











*By unanimous consent, the Committee moved to CONTINUE the item to the January 12, 2015, RBOC meeting, by the following vote:*

*Ayes: 6 - Cheng, Godwin, Kaufman, Pelosi, Sandler, Tang*

5. **San Francisco Public Utilities Commission (SFPUC) Staff Report: Sewer System Improvement Program (SSIP) Quarterly Highlights**

*Derek Evans (Clerk of the Board of Supervisor's Office); informed the Committee of a scheduling change that occurred after the agenda had been published and that the item would be presented at the February 9, 2015, RBOC meeting.*

*Public Comment: Heard in Committee. Speakers: None.*

6. **Strategic Planning for RBOC 2015**

*Committee members continued discussion of an updated draft agenda (attached) for a facilitated strategic planning meeting to be held in January 2015, the RBOC sunset date, and the legislative history of the RBOC to be incorporated into a presentation by Mark Blake at the RBOC strategic planning meeting.*

*Member Kaufman presented results of her outreach and work toward securing a potential facilitator, and further tallied Committee members' preference for potential facilitators.*

*Member Cheng reminded the Committee that the decision is at the Chair's discretion and delegated the authority of selection to Member Kaufman.*

*Member Pelosi will be providing the Committee with an updated draft agenda.*

*Mike Brown (SFPUC); presented information concerning the matter and responded to questions raised throughout the discussion.*

*Public Comment: Heard in Committee. Speaker: Robert Leshner; provided additional background of his interest in the subject area and expressed concern for the need for transparency with all Committee actions.*

7. **Approval of RBOC November 17, 2014, Minutes**

*Derek Evans (Clerk of the Board of Supervisor's Office); informed the Committee of a technical amendment, which was included in the agenda packet, and requested the item be approved as amended.*

*Public Comment: Heard in Committee. Speakers: None.*

*Member Sandler, seconded by Member Pelosi, moved to APPROVE AS AMENDED the November 17, 2014, RBOC Minutes, by the following vote:*

*Ayes: 6 - Cheng, Godwin, Kaufman, Pelosi, Sandler, Tang*

8. **Announcements, Comments, Questions, and Future Agenda Items**

*Member Godwin suggested the Committee, for its requests for proposals, maintain a list of approved auditors and revisit the idea at a future meeting. Member Cheng provided an overview of staffing and managerial work, as well as the level of administrative and investigative budget, needed for the process and whether the Committee should consider hiring staff in the future.*

*Member Godwin informed the Committee that this would be his last meeting, as he will be transitioning into a new role as Senior Analyst at Seattle Public Utilities, and that the Budget and Legislative Analyst's Office would be assigning a new Committee member in January 2015. Committee members congratulated Member Godwin and expressed their gratitude for his service.*

*Public Comment: Heard in Committee. Speaker: Robert Leshner; thanked Member Godwin for his hard work and service on behalf of the public.*

9. **Adjournment**

*There being no further business, the meeting adjourned at 10:47 a.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Public Utilities Revenue Bond Oversight Committee on the matters stated but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Revenue Bond Oversight Committee on \_\_\_\_\_.*

### Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these document, please contact RBOC Committee Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 – (415) 554-5184.

Audio recordings of the meeting of the Revenue Bond Oversight Committee are available at:

[http://sanfrancisco.granicus.com/ViewPublisher.php?view\\_id=97](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=97)

For information concerning San Francisco Public Utilities Commission please contact by e-mail [RBOC@sfgov.org](mailto:RBOC@sfgov.org) or by calling (415) 554-5184.

### Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Committee for up to three minutes on that item. During General Public Comment, members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on the agenda.

### Disability Access

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### Language Access

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請電 (415) 554-7719

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone at (415)554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

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The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics).



SAN FRANCISCO PUBLIC UTILITIES COMMISSION  
REVENUE BOND OVERSIGHT COMMITTEE  
2015 Strategic Planning Meeting

January 26, 2015

535 Golden Gate Avenue, Yosemite Conference Room, 2<sup>nd</sup> Floor  
San Francisco, CA 94102

**AGENDA**

<b>9:00 am</b>	Introductions and Meeting Purpose	Kevin Cheng, Chair Carmen Clark, Facilitator
<b>9:30</b>	Background – Mission Review/Legislative History	Mark Blake City Attorney's Office
<b>10:00</b>	Facilitated discussion on mission and its accomplishment	Carmen Clark
<b>10:45</b>	Break	
<b>11:00</b>	Facilitated discussion re: Governance/Continuity/Improvement of Committee Operations	Carmen Clark
<b>12 Noon</b>	Lunch on site	
<b>1:00 pm</b>	Develop preliminary work plan items for 2015	Carmen Clark
<b>2:45</b>	Wrap up and guidance for session report	
<b>3:00</b>	End of meeting	

## TEXT OF PROPOSED ORDINANCE PROPOSITION P

### **Ordinance establishing a Public Utilities Revenue Bond Oversight Committee, setting forth the authority, duties and responsibilities of the Committee, and establishing qualifications for Committee membership, and related provisions.**

*Note: This entire section is new.*

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

Section 1. The San Francisco Administrative Code Chapter 5, Article 5 is hereby amended by adding Section 5.30 through 5.36, to read as follows:

#### Sec. 5.30. Findings.

The people of the City and County find and declare that:

