1	[Administrative Code - Prohibition on Leasing for the Extraction of Fossil Fuels]
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3	Ordinance amending the Administrative Code to prohibit the City from entering into or
4	extending leases for the extraction of fossil fuel from City-owned land.
5	NOTE: Unchanged Code text and uncodified text are in plain Arial font.
6	Additions to Codes are in <i>single-underline italics Times New Roman font</i> . Deletions to Codes are in <i>strikethrough italics Times New Roman font</i> .
7	Board amendment additions are in <u>double-underlined Arial font</u> . Board amendment deletions are in strikethrough Arial font.
8	Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.
9	Be it ordained by the People of the City and County of San Francisco:
10	Section 1. The Administrative Code is hereby amended by adding Section 23.42, to
11	read as follows:
12	SEC. 23.42. PROHIBITION ON LEASING OF CITY-OWNED LAND FOR THE
13	EXTRACTION OF FOSSIL FUELS.
14	(a) Title. This Section 23.42 may be cited as the "San Francisco Keep It in the Ground
15	Ordinance."
16	(b) Findings.
17	(1) The 2014 Fifth Assessment Report of the Intergovernmental Panel on Climate
18	Change, a group of independent scientific experts from 195 countries under the auspices of the United
19	Nations, states:
20	(A) "Warming of the climate system is unequivocal, and since the 1950s, many
21	of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have
22	warmed, the amounts of snow and ice have diminished, and sea level has risen The period from
23	1983 to 2012 was very likely the warmest 30-year period of the last 800 years in the Northern
24	Hemisphere, where such assessment is possible (high confidence) and likely the warmest 30-year
25	period of the last 1400 years.

1	(B) "Human influence on the climate system is clear, and recent anthropogenic
2	emissions of green-house gases are the highest in history. Recent climate changes have had widespread
3	impacts on human and natural systems.
4	(C) "Without additional mitigation efforts beyond those in place today, and even
5	with adaptation, warming by the end of the 21st century will lead to high to very high risk of severe,
6	wide-spread and irreversible impacts globally (high confidence)."
7	(2) The World Meteorological Organization announced that 2015 is likely to be the
8	warmest year on record and that the years 2011-2015 have been the warmest five-year period on
9	<u>record.</u>
10	(3) The San Francisco Bay Conservation and Development Commission's 2011 report,
11	"Living with a Rising Bay," found that a 55-inch sea level rise by the end of the century would cause
12	substantial impacts to San Francisco and California, including: putting \$62 billion of Bay Area
13	shoreline development at risk, increasing the number of people at risk of flooding in the Bay Area to
14	270,000; and requiring at least \$14 billion worth of static structures to protect California's shorelines.
15	(4) At the 2015 United Nations Climate Change Conference (COP 21), 196 parties
16	including the United States, negotiated the Paris Agreement that reaffirms the goal of limiting global
17	temperature increase well below 2 degrees Celsius while urging efforts to limit the increase to 1.5
18	<u>degrees.</u>
19	(5) Climate scientists have published several studies of the world's remaining "carbon
20	budget," which is the maximum amount of future carbon that can be emitted into the atmosphere to
21	provide a certain probability of limiting global temperature increase to 2 degrees Celsius, including:
22	(A) The International Energy Association's "World Energy Outlook 2012"
23	estimates that "no more than one-third of proven reserves of fossil fuels can be consumed prior to 2050
24	if the world is to achieve the 2 degrees Celsius goal."
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1	(B) The Carbon Tracker Initiative's 2014 report, "Unburnable Carbon,"
2	estimated that "to reduce the chance of exceeding 2 degrees Celsius warming to 20%," the remaining
3	global carbon budget from 2011 to 2050 was 565 gigatons of carbon out of the 2,795 gigatons of
4	currently known fossil fuel reserves.
5	(6) Senator Jeff Merkley and Congressman Jared Huffman have introduced the "Keep it
6	in the Ground Act" to permanently prohibit new leases for the extraction of fossil fuels on all federal
7	public lands and in federal waters.
8	(7) Prohibiting fossil fuel leases on all City-owned property is consistent with Chapter 9
9	of the Environment Code, "Greenhouse Gas Emissions Targets and Departmental Action Plans,"
10	which states the intent of the Mayor and the Board of Supervisors to protect the health and welfare in
11	a manner that complements state and federal efforts to improve air quality by exercising a leadership
12	role in mandating local actions to reduce global warming. S.F. Environment Code, sec. 900(f).
13	(c) Prohibition. The City shall not enter into any Lease, or extend any existing Lease, that
14	provides for or allows the extraction of fossil fuel from City-owned land. For purposes of this Section
15	23.42, "fossil fuel" shall mean coal, petroleum, kerosene, oil, tar sands, oil shale, gas, and other
16	petroleum or hydrocarbon products that emit carbon monoxide as a byproduct of combustion.
17	(d) Prospective Effect. The prohibition in this Section 23.42 is intended to have prospective
18	effect only, and shall not be interpreted to impair the obligations of any existing Lease entered into by
19	the City before the effective date of this Section, or any reserved rights held by the State of California
20	or other person or entity in a deed or other instrument.
21	(e) Exclusive Jurisdiction Departments. This Section 23.42 shall not apply to any department
22	of the City that has exclusive jurisdiction over its real property to the extent application to that
23	department would violate the Charter or interfere with the department's ability to carry out its core
24	functions under the Charter. The Board of Supervisors urges departments of the City that have
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1	exclusive jurisdiction over real property to adopt policies consistent with the prohibition set forth in
2	this Section.
3	(f) No Cause of Action Against the City. In no event shall any person or entity have the right to
4	bring an action against the City based on any alleged violation or failure to enforce the requirements of
5	this Section 23.42.
6	Section 2. Effective Date. This ordinance shall become effective 30 days after
7	enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9	of Supervisors overrides the Mayor's veto of the ordinance.
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12	DENNIS J. HERRERA, City Attorney
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14	By: Elizabeth A. Dietrich Deputy City Attorney
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