

Date May 29, 2009 Item No. 2

LOCAL AGENCY FORMATION COMMISSION
AGENDA PACKET CONTENTS LIST*

-
-
-
-
-
-
-
-
-
-
-
-

Minutes for April 3, 2009 and April 24, 2009 _____

Exceeds 20 pages; see file to review
Available for review at City Hall, Room 244

Completed by: Linda Wong Date: May 27, 2009

***This list reflects the explanatory documents provided**

**San Francisco
Local Agency
Formation Commission**

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. 415.554.5184
Fax. 415.554.5163

MINUTES

Note: Each item on the Consent or Regular agenda may include explanatory documents, including Executive Officer report and public correspondence. These items will be available for review at City Hall, Room 244, Reception Desk.

**Special Meeting
April 3, 2009, at 2:00 p.m.
City Hall, Room 250**

Chairperson Mirkarimi,
Members: Commissioners Duffy, Campos, Mar and Schmeltzer
Alternates: Avalos and Bornstein

SPECIAL AGENDA
(There will be public comment on each item)

1. Call to Order and Roll Call

The meeting convened at 2:11 p.m.

Members present: Chairperson Mirkarimi, Commissioners Campos, Duffy, Mar, and Schmeltzer.

2. Approval of Minutes for March 6, 2009. (Discussion and Action Item)

Public Comment: None.

Chairperson Mirkarimi moved to approve the minutes for March 6, 2009.

Ayes: Chairperson Mirkarimi, Commissioners Campos, Duffy, Mar and Schmeltzer.

Action: Approved.

3. Elections of the Chair and Vice Chair of SF LAFCO for one-year terms.
(Continued from January 23, 2009 and March 6, 2009) (Discussion and Action Item)

Commissioner Duffy, seconded by Commissioner Schmeltzer, moved to nominate Commissioner Mirkarimi for Chairperson and Commissioner Campos for Vice-Chair.

Ayes: Chairperson Mirkarimi, Commissioners Campos, Duffy, Mar and Schmeltzer.

Action: Approved

Public Comment: Espanola Jackson congratulated Chairperson Mirkarimi and Vice-Chair Campos for their elections.

4. Report from SFPUC on the status of CCA activities and timeline. (SFPUC Staff)

Michael Campbell, CCA Director, introduced himself and gave an overview of his experience and announced that CleanPowerSF.org would be live next week and he solicited feedback from the Commissioners and advocates. Commissioner Duffy suggested that PUC utilize the SFGOV channel and do a 20-30 minute informational program on CCA, for those who may not have computer access. Vice-Chair Campos suggested that PUC also do community outreach regarding CCA. Mr. Campbell presented a current timeline and gave an explanation on the progress being made. Chairperson Mirkarimi emphasized the importance for LAFCO and PUC to be on the same page and timeline; this will be discussed further at the Joint Meeting on April 24, 2009, at 10:00 a.m.

Public Comment: Eric Brooks, SF Green Party, informed LAFCO that the stakeholders convened a meeting and were not comfortable with PUC handling the tasks for CCA and urged LAFCO to handle the 17 tasks themselves instead of PUC; and Espanola Jackson supported the channel 78 and 26 idea and would also like to see more information released in multiple languages, along with the use of more graphics.

Commissioner Mar agreed with Ms. Jackson's idea for information to be released in multiple languages and the need for more public education. Commissioner Duffy asked for information on what is being done with the schools, in terms of education and career training for careers within the energy efficiency field. Mr. Campbell said he would follow up with the communication people and look into it.

Chairperson Mirkarimi moved to continue this item to the call of the Chair.

Ayes: Chairperson Mirkarimi, Vice-Chair Campos, Commissioners Duffy, Mar, and Schmeltzer.

Action: Continued to the call of the Chair.

5. Consideration of Award of Contract for CCA Program: Tasks E and F: Prepare Components of Program Basis Report. (Continued from March 6, 2009) (Discussion and Possible Action Item)

Nancy Miller, Interim Executive Officer, SF LAFCO, recommended hiring Navigant for the CCA Program's tasks E and F.

Public Comment: Eric Brooks, SF Green Party, expressed his and the stakeholders' alarm that the two tasks are being contracted out to Navigant and encouraged contacting J. Braun regarding Navigant's qualifications.

Commissioner Schmeltzer moved, seconded by Commissioner Mar to approve Ms. Miller's recommendation and authorize Ms. Miller to contract with Navigant Consulting, Inc., to perform Tasks E and F.

Action: Approved without objection.

6. Report on Status and Authorization of the Executive Director to hire two staff positions for CCA Implementation, Coordination, and Outreach. (Discussion Item)

Nancy Miller, Interim Executive Officer, SF LAFCO, gave a report on the ordinance passed by the Board of Supervisors to hire two new staff positions, including a timeline of the hiring process and advertising the job announcements.

Barbara Hale, Assistant General Manager of Power, SFPUC, reported on her communication with the Mayor's Office and believes there are no changes.

Commissioner Campos asked for clarification on how and who will be supervising these positions and would like to have a discussion regarding this at the next meeting.

