

File No. 230665

Committee Item No. 20

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Appropriations Committee Date June 14, 2023

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- MYR Budget Submission Letter 6/1/2023
- MYR Trailing Legislation List
- MYR 30-Day Waiver Request
- Presidential Action Memo - 30-Day Waiver 6/5/2023
- PUC Reso No. 23-0038 2/14/2023
- Board Ordinance No. 203-98 6/19/1998
- _____
- _____
- _____
- _____

Completed by: Brent Jalipa Date June 7, 2023

Completed by: Brent Jalipa Date _____

1 [San Francisco Public Utilities Commission Water Revenue Bond and Other Forms of
2 Indebtedness Issuance - Not to Exceed \$358,985,453]

3 **Ordinance authorizing the issuance and sale of tax-exempt or taxable Water Revenue**
4 **Bonds and other forms of indebtedness (as described below) by the San Francisco**
5 **Public Utilities Commission (“Commission”) in an aggregate principal amount not to**
6 **exceed \$358,985,453 to finance the costs of various capital water projects benefitting**
7 **the Water Enterprise pursuant to amendments to the Charter of the City and County of**
8 **San Francisco enacted by the voters on November 5, 2002, as Proposition E;**
9 **authorizing the issuance of Water Revenue Refunding Bonds and the retirement of**
10 **outstanding Water Enterprise Commercial Paper; declaring the Official Intent of the**
11 **Commission to reimburse itself with one or more issues of tax-exempt bonds or other**
12 **forms of indebtedness; and ratifying previous actions taken in connection therewith.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in single-underline italics Times New Roman font.
15 **Deletions to Codes** are in ~~striketrough italics Times New Roman font~~.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~striketrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

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

21 Section 1. Findings. The Board of Supervisors (“Board”) of the City hereby finds
22 and declares as follows:

23 A. On November 5, 2002, the voters of the City and County of San Francisco
24 (“City”) approved Proposition E (“Proposition E”), which among other things, authorized the
25 San Francisco Public Utilities Commission (“Commission”) to issue revenue bonds, including
notes, commercial paper or other forms of indebtedness, when authorized by ordinance
approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing,

1 replacing, expanding, repairing or improving water facilities or clean water facilities or
2 combinations of water and clean water facilities under the jurisdiction of the Commission; and

3 B. The Commission adopted the Amended and Restated Water Indenture dated as
4 of January 1, 2002, as further amended and supplemented from time to time (“Indenture”),
5 between the Commission and U. S. Bank National Association and in connection therewith,
6 has from time to time issued revenue bonds to finance projects benefitting the Water
7 Enterprise; and

8 C. Pursuant to Section 43.5 of the San Francisco Administrative Code (“Article V”),
9 enacted by Ordinance No. 203-98 adopted by the Board on June 8, 1998, and signed by the
10 Mayor of the City on June 19, 1998, as amended by Ordinance No. 270-06, adopted on
11 October 24, 2006 by the Board and signed by the Mayor on October 31, 2006, the Board
12 established a procedure pursuant to which the Commission may issue short-term
13 indebtedness, including the issuance of commercial paper in anticipation of the issuance of its
14 revenue bonds; and

15 D. Pursuant to Ordinance No. 311-08, adopted by the Board of Supervisors on
16 December 16, 2008, and Resolution No. 09-175, adopted by this Commission on October 27,
17 2009, the Water Enterprise’s commercial paper program (“Water CP Program”) was increased
18 to an aggregate principal amount of \$500,000,000, and the Commission has caused its Water
19 Enterprise Commercial Paper to be issued from time to time; and

20 E. By Resolution 23-0038, adopted by the Commission on February 14, 2023
21 (“Commission Resolution”) the Commission has determined to issue Water Revenue Bonds
22 (“Water Revenue Bonds”) and other forms of indebtedness (including without limitation State
23 Revolving Fund (SRF) Loans as described below), as well as interim funding vehicles such as
24 commercial paper, revolving credit agreements, bond anticipation notes or other forms of
25

1 notes, which interim funding vehicles will be issued in advance of being paid off by either
2 Water Revenue Bonds and other forms of indebtedness (including without limitation SRF
3 Loans) to finance the costs of various capital projects benefitting the Water Enterprise (the
4 "Capital Improvement Projects" such projects being more fully described in the Commission
5 Resolution), pursuant to Proposition E, and has formally requested this Board to authorize the
6 issuance and sale of Water Revenue Bonds and other forms of indebtedness for such
7 purposes, such Commission Resolution being on file with the Clerk of the Board in File
8 No. 230665; and

9 F. In order to finance the costs of the Capital Improvement Projects, the Board now
10 desires to authorize the issuance and sale of Water Revenue Bonds and other forms of
11 indebtedness, as described above, for such purposes, including obtaining SRF Loans and/or
12 grants from the State Water Resources Control Board; and

13 G. The Commission has paid, beginning no earlier than 60 days prior to the
14 adoption of this Ordinance and will pay, on and after the date hereof, certain expenditures
15 ("Expenditures") in connection with the acquisition, construction and/or equipping of the
16 Capital Improvement Projects; and

17 H. This Board is concurrently considering with this Ordinance, related supplemental
18 appropriation ordinances for fiscal year ending 2023, including expenditures of the proceeds
19 of the Water Revenue Bonds and other forms of indebtedness (including, without limitation
20 and for illustrative purposes only, SRF Loans, commercial paper, revolving credit agreements,
21 and bond anticipation notes); and

22 I. This Board, on behalf of the Commission, adopts this Ordinance as official
23 action of the Commission in order to comply with Treasury Regulation §1.150-2 and any other
24 regulations of the Internal Revenue Service relating to the qualification for reimbursement of
25 Commission expenditures incurred prior to the date of issue of the Water Revenue Bonds and

1 other forms of indebtedness (including, without limitation and for illustrative purposes only,
2 SRF Loans, commercial paper, revolving credit agreements, and bond anticipation notes).

3 Section 2. Authorization to Issue Water Revenue Bonds and other forms of
4 indebtedness. The Board hereby authorizes the issuance and sale of taxable or tax-exempt
5 Water Revenue Bonds or other forms of indebtedness (including without limitation SRF
6 Loans, commercial paper, revolving credit agreements and bond anticipation notes) in one or
7 more series from time to time by the Commission pursuant to Proposition E and in
8 accordance with the Commission Resolution, in an aggregate principal amount not to exceed
9 \$358,985,453 (inclusive of financing costs), bearing a maximum rate or rates of interest of not
10 to exceed twelve percent (12%) per annum, to finance a portion of the costs of the design,
11 acquisition and construction of the Capital Improvement Projects. Without limiting the
12 foregoing, the Commission shall be authorized to incur state and federal at such time, in such
13 amounts, and upon such other terms and conditions as the Commission may deem
14 advantageous, and to approve any financing documentation related thereto consistent with
15 this Ordinance. The Commission is hereby further authorized to determine the timing, amount
16 and manner of sale (i.e., competitive or negotiated) of each series of Water Revenue Bonds,
17 bond anticipation notes, revolving credit agreements, or commercial paper, pursuant to this
18 authorization; provided however, the Commission's authorization to issue Water Revenue
19 Bonds, bond anticipation notes, revolving credit agreements, or commercial paper is subject
20 to approval by the Commission of the form of substantially final offering document related to
21 such obligations (if any) and the approval of any related agreements, financing documents
22 and the filing with its Board and the Clerk of the Board any certifications required by
23 Proposition E prior to the issuance of any bonds or incurrence of any indebtedness herein
24 authorized. The Commission shall also file, within 30 days of closing any Water Revenue
25 Bond or other form of indebtedness (including SRF Loans or other federal loans and bond

1 anticipation notes) transactions) authorized hereby, with the Clerk of the Board of Supervisors
2 a report showing the results of the transaction, including (i) principal amount sold and method
3 of sale, (ii) true interest cost, (iii) final maturity, (iv) the facilities constructed and/or improved,
4 and (v) a statement about the remaining bonding authorization under this Ordinance (“Bond
5 Report”), provided that the failure to file such Bond Report shall not affect the validity of any
6 debt authorized hereunder.

7 Section 3. Authorization to Issue Water Revenue Refunding Bonds; Commercial
8 Paper Retirement. Notwithstanding Section 2 immediately above, the Board further
9 authorizes and approves the issuance by the Commission of Water Revenue Refunding
10 Bonds (“Refunding Bonds”) without limitation as to principal amount, in one or more series on
11 one or more dates, at a maximum interest rate or rates of interest not to exceed twelve
12 percent (12%) per annum, provided that each such Refunding Bond issue is permitted under
13 the applicable policies and procedures of the City and authorized by Section 9.109 of the
14 Charter (including related ordinances and resolutions of the Board). The Refunding Bonds
15 may be issued as taxable or tax-exempt obligations, or any combination thereof. Refunding
16 Bonds authorized hereunder shall be subject to the further following conditions, that: (i) three
17 percent (3%) net present value debt service savings or greater is achieved to ensure
18 ratepayer savings (exclusive of any issuance to refund commercial paper, revolving credit
19 notes, or bond anticipation notes); (ii) that the maturity of the refunded bonds is not extended;
20 (iii) this authorization is subject to a 5-year term through June 30, 2028, at which time this
21 Board may consider an extension; (iv) principal payments and term may be adjusted, where
22 permitted under federal and state tax law, only if and when the underlying capital asset funded
23 through said refunded bonds has a useful life not in excess of any limit permitted under
24 federal and state tax law than the refunded term; and (v) the Commission shall within 30 days
25 of any executed refunding transaction provide a refunding savings report (“Bond Refunding

1 Savings Report”) prepared by its municipal advisors (that reflects at least a three percent
2 (3%) net present value debt service savings) to the Board, together with a copy of the final
3 Official Statement (if any) with respect to such series of Refunding Bonds, provided that the
4 failure to deliver such Bond Refunding Savings Report shall in no way affect the validity of any
5 Refunding Bonds. Notwithstanding the foregoing, the Commission is authorized to issue
6 Refunding Bonds that do not meet all of the foregoing conditions provided that the
7 Commission makes a finding, by resolution, that significant non-economic factors exist that
8 justify the waiver of the three percent (3%) net present value debt service savings test and
9 other conditions set forth above. Such non-economic factors may include, by way of
10 illustration and not limitation, eliminating onerous covenants and obsolete provisions
11 contained in the Commission’s indenture or other security documents, or restructuring a
12 series of bonds in response to then-current market conditions. In furtherance of the purpose of
13 managing the Commission outstanding indebtedness, the General Manager is hereby
14 authorized and directed, in consultation the City Attorney, from Available Water Enterprise
15 Revenues to retire outstanding Water Enterprise Commercial Paper at such times and in such
16 amounts advantageous to the Commission.

17 Section 4. Declaration of Official Intent. The Board, on behalf of the Commission,
18 hereby declares the official intent of the Commission to reimburse the Commission with
19 proceeds of the Water Revenue Bonds or other forms of indebtedness (including SRF Loans
20 or other federal loans, commercial paper, revolving credit notes, or bond anticipation notes)
21 for the Expenditures with respect to the Capital Improvement Projects made on and after a
22 date that is no more than 60 days prior to the adoption of this Ordinance. The Commission
23 reasonably expects on the date hereof that it will reimburse the Expenditures with proceeds of
24 the Water Revenue Bonds or other forms of indebtedness (including, without limitation and for
25 illustrative purposes only, SRF Loans, commercial paper, revolving credit notes or bond

1 anticipation notes). Each said Expenditure was and will be either (A) of a type properly
2 chargeable to a capital account under general federal income tax principles (determined in
3 each case as of the date of the Expenditure), (B) a cost of issuance with respect to such
4 obligations, (C) a nonrecurring item that is not customarily payable from current revenues, or
5 (D) a grant to pay a party that is not related to or an agent of the issuer so long as such grant
6 does not impose any obligation or condition (directly or indirectly) to repay any amount to or
7 for the benefit of the Commission. The Commission will make a reimbursement allocation,
8 which is a written allocation by the Issuer that evidences the Commission's use of proceeds of
9 the Water Revenue Bonds or other forms of indebtedness to reimburse an Expenditure, no
10 later than 18 months after the later of the date on which the Expenditure is paid or the
11 component of the Capital Improvement Projects is placed in service or abandoned, but in no
12 event more than three years after the date on which the Expenditure is paid. The
13 Commission recognizes that exceptions are available for certain "preliminary expenditures,"
14 costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the
15 year of issuance and not the year of expenditure) and expenditures for construction projects
16 of at least 5 years.

17 Section 5. General Authority. The Controller, Treasurer, the City Attorney and other
18 officers of the City, including the Director of the Office of Public Finance, and their duly
19 authorized deputies and agents are hereby authorized and directed, jointly and severally, to
20 take such actions and to execute and deliver such certificates, agreements, requests or other
21 documents, as they may deem necessary or desirable to facilitate the issuance, sale and
22 delivery of the Water Revenue Bonds or other forms of indebtedness, including Refunding
23 Bonds, and to obtain bond insurance or other credit or liquidity enhancements with respect to
24 any such obligations, and otherwise to carry out the provisions of this Ordinance. The
25 Commission is hereby directed to provide the final form to the Clerk of the Board of any

1 disclosure document prepared in connection with the execution of any Water Revenue
2 Bonds, other forms of indebtedness, or Refunding Bonds, and the final executed Installment
3 Sale Agreement or other document reflecting the incurrence of an SRF Loan or other federal
4 loan, within 30 days of the closing of such transactions provided that the failure to deliver
5 such document shall not affect the validity of the obligations authorized hereunder. The
6 Commission is further directed as a part of the two-year budget review to provide to this
7 Board of Supervisors a written report about Water Revenue Bonds authorized hereunder,
8 detailing the total amount authorized, the total amount sold, the remaining authorized but
9 unissued amount, and the bond authorization no longer necessary due to changes in projects
10 and project financing.

11 Section 6. Ratification of Prior Actions. All actions authorized and directed by this
12 Ordinance in connection with the issuance of the Water Revenue Bonds, other forms of
13 indebtedness (including, without limitation and for illustrative purposes only, SRF Loans,
14 federal loan, commercial paper, revolving credit notes, or bond anticipation notes) or
15 Refunding Bonds and heretofore taken are hereby ratified, approved and confirmed by this
16 Board.

17 Section 7. File Documents. All documents referred to as on file with the Clerk of the
18 Board are in File No. 230665.

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1 Section 8. Effective Date. Pursuant to Charter Section 8B.124, this Ordinance shall
2 take effect thirty (30) days after its adoption.

3
4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6
7 By: /s/ Mark D. Blake
8 Mark D. Blake
9 Deputy City Attorney

LEGISLATIVE DIGEST

[San Francisco Public Utilities Commission Water Revenue Bond and Other Forms of Indebtedness Issuance - Not to Exceed \$358,985,453]

Ordinance authorizing the issuance and sale of tax-exempt or taxable Water Revenue Bonds and other forms of indebtedness (as described below) by the San Francisco Public Utilities Commission (“Commission”) in an aggregate principal amount not to exceed \$358,985,453 to finance the costs of various capital water projects benefitting the Water Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; authorizing the issuance of Water Revenue Refunding Bonds and the retirement of outstanding Water Enterprise Commercial Paper; declaring the Official Intent of the Commission to reimburse itself with one or more issues of tax-exempt bonds or other forms of indebtedness; and ratifying previous actions taken in connection therewith.

Existing Law

This is new law.

Background Information

On November 5, 2002, the voters of the City and County of San Francisco approved Proposition E (“Proposition E”) which authorized the Commission to issue revenue bonds, including notes, commercial paper or other forms of indebtedness, when authorized by ordinance approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing, expanding, repairing or improving water facilities or clean water facilities or combinations of water and clean water facilities under the jurisdiction of the Commission.

The proposed Ordinance authorizes the issuance of tax-exempt or taxable Water Revenue Bonds and other forms of indebtedness in an amount not to exceed \$358,985,453. Proceeds of the Water Revenue Bonds will be used to provide funds to pay the costs to finance of improvements and betterments to the wastewater enterprise, as more fully set forth in the staff report accompanying the proposed Ordinance.

The Water Revenue Bonds will be issued under an Amended and Restated Water Indenture dated as of January 1, 2002 (as further amended and supplemented from time to time (“Indenture”), between the Commission and U. S. Bank National Association, as the trustee.

The proposed Ordinance also authorizes the issuance of Refunding Water Revenue Bonds to refund outstanding indebtedness of the Water Enterprise subject to the following conditions, among others i) three percent (3%) net present value debt service savings or greater is

achieved; (ii) the maturity of the refunded bonds is not extended; (iii) the refunding authorization sunsets on June 30, 2028, unless extended by the Commission. Staff is required to provide a savings report within 30 days following the bond sale.

The proposed Ordinance also authorizes the Commission to issue Refunding Bonds for non-economic factors which may include, by way of illustration, eliminating onerous covenants and obsolete provisions contained in the Commission's Indenture or other security documents, or restructuring a series of bonds in response to then-current market conditions.