- (a) The City's 100-year-old water, power and clean water public utility infrastructure is suffering from decades of deferred maintenance. The regional water collection and transmission system, stretching from the Tuolumne River headwaters at Hetch Hetchy to the San Francisco County Line, supplies water to the City as well as to 1.7 million residents and businesses in Alameda, Santa Clara and San Mateo Counties. This system is in need of substantial repair and/or replacement. In the event of system failure, the City and its suburban customers could be without water for up to 30 days, with portions of the service area going without water for as long as 60 days. The water distribution and wastewater treatment systems within the City are in a similar state of deterioration, threatening the health and welfare of City residents, visitors and the business community.
- (b) Over the past 25 years, funds for upgrading the water collection and power generation facilities of Hetch Hetchy have been in short supply. During this same period, the waste water treatment plants have aged to the point where significant capital improvements are necessary in order for the City to remain in compliance with applicable federal and state water quality regulations.
- (c) The San Francisco Public Utilities Commission ("PUC") has never prepared an integrated and coordinated long-term strategic plan consisting of a capital improvement program, a long-range financial plan, an assessment of future utility needs and the evaluation of alternative technologies, private-public partnerships and non-rate payer revenue enhancements. Focusing on short-term planning, the PUC has turned out a series of bond issues, such as Propositions A and B in 1997, which have been promoted to the voters on the basis of broad project gener-

alities. Even within the PUC itself, the list of projects earmarked for specific bond revenues are in a constant state of flux. Projects are frequently delayed and often uncompleted years after funding was approved by the voters.

- (d) Over the past 20 years, the PUC has readily consented to the transfer of "surplus" Hetch Hetchy revenues to the City's general fund. Conservatively, these transfers have cost the PUC more than \$500 million. During this same period of time, the utility infrastructure deteriorated and rates escalated dramatically.
- (e) The PUC estimates that over the next 20 years, the cost of needed capital improvement projects will amount to hundreds of millions of dollars. Although the PUC's capital improvement list undoubtedly contains individual projects that should go forward as soon as practicable, the design, bidding and contract drafting process often takes years to complete. In the absence of long-term strategic planning, individual projects have been frequently delayed and, in some cases, actually abandoned as funding and project priorities unaccountably shifted over time.
- (f) The health and welfare of all of the PUC's customers would be promoted by the creation of a qualified body committed to a persistent, vigorous and independent review of the expenditure of revenue bond funds for the PUC's capital improvement program over the next decade. An ongoing review of this kind would be of material assistance to both the PUC and the Board of Supervisors ("Board") in ensuring that the program is carried out in compliance with all applicable laws.

#### Section 5.31. Establishment and Purpose.

- (a) There is hereby established a Public Utilities Revenue Bond Oversight Committee (the "Committee"), which shall have the responsibility of reporting publicly to the Mayor, the PUC and the Board of Supervisors ("Board") regarding the PUC's (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds) 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.
- (b) The Committee shall provide oversight to ensure that: (1) The proceeds from revenue bonds authorized by the Board and/or the voters of the City are expended in accordance with the authorizing bond resolution and applicable law; (2) Bond proceeds are expended solely for uses, purposes and projects authorized in the bond resolution; and (3) Revenue bond funds are appropriately expended for

authorized capital improvements so that an uninterrupted supply of water and power continues to flow to the City and to the PUC's customers. The Committee may comment to the Board of Supervisors on the development and drafting of proposed legislation pertaining to PUC revenue bonds prior to a Board determination regarding whether to submit a measure for voter approval or authorizing the issuance of revenue bonds, if voter approval is not otherwise required. The Board is not required to accept the Committee's comments or recommendations on such bond proposals. Further, the Committee shall not participate or interfere in the selection process of any vendor hired to execute bond funded projects.

- (c) In furtherance of its purpose, the Committee may engage in any of the following activities:
  - (1) Inquiring into the disbursement and expenditure of the proceeds of PUC revenue bonds authorized and issued in accordance with the San Francisco Charter by receiving any and all reports, financial statements, correspondence or other documents and materials requested by the Committee related to the expenditure of revenue bond funds by the PUC;
  - (2) Holding public hearings to review the disbursement and expenditure of the proceeds of such revenue bonds;
  - (3) Inspecting facilities financed with the proceeds of such revenue bonds;
  - (4) Receiving and reviewing copies of any capital improvement project proposals or plans developed by the PUC related to the City's water, power or wastewater infrastructure and funded by bond proceeds;
  - (5) Reviewing efforts by the City to maximize bond proceeds by implementing cost-saving measures, including, but not limited to, all of the following: (i) mechanisms designed to reduce the costs of professional, consulting and similar fees and expenses related to site preparation and project design; (ii) recommendations regarding the cost-effective and efficient use of core facilities; (iii) developing and using alternate technologies; and, (iv) accessing other sources of infrastructure funding, excluding bond refunding; and,
  - (6) Commissioning independent review and evaluation of the disbursement and expenditure of the proceeds of such revenue bonds by accessing any funds set aside for this purpose under subsection (d) of this section to retain outside auditors, inspectors and necessary experts to

*(Continued on next page)*

## LEGAL TEXT OF PROPOSITION P (CONTINUED)

conduct such independent review.

