

1 [Board Response - Civil Grand Jury Report - A Fluid Concern: San Francisco Must Improve
2 Fuel Resilience]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2020-2021 Civil Grand Jury Report, entitled “A**
5 **Fluid Concern: San Francisco Must Improve Fuel Resilience;” and urging the Mayor to**
6 **cause the implementation of accepted findings and recommendations through her**
7 **department heads and through the development of the annual budget.**

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9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
19 Supervisors must conduct a public hearing by a committee to consider a final report of the
20 findings and recommendations submitted, and notify the current foreperson and immediate
21 past foreperson of the civil grand jury when such hearing is scheduled; and

22 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
23 the Controller must report to the Board of Supervisors on the implementation of
24 recommendations that pertain to fiscal matters that were considered at a public hearing held
25 by a Board of Supervisors Committee; and

1 WHEREAS, The 2020-2021 Civil Grand Jury Report, entitled “A Fluid Concern: San
2 Francisco Must Improve Fuel Resilience” (“Report”) is on file with the Clerk of the Board of
3 Supervisors in File No. 210704, which is hereby declared to be a part of this Resolution as if
4 set forth fully herein; and

5 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
6 to Finding Nos. F3, F4, F18, and F19, as well as Recommendation Nos. R9, R17, and R18
7 contained in the subject Report; and

8 WHEREAS, Finding No. F3 states: “The City’s lack of agency sponsorship and
9 dedicated staffing and budgeting for fuel resilience efforts weakens its ability to ensure fuel
10 resilience in an emergency;” and

11 WHEREAS, Finding No. F4 states: “The cessation of fuel resilience progress during
12 COVID indicates that the City is not prioritizing fuel resilience comparably to other aspects of
13 lifeline resilience;” and

14 WHEREAS, Finding No. F18 states: “The lack of fuel resilience-related line items in
15 the 2019 and 2021 Capital Plans indicates that the City is not prioritizing fuel resilience
16 comparably to other aspects of lifelines resilience;” and

17 WHEREAS, Finding No. F19 states: “Progress on fuel resilience has been impeded by
18 the lack of a dedicated, reliable funding source;” and

19 WHEREAS, Recommendation No. R9 states: “In the 2023 Capital Plan, the City should
20 commit to building an additional fueling station with five-ten thousand gallon storage capacity
21 for both gasoline and diesel fuels in the space to be freed up at the Southeast Treatment
22 Plant when the digester replacement work is done, or to identify an alternate site for an
23 additional fueling station if the Southeast plant is not available;” and

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25

1 WHEREAS, Recommendation No. R17 states: “In the 2023 Capital Plan, the City
2 should commit to funding capital projects that are identified in the Fuel Plan as a high priority
3 to improve fuel resilience in the City over the subsequent ten years;” and

4 WHEREAS, Recommendation No. R18 states: “In the 2023 Capital Plan, the City
5 should specify how it will provide at least \$10 million in dedicated funding for fuel resilience
6 capital projects within the next ten years using general obligation bond revenue;” and

7 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
8 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
9 Court on Finding Nos. F3, F4, F18, and F19, as well as Recommendation Nos. R9, R17, and
10 R18 contained in the subject Report; now, therefore, be it

11 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
12 Superior Court that they partially disagree with Finding No. F3 for reason as follows: we agree
13 that the City needs to dedicate more resources for emergency response, including improved
14 fuel resilience, however assigning agency sponsorship and dedicating staff and budget falls
15 outside the Board of Supervisor’s purview; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
17 of the Superior Court that they partially disagree with Finding No. F4 for reason as follows: the
18 COVID pandemic has only highlighted the need for San Francisco to better plan and prioritize
19 all aspects of lifeline resilience, including a plan to improve fuel resilience by decreasing the
20 City’s dependency on fossil fuels, however determining the workscope of City agencies falls
21 outside the Board’s purview; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
23 of the Superior Court that they partially disagree with Finding No. F18 for reason as follows:
24 while inclusion on the City’s Capital Plans can be an indicator of the City’s priorities for
25 infrastructure development, improved fuel resilience can also be achieved by reducing the

1 City's dependency on fossil fuels, efforts which would not be included in Capital Plans; and,
2 be it

3 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
4 of the Superior Court that they agree with Finding No. F19 for reason as follows: without a
5 dedicated investment of resources, including both staffing and funding, limited progress can
6 be made; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
8 No. R9 requires further analysis by the City Administrator's Office, the San Francisco Public
9 Utilities Commission, and the Fuel Working Group for alternative sites as the Southeast
10 Treatment Plant is not an appropriate location given the community's long fought efforts for
11 environmental justice to remove toxins and pollutants from District 10 and any alternate sites
12 should consider cumulative environmental impacts on vulnerable and impacted communities,
13 which should be considered concurrently with the City Administrator's planned analysis; and,
14 be it

15 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
16 No. R17 will not be implemented as it is not within the purview of the Board of Supervisors
17 due to our agency's lack of direct jurisdiction over projects within the City's Capital Plan; and,
18 be it

19 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
20 No. will not be implemented as it is not within the purview of the Board of Supervisors due to
21 our agency's lack of direct jurisdiction over funding mechanisms for projects within the City's
22 Capital Plan; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
24 implementation of the accepted findings and recommendations through her department heads
25 and through the development of the annual budget.