

COUNCIL AGENDA: 06-03-08  
ITEM: 3.6

# Memorandum

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** AB 2058 (RUSKIN) REGIONAL  
WATER SYSTEMS

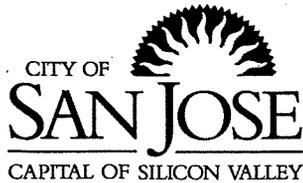
**DATE:** 05-22-08

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## RECOMMENDATION

As referred by the Rules and Open Government Committee of May 21, 2008 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, consider a position of support for AB 2437 (Ruskin) Regional Water Systems.





# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 05-14-08

Approved

Date 5/14/08

**SUBJECT: ASSEMBLY BILL 2437 (RUSKIN), REGIONAL WATER SYSTEMS**

## **RECOMMENDATION**

It is recommended that:

1. The City Council support AB 2437 (Ruskin)
2. The Committee provide a one-week turnaround for Mayor and City Council review.

## **OUTCOME**

If the Rules and Open Government Committee and the City Council accept staff's Recommendation, the City lobbyist could begin seeking support for AB 2437 (Ruskin).

## **BACKGROUND**

The City's Municipal Water System supplies North San José with approximately 4.7 million gallons of water per day from the earthquake-prone Hetch Hetchy Water System, owned and operated by the San Francisco Public Utilities Commission (SFPUC). The SFPUC has embarked upon an extensive system upgrade which will ensure ongoing system reliability.

The Wholesale Regional Water System Security and Reliability Act of 2005 (the act) requires the City and County of San Francisco to adopt a specified program of capital improvement projects designed to restore and improve the bay area regional water system, as defined, and to submit a report, on or before September 1 of each year, to various entities describing the progress made on the implementation of the capital improvement program during the previous fiscal year. The act, which sunsets in 2010, authorizes SFPUC to determine that the completion dates for projects contained in the program should be delayed or that different projects should be constructed.

### ANALYSIS

A fact sheet and analysis of AB 2437 is attached.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This legislative item does not meet any of the above criteria.

### COORDINATION

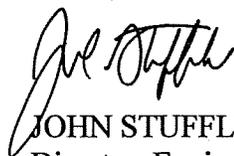
This memorandum was coordinated with the City Attorney's Office, Intergovernmental Relations Director in the City Manager's Office, and the City's Legislative Representative in Sacramento.

### POLICY ALIGNMENT

The attached analysis is consistent with the Council-adopted 2008 Legislative Guiding Principles, and the Council-adopted guidelines.

#### **Promote Livability, Sustainable Development, and Environmental Protection**

6. Encourage public utility companies to prioritize and efficiently maintain and construct underground projects.
10. Promote initiatives and secure funding that address.... water efficiency and regional, state and global initiatives (e.g. the Urban Environmental Accords).



JOHN STUFFLEBEAN  
Director, Environmental Service

For questions please contact Mansour Nasser, Deputy Director, at (408) 277-4218.

## **AB 2437 (RUSKIN), AN ACT TO AMEND THE WATER CODE RELATING TO THE HETCH HETCHY WATER SYSTEM**

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*What issue is the bill is trying to resolve?*

The Wholesale Regional Water System Security and Reliability Act of 2005 (the act) requires the City and County of San Francisco (SFPUC) to adopt a specified program of capital improvement projects designed to restore and improve the bay area regional water system, as defined and to submit a report, on or before September 1 of each year, to various entities describing the progress made. This provision in the Act ensures that the SFPUC informs affected agencies of such delays and of plans to mitigate for them. The act authorizes SFPUC to determine that the completion dates for projects contained in the program should be delayed or that different projects should be constructed.

The Act makes inoperative these and related provisions on December 31, 2010, or on the date on which the State Director of Public Health makes a specified notification and certification, whichever is earlier, and repeals those provisions on the January 1 following that earlier date.

AB 2437 would delete the December 21, 2010 real date, and would instead, repeal the act on January 1, 2015, and would make certain technical changes to the act. By extending the period of time to January 1, 2015, the entire anticipated time period for completing the system improvements will be covered.

*How would the passage of this bill affect San José?*

The North San José/Alviso area currently receives approximately 4.7 million gallons of water per day from the Hetch Hetchy Water System. This bill ensures ongoing oversight of the SFPUC's program to rebuild the earthquake-prone system, helping to keep the program on schedule and ultimately ensuring the ongoing reliability of this water supply for North San José. It ensures that the SFPUC has oversight in its system for Hetch Hetchy improvements.

*What is staff's Proposed Position?*

Staff recommends that the City support AB 2437.

*Who are the bill's supporters and opponents?*

Supporter: Bay Area Water Service and Conservation Agency and its 28 member agencies. The San Francisco Public Utilities Commission and Mayor Gavin Newsom also support this bill.

*What is the current status of the measure?*

AB 2347 passed the Assembly on April 21 and has been referred to the Senate Committee on Environmental Quality.

