

File No. 150658

Committee Item No. 5

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

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 23, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- Motion
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- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
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- Award Letter
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- Information Sheet
- Public Correspondence

### OTHER (Use back side if additional space is needed)

- CEQA Determination, dtd 7/10/15
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
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- \_\_\_\_\_
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- \_\_\_\_\_
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Completed by: Alisa Somera Date July 17, 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; 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 ~~*italics Times New Roman font*~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

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



1 program, CleanPowerSF, that will enable City residents and businesses to purchase electric energy  
2 that has a higher renewable energy content than is required under the RPS, is substantially greenhouse  
3 gas-free, and contains no nuclear power. CleanPowerSF plans to commence service in early 2016.  
4

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

6 **DEFINITION.**

7 For all City programs and expenditures, the terms Clean Energy, Green Energy, Renewable  
8 Greenhouse Gas-free Energy or similar terms used to describe the source or environmental impact of  
9 electric energy means energy from eligible renewable energy resources as defined in State law, and  
10 from large hydroelectric facilities, including but not limited to the Hetch Hetchy generating facilities.  
11 The terms Clean Energy, Green Energy, Renewable Greenhouse Gas-free Energy, or similar terms  
12 used to describe the source or environmental impact of electric energy does not include electricity from  
13 nuclear power resources.  
14

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

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

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

25 **SEC. 2104. GENERAL PROVISIONS.**

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

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

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

15  
16           Section 2. In the event that this initiative ordinance and another measure or measures  
17 regarding the definitions of the terms Clean Energy, Green Energy, or Renewable  
18 Greenhouse Gas-free Energy in any respect shall appear on the same Citywide election  
19 ballot, the provisions of such other measures shall be deemed to be in conflict with this  
20 ordinance. In the event that this initiative ordinance shall receive a greater number of  
21 affirmative votes, the provisions of this ordinance shall prevail in their entirety and each and  
22 every provision of the other measure or measures shall be null and void in their entirety. In  
23 the event that the other measure or measures shall receive a greater number of votes, the  
24 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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**LEGISLATIVE DIGEST**

[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, 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 would define the terms Clean Energy, Green Energy and Renewable Greenhouse Gas-free Energy for use by City programs and City expenditures. 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

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

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

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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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

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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**

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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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## 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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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

Print Form

# 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):**

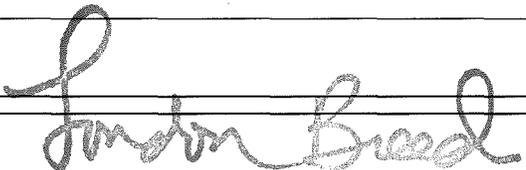
Breed; Avalos, Wiener, Christensen

**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: