

File No. 150913

Committee Item No. 1

Board Item No. 8

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date October 8, 2015

Board of Supervisors Meeting

Date October 27, 2015

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Public Utilities Commission Resolution No. 15-0102</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |

Completed by: Alisa Somera Date October 2, 2015  
Completed by: Derek Evans Date October 15, 2015

1 [Administrative Code - Extension of the Public Utilities Revenue Bond Oversight Committee]

2  
3 **Ordinance amending the Administrative Code to extend the sunset date of the Public**  
4 **Utilities Revenue Bond Oversight Committee, for an additional three years, to January**  
5 **1, 2019.**

6  
7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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

15 Section 1. Findings. The Board of Supervisors hereby finds and declares as follows:

16 (a) Proposition P, a 2002 initiative ordinance (now codified at San Francisco  
17 Administrative Code, Sections 5A.30 et. seq.) created the Public Utilities Revenue Bond  
18 Oversight Committee (RBOC) to provide independent oversight of the San Francisco Public  
19 Utilities Commission's (SFPUC) expenditure of revenue bond proceeds on the repair,  
20 replacement, and expansion of the City's water, power, and wastewater facilities.

21 (b) The RBOC monitors and reports publicly about the SFPUC's expenditure of  
22 revenue bond proceeds on the repair, replacement, upgrading and expansion of the City's  
23 water collection, power generation, water distribution, and wastewater treatment facilities.

24 (c) The RBOC is required to provide oversight to ensure that: (1) revenue bond  
25 proceeds are expended only in accordance with the authorizing bond resolution and  
applicable law; (2) revenue bond proceeds are expended solely for uses, purposes and

1 projects authorized in the bond resolution; and (3) revenue bond proceeds are appropriately  
2 expended for authorized capital improvements so that an uninterrupted supply of water and  
3 power continues to flow to the City and the SFPUC's customers.

4 (d) The RBOC has conducted monthly public hearings about SFPUC activities and  
5 provides annual reports of its findings to this Board and to members of the public.

6 (e) In accordance with Administrative Code Section 5A.36(a), the provisions of  
7 Proposition P would have expired on January 1, 2013, unless extended by ordinance.

8 (f) This Board adopted Ordinance No. 236-12 on December 4, 2012, signed by the  
9 Mayor on December 7, 2012, to extend the sunset date of the RBOC to January 1, 2016.

10 (g) The SFPUC will continue to incur bonded indebtedness to finance capital  
11 improvements for the repair, replacement, and expansion of its water enterprise and will from  
12 time to time issue its revenue bonds to finance the cost of such improvements.

13 (h) The SFPUC also expects to initiate a multi-billion dollar capital improvement  
14 program for the wastewater enterprise, and bonding for this program is expected to continue  
15 through 2020.

16 (i) In order to ensure that revenue bonds of the SFPUC are used for their intended  
17 purposes, and to ensure that the SFPUC continues to employ the best management  
18 practices, it is necessary and desirable that the RBOC continue to provide oversight of the  
19 SFPUC expenditure of revenue bond proceeds.

20 Section 2. The San Francisco Administrative Code is hereby amended by revising  
21 Section 5A.36 to read as follows:

22 (a) Unless the Board by ordinance reauthorizes the provisions of this Ordinance for  
23 a specified period of years, the provisions of this Ordinance shall expire on January 1,  
24 20192016.

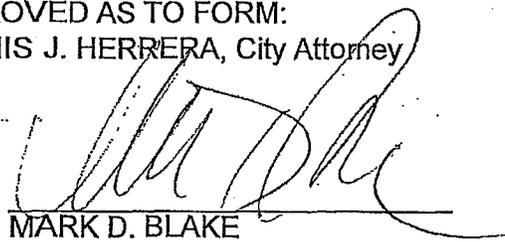
25 \* \* \* \*

1  
2 Section 3. Effective Date. This ordinance shall become effective 30 days after  
3 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
4 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
5 of Supervisors overrides the Mayor's veto of the ordinance.

6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12  
13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15  
16 By:

  
17 MARK D. BLAKE  
Deputy City Attorney

18 n:\financ\as2015\0400135\01048626.doc  
19  
20  
21  
22  
23  
24  
25

**LEGISLATIVE DIGEST**

[Administrative Code - Extension of the Public Utilities Revenue Bond Oversight Committee]

**Ordinance amending the Administrative Code to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee, for an additional three years, to January 1, 2019.**

Existing Law

Under Section 5A.36 of the Administrative Code the Public Utilities Commission's Revenue Bond Oversight Committee sunsets on January 1, 2016.