Commissioner Dufty asked the Clerk to invite the Mayor, or Wade Crowfoot from the Mayor's Office, to attend the joint meeting on April 24, 2009.

Public Comment: Walter Paulson, sang a song wishing LAFCO luck with the CCA.

Chairperson Mirkarimi moved to file this item. Without objection.

Action: Filed.

7. Report on Ex Parte Communications Policies. (Discussion and Possible Action Item)

Nancy Miller, Interim Executive Officer, SF LAFCO, presented an explanation of Ex Parte Communication policies.

Public Comment: None.

Chairperson Mirkarimi moved to file this item. Without objection.

Action: Filed.

8. Status of Joint Meeting with SFPUC. (Discussion Item)

The joint meeting with LAFCO and SFPUC will be held on April 24, 2009, at 10:00 a.m. in the Legislative Chamber.

Nancy Miller, Interim Executive Officer, SF LAFCO, presented recommendations for topics to be placed on the agenda, including a background on CCA, the current LAFCO timeline, and a presentation by the City Attorney's office on H Bonds.

Michael Campbell, CCA Director, reported that he has been in communication with Ms. Miller and staff regarding items for the upcoming agenda. Mr. Campbell's counterpart in Marin County may also attend the joint meeting to give an update on Marin's progress.

Chairperson Mirkarimi asked for a preview agenda before publication.

Public Comment: None.

Chairperson Mirkarimi moved to file this item. Without objection.

Action: Filed.

Items Nos. 9 and 10 were discussed jointly.

9. Consideration of final LAFCO Budget 2009-2010, pursuant to Government Code Section 56831. (Discussion and Possible Action Item)

Nancy Miller, Interim Executive Officer, SF LAFCO, presented LAFCO's final budget report.

Commissioner Campos moved, seconded by Commissioner Mar, to approve the final LAFCO Budget 2009-2010.

Action: Approved without objection.

10. Executive Officer Report

There was no report.

11. Public Comment for Items not on the Agenda

Joshua Arce, Brightline Defense Project, suggested the Sunset Reservoir Solar Project be discussed at the joint LAFCO/SFPUC meeting and answered Commissioner Schmeltzer's question. Commissioner Mar asked that a report on this topic be presented during the joint meeting. Barbara Hale, Assistant General Manager of Power, SFPUC, answered questions and said this will be brought before the PUC Commission President for consideration as a possible agenda item. Commissioner Campos would like to also hear more about this project and asked an item for further discussion be placed on the agenda. Chairperson Mirkarimi said that the Budget Committee would need to allow LAFCO to vote on this item, which is being heard at the April 22nd Budget Committee meeting, only two days before the joint meeting.

12. Future Agenda Items

Public Comment: None.

13. Adjournment

The meeting adjourned at 3:51 p.m.

**San Francisco
Local Agency
Formation Commission**

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. 415.554.5184
Fax. 415.554.5163

MINUTES

Note: Each item on the Consent or Regular agenda may include explanatory documents, including Executive Officer report and public correspondence. These items will be available for review at City Hall, Room 244, Reception Desk.

**Special Meeting
Joint meeting with the
San Francisco Public Utilities Commission
April 24, 2009, at 10:00 a.m.
City Hall, Legislative Chamber**

LAFCo Members: Chairperson Mirkarimi,
Commissioners Duffy, Campos, Mar and Schmeltzer
Alternate: Avalos and Bornstein

ORDER OF BUSINESS:

1. Call to Order
(San Francisco Public Utilities Commission (SFPUC), President Caen & Local Agency Formation Commission (LAFCo) Chairperson Mirkarimi)

The meeting convened at 10:14 a.m.

2. Roll Call for both the SFPUC and for the LAFCo.

LAFCo

Present: Chairperson Mirkarimi, Vice-Chair Campos (arrived at 10:46 a.m.), Commissioners Avalos, Duffy, Mar, Schmeltzer, and Bornstein

SFPUC

Present: President Caen, Vice-President Crowley, Commissioners Ellis, and Vietor

There was a quorum.

REGULAR BUSINESS

3. Opening remarks and discussion of expectations for this joint meeting by SFPUC President Caen and LAFCo Chairperson Mirkarimi, followed by a presentation by the Mayor's Office on Community Choice Aggregation (CCA).

Chairperson Mirkarimi welcomed all the Commissioners and stated that the purpose of the joint meeting was to secure a common strategy between the bodies that follows both state and local laws.

President Caen also welcomed everyone and stated this was a historical day for clean energy in San Francisco.

Commissioner Dufty added that the commissions must collaborate on a broadbased effort to achieve clean energy.

Wade Crowfoot expressed the Mayor's enthusiasm that this process is moving forward and is looking forward to working with LAFCo and the SFPUC.

