[Administrative Code - Exempting Certain Municipal Transportation Agency Projects From Fiscal Feasibility Ordinance]

Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvement projects under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway service.

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

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

Section 1. Background and Findings.

(a) Chapter 29 of the Administrative Code ("Chapter 29") requires, prior to initiating environmental review, that a City department, board, or commission proposing a project, as defined by the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq., that is estimated to have implementation and/or construction costs exceeding $25,000,000 and that will cost more than $1,000,000 in public monies for predevelopment, planning, or construction costs prepare a financial feasibility study and submit it to the Board of Supervisors for a determination that the plan for undertaking and implementing the proposed project is fiscally feasible and responsible.

(b) The San Francisco Municipal Transportation Agency engages in numerous rail, facility, and transit-related infrastructure projects that require long-range planning and applying for regional, state, and federal sources of funding to support or improve Municipal
Railway ("Muni") service. Given that preliminary planning and design are often prerequisites for submitting a competitive funding application, an exception to the requirements of Chapter 29 is appropriate.

Section 2. The Administrative Code is hereby amended by revising Section 29.1, to read as follows:

SEC. 29.1. APPLICABILITY OF THIS CHAPTER 29.

(c) Notwithstanding anything to the contrary in this Chapter 29, this Chapter 29 shall not apply to the following projects:

(1) Any project which has been specifically approved by the voters prior to January 1, 1998, or project where more than seventy-five percent (75%) of the amount of public monies for the project will be financed with proceeds from a bond measure that the Board of Supervisors has submitted for approval to the voters and which has been approved by the voters; or

(2) Any project that is the subject of a term sheet (or similar summary of key terms and conditions) or an exclusive negotiating agreement (or similar agreement setting forth a schedule and terms for proceeding towards final transactional documents), approved or endorsed by the Board of Supervisors on or after January 1, 2003, but before July 1, 2004, or that has otherwise been approved or endorsed by the Board of Supervisors during such time period, provided, however, that if the Board of Supervisors subsequently elects to withdraw such endorsement or approval, this exemption shall not apply and such project shall be subject to the terms of this ordinance this Chapter 29 to the extent otherwise applicable; or

(3) Any project where funds allocated or granted by the San Francisco County Transportation Authority ("SFCTA"), or other funds secured by or requiring contribution of matching or leveraged SFCTA funds, comprise more than seventy-five percent
(75%) of the public monies for the project, provided that the SFCTA has reviewed and approved the plans or projects to be financed with such funds from the SFCTA; or

(4) Any project that is a utility capital improvement project under the jurisdiction of the San Francisco Public Utilities Commission; or

(5) Any project that is a public transportation capital improvement project under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway ("Muni") service.

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

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

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

By: STEPHANIE STUART
Deputy City Attorney

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Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvement projects under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway service.

October 17, 2018 Rules Committee - RECOMMENDED

October 23, 2018 Board of Supervisors - PASSED ON FIRST READING
  Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

October 30, 2018 Board of Supervisors - FINALLY PASSED
  Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

File No. 180893

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/30/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved

11/9/18