

1 [Initiative Ordinance - Environment Code - Clean Energy Right to Know Act]

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3 **Motion ordering submitted to the voters an Ordinance amending the Environment Code**
4 **to define the terms Clean Energy, Green Energy, and Renewable Greenhouse Gas-Free**
5 **Energy to provide San Francisco residents and businesses accurate information**
6 **regarding electric power; and requiring the Department of the Environment to identify**
7 **power sourced from nuclear power plants, at an election to be held on November 3,**
8 **2015.**

9

10 MOVED, That the Board of Supervisors hereby submits the following ordinance to the
11 voters of the City and County of San Francisco, at an election to be held on November 3,
12 2015.

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14 **Ordinance amending the Environment Code to define the terms Clean Energy, Green**
15 **Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco**
16 **residents and businesses accurate information regarding electric power; and requiring**
17 **the Department of the Environment to identify power sourced from nuclear power**
18 **plants.**

19

20 NOTE: **Unchanged Code text and uncodified text** are in plain font.
21 **Additions to Codes** are in *single-underline italics Times New Roman font*.
22 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

24 Section 1. The Environment Code is hereby amended by adding Chapter 21,
25 consisting of Sections 2101, 2102, 2103, and 2104, to read as follows:

1 **CHAPTER 21: CLEAN ENERGY FULL DISCLOSURE ORDINANCE**

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3 **SEC. 2101. FINDINGS.**

4 (a) All entities that provide electric power to end-use consumers in the state are required to
5 comply with the California Renewable Portfolio Standard (“RPS”), which was established in 2002
6 under Senate Bill 1078, accelerated in 2006 under Senate Bill 107 and expanded in 2011 under Senate
7 Bill 2. The RPS mandates that 33% of electricity sold to consumers must be generated by eligible
8 renewable energy resources by 2020.

9 (b) All public and private utilities and retail electricity providers are allowed under State
10 law to use unbundled renewable energy credits for a certain portion of their compliance requirement
11 for the RPS.

12 (c) There is no uniform standard for what constitutes Clean Energy, Green Energy, or
13 Renewable Greenhouse Gas-free Energy, which can lead to customer confusion, misunderstanding of
14 the definition of renewable energy, and conflicting claims regarding the source or environmental
15 impacts of the electricity provided to San Franciscans.

16 (d) San Francisco residents and businesses deserve to have accurate information regarding
17 the sources and environmental impacts of the energy provided to them.

18 (e) In 2013, 22% of Pacific Gas & Electric’s (“PG&E”) power was sourced from nuclear
19 power produced by the utility’s Diablo Canyon nuclear plant.

20 (f) Because the processing of uranium ore and other inputs to nuclear power plants
21 requires the large scale burning of fossil fuels, nuclear generated electricity is neither an eligible
22 renewable resource nor greenhouse gas-free. Processing uranium ore and other inputs also creates
23 hazardous waste that can have detrimental environmental impacts.

24 (g) In response to interest from City leaders and community members, the San Francisco
25 Public Utilities Commission (“SFPUC”) is developing a Community Choice Aggregation (“CCA”)

1 program, CleanPowerSF, that will enable City residents and businesses to purchase electric energy
2 that has a higher renewable energy content than is required under the RPS, is substantially greenhouse
3 gas-free, and contains no nuclear power. CleanPowerSF plans to commence service in early 2016.
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5 **SEC. 2102. CLEAN, GREEN, AND RENEWABLE GREENHOUSE GAS-FREE ENERGY;**

6 **DEFINITION.**

7 For all City programs and expenditures, the terms Clean Energy, Green Energy, Renewable
8 Greenhouse Gas-free Energy or similar terms used to describe the source or environmental impact of
9 electric energy means energy from eligible renewable energy resources as defined in State law, and
10 from large hydroelectric facilities, including but not limited to the Hetch Hetchy generating facilities.
11 The terms Clean Energy, Green Energy, Renewable Greenhouse Gas-free Energy, or similar terms
12 used to describe the source or environmental impact of electric energy does not include electricity from
13 nuclear power resources.
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15 **SEC. 2103. DISCLOSURE OF ENERGY RESOURCES.**

16 (a) The Director of the Department of the Environment or his or her designee (collectively,
17 “Director”) shall inform electric customers in San Francisco of any electricity providers whose power
18 content includes nuclear power. The Director shall rely upon the state-mandated power source
19 disclosure regulations (Public Utilities Code section 398.1 et seq.) to determine the power content of
20 electricity providers.

21 (b) The Director shall consult with the SFPUC on any notices, and the Director and SFPUC
22 shall jointly provide notices if they so choose. If the SFPUC chooses, the notice may also state that the
23 City’s CCA program does not use nuclear power.
24

25 **SEC. 2104. GENERAL PROVISIONS.**

1 (a) Consistent with the Charter and applicable State and federal law, this Chapter 21 shall
2 not apply to the extent its requirements would conflict with those laws or otherwise interfere with the
3 discharge of functions placed under the direct jurisdiction of a department by the Charter. Nothing in
4 this Chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict
5 with any State or federal law.

6 (b) If any section, subsection, sentence, clause, phrase, or word of this Chapter 21, or any
7 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
8 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
9 portions or applications of this Chapter. The People of San Francisco hereby declare that they would
10 have adopted this Chapter and each and every section, subsection, sentence, clause, phrase, and word
11 not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or
12 application thereof would be subsequently declared invalid or unconstitutional.

13 (c) The Board of Supervisors may amend this Chapter 21 by ordinance if the amendment
14 furtheres the purposes of this Chapter.

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16 Section 2. In the event that this initiative ordinance and another measure or measures
17 regarding the definitions of the terms Clean Energy, Green Energy, or Renewable
18 Greenhouse Gas-free Energy in any respect shall appear on the same Citywide election
19 ballot, the provisions of such other measures shall be deemed to be in conflict with this
20 ordinance. In the event that this initiative ordinance shall receive a greater number of
21 affirmative votes, the provisions of this ordinance shall prevail in their entirety and each and
22 every provision of the other measure or measures shall be null and void in their entirety. In
23 the event that the other measure or measures shall receive a greater number of votes, the
24 provisions of this initiative ordinance shall take effect to the extent permitted by law.
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1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

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4 By: _____
5 THERESA L. MUELLER
6 Deputy City Attorney

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