Public Comment: Eric Brooks commented that the PUC staff has been more responsive and the stakeholders would like to continue dialogue with PUC and LAFCo; Espanola Jackson thanked the commissions for their joint efforts; Tracy Shepherd presented 4,200 cards and letters that support the CCA program and urged the commissions to continue moving forward; Charles Walker relayed a sense of urgency and his hope that the two bodies continue to move forward; Woody Hastings expressed his support of an expeditious implementation; a Female Speaker stated that she was glad to see San Francisco moving forward; Joshua Arce, Brightline Defense Project, thanked the commissions for meeting and noted the diverse expertise gathered.

4. Jurisdiction and Responsibilities for SFPUC and SF LAFCo for CCA Program.

Theresa Mueller, Deputy City Attorney, gave an overview of the different responsibilities and control each body has. PUC has exclusive management, jurisdiction, and control of energy supplies and utilities, including managing any energy program within the City. The San Francisco Board of Supervisor's ordinance gives LAFCo the power to augment and complement the actions of the PUC.

Commissioner Campos thanked Ms. Mueller for her presentation and noted the importance for LAFCo to provide a meaningful oversight role to ensure that the CCA is successful.

5. Discussion and possible action by both the SFPUC and the SF LAFCo approving resolutions endorsing the CCA work-plan following presentation and discussion of CCA program by staff of LAFCo and SFPUC.

- a) Activities to date

- b) Program Status
- c) Synopsis of Community Choice Aggregation (CCA) for benefit of public
- d) Timeline – current status and next steps
- e) Budget – Amount in SFPUC capital Budget
- f) Presentation of joint resolution affirming work-plan

Nancy Miller, Interim Executive Officer, SF LAFCo, gave background information on herself and her experience. She then gave a presentation on the timeline and progress made from the past to the present.

In response to Commissioner Ellis' question regarding the CCA Task Force, Ms. Miller stated that the Task Force is being put back together and will consist of, primarily, community stakeholders.

Commissioner Vietor asked for clarification regarding risk assessment. Ms. Miller explained that risk assessment encompasses many different pre- and post-RFP activities.

In response to Commissioner Mar's question regarding community-based environmental groups, Ms. Miller explained that they play a critical role and have been instrumental during the process.

Michael Campbell, CCA Director, gave an overview on the current status and timeline for the remainder of the year, along with the progress of the RFQ and future marketing efforts that will be used to educate citizens on the program.

Public Comment: June Brossard, Global Exchange, expressed her encouragement to see both commissions moving forward; Aaron Israel, PUC Citizens Advisory Committee, urged for regular reports to be made and for the Advisory Committee to be included as part of the stakeholders meeting; Eric Brooks, SF Green Party, suggested an additional clause be added that lays out LAFCo's powers and reiterated the stakeholders opposition to the risk assessment being done now; Mitchell Hayward, PUC Citizens Advisory Committee, voiced his assessment of the program; Bruce Wolfe urged the commissions to move along hastily; Espanola Jackson urged the commissions to move the process along; Joshua Arce, Brightline Defense Project, urged that the program remain open and transparent.

Vice-Chair Campos asked for the resolutions to be amended, on page 1, line 12, to add "advise" before "monitor and..."

LAFCO Resolution

Moved by Vice-Chair Campos, seconded by Commissioner Mar, to approve the amended LAFCO resolution.

Action: Approved as amended.

SFPUC Resolution

Moved by Commissioner Crowley, seconded by Commissioner Ellis, to approve the amended SFPUC resolution.

Action: Approved as amended.

6. SFPUC Presentation of SFPUC Power Enterprise multi-year financial condition and plan.
 - a) Bond capacity under propositions B and H
 - b) Hetch Hetchy financial condition

Todd Rystrom, Chief Financial Officer, SFPUC, gave a presentation on possible energy conservation bonds, the financial condition of the program and the plan to move forward.

Public Comment: Eric Brooks, SF Green Party, pointed out past documents that can be found with information on H bonds; Francisco Da Costa spoke about energy and resources.

7. Background and status of Marin Clean Energy Program.

Commissioner Bornstein encouraged everyone to visit the Marin County website on clean energy.

8. Recurrent Solar Project at Sunset as a possible supply source for CCA.

Barbara Hale, Assistant General Manager of Power, SFPUC, gave an update of the Recurrent Solar Project at Sunset and how it may be a possible supply source for CCA.

Vice-Chair Campos voiced concern that all options be exhausted prior to entering into a Purchasing Power Agreement. He also asked that PUC ensure that the vendor's subcontractors are in compliance with CCSF's requirements, specifically the provision of benefits.

Public Comment: Francisco Da Costa expressed concern about the oversight; John Risso, Sierra Club, relayed the Sierra Club's support of this project; Tony Gander expressed concern over the financing of the project; Eric Brooks, SF Green Party, expressed concern over the finances; Espanola Jackson expressed concern over the number of jobs slated for the communities; a Recurrent representative responded to concerns that were voiced during the discussion; Bruce Wolfe expressed concern over who will own the project and the benefit to rate payers; Joshua Arce, Brightline Defense Project, voiced support for the project but concern over the number of jobs.

9. Public Comments

Eric Brooks, SF Green Party, asked for LAFCO to reconsider the two tasks.

10. ADJOURNMENT

The meeting adjourned at 2:15 p.m.