- (d) To the extent permitted by law, in accordance with Sections 5.35(c) and (d) of this Article, from and after the effective date of this Ordinance one-twentieth of one percent of the gross proceeds from each issuance or sale of public utility revenue bonds shall be deposited in a fund established by the Controller's Office and appropriated by the Board at the direction of the Committee to cover the costs of said Committee.
- (e) The Board shall, without expending revenue bond funds, provide the Committee with appropriate clerical, technical and administrative assistance in furtherance of its purpose and provide sufficient resources to publicize the conclusions and recommendations of the Committee.

Section 5.32. Public Meetings. All Committee proceedings shall be subject to the California Public Records Act (Sections 6250, et seq., of the Government Code of the State of California), the City's Sunshine Ordinance (Chapter 67 of this Code) and the Ralph M. Brown Act (Government Code Sections 54950, et. seq.). The Committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the Committee, and all reports issued by the Committee, shall be a matter of public record and made available on the City's website.

### Section 5.33. Membership.

- (a) The Committee shall consist of seven members to be appointed as follows: two members by the Mayor; two members by the Board; one member by the Controller; and one member by the governing body of the Bay Area Water Users Association. The seventh member shall be the Budget Analyst for the Board or his/her representative.
- (b) At a minimum, the members appointed by the Mayor and the Board shall, individually or collectively, have expertise, skills and experience in economics, the environment, construction and project management. The member appointed by the Controller shall have background and experience in auditing, accounting and project finance.
- (c) Except as expressly authorized herein, no current officer or employee of the City shall be appointed to the Committee. All members of the Committee shall be subject to applicable conflict-of-interest provisions of local and state law. No vendor, contractor or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the Committee.
- (d) Each Committee member will serve for no more than two consecutive terms. Upon their initial appointment, three members

of the Committee shall be assigned by lot an initial term of two years and the remaining four members shall have an initial term of four years. Thereafter, each Committee member shall serve a four-year term.

- (e) Each Committee member, except City employees appointed to serve as part of their official City duties and the Budget Analyst or employees of the Budget Analyst, shall be compensated at a rate of \$100.00 per month during each year of the member's term of office. Such compensation shall be appropriated by the Board without expending revenue bond funds therefor.

### Section 5.34. Illegal Expenditures.

- (a) If, after conducting all appropriate reviews and independent audit of actual expenditures of revenue bond proceeds by the PUC (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds), the Committee, after consultation with the City Attorney, determines that revenue bond proceeds are being or have been expended for purposes not authorized by the authorizing bond resolution or otherwise amount to an illegal expenditure or illegal waste of such revenue bond proceeds within the meaning of applicable law, the Committee may, by majority vote of all its members, prohibit the further issuance or sale of authorized public utility revenue bonds which have yet to be issued or sold.
- (b) A decision by the Committee to prohibit the issuance and sale of authorized but as yet unissued or unsold revenue bonds may be appealed by the PUC to the Board within 30 days of the Committee's decision. By two-thirds vote of all its members, the Board by resolution may overturn the Committee's decision and remand the matter to the Committee for further consideration consistent with the views expressed by the Board in its resolution.
- (c) Alternatively, the Committee's prohibition on the issuance or sale of authorized but unissued or unsold revenue bonds may be vacated by two-thirds vote of all the members of the Board, if the PUC, in response to the report of the Committee, provides evidence of corrective measures satisfactory to the Board.

### Section 5.35. Application.

- (a) All public utilities revenue bond authorizations approved either concurrent with or after the effective date of this Ordinance shall be subject to the provisions set forth herein.
- (b) All bond authorizations introduced at the Board after the effective date of this Ordinance shall contain a statement incorporating the provisions of this Ordinance

in such bond resolution.

- (c) The provisions of this Ordinance shall also apply to all PUC public utility revenue bonds authorized, issued or offered for sale after July 1, 2002.
- (d) Section 5.30 (d) of this Article shall only apply to PUC revenue bonds authorized after the effective date of this Article.

### Section 5.36. Sunset and Severability.

- (a) Unless the Board by ordinance re-authorizes the provisions of this Ordinance for a specified period of years, the provisions of this Ordinance shall expire on January 1, 2013.
- (b) If any part or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the remainder of this Ordinance, including its application to other persons or circumstances, shall not be affected by such a holding, and shall continue in force and effect. To this end, the provisions of this Ordinance are severable.
- (c) The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any failure by the Committee, to act in accordance with the provisions of this Ordinance.

## PUBLIC UTILITIES REVENUE BOND OVERSIGHT COMMITTEE

**SEC. 5A.30. FINDINGS.**

The people of the City and County find and declare that:

