



City and County of San Francisco
Meeting Minutes - Final
Budget and Finance Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Hillary Ronen, Ahsha Safai, Gordon Mar

Clerk: Brent Jalipa (415) 554-7712

Wednesday, April 27, 2022

10:00 AM

Rescheduled Meeting

IN-PERSON MEETING
City Hall, Legislative Chamber, Room 250

(remote access provided)
(remote public comment provided via teleconference)

President Shamann Walton appointed Supervisor Myrna Melgar, in place of Supervisor Gordon Mar, to the Budget and Finance Committee for the rescheduled meeting of April 27, 2022.

Present: 3 - Hillary Ronen, Ahsha Safai, and Myrna Melgar

Excused: 1 - Gordon Mar

The Budget and Finance Committee met in a rescheduled session, in-person with remote access and public comment via telephone, on Wednesday, April 27, 2022, with Chair Hillary Ronen presiding. Chair Ronen called the meeting to order at 10:10 a.m.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: brent.jalipa@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Budget and Finance Committee Meetings begin at 10:30 a.m. every Wednesday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Budget and Finance Committee Clerk at (415) 554-7712 or brent.jalipa@sfgov.org.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Ronen, and Member Melgar were noted present. Vice Chair Safai and Member Mar was noted not present. A quorum of the Committee was present.

COMMUNICATIONS

*Brent Jalipa, Budget and Finance Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to one minute in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (brent.jalipa@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

AGENDA CHANGES

There were no agenda changes.

Supervisor Mar Excused from Attendance

Chair Ronen moved to excuse Supervisor Mar from attending the Budget and Finance Committee meeting on April 27, 2022. The motion carried by the following vote:

Ayes: 2 - Ronen, Melgar

Excused: 1 - Mar

Absent: 1 - Safai

REGULAR AGENDA

Vice Chair Safai was noted present at 10:19 a.m.

220238 [Real Property Lease - Christ Church Lutheran - Behavioral Science Unit Programming - 1090 Quintara Street - \$45,000 Annual Base Rent]

Resolution approving and authorizing the Director of Property, on behalf of the Police Department, to enter into a Lease for 2,242 square feet of meeting space at 1090 Quintara Street, with Christ Church Lutheran, for Behavioral Science Unit programming, for an initial three year term commencing on May 1, 2022, through April 30, 2025, at a base rent of \$45,000 with 3% annual adjustments and 20% of utilities upon Landlord invoice; approving and authorizing two three-year options upon the City's request; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of entering into the Lease and this Resolution, as defined herein; adopting California Environmental Quality Act findings; and making findings that the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Real Estate Department)

03/07/22; RECEIVED FROM DEPARTMENT.

03/15/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

04/20/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Andrico Penick, Director (Real Estate Division); Kevin Falzone (Police Department); provided an overview and responded to questions raised throughout the discussion.

04/20/22; CONTINUED AS AMENDED.

Heard in Committee. Speaker: Andrico Penick, Director (Real Estate Division); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220345 [Purchase of Real Property - 685 Ellis, LLC - 681-687 Ellis Street - Apply to Homekey Grant Program - California Department of Housing and Community Development - \$19,940,000]

Sponsors: Mayor; Haney, Ronen and Safai

Resolution 1) approving and authorizing the Director of Property, on behalf of the Department of Homelessness and Supportive Housing (HSH), to acquire certain property located at 681-687 Ellis Street ("Property") for \$19,900,000 plus an estimated \$40,000 for typical closing costs, for a total anticipated amount of \$19,940,000; 2) approving and authorizing HSH, on behalf of the City, to apply to the California Department of Housing and Community Development for its Homekey Grant Program to purchase the Property; 3) approving and authorizing an Agreement of Purchase and Sale for Real Estate for the acquisition of the Property from 685 Ellis, LLC ("Purchase Agreement"); 4) authorizing the Director of Property to execute the Purchase Agreement, make certain modifications, and take certain actions in furtherance of this Resolution and the Purchase Agreement, as defined herein; 5) affirming the Planning Department's determination under the California Environmental Quality Act; and 6) adopting the Planning Department's findings that the Purchase Agreement, and the transaction contemplated therein, is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Real Estate Department)
(Fiscal Impact)

04/05/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Emily Cohen (Department of Homelessness and Supportive Housing); Nicolas Menard (Office of the Budget and Legislative Analyst); Dan Adams (Mayor's Office); provided an overview and responded to questions raised throughout the discussion. Eliana Binder (GLIDE); spoke in support of the hearing matter.

Supervisors Ronen and Safai requested to be added as co-sponsors.

Chair Ronen moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

Chair Ronen requested File Nos. 220204, 220206, and 220267 be called together.

220204 [Accept and Expend Grant - Retroactive - United States Department of Justice - Office of Community Oriented Policing Services - FY2021 Community Policing Development Microgrant Program - \$125,000]

Sponsor: Mayor

Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$125,000 from the United States Department of Justice, Office of Community Oriented Policing Services for the Fiscal Year (FY) 2021 Community Policing Development Microgrant Program to support our Community Trust and Legitimacy Project for the project period of September 1, 2021, through August 31, 2022, and waiving indirect costs. (Police Department)

03/01/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speaker: Patrick Leung (Police Department); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220206 [Accept and Expend Grant - Retroactive - United States Department of Justice - Bureau of Justice Assistance - Fiscal Year 2021 Patrick Leahy Bulletproof Vest Partnership - \$123,664.99]

Sponsor: Mayor

Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$123,664.99 from the United States Department of Justice, Bureau of Justice Assistance, under the Fiscal Year 2021 Patrick Leahy Bulletproof Vest Partnership to fund purchases of vests for law enforcement officers in the Police Department, Sheriff's Department, Adult Probation Department, and Juvenile Probation Department purchased after April 1, 2021, through August 31, 2023. (Police Department)

03/01/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speaker: Patrick Leung (Police Department); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220267 [Accept and Expend In-Kind Gift - Retroactive - Naloxone Distribution Project - Naloxone - Valued at \$66,600]

Sponsors: Mayor; Mandelman

Resolution retroactively authorizing the Police Department to accept and expend an in-kind gift of 900 units of Naloxone valued at \$66,600 through the Naloxone Distribution Project, which is funded by the Substance Abuse and Mental Health Services Administration and administered by the Department of Health Care Services. (Police Department)

03/15/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speaker: Patrick Leung (Police Department); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220316 [Grant Agreement - San Francisco In-Home Supportive Services Public Authority (SF IHSS PA) - Independent Provider (IP) Mode In-Home Supportive Services - Not to Exceed \$434,709,670]

Sponsors: Safai and Ronen

Resolution approving the grant between the City and County of San Francisco and San Francisco In-Home Supportive Services Public Authority for the provision of administration, health, and dental benefits to In-Home Supportive Services Independent Providers for the period of July 1, 2022, through June 30, 2026, in the amount not to exceed \$434,709,670. (Human Services Agency)
(Fiscal Impact)

03/15/22; RECEIVED FROM DEPARTMENT.

04/05/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Jill Nielsen (Department of Disability and Aging Services); Nicolas Menard (Office of the Budget and Legislative Analyst); Eileen Norman, Executive Director (San Francisco In-Home Supportive Services Public Authority); provided an overview and responded to questions raised throughout the discussion.

Supervisor Safai requested to assume primary sponsorship.

Supervisor Ronen requested to be added as a co-sponsor.

Vice Chair Safai moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

Chair Ronen requested File Nos. 220059, 220060, and 220061 be called together.

220059 [Grant Amendments - Retroactive - Young Community Developers - Black to the Future - Not to Exceed \$14,609,193]

Resolution retroactively approving the first amendment and approving a second amendment for Contract No. 1000014465 for the Young Community Developers - Black to the Future Program between the Young Community Developers and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families; retroactively approving Amendment No. 1 to increase the grant agreement amount by \$9,349,100 for a total not to exceed amount of \$11,491,745 and extending the term agreement to June 30, 2023; and approving Amendment No. 2 to increase the grant agreement amount by \$3,117,448 for a total not to exceed amount of \$14,609,193 and extending the term agreement to June 30, 2024, for a total term of July 1, 2019, through June 30, 2024. (Department of Children, Youth & Their Families)
(Fiscal Impact)

01/14/22; RECEIVED FROM DEPARTMENT.

01/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Loren Newquist (Department of Children, Youth and Their Families); Nicolas Menard (Office of the Budget and Legislative Analyst); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be CONTINUED to the Budget and Finance Committee meeting of May 11, 2022. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220060 [Grant Amendment - Japanese Community Youth Council - San Francisco YouthWorks - Not to Exceed \$12,886,719]

Resolution approving the first amendment for Contract No. 1000009983 for the Japanese Community Youth Council - San Francisco YouthWorks Program, between the Japanese Community Youth Council and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families, extending the term by one year from June 30, 2023, for a total term of July 1, 2018, through June 30, 2024, and increasing the grant amount by \$3,536,719 for a total not to exceed amount of \$12,886,719. (Department of Children, Youth & Their Families)
(Fiscal Impact)

01/14/22; RECEIVED FROM DEPARTMENT.

01/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Loren Newquist (Department of Children, Youth and Their Families); Nicolas Menard (Office of the Budget and Legislative Analyst); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be CONTINUED to the Budget and Finance Committee meeting of May 11, 2022. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220061 [Grant Amendment - Japanese Community Youth Council - Opportunities for All Intermediary - Not to Exceed \$10,326,458]

Resolution approving the third amendment for Contract No. 1000014147 for the Japanese Community Youth Council - Opportunities for All Intermediary Program between the Japanese Community Youth Council and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families, to increase the grant agreement amount by \$2,208,458 for a total not to exceed amount of \$10,326,458 with no change to the length of term from July 1, 2019, through June 30, 2024. (Department of Children, Youth & Their Families)
(Fiscal Impact)

01/14/22; RECEIVED FROM DEPARTMENT.

01/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Loren Newquist (Department of Children, Youth and Their Families); Nicolas Menard (Office of the Budget and Legislative Analyst); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be CONTINUED to the Budget and Finance Committee meeting of May 11, 2022. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220062 [Grant Amendments - Retroactive - Instituto Familiar de la Raza, Inc.- Roadmap to Peace - Not to Exceed \$11,600,000]**Sponsor: Ronen**

Resolution retroactively approving the first amendment and second amendment for Contract No. 1000014468 for the Instituto Familiar de la Raza, Inc. - Roadmap to Peace Program, between the Instituto Familiar de la Raza, Inc. and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families; retroactively approving the first amendment to extend the term by three years for a term of July 1, 2019, through June 30, 2023, and increasing the amount by \$8,568,215 for a not to exceed amount of \$10,725,980; and approving the second amendment to extend the term by one year for a total term of July 1, 2019, through June 30, 2024, and increasing the amount by \$1,985,707 for a total not to exceed amount of \$12,711,687.

(Department of Children, Youth & Their Families)

(Fiscal Impact)

01/14/22; RECEIVED FROM DEPARTMENT.

01/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Loren Newquist (Department of Children, Youth and Their Families); Nicolas Menard (Office of the Budget and Legislative Analyst); provided an overview and responded to questions raised throughout the discussion.

Supervisor Ronen requested to assume primary sponsorship.

Chair Ronen moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by reducing the total not to exceed amount from '\$12,711,687' to '\$11,600,000' throughout the legislation. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

Resolution retroactively approving the first amendment and second amendment for Contract No. 1000014468 for the Instituto Familiar de la Raza, Inc.- Roadmap to Peace Program between the Instituto Familiar de la Raza, Inc. and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families; retroactively approving the first amendment to extend the term by three years for a term of July 1, 2019, through June 30, 2023, and increasing the amount by \$8,568,215 for a not to exceed amount of \$10,725,980; and approving the second amendment to extend the term by one year for a total term of July 1, 2019, through June 30, 2024, and increasing the amount by \$874,070 for a total not to exceed amount of \$11,600,000. (Department of Children, Youth & Their Families)

(Fiscal Impact)

Chair Ronen moved that this Resolution be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220269 [Accept and Expend Grant - Retroactive - National Institutes of Health - Heluna Health - Pre-Exposure Prophylaxis (PrEP)-3D: An Integrated Pharmacy Digital Diary and Delivery Strategy to Increase PrEP Use Among Men Who Have Sex With Men - \$334,576]

Sponsors: Mayor; Mandelman

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant increase from the National Institutes of Health through Heluna Health for participation in a program, entitled "Pre-Exposure Prophylaxis (PrEP)-3D: An Integrated Pharmacy Digital Diary and Delivery Strategy to Increase Pre-Exposure Prophylaxis (PrEP) Use Among Men Who Have Sex With Men (MSM)," in the amount of \$95,985 for the period of April 1, 2020, through March 31, 2021, and in the amount of \$166,602 for the period of April 1, 2021, through March 31, 2022, for a total amount of \$334,576 for the total grant period of April 8, 2019, through March 31, 2022. (Public Health Department)

03/15/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speaker: Susan Buchbinder (Department of Public Health); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

220199 [Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment]**Sponsors: Melgar; Chan, Mar, Stefani, Haney, Ronen and Safai**

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using, or contracting for the use of, gas-powered landscaping equipment to perform a City function starting January 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment ("Department") the unavailability of needed technology to replace such equipment; 2) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, and penalize property owners and business owners and managers that violate that prohibition; 3) establish a buy-back program to assist owners of such equipment in transitioning away from its use; 4) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the buy-back program; 5) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the buy-back program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department's public education campaign; and 6) designate the Department to administer and enforce the Ordinance.

(Fiscal Impact)

03/01/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/31/2022.

03/07/22; REFERRED TO DEPARTMENT. Referred to all City Departments for informational purposes.

03/17/22; TRANSFERRED to Budget and Finance Committee. President Walton transferred this matter from the Rules Committee to the Budget and Finance Committee.

Heard in Committee. Speakers: Tyrone Jue, Acting Director, and Jen Jackson (Department of the Environment); Nicolas Menard (Office of the Budget and Legislative Analyst); Ashley Groffenberger, Budget Director (Mayor's Office of Public Policy and Finance); Eric Andersen (Recreation and Park Department); provided an overview and responded to questions raised throughout the discussion. Eva, Maia Piccagli, and Friday (Mothers Out Front); Jessica; Paul Wermer; spoke in support of the hearing matter. Richard Harris (San Francisco Public Golf Alliance); Marc Connerly (Golf Course Superintendents Association); spoke in opposition of the hearing matter. David Pilpel shared various concerns regarding the hearing matter.

Supervisors Ronen and Safai requested to be added as co-sponsors.

Member Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 3, through Page 2, Line 3, to read 'Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using gas-powered landscaping equipment to perform a City function starting January 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment ("Department") the unavailability of needed technology to replace such equipment; 2) prohibit the City from contracting for the use of gas-powered landscaping equipment to perform a City function starting January 1, 2024, with waivers for City departments that document to the satisfaction of the Purchaser the necessity of such waiver; 3) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, except such equipment for which the Department determines replacement technology is unavailable, and penalize property owners and business owners and managers that violate that prohibition; 4) establish a buy-back and/or incentive program ("Buy-Back Program") to assist owners of such equipment in transitioning away from its use; 5) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the buy-back programBuy-Back Program; 6) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the buy-back programBuy-Back Program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department's public education campaign; and 7) designate the Department to administer and enforce the ordinance; and 8) require the Department to report to the Board of Supervisors by March 31 of each year on progress over the prior calendar year in enforcing the restrictions on gas-powered landscaping equipment, conducting the public education campaign, administering the Buy-Back Program, and using the monies in the fund.;

on Page 4, Line 23, by replacing '12E.3' with '12E.4'; on Page 6, Lines 6-7, by adding "'Contracting Officer" shall mean the department head or designee of the department head.;

on Page 6, Lines 20-22, by striking 'or enter into a Contract the performance of which may involve the use of Gas-Powered Landscaping Equipment and that does not prohibit the use of Gas-Powered Landscaping Equipment'; on Page 6, Line 23, through Page 8, Line 11, to read '(b) Waivers. The Director shall grant a temporary waiver of the requirements of Section 12E.2(a) to a City department with respect to Gas-Powered Landscaping Equipment that the Director finds is needed to perform one or more required functions of the department and for which the Director determines that Replacement Technology is unavailable. The Director shall waive the prohibition in Section 12E.2(a) solely with respect to those specific, identified departmental functions for which the department documents to the Director's satisfaction that Replacement Technology is unavailable. Replacement Technology shall be deemed to be "unavailable" for purposes of this waiver, and for purposes of any renewal of the waiver under Section 12E.2(c), if Replacement Technology does not exist, or if a department is unable to purchase Replacement Technology for an amount less than or equal to 300% of the cost of the equivalent Gas-Powered Landscaping Equipment, taking into account up-front costs, including electrical infrastructure supporting Replacement Technology, and operating costs over a one-year period for the Gas-Powered Landscaping Equipment and equivalent Replacement Technology. Inclusion of Gas-Powered Landscaping Equipment on the Exempt Gas-Powered Landscaping Equipment List, described in Section 2103 of the Police Code, shall constitute a determination by the Director that Replacement Technology is unavailable with respect to the listed equipment. (c) Waiver renewals. A temporary waiver granted under Section 12E.2(b) shall expire on March 31 of the calendar year following the grant or renewal of the waiver. The Director shall renew a department's waiver under Section 12E.2(b) to extend past that March 31 to the next March 31 if the Director determines that the Gas-Powered Landscaping Equipment that is the subject of the waiver remains necessary to perform one or more required functions of the department and determines that Replacement Technology for such equipment remains unavailable.;

on Page 8, Line 15, through Page 10, Line 24, by adding 'SEC. 12E.3. BAN ON USE OF GAS-POWERED LANDSCAPING EQUIPMENT IN CITY CONTRACTS; WAIVERS. (a) Starting January 1, 2024, no City department may enter into a Contract, the performance of which could involve the use of Gas-Powered Landscaping Equipment, that does not prohibit the use of Gas-Powered Landscaping Equipment. (b)

Waivers. The Purchaser, in consultation with the Director, shall waive the prohibition in Section 12E.3(a) under one or more of the following circumstances: (1) The Contracting Officer determines that needed services under the applicable Contract are available only from one source pursuant to applicable provisions of the Administrative Code, and the source lacks the capability to perform the needed services without the use of Gas-Powered Landscaping Equipment; or (2) The Contracting Officer determines, pursuant to applicable provisions of the Administrative Code, that the Contract is necessary to respond to an emergency which endangers the public health or safety, and no entity is capable of responding to the emergency and is immediately available to perform the required services while complying with the prohibition in Section 12E.3(a); or (3) The Contracting Officer determines that there are no qualified responsive bidders or prospective vendors that are capable of complying and willing to comply with the prohibition in Section 12E.3(a); and the Contract is for a service or project that is essential to the City or the public; or (4) The Contracting Officer determines that the public interest warrants the granting of a waiver because application of the prohibition in Section 12E.3(a) would have an adverse impact on the provision of City services to the public or a substantial adverse financial impact on the City; or (5) The Contracting Officer determines that the services to be purchased are available under a bulk purchasing arrangement with a federal, state, or local governmental entity or a group purchasing organization; and the purchase under such arrangement will substantially reduce the City's cost of purchasing such services, and is in the best interest of the City; or (6) The Contracting Officer determines that adhering to the prohibition in Section 12E.3(a) would violate or be inconsistent with the terms or conditions of a grant, subvention, or agreement with a public agency or the instructions of an authorized representative of any such agency with respect to any such grant, subvention, or agreement, provided that the Contracting Officer has made a good faith attempt to change the terms or conditions of any such grant, subvention, or agreement to permit adherence to the prohibition; or (7) The Contracting Officer determines that Gas-Powered Landscaping Equipment is needed to perform one or more required contractual objectives, and the Director has determined that Replacement Technology is unavailable for that Gas-Powered Landscaping Equipment. Replacement Technology shall be deemed to be "unavailable" for purposes of this waiver if Replacement Technology does not exist, or if the party with the obligation to provide relevant equipment under the Contract is unable to purchase Replacement Technology for an amount less than or equal to 300% of the cost of the equivalent Gas-Powered Landscaping Equipment, taking into account up-front costs, including electrical infrastructure supporting Replacement Technology, and operating costs over a one-year period for the Gas-Powered Landscaping Equipment and equivalent Replacement Technology. Inclusion of Gas-Powered Landscaping Equipment on the Exempt Gas-Powered Landscaping Equipment List, described in Section 2103 of the Police Code, shall constitute a determination by the Director that Replacement Technology is unavailable with respect to the listed equipment. (c) Waivers granted to departments under Section 12E.3(b) for Contracts shall expire on the end date of the Contract. (d) The waiver authority granted to Contracting Officers in Section 12E.3(b) shall be subject to the following requirements: (1) All proposed waivers must be submitted for approval to the Purchaser. All proposed waivers must set forth the reasons the Contracting Officer is requesting the waiver, and the steps that were taken to find any entity that complies with this Chapter 12E. (2) The Purchaser shall report to the Director annually all such waivers granted, within 30 days of the end of the fiscal year. (e) In the event of any conflict between this Chapter 12E and Section 4.14 of the Administrative Code, this Chapter 12E shall govern.'; on Page 11, Line 5, by replacing '2106' with '2108'; Page 11, Line 12, by adding "'Department' means the Department of the Environment.'; on Page 11, Lines 15-19, to read "'Gas-Powered Landscaping Equipment' means any Small Off-Road Equipment that is powered by an internal combustion or rotary engine using gasoline, alcohol, or other liquid or gaseous fluid.'; on Page 11, Line 23, through Page 12, Line 4, to read "'Replacement Technology' means landscaping equipment that is not Gas-Powered Landscaping Equipment, and that performs the core function(s) performed by equivalent Gas-Powered Landscaping Equipment is capable of performing. 'Small Off-Road Equipment' has the meaning set forth in Title 13, Division 3, Chapter 9, Article 1 of the California Code of Regulations, as may be amended from time to

time.'; on Page 12, Line 15, through Page 13, Line 5, by adding 'SEC. 2103. EXEMPT GAS-POWERED LANDSCAPING EQUIPMENT LIST. (a) The Department shall compile a list of Gas-Powered Landscaping Equipment for which Replacement Technology is unavailable. This list shall be called the Exempt Gas-Powered Landscaping Equipment List. Replacement Technology shall be deemed to be "unavailable" for purposes of this list if Replacement Technology does not exist, or if the Replacement Technology cannot be purchased for an amount less than or equal to 300% of the cost of the equivalent Gas-Powered Landscaping Equipment, taking into account up-front costs, including electrical infrastructure supporting Replacement Technology, and operating costs over a one-year period for the Gas-Powered Landscaping Equipment and equivalent Replacement Technology. As appropriate, the Department may specify on the list limited circumstances in which Replacement Technology for particular Gas-Powered Landscaping Equipment is unavailable, such that Gas-Powered Landscaping Equipment may be used. The Department shall review the list at least annually and make any necessary changes. (b) Notwithstanding Section 2102, Gas-Powered Landscaping Equipment included on the Exempt Gas-Powered Landscaping Equipment List may be used subject to any limitations stated on that list so long as the equipment remains on the list.'; on Page 14, Line 16-24, by adding 'SEC. 2107. REPORT TO THE BOARD OF SUPERVISORS. The Director shall provide a written report to the Board of Supervisors no later than March 31 of each year in which the Director describes the progress over the prior calendar year on implementation of this Article 21, including enforcement efforts and the public education campaign, on implementation of the restrictions on City use of Gas-Powered Landscaping Equipment in Chapter 12E of the Administrative Code, on administration of the Buy-Back Program as described in Section 10.100-74(c)(2) of the Administrative Code, and on all uses of the funds in the Healthier, Cleaner, Quieter Communities Fund under Section 10.100-74 of the Administrative Code.'; Page 16, Line 1, to read '(2) To fund a "buy-back" and/or incentive program ("Buy-Back Program")'; on Page 16, Line 17, to replace '2105' with '2106'; and to make other clarifying and conforming amendments. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using gas-powered landscaping equipment to perform a City function starting January 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment ("Department") the unavailability of needed technology to replace such equipment; 2) prohibit the City from contracting for the use of gas-powered landscaping equipment to perform a City function starting January 1, 2024, with waivers for City departments that document to the satisfaction of the Purchaser the necessity of such waiver; 3) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, except such equipment for which the Department determines replacement technology is unavailable, and penalize property owners and business owners and managers that violate that prohibition; 4) establish a buy-back and/or incentive program ("Buy-Back Program") to assist owners of such equipment in transitioning away from its use; 5) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the Buy-Back Program; 6) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the Buy-Back Program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department's public education campaign; 7) designate the Department to administer and enforce the ordinance; and 8) require the Department to report to the Board of Supervisors by March 31 of each year on progress over the prior calendar year in enforcing the restrictions on gas-powered landscaping equipment, conducting the public education campaign, administering the Buy-Back Program, and using the monies in the fund. (Fiscal Impact)

Member Melgar moved that this Ordinance be CONTINUED AS AMENDED, to the Budget and Finance Committee meeting of May 4, 2022. The motion carried by the following vote:

Ayes: 3 - Ronen, Safai, Melgar

Excused: 1 - Mar

ADJOURNMENT

There being no further business, the Budget and Finance Committee adjourned at the hour of 12:22 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Budget and Finance Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.