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PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 23-0038

WHEREAS, On December 13, 2022 and January 30, 2023, this Commission heard and considered budget priorities for the department and the San Francisco Public Utilities Commission (SFPUC) General Manager and staff presented the preliminary proposed FY 2023-24 Capital Budget for the Water Enterprise, Wastewater Enterprise, and Hetch Hetchy Water & Power, including the Power Enterprise and CleanPowerSF (“Capital Budget”) including the list of projects, cost estimates, and schedules to the Commission; and

WHEREAS, An overview of the proposed FY 2023-24 Capital Budget for each SFPUC Enterprise is set forth as Attachment A and is on file with the Commission Secretary; and

WHEREAS, As a preliminary step to development of the FY 2023-24 Capital Budget, a baseline review of all existing project appropriations was completed for potential closeout or repurposing to new capital budget needs; and

WHEREAS, The FY 2023-24 Capital Budget submittals went through a quality review to assure the budget addresses the immediate capital improvement needs of each Enterprise and reflects a sound project prioritization process which included a validation of costs and schedule of all proposed projects and an assessment of the ability to deliver the projects within FY 2023-24; and

WHEREAS, The proposed FY 2023-24 Capital Budget must be submitted to, and approved by the Mayor and the Board of Supervisors; and

WHEREAS, The SFPUC General Manager recommends that the Commission request a supplemental appropriation ordinance for the capital expenditures for each of the three Enterprises presented in the proposed FY 2023-24 Capital Budget to timely implement public improvement projects; and

WHEREAS, This action does not constitute a project under the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c) and 15378(b)(4), because adoption of the Capital Budget involves creation of a government funding mechanism or other fiscal activities and does not involve any commitment to any specific project which may result in a potentially significant impact on the environment; and the SFPUC will consider approval of projects to be funded through this Capital Budget only after completing any environmental review required by CEQA, Administrative Code Chapter 31, and Proposition E (approved by the voters in 2002 for Water and Wastewater projects); and

WHEREAS, This Commission has considered the proposed FY 2023-24 Capital Budget for the Water Enterprise, Wastewater Enterprise, and Hetch Hetchy Water and Power, including the Power Enterprise and CleanPowerSF, which totals \$1,601,613,100, as set forth in Attachment A to the February 14, 2023 staff report; now, therefore, be it

RESOLVED, That this Commission hereby adopts the FY 2023-24 SFPUC Capital Budget in the amount of \$1,601,613,100 for the Water Enterprise, the Wastewater Enterprise, and Hetch Hetchy Water and Power, including the Power Enterprise and CleanPowerSF as presented at the public hearings on January 30, 2023 and as set forth in the attached Attachment A, as follows:

FY 2023-24 Capital Budget	Amount	Financing Costs	Total
Wastewater	985,504,159	157,093,243	1,142,597,402
Water	289,992,804	42,285,202	332,278,006
Hetchy Water	85,888,257	11,562,616	97,450,873
Hetchy Power	21,524,894	6,154,705	27,679,599
CleanPowerSF	1,607,220	0	1,607,220
Total	\$1,384,517,334	\$217,095,766	\$1,601,613,100

and be it;

FURTHER RESOLVED, That the SFPUC General Manager is authorized to reallocate funds within an Authority Code as provided in the staff report and Attachment A appended to this Resolution and to make further technical adjustments to these approved amounts as may be necessary, or upon further direction from the Commission, the Mayor, or the Board of Supervisors; and, be it

FURTHER RESOLVED, The General Manager is hereby authorized and directed to submit to the Board of Supervisors proposed ordinances authorizing the issuance of (1) not to exceed \$358,985,453 aggregate principal amount of Water Revenue Bonds and other forms of indebtedness, including commercial paper and State Revolving Fund (SRF) loans, (2) \$1,047,288,286 aggregate principal amount of Wastewater Revenue Bonds and other forms of indebtedness, including commercial paper and SRF loans, under the terms of Proposition E (approved by the voters November 2002), and (3) \$41,031,367 aggregate principal amount of Power Revenue Bonds and other forms of indebtedness, including commercial paper and loans, subject to the terms of Charter Sections 9.107(6) and 9.107(8). The General Manager shall return to this Commission for a subsequent discretionary approval of any disclosure and transaction related documents prepared in connection with the issuance of such Bonds and other forms of indebtedness.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of February 14, 2023.


 Secretary, Public Utilities Commission

Attachment A

FY 2023-24 SFPUC Capital Budget

Attachment A Wastewater Enterprise

Funding Source \$		
Authority	Description of Appropriation or Fund	FY 2023-24
19471	Proceeds Sale of Bonds	1,047,288,286
19141	Wastewater Revenue	81,338,116
19141	Wastewater Capacity Fee	13,971,000
	TOTAL - Funding Source	1,142,597,402
Use of Funds \$		
Authority	Description of Appropriation or Fund	FY 2023-24
SSIP		
19142	Program Management	18,000,000
19142	Biosolids/Digester Project	535,788,474
19142	Treatment Plant Improvements - Southeast	47,996,135
19142	Treatment Plant Improvements - Other	25,443,455
	SSIP - Treatment Facilities Program	<u>609,228,064</u>
19142	Collection System Improvements	83,121,607
	Stormwater Management/Green	
19142	Infrastructure	24,836,303
19142	Flood Resilience/Hydraulic Improvements	43,349,386
	TOTAL - SSIP	778,535,360
Non-SSIP		
19141	Renewal & Replacement-Collection System	89,097,199
19141	Renewal & Replacement-Treatment Facilities	6,211,917
19134	Treasure Island	111,659,683
	TOTAL - Non SSIP	<u>206,968,799</u>
19471	Financing Cost	157,093,243
	TOTAL - Use of Funds	1,142,597,402

Attachment A Water Enterprise

Authority	Funding Source \$	FY 2023-24
	Description of Appropriation or Fund	
17731	Proceeds Sale of Bonds	281,901,348
19133	Water Enterprise Revenue	45,579,658
19063	Water Capacity Fee	4,797,000
	TOTAL - Funding Source	332,278,006

Authority	Use Of Funds \$	FY 2023-24
	Description of Appropriation or Fund	
19056	Regional Water Treatment Program	153,057,848
19058	Water Supply and Storage	4,764,596
19059	Watershed & Land Management	12,158,483
19060	Communications and Monitoring	1,998,767
19061	Buildings & Grounds Regional	9,096,882
19069	Long Term Monitoring & Permit Program	400,000
	Total Regional Water	181,476,576