- (a) The City's 100-year-old water, power and clean water public utility infrastructure is suffering from decades of deferred maintenance. The regional water collection and transmission system, stretching from the Tuolumne River headwaters at Hetch Hetchy to the San Francisco County Line, supplies water to the City as well as to 1.7 million residents and businesses in Alameda, Santa Clara and San Mateo Counties. This system is in need of substantial repair and/or replacement. In the event of system failure, the City and its suburban customers could be without water for up to 30 days, with portions of the service area going without water for as long as 60 days. The water distribution and wastewater treatment systems within the City are in a similar state of deterioration, threatening the health and welfare of City residents, visitors and the business community.
- (b) Over the past 25 years, funds for upgrading the water collection and power generation facilities of Hetch Hetchy have been in short supply. During this same period, the waste water treatment plants have aged to the point where significant capital improvements are necessary in order for the City to remain in compliance with applicable federal and state water quality regulations.
- (c) The San Francisco Public Utilities Commission ("PUC") has never prepared an integrated and coordinated long-term strategic plan consisting of a capital improvement program, a long-range financial plan, an assessment of future utility needs and the evaluation of alternative technologies, private-public partnerships and non-rate payer revenue enhancements. Focusing on short-term planning, the PUC has turned out a series of bond issues, such as Propositions A and B in 1997, which have been promoted to the voters on the basis of broad project generalities. Even within the PUC itself, the list of projects earmarked for specific bond revenues are in a constant state of flux. Projects are frequently delayed and often uncompleted years after funding was approved by the voters.
- (d) Over the past 20 years, the PUC has readily consented to the transfer of "surplus" Hetch Hetchy revenues to the City's general fund. Conservatively, these transfers have cost the PUC more than \$500 million. During this same period of time, the utility infrastructure deteriorated and rates escalated dramatically.
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- (f) The health and welfare of all of the PUC's customers would be promoted by the creation of a qualified body committed to a persistent, vigorous and independent review of the expenditure of revenue bond funds for the PUC's capital improvement program over the next decade. An on-going review of this kind would be of material assistance to both the PUC and the Board of Supervisors ("Board") in ensuring that the program is carried out in compliance with all applicable laws.

(Added by Proposition P, 11/5/2002)

**SEC. 5A.31. ESTABLISHMENT AND PURPOSE.**

- (a) There is hereby established a Public Utilities Revenue Bond Oversight Committee (the "Committee"), which shall have the responsibility of reporting publicly to the Mayor, the PUC and the Board of Supervisors ("Board") regarding the PUC's (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds) 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.
- (b) The Committee shall provide oversight to ensure that: (1) The proceeds from revenue bonds authorized by the Board and/or the voters of the City are expended in accordance with the authorizing bond resolution and applicable law; (2) Bond proceeds are expended solely for uses, purposes and projects authorized in the bond resolution; and (3) Revenue bond funds are appropriately expended for authorized capital improvements so that an uninterrupted supply of water and power continues to flow to the City and to the PUC's customers. The Committee may comment to the Board of Supervisors on the development and drafting of proposed legislation pertaining to PUC revenue bonds prior to a Board determination regarding whether to submit a measure for voter approval or authorizing the issuance of revenue bonds, if voter approval is not otherwise required. The Board is not required to accept the Committee's comments or recommendations on such bond proposals. Further, the Committee shall not participate or interfere in the

selection process of any vendor hired to execute bond funded projects.

(c) In furtherance of its purpose, the Committee may engage in any of the following activities:

(1) Inquiring into the disbursement and expenditure of the proceeds of PUC revenue bonds authorized and issued in accordance with the San Francisco Charter by receiving any and all reports, financial statements, correspondence or other documents and materials requested by the Committee related to the expenditure of revenue bond funds by the PUC;

(2) Holding public hearings to review the disbursement and expenditure of the proceeds of such revenue bonds;

(3) Inspecting facilities financed with the proceeds of such revenue bonds;

(4) Receiving and reviewing copies of any capital improvement project proposals or plans developed by the PUC related to the City's water, power or wastewater infrastructure and funded by bond proceeds;

(5) Reviewing efforts by the City to maximize bond proceeds by implementing cost-saving measures, including, but not limited to, all of the following: (i) mechanisms designed to reduce the costs of professional, consulting and similar fees and expenses related to site preparation and project design; (ii) recommendations regarding the cost-effective and efficient use of core facilities; (iii) developing and using alternate technologies; and, (iv) accessing other sources of infrastructure funding, excluding bond refunding; and,

(6) Commissioning independent review and evaluation of the disbursement and expenditure of the proceeds of such revenue bonds by accessing any funds set aside for this purpose under Subsection (d) of this Section to retain outside auditors, inspectors and necessary experts to conduct such independent review.

(d) To the extent permitted by law, in accordance with Sections 5A.35(c) and (d) of this Article, from and after the effective date of this Ordinance one-twentieth of one percent of the gross proceeds from each issuance or sale of public utility revenue bonds shall be deposited in a fund established by the Controller's Office and appropriated by the Board at the direction of the Committee to cover the costs of said Committee.

(e) The Board shall, without expending revenue bond funds, provide the Committee with appropriate clerical, technical and administrative assistance in furtherance of its purpose and provide sufficient resources to publicize the conclusions and recommendations of the Committee.

(Added by Proposition P, 11/5/2002)

### **SEC. 5A.32. PUBLIC MEETINGS.**

All Committee proceedings shall be subject to the California Public Records Act (Sections 6250, et seq., of the Government Code of the State of California), the City's Sunshine Ordinance (Chapter 67 of this Code) and the Ralph M. Brown Act (Government Code Sections 54950, et seq.). The Committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the Committee, and all reports issued by the Committee, shall be a matter of public record and made available on the City's website.

(Added by Proposition P, 11/5/2002)

### **SEC. 5A.33. MEMBERSHIP.**

(a) The Committee shall consist of seven members to be appointed as follows: two members by the Mayor; two members by the Board; one member by the Controller; and one member by the governing body of the Bay Area Water Users Association. The seventh member shall be the Budget Analyst for the Board or his/her representative.

(b) At a minimum, the members appointed by the Mayor and the Board shall, individually or collectively, have expertise, skills and experience in economics, the environment, construction and project management. The member appointed by the Controller shall have background and experience in auditing, accounting and project finance.

