

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

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor John Avalos, Chairperson
Rules Committee

FROM:  Alisa Somera, Assistant Clerk

DATE: July 27, 2015

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 28, 2015

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting on Tuesday, July 28, 2015. This item was acted upon at the Rules Committee Special Meeting on Monday, July 27, 2015, at 10:00 a.m., by the votes indicated.

Item No. 71 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.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor John Avalos - Aye
Supervisor Katy Tang - Absent
Supervisor Malia Cohen - Excused
Supervisor London Breed - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director
Jon Givner, Deputy City Attorney

File No. 150658

Committee Item No. 1

Board Item No. 71

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 27, 2015

Board of Supervisors Meeting

Date July 28, 2015

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" 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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|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Controller's Financial Analysis, dtd 7/21/2015</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination, dtd 7/16/2015</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera Date July 23, 2015

Completed by: Alisa Somera Date July 27, 2015

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; 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.**

13
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 *strikethrough italics Times New Roman font.***
23 **Asterisks (* * * *) indicate the omission of unchanged Code subsections or**
24 **parts of tables.**

25
Be it ordained by the People of the City and County of San Francisco:

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

3 CHAPTER 21: CLEAN ENERGY FULL DISCLOSURE ORDINANCE

4
5 SEC. 2101. FINDINGS.

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

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

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

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

20 (e) In 2013, 22% of Pacific Gas & Electric's ("PG&E") power was sourced from nuclear
21 power produced by the utility's Diablo Canyon nuclear plant.

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

1 (g) In response to interest from City leaders and community members, the San Francisco
2 Public Utilities Commission ("SFPUC") is developing a Community Choice Aggregation ("CCA")
3 program, CleanPowerSF, that will enable City residents and businesses to purchase electric energy
4 that has a higher renewable energy content than is required under the RPS, is substantially greenhouse
5 gas-free, and contains no nuclear power. CleanPowerSF plans to commence service in early 2016.

6
7 **SEC. 2102. CLEAN, GREEN, AND RENEWABLE GREENHOUSE GAS-FREE ENERGY;**

8 **DEFINITION.**

9 For all City programs and expenditures, the terms Clean Energy, Green Energy, Renewable
10 Greenhouse Gas-free Energy or similar terms used to describe the source or environmental impact of
11 electric energy means energy from eligible renewable energy resources as defined in State law, and
12 resources set forth in the RPS under Public Utilities Code § 399.30(j). The terms Clean Energy, Green
13 Energy, Renewable Greenhouse Gas-free Energy, or similar terms used to describe the source or
14 environmental impact of electric energy do not include electricity from nuclear power resources.

15
16 **SEC. 2103. DISCLOSURE OF ENERGY RESOURCES.**

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

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

1 **SEC. 2104. GENERAL PROVISIONS.**

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

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

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

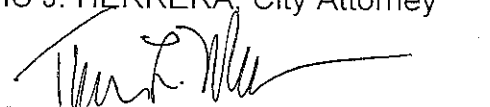
16
17 Section 2. In the event that this initiative ordinance and another measure or measures
18 regarding the definitions of the terms Clean Energy, Green Energy, or Renewable
19 Greenhouse Gas-free Energy in any respect shall appear on the same Citywide election
20 ballot, the provisions of such other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

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APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By:



THERESA L. MUELLER
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(7/23/2015, Amended in Committee)

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

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.

Existing Law

N/A

Amendments to Current Law

This motion proposes to place on the November 3, 2015 ballot an initiative ordinance 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 definitions would track the definitions provided by state law and include resources as set forth in Public Utilities Code § 399.30(j). The initiative ordinance would also require the Department of the Environment to inform electric customers in San Francisco of any electricity providers whose power resources include nuclear power. The Department of the Environment is required to work with the San Francisco Public Utilities Commission to develop any notices.

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

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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
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.

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June 22, 2015

File No. 150658

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th 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.

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

- Jeanie Poling
7/6/15

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By: Alisa Somera, Committee Clerk
Rules Committee

Attachment

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

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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

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

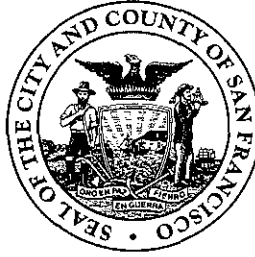
Hearing to consider the proposed initiative ordinance submitted by four or more Supervisors to the voters at the November 3, 2015, Election entitled "Ordinance amending the Environment Code to define the terms Clean Energy, Green Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco 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. 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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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

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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 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. 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: