

LEGISLATIVE DIGEST

[Authorizing Grant Agreements - Public Utilities Commission Green Infrastructure Grant Program - Terms of 20 Years]

Ordinance extending for an additional two years through July 1, 2022, the delegation of authority under Charter, Section 9.118, to the General Manager of the San Francisco Public Utilities Commission (SFPUC), previously authorized by Ordinance No. 26-19, to enter into grant agreements under the SFPUC's Green Infrastructure Grant Program with terms of up to 20 years and without Commission approval.

Existing Law

In February 2019, the City enacted uncodified Ordinance No. 26-19 (File No. 181113), delegating the Board of Supervisors' authority under Charter Section 9.118(b) to the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into grant agreements under the SFPUC Green Infrastructure Grant Program for a term in excess of 10 years, provided that (1) the term of the grant agreement does not exceed 20 years, and (2) each grant award is approved by the SFPUC Commission at a public hearing. The ordinance also requires SFPUC to submit quarterly written reports to the Clerk of the Board of Supervisors summarizing all grant agreements SFPUC has entered into during the prior quarter.

The delegation of authority and the reporting requirements provided for under uncodified Ordinance No. 26-19 expire on July 1, 2020.

Amendments to Current Law

This uncodified ordinance would extend for another two years through July 1, 2022, the delegation of authority under Charter Section 9.118(b) to the SFPUC General Manager to enter into grant agreements under the SFPUC Green Infrastructure Grant Program for a term in excess of 10 years and not more than 20 years. The SFPUC would be required to continue to submit quarterly written reports to the Clerk of the Board of Supervisors summarizing grant agreements SFPUC has entered into during the prior quarter.

This uncodified ordinance would also remove the existing requirement in Ordinance No. 26-19 that each grant award must be approved by the SFPUC Commission at a public hearing.

Background Information

The SFPUC approved the Green Infrastructure Grant Program Guidelines (Grant Program) at a public hearing on November 13, 2018 by Commission Resolution No. 18-0189. Under the Grant Program, SFPUC may award grants of up to \$2 million each to owners of San

Francisco properties with large impervious areas to construct green infrastructure projects on their parcels that use vegetation, soils, and other elements and practices that mimic nature to soak up and store stormwater. Examples of such projects include the installation of permeable pavement, rain gardens/bioretention, impervious surface removal, and vegetated roofs. Under the Grant Program, grants may be awarded only to owners of properties at least 0.5 acres in size and the proposed green infrastructure project must capture runoff from the 90th percentile 24-hour storm, equivalent to 0.75-inch total depth. The 90th percentile 24-hour storm represents an amount of precipitation that 90% of all rainfall events do not exceed, as compared to the historical period of record. Grantees must also satisfy additional eligibility criteria specified in Commission Resolution No. 18-0189.

The Grant Agreement requires that the Grantee maintain the green infrastructure project for the 20-year term of the agreement, authorizes the SFPUC to conduct periodic inspections of the Grantee's construction, operation, and maintenance of the project, and provides the SFPUC with remedies against the Grantee in the event that the Grantee fails to maintain the project for the 20-year term.

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