

File No. 150809

Committee Item No. 1

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 31, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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- Youth Commission Report
- Introduction Form
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OTHER (Use back side if additional space is needed)

- Controller's Financial Analysis, dtd 7/21/15
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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Alisa Somera Date July 27, 2015

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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

2  
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, at an election to be held on November 3, 2015.**

7  
8 **MOVED, That the Board of Supervisors hereby submits the following ordinance to the**  
9 **voters of the City and County of San Francisco, at an election to be held on November 3,**  
10 **2015.**

11  
12 **Ordinance amending the Environment Code to define the terms Clean Energy, Green**  
13 **Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco**  
14 **residents and businesses accurate information regarding electric power.**

15  
16 **NOTE: Unchanged Code text and uncodified text are in plain font.**  
17 **Additions to Codes are in *single-underline italics Times New Roman font.***  
18 **Deletions to Codes are in *strikethrough italics Times New Roman font.***  
19 **Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or**  
20 **parts of tables.**

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

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

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

25 **SEC. 2101. FINDINGS.**

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

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

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

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

15           (e) In response to interest from City leaders and community members, the San Francisco  
16 Public Utilities Commission ("SFPUC") is developing a Community Choice Aggregation ("CCA")  
17 program, CleanPowerSF, that will enable City residents and businesses to purchase electric energy  
18 that has a higher renewable energy content than is required under the RPS, and is substantially  
19 greenhouse gas-free. CleanPowerSF plans to commence service in early 2016.

20  
21           **SEC. 2102. CLEAN, GREEN, AND RENEWABLE GREENHOUSE GAS-FREE ENERGY;**  
22 **DEFINITION.**

23           (a) For all City programs and expenditures, the terms Clean Energy, Green Energy,  
24 Renewable Greenhouse Gas-free Energy or similar terms used to describe the source or environmental  
25

1 impact of electric energy means energy from eligible renewable energy resources as defined in State  
2 law, and resources set forth in the RPS under Public Utilities Code § 399.30(j).

3 (b) It is the City's policy that the use of unbundled renewable energy credits for  
4 CleanPowerSF customers shall be limited to the extent deemed feasible by the SFPUC, consistent with  
5 the goals of the program. CleanPowerSF will follow the limitations of state law regarding the use of  
6 unbundled renewable energy credits to satisfy the applicable renewable portfolio standard. For  
7 renewable energy provided by CleanPowerSF that exceeds the minimum requirements of state law, the  
8 voters urge the SFPUC to apply the same limitations on the use of unbundled renewable energy credits,  
9 to the extent feasible. For unbundled renewable energy credits associated with facilities located within  
10 San Francisco, the limitation set forth in the preceding sentence shall not apply.

11  
12 **SEC. 2103. DISCLOSURE OF ENERGY RESOURCES.**

13 (a) The voters urge the SFPUC to inform customers and potential customers of the planned  
14 percentage of Clean Energy, Green Energy, or Renewable Greenhouse Gas-free Energy in each  
15 communication regarding the CCA program required by state law.

16  
17 **SEC. 2104. GENERAL PROVISIONS.**

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

23 (b) If any section, subsection, sentence, clause, phrase, or word of this Chapter 21, or any  
24 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
25 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining

1 portions or applications of this Chapter. The People of San Francisco hereby declare that they would  
2 have adopted this Chapter and each and every section, subsection, sentence, clause, phrase, and word  
3 not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or  
4 application thereof would be subsequently declared invalid or unconstitutional.

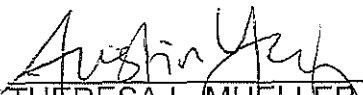
5 (c) The Board of Supervisors may amend this Chapter 21 by ordinance if the amendment  
6 further the purposes of this Chapter and to reflect changes in state law.

7  
8 Section 2. In the event that this initiative ordinance and another measure or measures  
9 regarding the definitions of the terms Clean Energy, Green Energy, or Renewable  
10 Greenhouse Gas-free Energy in any respect shall appear on the same Citywide election  
11 ballot, the provisions of such other measures shall be deemed to be in conflict with this  
12 ordinance. In the event that this initiative ordinance shall receive a greater number of  
13 affirmative votes, the provisions of this ordinance shall prevail in their entirety and each and  
14 every provision of the other measure or measures shall be null and void in their entirety. In  
15 the event that the other measure or measures shall receive a greater number of votes, the  
16 provisions of this initiative ordinance shall take effect to the extent permitted by law.

