

1 [Board Response - Civil Grand Jury Report - Come Hell or High Water: Flood Management in
2 a Changing Climate]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2023-2024 Civil Grand Jury Report, entitled**
5 **“Come Hell or High Water: Flood Management in a Changing Climate,” and urging the**
6 **Mayor to cause the implementation of accepted findings and recommendations**
7 **through her department heads and through the development of the annual budget.**

8
9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

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

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

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

1 WHEREAS, The 2023-2024 Civil Grand Jury Report, entitled “Come Hell or High
2 Water: Flood Management in a Changing Climate,” (“Report”) is on file with the Clerk of the
3 Board of Supervisors in File No. 240668, which is hereby declared to be a part of this
4 Resolution as if set forth fully herein; and

5 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
6 to Finding Nos. F1, F3, F4, F5, and F6 as well as Recommendation Nos. R1.4, R3.2, R4.1,
7 R5.1, R6.2, and R6.3 contained in the subject Report; and

8 WHEREAS, Finding No. F1 states: “ClimateSF Governance and Coordination Are
9 Inadequate;” and

10 WHEREAS, Finding No. F3 states: “Funding of Climate Resilience Is Hampered by
11 Debt Cap and Service Rate Constraints;” and

12 WHEREAS, Finding No. F4 states: “Flood Management Needs Interdepartmental
13 Coordination;” and

14 WHEREAS, Finding No. F5 states: “Flood Damage Claims Are Not Funded by
15 Insurance;” and

16 WHEREAS, Finding No. F6 states: “The City Fails to Communicate Impacts of Climate
17 Change;” and

18 WHEREAS, Recommendation No. R1.3 states: “Beginning 2025, ClimateSF shall
19 prepare an annual report for the public, summarizing the status of the ongoing climate
20 resilience projects, using standardized metrics, including a description of the project, the Core
21 agency in charge, the intended climate resilience measures, a projected cost, budget status
22 and project timeline. This recommendation may and should be implemented administratively;”
23 and
24
25

1 WHEREAS, Recommendation No. R1.4 states: “If Recommendation 1.3 is not
2 implemented administratively, the Board of Supervisors shall enact an ordinance making the
3 annual report a legal requirement;” and

4 WHEREAS, Recommendation No. R3.2 states: “By December 31, 2024, the Board of
5 Supervisors shall direct their Budget and Legislative Analyst to do an analysis of the impact
6 on the city’s General Fund of increasing the current limit for General Obligation Bonds;” and

7 WHEREAS, Recommendation No. R4.1 states: “By December 31, 2024, the Mayor
8 and the Board of Supervisors shall request a report from the City Administrator, as Floodplain
9 Administrator, on the optimal governance structure (for example, CPC, Deputy City
10 Administrator, Floodplain Administrator) to implement interdepartmental flood adaptation
11 procedures;” and

12 WHEREAS, Recommendation No. R5.1 states: “By December 31, 2024, the Board of
13 Supervisors shall request a Budget and Legislative Analyst report on the advisability of a
14 Board resolution urging modification of the federal mandate to purchase flood insurance
15 beyond that which is currently required in the FEMA designated floodplain;” and

16 WHEREAS, Recommendation No. R6.2 states: “By December 31, 2024, the Board of
17 Supervisors shall direct their Budget and Legislative Analyst to prepare a financial analysis of
18 the possible differential harms of climate change resilience projects within marginalized
19 communities;” and

20 WHEREAS, Recommendation No. R6.3 states: “By December 31, 2025, the Board of
21 Supervisors shall hold annual public hearings on the differential harms of climate change
22 resilience projects within the impacted communities with testimony from the Department of the
23 Environment and the Human Rights Commission;” and

24 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
25 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior

1 Court on Finding Nos. F1, F3, F4, F5, and F6 as well as Recommendation No. R1.4, R3.2,
2 R4.1, R5.1, R6.2, and R6.3, contained in the subject Report; now, therefore, be it

3 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
4 Superior Court that they disagree partially with Finding No. F1 for the following reasons:
5 ClimateSF functions as a coordinating body for City Departments to address threats related to
6 climate resilience; It is not clear that noted challenges in convening Director-level meetings
7 have expressly inhibited this coordination, as evidenced by several initiatives that have been
8 successfully implemented; the Board of Supervisors agrees, however, that the City should
9 continue to improve upon existing interdepartmental coordination; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
11 of the Superior Court that they disagree partially with Finding No. F3 for the following reasons:
12 the Board of Supervisors agrees that there should be a better understanding of anticipated
13 climate resilience costs which would help inform an evaluation of funding options; If the City
14 increased its General Obligation Bond debt authority, however, it would likely not be sufficient
15 to fund all capital and adaptation infrastructure needs; In addition, this recommendation does
16 not contemplate that there are likely other sources of funding from the State and Federal
17 governments that could fund flood resilience and climate adaptation infrastructure that would
18 not impact enterprise revenues and would alleviate competitive concerns; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
20 of the Superior Court that they agree with Finding No. F4; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
22 of the Superior Court that they disagree wholly with Finding No. F5 for the following reasons:
23 Flood claims are paid for by the San Francisco Public Utilities Commission Wastewater
24 Enterprise, not from the General Fund; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
2 of the Superior Court that they disagree wholly with Finding No. F6 for the following reasons:
3 the City regularly communicates climate change risks to residents through the Planning
4 Department, San Francisco Public Utilities Commission, the Department of the Environment,
5 and others; The Board of Supervisors agrees, however, that departments should improve their
6 coordination and streamlining of communications; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
8 No. R1.4 requires further analysis as any future action will be dependent upon analysis that
9 the City Administrator's office has committed to complete; upon receipt of that analysis, the
10 Board of Supervisors will consider whether further action is needed; this shall be determined
11 within one year from the date of adoption of this resolution; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
13 No. R3.2 will not be implemented because it is unwarranted as General Obligation bonds are
14 paid for by special property taxes, not the General Fund; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
16 No. R4.1 will not be implemented because it is unwarranted as City Departments are in the
17 process of developing a governance structure for flood management; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
19 No. R5.1 will not be implemented because it is unwarranted as the Board of Supervisors
20 cannot require FEMA to adjust its flood policies; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
22 No. R6.2 will not be implemented because that work is already being undertaken by the
23 Planning Department, Port, San Francisco Public Utilities Commission, and other City
24 Departments; and, be it
25

1 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
2 No. R6.3 will not be implemented because it is unwarranted as this Board of Supervisors
3 cannot commit to future hearing actions of the body; and, be it

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



City and County of San Francisco

Tails Resolution

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

File Number: 240668

Date Passed: October 01, 2024

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2023-2024 Civil Grand Jury Report, entitled "Come Hell or Highwater: Flood Management in a Changing Climate;" 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 19, 2024 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 19, 2024 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 01, 2024 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240668

I hereby certify that the foregoing Resolution was ADOPTED on 10/1/2024 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

10/3/24

Date Approved