Local Water		
80119	Water Supply Projects	2,336,692
19063	Local Water Conveyance/Distribution	87,789,810
19065	System Monitoring & Control	3,833,442
19066	Local Reservoir & Tank Improvements	10,582,000
19067	Pump Station Improvements	859,859
19112	Automated Meter Reading System	3,114,425
	TOTAL - Local Water	108,516,228

17731	Financing Costs	42,285,202
	TOTAL - Use of Funds	332,278,006

Attachment A Hetch Hetchy

Authority	Funding Source \$ Description of Appropriation or Fund	FY 2023-24
15366	Proceeds Sale Power Bonds	41,031,367
15366	Proceeds Sale Water Bonds	77,084,105
15405	Hetch Hetchy Revenue Funds	5,015,000
15404	Cap and Trade Revenue	890,000
21284	Low Carbon Fuel Standard	1,110,000
	TOTAL - Funding Source	125,130,472

Authority	Use of Funds \$ Description of Appropriation or Fund	FY 2023-24
15372	Distribution Services Retail - SFO Substation	9,122,894
15377	Streetlights	2,815,000
15400	Small Renewables	1,000,000
15404	Energy Efficiency - General Fund	1,000,000
15383	Power Asset Acquisition	7,587,000
	TOTAL - Power	21,524,894
15363	Water Infrastructure Projects	48,857,770
15365	Joint Water/Power Projects	37,030,487
	TOTAL - Water	85,888,257
15366	Financing Cost Power	6,154,705
15366	Financing Cost Water	11,562,616
	TOTAL - Use of Funds	125,130,472

Attachment A CleanPowerSF

Authority	Funding Source \$ Description of Appropriation or Fund	FY 2023-24
80233	ITI from CleanPowerSF Funds	759,000
80444	DAC Program	848,220
	TOTAL-Source of Fund	1,607,220

Authority	Use of Funds \$ Description of Appropriation or Fund	FY 2023-24
80233	Local Renewable Energy Program	759,000
80444	DAC Solar Program	848,220
	Total-Uses of Fund	1,607,220

FILE NO. 98-0738

ORDINANCE NO. 203-98

1 [Public Utilities Commission Short-Term Indebtedness]
2 AMENDING PART I OF THE SAN FRANCISCO MUNICIPAL CODE (THE SAN FRANCISCO
3 ADMINISTRATIVE CODE) BY ADDING CHAPTER 84, SECTIONS 84.1 THROUGH 84.6 TO
4 PROVIDE A PROCEDURE FOR THE ISSUANCE BY THE PUBLIC UTILITIES
5 COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO OF COMMERCIAL
6 PAPER AND OTHER SHORT-TERM INDEBTEDNESS IN ANTICIPATION OF THE
7 ISSUANCE OF REVENUE BONDS

8 NOTE: This Chapter is new.

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

10 Section 1. FINDINGS. The Board of Supervisors of the City and County of San
11 Francisco hereby finds and declares as follows:

12 A. Section 9.107 of the Charter of the City and County of San Francisco provides
13 for the issuance of revenue bonds by the Public Utilities Commission of the City and County
14 of San Francisco following the approval of the issuance of such revenue bonds by a majority
15 of the voters, or, in the case of revenue bonds issued for the purposes set forth in clauses 1
16 and 6 of such Section, following approval by at least a three-fourths affirmative vote of the
17 members of the Board.

18 B. Pursuant to Section 4.102 of the Charter, the Commission is authorized to
19 execute such powers and duties as shall be prescribed by the Board.

20 C. Pursuant to Section 9.107 of the Charter, except as otherwise provided in the
21 Charter, all revenue bonds may be issued and sold in accordance with state law or any
22 procedure provided by City ordinance.

23 D. Pursuant to Section 9.113 of the Charter, the Board is authorized to borrow
24 money by the issuance of tax anticipation notes, temporary notes, commercial paper or any
25 other short-term debt instruments in the manner provided by state law or City ordinance.

PUBLIC UTILITIES COMMISSION
BOARD OF SUPERVISORS

1 E. The Board wishes to establish a procedure pursuant to which the Commission
2 may issue or incur short-term indebtedness in anticipation of the issuance of revenue bonds
3 which have been authorized in accordance with the Charter.

4 Section 2. Part I of the San Francisco Municipal Code (the San Francisco
5 Administrative Code) is hereby amended by adding Chapter 84, to read as follows:

6 SEC. 84.1 DEFINITIONS. For purposes of this Chapter, the following terms shall
7 have the meanings given below:

- 8 (a) The term "Board" shall mean the Board of Supervisors of the City.
- 9 (b) The term "Charter" shall mean the Charter of this City.
- 10 (c) The term "City" shall mean the City and County of San Francisco.
- 11 (d) The term "Commission" shall mean the Public Utilities Commission of the City.
- 12 (e) The term "Director" shall mean Director of the Mayor's Office of Public Finance
13 or any successor to that office.

14 SEC. 84.2 AUTHORIZATION OF SHORT-TERM INDEBTEDNESS. Following voter
15 approval or Board approval, as the case may be, of the issuance of revenue bonds by the
16 Commission pursuant to Section 9.107 of the Charter, the Commission, in anticipation of the
17 issuance of such revenue bonds, may incur short-term indebtedness in the form of
18 commercial paper, temporary notes or other forms of indebtedness subject to the limitations
19 set forth below.

20 The issuance of such short-term indebtedness, and certain of the terms and conditions
21 thereof, shall be subject to prior authorization by the Board.

22 Except as provided in Section 84.5, use of the proceeds of any such short-term
23 indebtedness shall be limited to the purposes for which the applicable revenue bonds were
24 approved by the voters or by the Board, as the case may be. Short-term indebtedness
25 incurred pursuant to this Chapter shall not result in interest costs or a maturity date exceeding

1 the limits, if any, fixed by the voters or the Board, as the case may be, with respect to the
2 applicable revenue bond approval(s).

3 Such short-term indebtedness shall be payable solely from the proceeds of the
4 applicable revenue bonds, or revenues of the Commission pledged, or to be pledged, to the
5 payment of such revenue bonds. If any of the principal of such short-term indebtedness is
6 paid from revenues of the Commission (other than revenues derived from grants) rather than
7 from the proceeds of revenue bonds, the principal amount of revenue bonds the Commission
8 is thereafter authorized to issue shall be reduced by the principal amount of short-term
9 indebtedness paid from revenues (other than revenues derived from grants).

10 Any pledge of revenues by the Commission for the payment of short-term
11 indebtedness may, in the sole discretion of the Director upon recommendation of the
12 Commission, be subordinate to any pledge of the Commission for its revenue bonds.

13 All indebtedness incurred pursuant to this Chapter shall not constitute or evidence a
14 debt of the City, nor a legal or equitable pledge, charge, lien or encumbrance upon any
15 property of the City, or upon any income, receipt, revenue of the City, except the revenues or
16 funds, if any, pledged by the Commission.

17 All short-term indebtedness incurred pursuant to this Chapter must additionally comply
18 with each of the following provisions:

- 19 (a) shall be evidenced by notes, warrants, commercial paper or other
20 evidences of indebtedness maturing not later than five (5) years from
21 their issuance date; and
22 (b) any draw on such short-term indebtedness shall be subject to approval
23 by the Director.

24 Such short-term indebtedness may be sold at the discretion of the Director, upon
25 recommendation of the Commission, by public or private sale. All other terms and conditions

1 for such short-term indebtedness shall be determined by the Director, upon recommendation
2 of the Commission.

3 SEC. 84.3 CREDIT OR LIQUIDITY SUPPORT. The Director, upon
4 recommendation of the Commission, may arrange for credit or liquidity support for short-term
5 indebtedness issued pursuant to this Chapter or may arrange for credit or liquidity support to
6 provide an additional source of repayment for such short-term indebtedness.

7 Notwithstanding anything to the contrary in this Chapter, any monies paid by a
8 financial institution under any agreement for credit or liquidity support (a "Credit Facility")
9 shall:

- 10 (a) be repaid over a period not exceeding the maximum maturity, if any,
11 fixed by the voters or the Board, as the case may be, with respect to the
12 applicable revenue bond approval;
- 13 (b) bear interest at a rate that does not cause the aggregate average
14 interest cost to exceed the maximum approved interest cost on such
15 short-term indebtedness over the entire period such short-term
16 indebtedness is outstanding; and
- 17 (c) have such other terms and conditions as the Director, upon the
18 recommendation of the Commission, shall fix.

19 SEC. 84.4 MAXIMUM SHORT-TERM INDEBTEDNESS. The maximum principal
20 amount of all short-term indebtedness outstanding and incurred under this Chapter, including
21 any amounts outstanding under any Credit Facility, together with the outstanding principal
22 amount of related revenue bonds, shall not at any time exceed the maximum principal
23 amount of the applicable revenue bonds approved by the voters or the Board, as the case
24 may be.

25 ///

1 SEC. 84.5 REFUNDING SHORT-TERM INDEBTEDNESS. The Commission, with
2 the prior approval of the Director, may issue commercial paper, refunding notes, warrants, or
3 other evidences of short-term indebtedness, in anticipation of the issuance of revenue bonds,
4 for the purpose of paying and redeeming, at or prior to maturity, outstanding short-term
5 indebtedness issued in accordance with this Chapter. Notwithstanding the preceding
6 sentence, any short-term indebtedness issued to refund outstanding short-term indebtedness
7 may not:

- 8 (a) exceed the interest cost limitation set forth in Section 84.2; and
- 9 (b) exceed the limitation on the maximum principal amount of short-term
10 indebtedness set forth in Section 84.4; and
- 11 (c) mature more than five (5) years from the original date of issuance of the
12 original short-term indebtedness it is refunding.

13 Short-term indebtedness issued to refund outstanding short-term indebtedness may be
14 refunded by the Commission in accordance with this Section 84.5.

15 SEC. 84.6. CONSTRUCTION. The powers conferred by the provisions of this
16 Chapter are in addition to and supplemental to the powers conferred by the Charter or any
17 other ordinance or law.

18
19 APPROVED AS TO FORM:

20 LOUISE H. RENNE, City Attorney

21
22
23 By: 

24 DAVE ANGELO SANCHEZ
25 Deputy City Attorney

PUBLIC UTILITIES COMMISSION
BOARD OF SUPERVISORS

OFFICE OF THE MAYOR
SAN FRANCISCO



RECEIVED
LONDON N. BREED
SAN FRANCISCO MAYOR
2023 MAY 32 9:05 AM
PH 2:31
BY *[Signature]*

To: Angela Calvillo, Clerk of the Board of Supervisors
From: Anna Duning, Mayor's Budget Director
Date: June 1, 2023
Re: Mayor's FY 2023-24 and FY 2024-25 Budget Submission

Madam Clerk,

In accordance with City and County of San Francisco Charter, Article IX, Section 9.100, the Mayor's Office hereby submits the Mayor's proposed budget by June 1st, corresponding legislation, and related materials for Fiscal Year (FY) 2023-24 and FY 2024-25.

In addition to the Mayor's Proposed FY 2023-24 and FY 2024-25 Budget Book, the following items are included in the Mayor's submission:

- The Annual Appropriation Ordinance and Annual Salary Ordinance, along with Administrative Provisions
- The proposed budget for the Office of Community Investment and Infrastructure for FY 2023-24
- The Airport Annual Salary Ordinance Supplemental for FY 2023-24
- The Port of San Francisco Annual Salary Ordinance Supplemental for FY 2023-24 and Annual Appropriation Ordinance Supplemental for FY 2023-24
- The Public Utilities Commission Capital Budget for FY 2023-24 and Annual Appropriation Ordinance Supplemental for FY 2023-24
- 34 separate pieces of trailing legislation (see list attached)
- A Transfer of Function letter detailing the transfer of positions from one City department to another
- An Interim Exception letter
- A letter addressing funding levels for nonprofit corporations or public entities for the coming two fiscal years
- Memo to the Board President requesting for 30-day rule waivers on ordinances

Please note the following:

- Technical adjustments to the June 1 budget are being prepared, but are not submitted with this set of materials.

