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

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

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

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

WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b), the Controller must report to the Board of Supervisors on the implementation of recommendations that pertain to fiscal matters that were considered at a public hearing held by a Board of Supervisors Committee; and
WHEREAS, The 2020-2021 Civil Grand Jury Report, entitled “A Fluid Concern: San Francisco Must Improve Fuel Resilience” (“Report”) is on file with the Clerk of the Board of Supervisors in File No. 210704, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

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

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

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

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

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

WHEREAS, Recommendation No. R9 states: “In the 2023 Capital Plan, the City should commit to building an additional fueling station with five-ten thousand gallon storage capacity for both gasoline and diesel fuels in the space to be freed up at the Southeast Treatment Plant when the digester replacement work is done, or to identify an alternate site for an additional fueling station if the Southeast plant is not available;” and
WHEREAS, Recommendation No. R17 states: "In the 2023 Capital Plan, the City should commit to funding capital projects that are identified in the Fuel Plan as a high priority to improve fuel resilience in the City over the subsequent ten years;" and

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

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

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

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

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they partially disagree with Finding No. F18 for reason as follows: while inclusion on the City’s Capital Plans can be an indicator of the City’s priorities for infrastructure development, improved fuel resilience can also be achieved by reducing the
City's dependency on fossil fuels, efforts which would not be included in Capital Plans; and,
be it

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

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

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

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

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

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

September 30, 2021 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 30, 2021 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

October 05, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210705

I hereby certify that the foregoing Resolution was ADOPTED on 10/5/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board
I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Caivillo
Clerk of the Board

10/15/2021
Date

File No.
210705