(c) Except as expressly authorized herein, no current officer or employee of the City shall be appointed to the Committee. All members of the Committee shall be subject to applicable conflict-of-interest provisions of local and state law. No vendor, contractor or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the Committee.

(d) Each Committee member will serve for no more than two consecutive terms. Upon their initial appointment, three members of the Committee shall be assigned by lot an initial term of two years and the remaining four members shall have an initial term of four years. Thereafter, each Committee member shall serve a four-year term.

(e) Each Committee member, except City employees appointed to serve as part of their official City duties and the Budget Analyst or employees of the Budget Analyst, shall be compensated at a rate of \$100.00 per month during each year of the member's term of office. Such compensation shall be appropriated by the Board without expending revenue bond funds therefor.

(Added by Proposition P, 11/5/2002)

#### **SEC. 5A.34. ILLEGAL EXPENDITURES.**

(a) If, after conducting all appropriate reviews and independent audit of actual expenditures of revenue bond proceeds by the PUC (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds), the Committee, after consultation with the City Attorney, determines that revenue bond proceeds are being or have been expended for purposes not authorized by the authorizing bond resolution or otherwise amount to an illegal expenditure or illegal waste of such revenue bond proceeds within the meaning of applicable law, the Committee may, by majority vote of all its members, prohibit the further issuance or sale of authorized public utility revenue bonds which have yet to be issued or sold.

(b) A decision by the Committee to prohibit the issuance and sale of authorized but as yet unissued or unsold revenue bonds may be appealed by the PUC to the Board within 30 days of the Committee's decision. By two-thirds vote of all its members, the Board by resolution may overturn the Committee's decision and remand the matter to the Committee for further consideration consistent with the views expressed by the Board in its resolution.

(c) Alternatively, the Committee's prohibition on the issuance or sale of authorized but unissued or unsold revenue bonds may be vacated by two-thirds vote of all the members of the Board, if the PUC, in response to the report of the Committee, provides evidence of corrective measures satisfactory to the Board.

(Added by Proposition P, 11/5/2002)

#### **SEC. 5A.35. APPLICATION.**

(a) All public utilities revenue bond authorizations approved either concurrent with or after the effective date of this Ordinance shall be subject to the provisions set forth herein.

(b) All bond authorizations introduced at the Board after the effective date of this Ordinance shall contain a statement incorporating the provisions of this Ordinance in such bond resolution.

(c) The provisions of this Ordinance shall also apply to all PUC public utility revenue bonds authorized, issued or offered for sale after July 1, 2002.

(d) Section 5A.30(d) of this Article shall only apply to PUC revenue bonds authorized after the effective date of this Article.

(Added by Proposition P, 11/5/2002)

#### **SEC. 5A.36. SUNSET AND SEVERABILITY.**

(a) Unless the Board by ordinance reauthorizes the provisions of this Ordinance for a specified period of years, the provisions of this Ordinance shall expire on January 1, 2016.

(b) If any part or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the remainder of this Ordinance, including its application to other persons or circumstances, shall not be affected by such a holding, and shall continue in force and effect. To this end, the provisions of this Ordinance are severable.

(c) The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any failure by the Committee, to act in accordance with the provisions of this Ordinance.

(Added by Proposition P, 11/5/2002; amended by Ord. Ord. [236-12](#), File No. 120221, App. 12/7/2012, Eff. 1/6/2013)



# **PUBLIC UTILITIES REVENUE BOND OVERSIGHT COMMITTEE BYLAWS**

## **ARTICLE I Overview**

### **Section 1. Name**

The name of this committee is the Public Utilities Revenue Bond Oversight Committee (referred to herein as the "Committee").

### **Section 2. Authority**

The Committee derives its authority from Proposition P, adopted by the voters at the November 5, 2002 election (S.F. Admin. Code, Sections 5A.30 *et. seq.*). Terms contained in these Bylaws are not intended to, and shall not, in any way enlarge or restrict the purposes, powers or authority of the Committee. In the event of any conflict between these Bylaws and the terms of Proposition P as adopted by the voters, the provisions of Proposition P shall control.

### **Section 3. Purpose**

The purpose of the Committee is to report publicly to the Mayor, the Public Utilities Commission (hereinafter the "Commission") and the Board of Supervisors regarding the Commission'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 Committee shall convene to provide oversight to ensure that: (1) revenue bond 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 projects authorized in the bond resolution, and (3) revenue bond proceeds are appropriately expended for authorized capital improvements so that an uninterrupted supply of water and power continues to flow to the City and the Commission's customers.

### **Section 4. Activities and Powers**

In furtherance of its purpose, the Committee may: (1) inquire into the disbursement and expenditure of the proceeds of the Commission's revenue bonds authorized by the bond resolution and other applicable law by receiving any and all reports, financial statements, correspondence or other documents and materials related to the expenditure of revenue bond funds from the Commission; (2) hold public hearings to review the disbursement and expenditure of the proceeds of revenue bonds; (3) inspect facilities financed with the proceeds of revenue bonds; (4) receive and review copies of any capital improvement project proposals or plans developed by the Commission relating to the Commission's water, power or wastewater infrastructure which are to be financed in whole or in part with revenue bonds; (5) review efforts by the Commission to maximize revenue bond proceeds by implementing cost-saving measures including, but not limited to, (a) mechanisms designed to reduce the costs of professional fees and site preparation and project design, (b) recommendations regarding the cost effective and efficient use of core facilities, (c) the development and use of alternate technologies, and (d) the use of other sources of infrastructure funding, excluding bond refunding; and (6) commission review and evaluation of the disbursement and expenditure of the proceeds of such revenue bonds by independent consultants and experts.