Background Information

Proposition P, a 2002 (now codified at S.F. Admin. Code, Sections 5A.30 et. seq.) initiative ordinance, created the Public Utilities Revenue Bond Oversight Committee (RBOC) to provide independent oversight of the Public Utilities Commission's expenditure of revenue bond proceeds on the repair, replacement and expansion of the City's water, power and wastewater facilities.

The RBOC monitors and reports publically about the Public Utilities Commission's (PUC) expenditure of revenue bond proceeds on the repair, replacement, upgrading and expansion of the City's water collection, power generation, water distribution and wastewater treatment facilities.

Under Proposition P, the original sunset date of the RBOC was January 1, 2013, unless extended by ordinance of the Board of Supervisors. On December 4, 2012, the Board of Supervisors passed Ordinance No. 236-12, as signed by the Mayor on December 7, 2012, to extend the sunset date of the RBOC to January 1, 2016.

The proposed Ordinance amends Administrative Code Section 5A.36 to extend the sunset date of the RBOC to January 1, 2019.

## PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 15-0182

WHEREAS, The voters of the City approved Proposition P on November 2002 to establish the Public Utilities Revenue Bond Oversight Committee, an independent citizens advisory committee (or the "RBOC") under Chapter V of the San Francisco Administrative Code (Section 5A.30 et seq.). The purpose of the RBOC is to conduct audits to ensure the legal and efficient expenditure of revenue bond proceeds on the repair, replacement, upgrading and expansion of the water collection, power generation, water distribution and wastewater treatment facilities operated by the San Francisco Public Utilities Commission (the "Commission") of the City and County of San Francisco (the "City"); and

WHEREAS, Pursuant to Section 5A.36 of the Administrative Code, subject to reauthorization by the Board of Supervisors, the RBOC will sunset on January 1, 2016; and

WHEREAS, The RBOC meets monthly and provides valuable oversight of the SFPUC regarding the expenditure of revenue bond proceeds, and provides annual reports to the public and the Board of Supervisors, among others, regarding its findings; and

WHEREAS, Under Proposition H (approved by the voters in November 2001) and Propositions A and E (approved by the voters in November 2002) the Commission was authorized to upgrade its water collection, power generation, water distribution and wastewater treatment facilities; and

WHEREAS, On July 27, 2010, Commission Resolution 10-0114 identified Levels of Service Goals for the proposed Sewer System Improvement Program, and implementation would require the issuance of revenue bonds over the upcoming decade; and

WHEREAS, On July 12, 2011, Commission Resolution 11-0109 extended the completion date of the \$4.6 billion revenue bond funded Water System Improvement Program ("WSIP") to July 2016; and

WHEREAS, On December 13, 2011, Commission Resolution 11-0195 endorsed the extension of the RBOC sunset date; and on December 4, 2012, the Board of Supervisors passed Ordinance 236-12 thereby extending the RBOC sunset date three years to January 1, 2016; and

WHEREAS, On April 23, 2013, Commission Resolution 13-0060 extended the completion date of the "WSIP" to April 2019; and

WHEREAS, In anticipation of the desirability of continuing the oversight work of the RBOC, on August 19, 2015 the RBOC voted to recommend to the Board of Supervisors an extension of its sunset date for three years to January 1, 2019 from January 1, 2016; now, therefore, be it

RESOLVED, The RBOC provides valuable independent oversight to ratepayers regarding the expenditure of revenue bonds, and therefore this Commission supports the extension of the sunset date of the RBOC for three years to January 1, 2019 from January 1, 2016, as the Board of Supervisors shall approve.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities*

*Commission at its meeting of September 8, 2015.*



---

Secretary, Public Utilities Commission

BOARD of SUPERVISORS



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

TO: Harlan Kelly, Jr., General Manager, Public Utilities Commission

FROM: Alisa Somera, Assistant Clerk, Rules Committee  
Board of Supervisors

DATE: September 21, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Farrell on September 15, 2015. This matter is being referred to you for informational purposes since it affects your department.

**File No. 150913**

Ordinance amending Administrative Code, Section 5A.36(a), to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee, for an additional three years, to January 1, 2019.

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 or by email at [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Juliet Ellis, Public Utilities Commission  
Derek Evans, Board of Supervisors

# BAWSCA

Bay Area Water Supply & Conservation Agency

October 7, 2015

Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlet Place, Room 244  
San Francisco, CA 94102-4689

**Subject: Support for RBOC Extension to January 1, 2019**

Dear San Francisco Board of Supervisors,

The Bay Area Water Supply and Conservation Agency strongly supports extension of the Public Utilities Revenue Bond Oversight Committee (RBOC) to January 1, 2019 given that the final project (the new Calaveras Reservoir) in San Francisco's Water System Improvement Plan (WSIP) is scheduled for completion in May 2019.

Construction of the Reservoir, originally scheduled for completion in May 2012, has been delayed because unstable soil conditions were discovered unexpectedly during early testing and earth-moving activity. Significant added time, therefore, has been incurred to address the situation, resulting in a later completion date for this project and the WSIP overall.

RBOC has provided very valuable oversight of the WSIP to date, and it should continue until this massive and essential construction program is completed. The RBOC has also helped protect the financial interests of all water users in the Bay Area who depend on the San Francisco Regional (Hetch Hetchy) Water System, including those users in Alameda, San Mateo, and Santa Clara Counties, whose interests BAWSCA represents.

Respectfully



Nicole Sandkulla  
CEO/General Manager

cc: Ann Caen, President of the Commission, SFPUC  
Harlan Kelly, General Manager, SFPUC  
Kevin Cheng, RBOC Chair  
BAWSCA Board of Directors



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place  
Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

---

---

MEMORANDUM

---

---

Date: October 15, 2015  
To: The Honorable Members, Board of Supervisors  
From: *ACC* Angela Calvillo, Clerk of the Board  
Subject: Public Utilities Revenue Bond Oversight Committee

---

---

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. Through this Ordinance, the Board will be reauthorizing the Public Utilities Revenue Bond Oversight Committee. In order to fulfill these requirements, the following is provided:

File No. 150913      Administrative Code - Extension of the Public Utilities Revenue Bond Oversight Committee

*The Public Utilities Revenue Bond Oversight Committee was established with the responsibility of reporting publicly to the Mayor, Public Utilities Commission (PUC), and Board of Supervisors on PUC's expenditure of revenue bond proceeds on the repair, replacement, upgrading and expansion of the City's water collection, power generation, water distribution, and wastewater treatment facilities.*

*The voters passed the Initiative Ordinance (Proposition P) in November 2002 that created the Oversight Committee; therefore, amendments to the Administrative Code are limited in order to stay consistent with the ballot measure.*

- Does a current body address the same or similar subject matter?

*No, there is no current body that addresses the same or similar subject matter.*



- Language requiring the body to meet at least once every four months

*There is no language in the Administrative Code that requires the Committee to meet at least once every four months.*

- Language indicating members serve at the pleasure of the appointing authority

*There is no language in the Administrative Code that indicates members serve at the pleasure of their appointing authority.*

- Language establishing attendance requirements

*There is no language in the Administrative Code that establishes attendance requirements for members. However, the RBOC Bylaws state that "if a Committee member has misses three (3) consecutive duly called meetings of the Committee without informing the Chair as to the reason or cause of the absence, such Committee member shall be presumed to have vacated their position on the Committee. Thereupon the Chair shall place on the next succeeding agenda for the Committee's consideration an item to permit such member to appear and explain his or her absence from Committee meetings. Prior to such meeting, the Chair shall cause to be provided no later than 5 days prior to such meeting notice to the absent Committee member requesting their attendance at such meeting. If such member shall not attend the next succeeding meeting then and in such case the presumption shall become conclusive and such member shall be deemed to have vacated their position on the Committee. Thereafter the Chair shall promptly notify the appointing authority of the presumed vacancy and request that such vacancy be filled at the earliest possible date."*

- Number of seats and qualifications

*There are a total of seven seats: two appointed by the Board of Supervisors, two appointed by the Mayor, one appointed by the Controller, and one member appointed by the governing body of the Bay Area Water Users Association.*

*The members appointed by the Board of Supervisors and the Mayor must individually, or collectively, have expertise, skills and experience in economics, the environment, construction, and project management. The member appointed by the Controller must have a background and experience in auditing, and project finance.*

*No current officer or employee of the City shall be appointed to the Committee. No vendor, contractor, or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the Committee.*



- Term limits (i.e., commencement date? staggered terms?)

*Each member shall serve for a term of four years, and for no more than two consecutive terms.*

- Administering department

*The Board of Supervisors provides the Committee with clerical, technical, and administrative assistance to publicize the conclusions and recommendations of the Committee.*

- Reporting requirements

*Section 5A.22 requires the Committee to issue regular reports (at least once a year) of its activities.*

- Sunset date

*Section 5A.36 indicates the Committee shall expire on January 1, 2016. If the Ordinance is passed, the Committee shall be extended for an additional three years (January 1, 2019).*



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):**

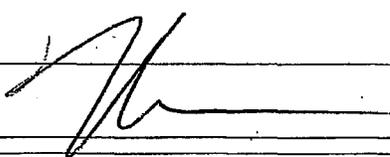
Supervisor Mark E. Farrell

**Subject:**

Administrative Code - Extension of Sunset Date of the Public Utilities Revenue Bond Oversight Committee to January 1, 2019

**The text is listed below or attached:**

Attached.

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**

