

**From:** [aeboken](#)  
**To:** [Melgar, Myrna \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [PeskinStaff \(BOS\)](#); [Anne Pearson](#); [Carroll, John \(BOS\)](#)  
**Subject:** Strongly Urging Continuance of Land Use and Transportation Committee Agenda Item #6 for January 22, 2024 Meeting [Hearing - Emergency Firefighting Water System Funding and Design] File #230824  
**Date:** Monday, January 22, 2024 12:11:33 AM

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**TO:** BOS Land Use and Transportation Committee members

**cc:** DCA Pearson  
Committee Clerk Carroll

**FR:** Eileen Boken, President  
Sunset-Parkside Education and Action Committee (SPEAK)

**RE:** January 22, 2024 BOS Land Use and Transportation Committee agenda item #6 [Hearing - Emergency Firefighting Water System Funding and Design] File #230824

**Position:** Strongly urging continuance of this item.

Two underlying issues still exist for AWSS.

The MOU for the transfer of AWSS from the Fire Department to the SFPUC was never fully executed as the approval never came before the Fire Commission.

The PUC is using ESER bond funds for potable water AWSS which appears to be inconsistent with Prop 218 and potentially illegal.

It's unclear why the PUC suddenly shifted from dedicated AWSS to potable water AWSS for the Westside.

This policy change does not appear to have been approved by the PUC Commission.

A public records request has been submitted regarding this policy change.

Last year, at the June 1st meeting of the GAO Committee, the PUC misrepresented AWSS configuration changes and funding changes in its documentation and presentation.

It took the GAO to force the PUC to acknowledge its misrepresentations.

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Sent from my Verizon, Samsung Galaxy smartphone

**From:** [aeboken](#)  
**To:** [Anne Pearson](#); [Carroll, John \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)  
**Subject:** Strongly Urging City Attorney to Make Determinations Prior to BOS Land Use and Transportation Committee Meeting on Monday January 22, 2024 re Agenda Item 6 Emergency Firefighting Water System Funding and Design  
**Date:** Friday, January 19, 2024 11:11:41 AM

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TO: Anne Pearson,  
Deputy City Attorney for Land Use and Transportation Committee

cc: Land Use and Transportation Committee Chair Myrna Melgar, Committee Vice Chair  
Dean Preston and Committee Member Aaron Peskin

cc: John Carroll,  
Clerk for Land Use and Transportation Committee

FR: Eileen Boken, President  
Sunset-Parkside Education and Action Committee (SPEAK)

RE: Land Use and Transportation Committee January 22, 2024 agenda item #6 [Hearing -  
Emergency Firefighting Water System Funding and Design] File #230824

Greetings DCA Pearson,

Sunset-Parkside Education and Action Committee (SPEAK) is strongly urging the City Attorney to make the following determinations prior to the Land Use and Transportation Committee meeting on Monday January 22, 2024 re the Emergency Firefighting Water System.

1) The Auxiliary Water Supply System (AWSS) was brought into service in 1913. From 1913 until 2010, it was under the jurisdiction of the Fire Department with design and engineering by the Department of Public Works.

In 2010 AWSS was transferred from the Fire Department to the SF Public Utilities Commission (SFPUC) in order to balance the City's budget.

The MOU which was drafted to formalize the transfer required the following:

- Approval of the transfer by the SFPUC Commission.
- Sign off by the SFPUC General Manager.
- Approval of the transfer by the SF Fire Department Commission.

- Sign off by the SF Fire Department Chief.

SPEAK's understanding is that only three of the four steps were completed.

The transfer was never agendized and approved by the SF Fire Commission.

If all four steps for the transfer as specified in the MOU were not completed, is the transfer null and void? If so, what are the implications?

2) When the AWSS system was originally transferred to the SFPUC, the SFPUC pursued a policy of retaining the AWSS system as it was originally designed as a system independent of the City's drinking water system.

When the SFPUC upgraded the AWSS system with Earthquake Safety and Emergency Response (ESER) General Obligation Bond funds in 2010 and 2014, it was for the independent/dedicated AWSS system as originally designed and was, therefore, consistent with Prop 218.

However, the SFPUC has changed its policy for the expansion of the AWSS system to the Westside of the City.

The SFPUC policy for the Westside is not to use an independent system as originally designed but rather to use potable (drinking) water AWSS. This potable water AWSS system would use a single pipe for both drinking water and emergency firefighting.

The SFPUC has even used ESER 2020 funds for potable water AWSS.

It's SPEAK's understanding that using General Obligation Bond funds for drinking water Infrastructure is inconsistent with State Proposition 218 and is, therefore, possibly illegal.

SPEAK has brought this issue to the attention of the SFPUC Commission as well as the Citizens General Obligation Bond Oversight Committee (GOBOC).

It's also SPEAK's understanding that this has never been brought to the attention of the City Attorney and that no determination has been made on the consistency or lack of consistency with Prop 218.

SPEAK respectfully urges the City Attorney to make these determinations prior to the Land Use and Transportation Committee meeting on Monday January 22, 2024 or to request that the Land Use and Transportation Committee continue this item until such time as these determinations have been made.

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