The Committee may comment to the Board of Supervisors on the development and drafting of proposed legislation pertaining to Commission revenue bonds prior to a Board

determination regarding whether to submit the measure for voter approval or authorizing the issuance of revenue bonds, if voter approval is not otherwise required.

In addition, if, after reviewing materials provided by the Commission, the Committee, after conducting its own independent audit and after consultation with the City Attorney, determines that the proceeds of a revenue bond program were spent on purposes not authorized by the resolution or otherwise amounts to an illegal expenditure or illegal waste of such revenue bonds within the meaning of applicable law, the Committee, by majority vote, may prohibit the issuance or sale of authorized public utility revenue bonds which have yet to be issued or sold by acting in accordance with the procedures set forth in Article III, Section 11 of these Bylaws. The Committee's decision to prohibit the sale of authorized, unsold revenue bonds may be appealed and overturned, or lifted, in accordance with the provisions of Section 5A.34 of the San Francisco Administrative Code.

## **Section 5. Restrictions on Activities and Powers**

The Committee shall not participate or interfere in the selection process of any vendor hired to execute revenue bond funded projects.

## **Section 6. Committee Members**

The Committee shall consist of seven members: two members appointed by the Mayor; two members appointed by the Board; one member by the Controller; and one member by the Bay Area Water Users Association. The seventh member shall be the Budget Analyst for the Board or his/her representative.

Members appointed by the Mayor and the Board shall, individually or collectively, have expertise, skills and experience in economics, the environment, construction and project management. The member appointed by the Controller shall have background and experience in auditing, accounting and project finance.

Each Committee member will serve for no more than two consecutive terms. Upon their initial appointment, three members of the Committee shall be assigned by lot to an initial term of two and the remaining four members shall have an initial term of four years. Thereafter, each Committee member shall serve a four-year term.

If there is a vacancy on the Committee, the Chair shall promptly notify the appointing authority and request that such vacancy be filled at the earliest possible date. 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.

## **Section 6. Committee Office**

For purposes of contacting the Committee, the Committee office will be physically located at 525 Golden Gate Avenue, 4<sup>th</sup> Floor. The Committee's mailing address is 525 Golden Gate Avenue, 4<sup>th</sup> Floor, San Francisco, California 94102. The Committee's e-mail address is bondoversight@sfgwater.org. The Committee's phone number is: (415) 487-5245.

## **ARTICLE II Officers**

### **Section 1. Officers**

There shall be a Chair and a Vice Chair of the Committee.

### **Section 2. Term of Office**

The term of each office shall be one year. Officers serve at the pleasure of the Committee and may be removed from office before expiration of their one-year term by a vote of four members of the Committee.

### **Section 3. Election of Officers**

Elections for officers shall be conducted at the first regular meeting of the Committee in each calendar year, or as soon thereafter as practicable as determined by the Committee. The Chair and Vice Chair shall continue in their respective offices until a new election is conducted.

In the event the Chair is unable to complete his or her term of office, the Vice Chair shall serve as Chair until the next regular meeting. At the next regular meeting, the Committee shall elect a new Chair to fill the vacancy for the balance of the unexpired term. In the event the Vice Chair is elected as Chair, there shall be an election for a new Vice Chair at that meeting. If the office of Vice Chair is vacated before the expiration of a term, it shall remain vacant until the next regular meeting, at which time the Committee shall elect a new Vice Chair.

### **Section 4. Duties of the Chair**

The Chair shall preside at all meetings of the Committee, shall preserve order and decorum, and shall decide all questions of order subject to appeal to the Committee by any member. In addition, the Chair, working with the Committee members and staff, shall oversee the preparation of the agenda for all Committee meetings.

Unless the Committee specifies otherwise, the Chair is empowered to appoint members to standing or special subcommittees formed by the Committee. In addition, as stated in Article III, Section 2, the Chair is empowered to call special meetings.

### **Section 5. Duties of the Vice Chair**

In the absence of the Chair, the Vice Chair shall preside at meetings of the Committee. In addition, as stated in Article II, Section 3, if the Chair is unable to complete his or her term of office, the Vice Chair shall serve as Chair until the next regular meeting.

In the absence of both the Chair and Vice Chair, the members shall select by motion a member to preside over the meeting.



When a member desires to address the Committee, he or she shall seek recognition by addressing the Chair. When recognized, the member shall proceed to speak. The member shall confine his or her remarks to the question before the Committee.

## **Section 6. Setting Agendas**

Committee staff, at the direction of the Chair, shall prepare the agenda for meetings. The Chair will, as practicable, place any item requested by a member of the Committee on the agenda provided that it is generally received no less than five days prior to a regular meeting. Each agenda of all regular meetings shall contain an item during which members may request items for the Committee to consider at future meetings.

## **Section 7. Quorum**

Four members of the Committee shall constitute a quorum for all purposes.

## **Section 8. Required Vote For Approval of a Matter**

The affirmative vote of four members of the Committee shall be required for the approval of any matter, except that the affirmative vote of a majority of the members present is sufficient for the approval of any procedural or parliamentary matter.

