection (b).

17                   (3) The Departments shall implement the drought response plans during drought  
18 shortage conditions when rationing or reductions are required by State or San Francisco Public  
19 Utilities Commission action.

20                   (4) The Department shall review its drought response plan every five years. By July 1st  
21 of the calendar year during which the five-year review is required, the Department shall submit to the  
22 San Francisco Public Utilities Commission any updates to the plan, or a statement indicating that no  
23 updates are necessary.

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1 Section 2. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

8 By:

9   
10 JOHN RODDY  
11 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Administrative Code - Water Conservation Reporting by City Departments]

**Ordinance amending the Administrative Code to require City departments to report information to the Public Utilities Commission regarding water conservation efforts.**

Existing Law

Proposed Chapter 63A is new. Section 709 of the Environment Code requires City departments to undertake water conservation retrofitting activities for plumbing fixtures in buildings under each department's jurisdiction. City departments must comply with the Water Efficient Irrigation Ordinance requirements set forth in Chapter 63 of the Administrative Code.

Amendments to Current Law

This ordinance adds Chapter 63A to the Administrative Code, and requires all City departments to report the following information to San Francisco Public Utilities Commission within 90 days of the effective date of the ordinance:

- (1) A summary of all water-saving practices the department implemented to address water use reduction requirements during the 2014-2017 drought.
- (2) The name and contact information of the department representative or representatives responsible for implementing the requirements of the ordinance.
- (3) An inventory of the department's plumbing fixtures that do not meet the requirements of Section 709 of the Environment Code.
- (4) An inventory of landscape areas, as defined in Section 63.3 of the Administrative Code, under the jurisdiction of the department.

The ordinance also provides that the ten City departments with the highest water consumption in fiscal year 2017 must submit to the San Francisco Public Utilities Commission a drought response plan that includes the following information, within 180 days of the effective date of the ordinance:

- (1) The indoor and outdoor temporary water reduction measures the department would take when water rationing or reduction in excess of 20% is imposed by an action of the State or the San Francisco Public Utilities Commission;
- (2) The order in which the department anticipates it would implement the water reduction measures necessary to meet rationing or reduction requirements; and
- (3) The estimated percent reduction in departmental water use the department could achieve by implementing the water reduction measures.

The departments must implement the drought response plans during drought shortage conditions when rationing or reductions are required by State or San Francisco Public Utilities Commission action. Each department must review its drought response plan every five years, and update the plans as necessary.

### Background Information

San Franciscans have some of the lowest rates of water use in California. Notwithstanding low per capita consumption rates, San Francisco must plan how it will respond during prolonged drought conditions. Reducing water demand through conservation, diversifying supplies, and expanding onsite reuse opportunities are important steps to building a more climate-resilient water supply system. Cities like San Francisco can also develop drought response plans for the municipal agency water system users. City departments, as major water users, should be prepared for scenarios where conservation alone will not be enough to prevent water shortage concerns.

The three-year period from October 2011 to September 2014 was the driest in California's hydrologic record and, as a result, reservoir storage, snowpack, and reservoir inflows were significantly lower than normal throughout the State. The unprecedented dry weather conditions prompted the Governor to declare a drought emergency for the State of California while new emergency regulations issued by the State Water Resources Control Board required the City to implement outdoor water waste restrictions and impose mandatory reductions in outdoor water use.

The City issued a directive calling for all customers of the San Francisco Public Utilities Commission's Hetch Hetchy Regional Water System to voluntarily reduce water use by at least 10%. The Mayor's Office issued Executive Directive 14-01 requiring all City departments to develop individual water conservation plans and take immediate steps to achieve a mandatory 10% reduction in their water consumption.

While the 2014 emergency drought directives were lifted for most areas of the State in April 2017, requirements for water suppliers to report monthly water use and implement outdoor water waste prohibitions have continued and are expected to become permanent. Additionally, in 2016, the Governor directed the State to develop and transition to a long-term water use efficiency framework that makes "water conservation a California way of life." (Executive Order B-37-16 dated May 9, 2016).

In response to the Mayor's Executive Directive 14-01, most City departments have submitted water conservation plans and fixture inventories. Through these and other actions, City departments have reduced their water use by 30%, comparing the volume used during 2017 to water used during 2013.