

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 31, 2015

SUBJECT:

COMMITTEE REPORT, BOARD SPECIAL MEETING

Friday, July 31, 2015

The following file should be presented as a **COMMITTEE REPORT** at the Board Special Meeting on Friday, July 31, 2015. This item was acted upon at the Rules Committee Special Meeting on Friday, July 31, 2015, at 9:00 a.m., by the votes indicated.

Item No. 1 File No. 150809

[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, at an election to be held on November 3, 2015.

RECOMMENDED AS COMMITTEE REPORT

Vote: Supervisor John Avalos - Aye

Supervisor Katy Tang - Excused Supervisor Malia Cohen - Aye Supervisor London Breed - Aye

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

File No.	150809		Committee Item No.	•	1
	•	•	Board Item No		1

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST							
Committee:	Rules Committee	Date _	July 31, 2015				
Board of Supervisors Meeting		Date _	July 31. 2015				
Cmte Boar	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Report Introduction Form Department/Agency Cover Letter and Memorandum of Understanding (MO Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 - Ethics Commission Award Letter Application Form 700 Vacancy Notice Information Sheet Public Correspondence	l/or Rep	ort				
OTHER X X X X X X X X X X X X X X X X X X X			July 27, 2015				
Completed by: Alisa Comera Date Uvilly 31, 2015							

AMENDED IN COMMITTEE 7/27/2015

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

MOTION NO.

FILE NO. 150809

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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, at an election to be held on November 3, 2015.

MOVED, That the Board of Supervisors hereby submits the following ordinance to the voters of the City and County of San Francisco, at an election to be held on November 3, 2015.

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.

NOTE: Unchanged Code text and uncodified text are in plain font.

Additions to Codes are in <u>single-underline italics Times New Roman font</u>.

Deletions to Codes are in strikethrough italics Times New Roman font.

Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

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

CHAPTER 21: CLEAN ENERGY FULL DISCLOSURE ORDINANCE

SEC. 2101. FINDINGS.

- (a) All entities that provide electric power to end-use consumers in the state are required to comply with the California Renewable Portfolio Standard ("RPS"), which was established in 2002 under Senate Bill 1078, accelerated in 2006 under Senate Bill 107 and expanded in 2011 under Senate Bill 2. The RPS mandates that 33% of electricity sold to consumers must be generated by eligible renewable energy resources by 2020.
- (b) All public and private utilities and retail electricity providers are allowed under State law to use unbundled renewable energy credits for a certain portion of their compliance requirement for the RPS.
- (c) 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.
- (d) San Francisco residents and businesses deserve to have accurate information regarding the sources and environmental impacts of the energy provided to them.
- (e) In response to interest from City leaders and community members, the San Francisco Public Utilities Commission ("SFPUC") is developing a Community Choice Aggregation ("CCA") program, CleanPowerSF, that will enable City residents and businesses to purchase electric energy that has a higher renewable energy content than is required under the RPS, and is substantially greenhouse gas-free. CleanPowerSF plans to commence service in early 2016.

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

(a) For all City programs and expenditures, the terms Clean Energy, Green Energy.

Renewable Greenhouse Gas-free Energy or similar terms used to describe the source or environmental

impact of electric energy means energy from eligible renewable energy resources as defined in State law, and resources set forth in the RPS under Public Utilities Code § 399.30(j).

(b) It is the City's policy that the use of unbundled renewable energy credits for

CleanPowerSF customers shall be limited to the extent deemed feasible by the SFPUC, consistent with
the goals of the program. CleanPowerSF will follow the limitations of state law regarding the use of
unbundled renewable energy credits to satisfy the applicable renewable portfolio standard. For
renewable energy provided by CleanPowerSF that exceeds the minimum requirements of state law, the
voters urge the SFPUC to apply the same limitations on the use of unbundled renewable energy credits,
to the extent feasible. For unbundled renewable energy credits associated with facilities located within
San Francisco, the limitation set forth in the preceding sentence shall not apply.

SEC. 2103. DISCLOSURE OF ENERGY RESOURCES.

(a) The voters urge the SFPUC to inform customers and potential customers of the planned percentage of Clean Energy, Green Energy, or Renewable Greenhouse Gas-free Energy in each communication regarding the CCA program required by state law.

SEC. 2104. GENERAL PROVISIONS.

- (a) Consistent with the Charter and applicable State and federal law, this Chapter 21 shall not apply to the extent its requirements would conflict with those laws or otherwise interfere with the discharge of functions placed under the direct jurisdiction of a department by the Charter. Nothing in this Chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any State or federal law.
- (b) If any section, subsection, sentence, clause, phrase, or word of this Chapter 21, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining

By:

portions or applications of this Chapter. The People of San Francisco hereby declare that they would have adopted this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

(c) The Board of Supervisors may amend this Chapter 21 by ordinance if the amendment furthers the purposes of this Chapter and to reflect changes in state law.

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

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

THERESA L. MUELL
Deputy City Afterney

REVISED LEGISLATIVE DIGEST

(7/27/2015, Amended in Committee)

[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, 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 that 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 initiative ordinance also adopts a policy regarding the use of unbundled renewable energy credits by the Community Choice Aggregation (CCA) program, to the extent the San Francisco Public Utilities Commission (SFPUC) determines the policy is feasible and consistent with the CCA program. The initiative ordinance would also urge the SFPUC to inform customers of the planned percentage of Clean Energy, Green Energy, or Renewable Greenhouse Gas-free Energy to be used by the CCA program in each communication regarding the CCA program required by state law.

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

President, Board of Supervisors District 5



City and County of San Francisco

LONDON N. BREED

TO:

Angela Calvillo, Clerk of the Board of Supervisors

FROM:

London Breed, President of the Board of Supervisors

DATE:

July 27, 2015

SUBJECT:

Notification of special Board meeting for Friday, July 31

Please be advised that per Board Rule 4.3, I am scheduling a special meeting of the Board of Supervisors for Friday July, 31 at 9:30AM to consider item 150809 as duplicated and amended by the Rules Committee today.

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,

Ben Rosenfield Controller

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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

By: Alisa Somera, Committee Clerk

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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.

Joy Navarrete, Environmental Planner Jeanie Poling, Environmental Planner

7/6/15



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MEMORANDUM

TO:

Ben Rosenfield, City Controller

FROM:

Alisa Somera, Clerk, Rules Committee

Board of Supervisors

DATE:

July 28, 2015

SUBJECT:

DUPLICATED INITIATIVE ORDINANCE MOTION

November 3, 2015 Election

On July 23, 2015, the Rules Committee **Duplicated File No. 150658** (previously referred to you) and the following Motion to consider the proposed Initiative Ordinance, for the November 3, 2015, Election is provided for your review:

File No. 150809 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, at an election to be held on November 3, 2015.

This matter is being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3 for your analysis. You provided a Financial Analysis for the original File No. 150658 on July 21, 2015.

If you have any questions or concerns please call me at (415) 554-4447 or email: alisa.somera@sfgov.org. To submit additional 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



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July 28, 2015

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Sarah Jones Environmental Review Officer Planning Department 1650 Mission Street, 4th Floor San Francisco, CA 94103

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As indicated, you already provided your environmental review determination for the original File No. 150658 on July 6, 2016, but if you wish to submit additional documentation please forward it to me.

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Committee Clerk

Rules Committee

Attachment

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



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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:

July 28, 2015

SUBJECT:

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This matter is 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



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MEMORANDUM

TO:

Ben Rosenfield, City Controller

FROM:

Alisa Somera, Clerk, Rules Committee

Board of Supervisors

DATE:

July 28, 2015

SUBJECT:

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November 3, 2015 Election

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This matter is being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3 for your analysis. You provided a Financial Analysis for the original File No. 150658 on July 21, 2015.

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c: Todd Rydstrom, Deputy City Controller Peg Stevenson, City Performance Director



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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



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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:

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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.

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Angela Calvillo, Clerk of the Board

By: Alisa Somera, Committee Clerk

Rules Committee

Attachment

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



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MEMORANDUM

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Jason Fried, Executive Officer, Local Agency Formation Commission

FROM:

Alisa Somera, Clerk, Rules Committee

Board of Supervisors

DATE:

June 22, 2015

SUBJECT:

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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 Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I here	eby submit the following item for introduction (select only one):	Time stamp or meeting date
· .	1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment	nt)
	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	
Note:	se check the appropriate boxes. The proposed legislation should be forwarded to the following Small Business Commission	ission n
	d; Avalos, Wiener, Christensen	
Subje		
	tive Ordinance - Environment Code - Clean Energy Right To Know Act	
The t	text is listed below or attached:	
Energ busin	on ordering submitted to the voters Ordinance amending the Environment Code to define the gy, Green Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco respesses accurate information regarding electric power; and requiring the Department of the Engity power sourced from nuclear power plants.	idents and
	Signature of Sponsoring Supervisor:	2
For C	Clerk's Use Only:	A CONTRACTOR OF THE PARTY OF TH