Sincerely,

[Signature]
Anna Duning
Mayor's Budget Director

cc: Members of the Board of Supervisors
Budget & Legislative Analyst's Office
Controller

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2023 JUN - 1 PM 2:34
BY *[Signature]*

DEPT	Item	Description	Type of Legislation	File #
ADM	Code Amendment	Amending the Administrative Code to eliminate the Annual Joint Fundraising Drive	Ordinance	230648
ADM	Code Amendment	Amending the Administrative and Environment Codes to reduce reporting burdens, so as to update insurance manuals when requested or necessary, instead of on an annual basis, and eliminating some scheduled reports	Ordinance	230647
ADM	Code Amendment	Amending the Administrative Code relating to Technology Commodities and Services Procurements, to eliminate the Tech Marketplace fee	Ordinance	230649
ADM	Continuing Prop J	City Administrator's Office convention facility management services, Real Estate custodial services, and Fleet and Real Estate security services	Resolution	230672
BOS	Continuing Prop J	Board of Supervisors Budget and Legislative Analyst Services for FY 2023-24	Resolution	230672
CON	Access Line Tax (ALT) Tax Rates	Sets Access Line Tax in line with 2023 Consumer Price Index. Revenues assumed in budget.	Ordinance	230676
CON	Neighborhood Beautification Fund	Neighborhood Beautification and Graffiti Clean-Up Fund Option (now known as the Community Challenge Grant Program)	Ordinance	230668
DBI	Department of Building Inspection Fee Changes	Changing the fee structure for DBI fees that are charged for permitting and inspection	Ordinance	230658
DEC	Early Care and Education Commercial Rents Tax Baseline	Amending the baseline funding requirements for early care and education programs to enable the City to use Early Care and Education Commercial Rents Tax revenues for those programs	Ordinance	230661
DEC	Early Care and Education, Commercial Rents Tax Deductions	Amending the Business and Tax Regulations Code relating to the Early Care and Education Commercial Rents Tax Sublessor Deduction	Ordinance	230660
DEM	EMSA Fee Changes	Updating medical services fees due to annual adjustments for the purposes of funding trauma and pediatric centers. Fees also required for certain additional services.	Ordinance	230659

DPH	Patient Rates	Amending the Health Code to set patient rates and rates for other services provided by the Department of Public Health.	Ordinance	230662
DPH	Recurring State Grants	Accept and expend for annual, recurring state grant funds.	Resolution	230677
DPH	Managed Care Rates	Amending the Health Code to set managed care rates provided by the Department of Public Health.	Ordinance	230650
DPH	Public Health Foundation MOU	MOU between DPH and San Francisco Public Health Foundation to establish roles and responsibilities for purposes of fundraising and capital projects	Resolution	230673
DPH	Hospital Foundation MOU	MOU between DPH and San Francisco General Hospital Foundation to establish roles and responsibilities for purposes of fundraising and capital projects	Resolution	230674
DPH	Mobile Crisis Grant	Grant agreement between DPH and Advocates for Human Potential Inc. for anticipated revenue that support behavioral health mobile crisis and non-mobile crisis services	Resolution	230679
DPH	Continuing Prop J	Department of Public Health Security Services	Resolution	230672
DPW	Continuing Prop J	Department of Public Works Security Services for FY 2023-24	Resolution	230672
ECN	Contract Amendment - MidMarket Foundation	Contract amendment to reflect budgeted funding levels for the Mid-Market Foundation - Mid-Market/Tenderloin Community-Based Safety Program	Resolution	230681
ECN	Contract Amendment – San Francisco Tourism Improvement District Management Corporation	Contract amendment to reflect budgeted funding levels for the San Francisco Tourism Improvement District Management Corporation – Downtown Welcome Ambassador Program	Resolution	230680
ECN	Film Commission Fee Changes	Increase of filming fees for the SF Film Commission	Ordinance	230651
HOM	CAAP Legislation	Annual legislation for CAAP housing, required if appropriations for HSH fund exceed \$11.9 million, including expenditure details and explanation of benefits provided	Resolution	230675
HOM	Continuing Prop J	Homelessness and Supportive Housing security services	Resolution	230672

HSA	Continuing Prop J	Human Services Agency Security Services for FY 2023-24	Resolution	230672
HSH/ DPH	Funding Reallocation - Our City, Our Home Homelessness Gross Receipts Tax	Ordinance reallocating approximately \$60,000,000 in unencumbered revenues from the Our City, Our Home Fund to allow the City to use revenues from the Homelessness Gross Receipts Tax to provide services to prevent homelessness.	Ordinance	230657
LIB	Friends of the Library A&E	Annual Accept & Expend legislation for the SFPL's Friends of the Library Fund	Resolution	230678
MOHCD	Continuing Prop J	Mayor's Office of Housing and Community Development security services for undeveloped real property	Resolution	230672
OCII	OCII Interim Budget Resolution	OCII Interim Budget Resolution	Resolution	230670
	Citywide Tax Changes	Gross Receipts Tax Rate Increase Postponement and Credits for Opening City Location	Ordinance (Introduced)	File No. 230155
REG	Continuing Prop J	Department of Elections Envelope Assembly Services for FY 2023-24	Resolution	230672
REG	Ballot Arguments Opt-Out	Legislation for CCSF opt out of arguments on ballots required in AB 1416	Ordinance	230663
SHF	Continuing Prop J	Sheriff's Department County Jails Food Services for FY 2023-24	Resolution	230672
TTX	First Year Free	Continues waiving certain small business first-year permit, license, and business registration fees	Ordinance	230664

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

TO: Aaron Peskin, President of the Board of Supervisors; Angela Calvillo, Clerk of
the Board of Supervisors
FROM: Tom Paulino
RE: 30-day Waiver Request for 7 Ordinances Related to Budget
DATE: June 2, 2023

A formal request to waive the 30-day hold on the following 7 ordinances introduced along with the budget on Thursday, June 1, 2023:

- Interim AAO
- Interim ASO
- Proposed AAO
- Proposed ASO
- Airport ASO Supplemental
- Port ASO Supplemental
- PUC Capital Budget and AAO Supplemental

Should you have any questions, please contact Tom Paulino at 415-554-6153.