## **Section 9. Voting and Abstention**

Each member present at a Committee or subcommittee meeting shall vote "yes," "no" or "abstain" when a question is put, unless the member has a conflict of interest that legally precludes participation in the vote. The determination of whether a Committee member has a conflict of interest that precludes participation in a matter shall be determined by the individual member in consultation with the City Attorney.

The Committee may take action on items on the agenda by roll call vote, voice vote, or show of hands. The minutes shall reflect how each Committee member voted on each item.

## **Section 10. Public Comment**

Agendas for regular meetings shall provide an opportunity for members of the public to directly address the Committee on items of interest to the public that are within the subject matter jurisdiction of the Committee.

Each person wishing to speak on an item before the Committee at a regular or special meeting shall be heard once for up to three minutes, unless extended by the Chair. The Chair may limit the time for public comment consistent with state and local law.

## **Section 11. Process for Prohibiting Issuance of Revenue Bonds Upon Determination That Revenue Bond Proceeds Were Spent on Unauthorized Purposes**

If the Committee prohibits the issuance of bonds for any remaining revenue bond authorization in accordance with Section 5A.34 of the San Francisco Administrative Code, it shall do so only after proceeding as follows. At a regular or special meeting of the Committee, the Committee, after having conducted its own independent audit and after consultation with the City Attorney, may make a finding that the Commission has spent revenue bond proceeds on purposes not authorized by the authorizing resolution or otherwise amounts to an illegal expenditure or illegal waste under applicable law. At such meeting, the Committee may determine, by majority vote, whether to prohibit the further issuance of revenue bonds pursuant to the powers granted to the Committee by Section 5A.34 of the San Francisco Administrative

Code. If the Committee makes a finding of illegal expenditure or illegal waste, or makes a decision to prohibit revenue bond sales, notification shall be delivered simultaneously to each member of the Board of Supervisors, the President of the San Francisco Public Utilities Commission, the Mayor's Office of Public Finance, the City Controller and the City Treasurer.

The Committee's decision to prohibit the sale of authorized, unsold revenue bonds may be appealed and overturned, or lifted, in accordance with the provisions of Section 5A.34 of the San Francisco Administrative Code.

## **ARTICLE IV Maintenance of Committee Records and Issuance of Reports**

### **Section 1. Meeting Minutes**

Minutes shall be taken at every regular and special meeting. The minutes shall reflect how each Committee member voted on each item of business before the Committee. Minutes shall be approved by the Committee and be made available at the Committee's office, on the Commission's website, and at the San Francisco Public Library.

### **Section 2. Reports**

The Committee shall issue an annual report each year on the results of its activities for the preceding year (the "Reporting Period"), and such report shall be delivered to the Mayor, the Commission and the Board of Supervisors. The report shall be delivered no later than 90 days following the end of the Reporting Period. All reports issued shall be placed on file at the Committee's office, the Commission's website, at the Clerk of the Board of Supervisors, and at the San Francisco Public Library.

## **ARTICLE V Subcommittees**

### **Section 1. Standing Subcommittees**

Upon approval of four members of the Committee, the Committee may form standing subcommittees at any time to give advice on its ongoing functions. The standing subcommittees shall be composed of members of the Committee. Unless otherwise specified by the Committee, the Chair shall select each subcommittee's members and officers, if any, at the time the subcommittee is formed and again at the first regular meeting of the Committee in each calendar year. The Chair shall name members whose qualifications meet the needs of the subcommittee to which that member is appointed. Members and officers appointed by the Chair to serve on a standing subcommittee shall serve at the pleasure of the Chair. The Chair may remove at any time a member from a subcommittee and appoint a replacement member or officer.

### **Section 2. Special Subcommittees**

Upon approval of four members of the Committee, the Committee may form special subcommittees. Special subcommittees shall be formed for a specific purpose and cease to exist after completion of a designated task. Special subcommittees may be composed of members of the Committee and/or the public. Unless otherwise specified by the Committee, the Chair shall name the subcommittee's members and officers.

### **Section 3. Conduct of Subcommittee Meetings; Reports**

All subcommittee meetings shall be held in compliance with all applicable laws, including but not limited to, the Ralph M. Brown Act (Cal. Gov. Code, Sections 54950 *et. seq.*), the California Public Records Act (Cal. Gov. Code, Sections 6250 *et. seq.*), and the San Francisco Sunshine Ordinance (S.F. Admin. Code, Chapter 67).

All subcommittees shall maintain minutes in the manner set forth in these Bylaws. All subcommittees shall report to the Committee, as frequently as requested by the Chair.

#### **Section 4. Abolishing Subcommittees**

Any subcommittee formed by the Committee may be abolished upon approval by four members of the Committee.

### **ARTICLE VI Bylaws**

#### **Section 1. Amendment of Bylaws**

After presentation of a proposed amendment of the Bylaws as a scheduled agenda item at a meeting of the Committee, the Bylaws may be amended by a vote of a majority of the members.

#### **Section 2. Public Notice of Bylaws**

These Bylaws, and any amendments thereto, shall be available to the public at the Committee's office, the Commission's website, and at the San Francisco Public Library.



# City and County of San Francisco

## Master Report

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

**File Number:** 120221      **File Type:** Ordinance      **Status:** Passed

**Enacted:** 236-12      **Effective:** 01/06/2012

**Version:** 3      **In Control:** Board of Supervisors

**File Name:** Administrative Code - Extension of Public Utilities Revenue Bond Oversight Committee      **Date Introduced:** 03/06/2012

**Requester:**      **Cost:**      **Final Action:** 12/07/2012

**Comment:**      **Title:** Ordinance amending the San Francisco Administrative Code, Section 5A.36 to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee to January 1, 2016.

**Sponsor:** Farrell

### History of Legislative File 120221

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	03/06/2012	ASSIGNED UNDER 30 DAY RULE	Rules Committee	04/04/2012	
1	Rules Committee	10/18/2012	AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE			
<i>Heard in Committee. Supervisor Mark Farrell (Board of Supervisors); Kevin Cheng (Public Utilities Revenue Bond Oversight Committee); presented information concerning the hearing matter. Tony Hall; Ernestine Weiss; Robert Coleman; Brian Browne; spoke in opposition of hearing matter. John Ummel; David Pilpel; spoke in support of the hearing matter. Jon Givner (City Attorney's Office); answered questions regarding the hearing matter.</i>						
2	Rules Committee	10/18/2012	CONTINUED AS AMENDED			Passed
2	Rules Committee	11/01/2012	RECOMMENDED			Passed
<i>Heard in Committee. Speakers: Supervisor Mark Farrell, Victor Young (Board of Supervisors); Todd Rystrom (Public Utilities Commission); presented information concerning the hearing matter. David Pilpel; spoke in support of the hearing matter.</i>						
2	Board of Supervisors	11/20/2012	AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE			Passed
3	Board of Supervisors	11/20/2012	PASSED ON FIRST READING AS AMENDED			Passed
3	Board of Supervisors	12/04/2012	FINALLY PASSED			Passed
3	Mayor	12/07/2012	APPROVED			



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

2  
3 **Ordinance amending the San Francisco Administrative Code Section 5A.36 to extend**  
4 **the sunset date of the Public Utilities Revenue Bond Oversight Committee to January 1,**  
5 **2018 2016.**

6 NOTE: Additions are *single-underline italics Times New Roman*;  
7 deletions are ~~*strike-through italics Times New Roman*~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1.

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

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

20 C. The RBOC is required to provide oversight to ensure that: (1) revenue bond  
21 proceeds are expended only in accordance with the authorizing bond resolution and  
22 applicable law, (2) revenue bond proceeds are expended solely for uses, purposes and  
23 projects authorized in the bond resolution, and (3) revenue bond proceeds are appropriately  
24 expended for authorized capital improvements so that an uninterrupted supply of water and  
25 power continues to flow to the City and the PUC's customers.

1 D. The RBOC has conducted monthly public hearings about PUC activities and  
2 provides annual reports of its findings to this Board, and to members of the public.

3 E. In accordance with Administrative Code Section 5A.36 the provisions of  
4 Proposition P expire on January 1, 2013, unless extended by ordinance of the Board.

5 F. The PUC will continue to incur bonded indebtedness to finance capital  
6 improvements for the repair, replacement and expansion of its water enterprise and it is  
7 expected that the work on the water enterprise will be completed in or around September  
8 2016.

9 G. The PUC expects to initiate a multi billion dollar capital improvement program for  
10 the wastewater enterprise and bonding for this program is expected to continue beyond 2020.

11 H. The PUC expects to substantially complete its Water System Improvement  
12 Program in or about September 2016. The Public Utilities Commission expects to initiate  
13 work on its Wastewater System Improvement Program and such work is expected to continue  
14 beyond 2020.

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

19 J. The PUC has submitted a resolution to this Board supporting the extension of  
20 the RBOC until January 1, 2018.

21 Section 2. Paragraph (a) of Section 5A.36 of The San Francisco Administrative Code  
22 is hereby amended to read as follows:

23 ///

24 ///

25 ///

1 Unless the Board by ordinance reauthorizes the provision of this Ordinance for a  
2 specified period of years, the provisions of this Ordinance shall expire on January 1, ~~2013~~  
3 ~~2018-2016~~, unless further extended by ordinance of this Board.

4 Section 3. Effective Date.

5 ~~\_\_\_\_\_A.~~ This ordinance shall become effective 30 days from the date of passage.  
6 Notwithstanding the Effective Date of this Ordinance, it is the intent of this Board that the  
7 authority conferred on the RBOC under Proposition P shall be without interruption, and that  
8 the incumbent members of the RBOC shall continue to hold their seats without reappointment  
9 until the expiration of their respective terms.

10  
11 APPROVED AS TO FORM:

12 DENNIS J. HERRERA, City Attorney

13  
14 By: 

15 JON GIVNER  
16 Deputy City Attorney



# City and County of San Francisco

## Tails Ordinance

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

**File Number:** 120221

**Date Passed:** December 04, 2012

Ordinance amending the San Francisco Administrative Code, Section 5A.36 to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee to January 1, 2016.

October 18, 2012 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

October 18, 2012 Rules Committee - CONTINUED AS AMENDED

November 01, 2012 Rules Committee - RECOMMENDED

November 20, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

November 20, 2012 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

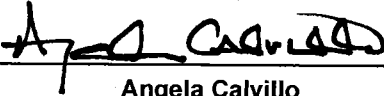
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

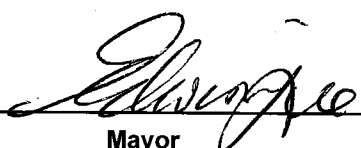
December 04, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120221

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
12/4/2012 by the Board of Supervisors of the  
City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Date Approved