17  
18  
19 APPROVED AS TO FORM:

20 DENNIS J. HERRERA, City Attorney

21  
22 By:

  
\_\_\_\_\_  
23 <sup>FOR</sup> THERESA L. MUELLER  
Deputy City Attorney

**REVISED LEGISLATIVE DIGEST**

(7/27/2015, Amended in Committee)

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

**Motion ordering submitted to the voters an Ordinance amending the Environment Code to define the terms Clean Energy, Green Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco residents and businesses accurate information regarding electric power, at an election to be held on November 3, 2015.**

Existing Law

N/A

Amendments to Current Law

This motion proposes to place on the November 3, 2015 ballot an initiative ordinance that would define the terms Clean Energy, Green Energy and Renewable Greenhouse Gas-free Energy for use by City programs and City expenditures to be consistent with state law. The initiative ordinance also adopts a policy regarding the use of unbundled renewable energy credits by the Community Choice Aggregation (CCA) program, to the extent the San Francisco Public Utilities Commission (SFPUC) determines the policy is feasible and consistent with the CCA program. The initiative ordinance would also urge the SFPUC to inform customers of the planned percentage of Clean Energy, Green Energy, or Renewable Greenhouse Gas-free Energy to be used by the CCA program in each communication regarding the CCA program required by state law.

Background Information

There is no uniform standard for what constitutes Clean Energy, Green Energy, or Renewable Greenhouse Gas-free Energy, which can lead to customer confusion, misunderstanding of the definition of renewable energy, and conflicting claims regarding the source or environmental impacts of the electricity provided to San Franciscans. San Francisco residents and businesses deserve to have accurate information regarding the sources and environmental impacts of the energy provided to them



**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
**Controller**

**Todd Rydstrom**  
**Deputy Controller**

July 21, 2015

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco, CA 94102-4689

RE: File No. 150658 – Clean Energy Right to Know Ordinance

Dear Ms. Calvillo,

Should the proposed ordinance be approved by the voters, in my opinion, it would have a minimal to moderate impact on the cost of government.

The proposed ordinance clarifies certain definitions of clean and renewable energy under local law and specifies that local agencies and a future San Francisco Community Choice Aggregation program may not describe energy providers that include nuclear power among their sources as clean and renewable.

The ordinance requires that the Department of the Environment notify San Francisco electricity customers of any electricity providers whose sources include nuclear power. The Department of the Environment may choose to provide this notice in conjunction with the Public Utilities Commission. Depending on the method used to carry out this notice costs could range from minimal to up to approximately \$135,000 if notices by mail are used.

Sincerely,

*for Ben Rosenfield*  
Ben Rosenfield  
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 22, 2015

File No. 150658

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On June 16, 2015, Supervisor Breed introduced the following Motion to consider the proposed Initiative Ordinance for submission by the full Board, for the November 3, 2015 Election:

**File No. 150658 Initiative Ordinance - Environment Code - Clean Energy Right to Know Act**

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

And, the following Hearing to consider the same proposed Initiative Ordinance submitted by four or more Supervisors, for the November 3, 2015 Election:

**File No. 150660 Hearing - Initiative Ordinance - Environment Code - Clean Energy Right To Know Act**

Hearing to consider the proposed initiative ordinance submitted by four or more Supervisors to the voters at the November 3, 2015, Election entitled "Ordinance amending the Environment Code to define the terms Clean Energy, Green Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco residents and businesses accurate information regarding electric power; and requiring the Department of the Environment to identify power sourced from nuclear power plants."

These matters are being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Somera in cursive.

By: Alisa Somera, Committee Clerk  
Rules Committee

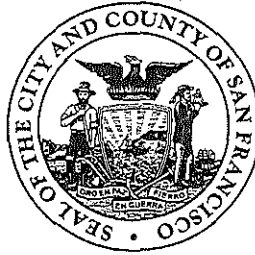
Attachment Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. - Jeanie Poling

c: Joy Navarrete, Environmental Planner  
Jeanie Poling, Environmental Planner

- Jeanie  
Poling  
7/6/15



BOARD of SUPERVISORS



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These matters are being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk  
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner  
Jeanie Poling, Environmental Planner

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
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## MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM: Alisa Somera, Clerk, Rules Committee  
Board of Supervisors

DATE: June 22, 2015

SUBJECT: INITIATIVE ORDINANCE MOTION & HEARING INTRODUCED  
November 3, 2015 Election

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The Board of Supervisors' Rules Committee has received the following Motion to consider the proposed Initiative Ordinance for submission by the full Board, for the November 3, 2015 Election, introduced by Supervisor Breed on June 16, 2015.

**File No. 150658 Initiative Ordinance - Environment Code - Clean Energy  
Right to Know Act**

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

Supervisor Breed also introduced the following Hearing to consider the same proposed Initiative Ordinance submitted by four or more Supervisors, for the November 3, 2015 Election:

**File No. 150660 Hearing - Initiative Ordinance - Environment Code -  
Clean Energy Right To Know Act**

Hearing to consider the proposed initiative ordinance submitted by four or more Supervisors to the voters at the November 3, 2015, Election entitled "Ordinance amending the Environment Code to define the terms Clean Energy, Green Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco residents and businesses accurate information regarding electric power; and requiring the Department of the Environment to identify power sourced from nuclear power plants."

These matters are being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3. Please review and prepare a financial analysis on the proposed measures prior to the first Rules Committee hearing.

If you have any questions or concerns please call me at (415) 554-4447 or email: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org). To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller  
Peg Stevenson, City Performance Director

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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## MEMORANDUM

TO: Nicole Elliott, Mayor's Office  
Jon Givner, Office of the City Attorney  
Naomi Kelly, City Administrator  
John St. Croix, Executive Director, Ethics Commission  
John Arntz, Director, Department of Elections  
Harvey Rose, Budget and Legislative Analyst  
Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Deborah Raphael, Director, Department of the Environment  
Jason Fried, Executive Officer, Local Agency Formation Commission

FROM: Alisa Somera, Clerk, Rules Committee  
Board of Supervisors

DATE: June 22, 2015

SUBJECT: INITIATIVE ORDINANCE MOTION & HEARING INTRODUCED  
November 3, 2015 Election

---

The Board of Supervisors' Rules Committee has received the following Motion to consider the proposed Initiative Ordinance for submission by the full Board, for the November 3, 2015 Election, introduced by Supervisor Breed on June 16, 2015.

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Right to Know Act**

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

These matters are being referred to you in accordance with Board Rules of Order 2.22.4. Please review and submit any reports or comments you wish to be considered with the legislative files.

If you have any questions or concerns, please call me at (415) 554-4447 or email: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org). To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

- c: Debra Newman, Office of the Budget and Legislative Analyst
- Severin Campbell, Office of the Budget and Legislative Analyst
- Gabriela Loeza, Office of the Budget and Legislative Analyst
- Juliet Ellis, Public Utilities Commission
- Guillermo Rodriguez, Department of the Environment

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

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 [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) 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 a Imperative Form.**

**Sponsor(s):**

Breed; Avalos, Wiener, Christensen

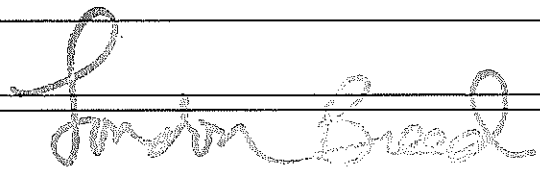
**Subject:**

Initiative Ordinance - Environment Code - Clean Energy Right To Know Act

**The text is listed below or attached:**

Motion ordering submitted to the voters Ordinance amending the Environment Code to define the terms Clean Energy, Green Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco residents and businesses accurate information regarding electric power; and requiring the Department of the Environment to identify power sourced from nuclear power plants.

Signature of Sponsoring Supervisor: \_\_\_\_\_



For Clerk's Use Only: