

File No. 180893

Committee Item No. 3  
Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date October 17, 2018

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

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Completed by: Victor Young Date Oct 12, 2018  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Administrative Code - Exempting Certain Municipal Transportation Agency Projects From  
2 Fiscal Feasibility Ordinance]

3 **Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility**  
4 **Ordinance capital improvement projects under the jurisdiction of the San Francisco**  
5 **Municipal Transportation Agency that will support an increase or improvement in**  
6 **Municipal Railway service.**

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

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

15 Section 1. Background and Findings.

16 (a) Chapter 29 of the Administrative Code ("Chapter 29") requires, prior to initiating  
17 environmental review, that a City department, board, or commission proposing a project, as  
18 defined by the California Environmental Quality Act, California Public Resources Code  
19 Sections 21000 *et seq.*, that is estimated to have implementation and/or construction costs  
20 exceeding \$25,000,000 and that will cost more than \$1,000,000 in public monies for  
21 predevelopment, planning, or construction costs prepare a financial feasibility study and  
22 submit it to the Board of Supervisors for a determination that the plan for undertaking and  
23 implementing the proposed project is fiscally feasible and responsible.

24 (b) The San Francisco Municipal Transportation Agency engages in numerous rail,  
25 facility, and transit-related infrastructure projects that require long-range planning and  
applying for regional, state, and federal sources of funding to support or improve Municipal

1 Railway ("Muni") service. Given that preliminary planning and design are often prerequisites  
2 for submitting a competitive funding application, an exception to the requirements of Chapter  
3 29 is appropriate.

4 Section 2. The Administrative Code is hereby amended by revising Section 29.1, to  
5 read as follows:

6 **SEC. 29.1. APPLICABILITY OF THIS CHAPTER 29.**

7 \* \* \* \*

8 (c) Notwithstanding anything to the contrary in this Chapter 29, this Chapter 29 shall  
9 not apply to the following projects:

10 (1) Any project which that has been specifically approved by the voters prior to  
11 January 1, 1998, or project where more than ~~seventy-five percent (75%)~~ of the amount of public  
12 monies for the project will be financed with proceeds from a bond measure that the Board of  
13 Supervisors has submitted for approval to the voters and which that has been approved by the  
14 voters; or

15 (2) Any project that is the subject of a term sheet (or similar summary of key  
16 terms and conditions) or an exclusive negotiating agreement (or similar agreement setting  
17 forth a schedule and terms for proceeding~~s~~ towards final transactional documents), approved  
18 or endorsed by the Board of Supervisors on or after January 1, 2003, but before July 1, 2004,  
19 or that has otherwise been approved or endorsed by the Board of Supervisors during such  
20 time period~~s~~; provided, however, that if the Board of Supervisors subsequently elects to  
21 withdraw such endorsement or approval, this exemption shall not apply and such project shall  
22 be subject to the terms of ~~this ordinance~~ this Chapter 29 to the extent otherwise applicable; or

23 (3) Any project where funds allocated or granted by the San Francisco  
24 County Transportation Authority ("SFCTA"), or other funds secured by or requiring  
25 contribution of matching or leveraged SFCTA funds, comprise more than ~~seventy-five percent~~

1 (75%) of the public monies for the project, provided that the SFCTA has reviewed and  
2 approved the plans or projects to be financed with such funds from the SFCTA; or

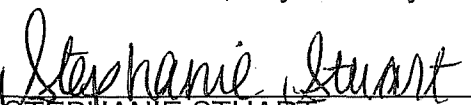
3 (4) Any project that is a utility capital improvement project under the  
4 jurisdiction of the San Francisco Public Utilities Commission; or

5 (5) Any project that is a public transportation capital improvement project under the  
6 jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or  
7 improvement in Municipal Railway ("Muni") service.

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

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
16 additions, and Board amendment deletions in accordance with the "Note" that appears under  
17 the official title of the ordinance.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By:   
22 STEPHANIE STUART  
23 Deputy City Attorney

24 n:\egana\as2018\1900036\01294620.docx  
25

## LEGISLATIVE DIGEST

[Exempting Certain Municipal Transportation Agency Projects from From Fiscal Feasibility Ordinance]

**Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvements projects under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway service.**

### Existing Law

Chapter 29 of the Administrative Code ("Chapter 29") requires, prior to initiating environmental review, that a City department, board or commission proposing a project as defined by the California Environmental Quality Act that is estimated to have implementation and/or construction costs exceeding twenty-five million dollars (\$25,000,000) and to use in excess of one million dollars (\$1,000,000) in public monies for predevelopment, planning, or construction costs prepare a financial feasibility study and submit it to the Board of Supervisors for a determination that the plan for undertaking and implementing the proposed project is fiscally feasible and responsible.

### Amendments to Current Law

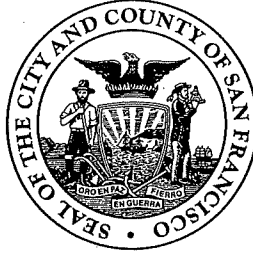
This ordinance would amend Chapter 29 to exempt certain capital improvement projects under the jurisdiction of the San Francisco Municipal Transportation Agency (SFMTA) from the Chapter 29 requirements for a fiscal feasibility study to the extent such projects will support an increase or improvement in Municipal Railway Service.

### Background Information

The SFMTA engages in numerous rail, facility, and transit-related infrastructure projects to support or improve Municipal Railway service and such projects often rely on regional, state, and federal sources of funding. Preliminary planning and design are often prerequisites for submitting a competitive funding application.

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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

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency  
Harlan Kelly, Jr., General Manager, Public Utilities Commission

FROM: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

DATE: September 19, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on September 11, 2018:

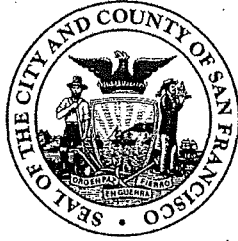
**File No. 180893**

**Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvement projects under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway service.**

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: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

c: Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency  
Juliet Ellis, Public Utilities Commission  
Donna Hood, Public Utilities Commission  
John Scarpulla, Public Utilities Commission

President, District 10  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Tel. No. 554-7670  
Fax No. 554-7674  
TDD/TTY No. 544-5227

**Malia Cohen**

**PRESIDENTIAL ACTION**

Date: 10/12/18

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_

(Primary Sponsor)

Title. \_\_\_\_\_

Transferring (Board Rule No 3.3)

File No. 180893

Peskin

(Primary Sponsor)

Title. Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvement projects under the

From: Land Use & Transportation Committee

To: Rules Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting

(Date)

(Committee)

A handwritten signature in cursive script that reads "Malia Cohen".

Malia Cohen, President  
Board of Supervisors

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 OCT 12 AM 10:34  
AK

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 SEP 11 11:54  
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. Topic 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):

Supervisor Peskin

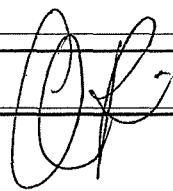
Subject:

[Administrative Code - Exempting Certain Municipal Transportation Agency Projects From Fiscal Feasibility Ordinance]

The text is listed:

Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvement projects under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway service.

Signature of Sponsoring Supervisor: [ ]



For Clerk's Use Only