President, District 3
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-6546

Aaron Peskin

PRESIDENTIAL ACTION

Date:

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.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

Meeting

(Date)

(Committee)

Start Time:

End Time:

Temporary Assignment: Partial

Full Meeting

Aaron Peskin, President
Board of Supervisors

**Board of Supervisors
Legislation Introduced**

Legislation Introductions - 6/6/23					
Number	Requests or IA	File No.	Sponsor	File Type	Description
	30-Day	230642	Mayor	O	Proposed Interim Budget and Annual Appropriation Ordinance (AAO)
	30-Day	230643	Mayor	O	Proposed Interim Annual Salary Ordinance (ASO)
	30-Day	230644	Mayor	O	Proposed Budget and Annual Appropriation Ordinance (AAO)
	30-Day	230645	Mayor	O	Proposed Annual Salary Ordinance (ASO)
	30 Day Waiver	230646	Mayor	O	Admin Code - Minimum Compensation Ordinance
	30 Day Waiver	230647	Mayor	O	Admin & Environment Codes - Reducing Reporting Burdens
	30 Day Waiver	230648	Mayor	O	Admin Code - Eliminating Annual Joint Fundraising Drive
	30 Day Waiver	230649	Mayor	O	Admin Code - Technology Commodities and Services Procurements
	30 Day Waiver	230650	Mayor	O	Admin Code - DPH Managed Care Contracts
	30 Day Waiver	230651	Mayor	O	Admin Code - Film Commission Programs
	30-Day	230652	Mayor	O	Appropriation - \$124,020,472 in Proceeds from Revenue Bonds, Hetch Hetchy Revenue, Cap and Trade Allowance - FY 2023-24
	30-Day	230653	Mayor	O	Appropriation - Proceeds from CleanPowerSF Revenue and CPUC Grant Funds for CleanPowerSF Capital Improvements - \$1,607,220 - FY2023-24
	30-Day	230654	Mayor	O	Appropriation - \$332,278,006 in Proceeds from Revenue Bonds, State Loan or Grant Funds, Water Revenues, and Water Capacity Fees - FY2023-24
	30-Day	230655	Mayor	O	Appropriation - Proceeds from Revenue Bonds, State Loans or Grant Funds, Wastewater Revenues, and Wastewater Capacity Fees for Wastewater Capital Improvements - \$1,142,597,402 - FY2023-24
	30-day	230656	Mayor	O	Appropriation - Port Commission - \$501,908 - PUC - \$97,057,341 - FY2023-24
	30 Day Waiver	230657	Mayor	O	Funding Reallocation - Our City, Our Home Homelessness Gross Receipts Tax
	30 Day Waiver	230658	Mayor	O	Building Code - Fees
	30 Day Waiver	230659	Mayor	O	Business & Tax Regulations, Health Codes - Emergency Medical Services Fees
	30 Day Waiver	230660	Mayor	O	Business & Tax Regulations Code - Early Care and Education Commerical Rents Tax Sublessor Deduction
	30 Day Waiver	230661	Mayor	O	Business & Tax Regulations Code - Early Care and Education Commerical Rents Tax Baseline
	30 Day Waiver	230662	Mayor	O	Health Code - Patient Rates for FY 2023-24 and 2024-25
	30 Day Waiver	230663	Mayor	O	Municipal Elections Code - Supporters and Opponents in Ballot Questions for Local Measures
	30 Day Waiver	230664	Mayor	O	Business & Tax Regulations Code - Waiver of Permit, License, and Business Registration Fees for Certain Small Businesses

**Board of Supervisors
Legislation Introduced**

Legislation Introductions - 6/6/23					
Number	Requests or IA	File No.	Sponsor	File Type	Description
	30-Day	230665	Mayor	O	SFPUC Water Revenue Bond and Other Forms of Indebtedness Issuance - NTE \$358,985,453
	30-Day	230666	Mayor	O	SFPUC Wastewater Revenue Bond Issuance - NTE \$1,047,288,286
	30-Day	230667	Mayor	O	SFPUC Power Revenue Bond and Other Forms of Indebtedness Issuance - NTE \$41,031,367
	30 Day Waiver	230668	Mayor	O	Neighborhood Beautification and Graffiti Clean-Up Fund Tax Designation Ceiling
	30-Day	230669	Mayor	O	Public Employment - Amendment to the Salary Ordinance for the Port Commission and the Airport Commission - FY2023-24

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Tom Paulino, Liaison to the Board of Supervisors
RE: San Francisco Public Utilities Commission Water Revenue Bond and Other
Forms of Indebtedness Issuance----Not to Exceed \$358,985,453
DATE: June 1, 2023

Ordinance authorizing the issuance and sale of tax-exempt or taxable Water Revenue Bonds and other forms of indebtedness (as described below) by the San Francisco Public Utilities Commission (“Commission”) in an aggregate principal amount not to exceed \$358,985,453 to finance the costs of various capital water projects benefitting the Water Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002 as Proposition E; authorizing the issuance of Water Revenue Refunding Bonds and the retirement of outstanding Water Enterprise Commercial Paper; declaring the Official Intent of the Commission to reimburse itself with one or more issues of tax-exempt bonds or other forms of indebtedness; and ratifying previous actions taken in connection therewith.

Should you have any questions, please contact Tom Paulino at 415-554-6153.