

**San Francisco  
Local Agency  
Formation Commission**

**ITEM NO. 2**

City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
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**MINUTES**  
**Special Meeting**  
**Friday, July 26, 2002, 2:00 p.m.**  
**City Hall, Room 263**

Chairperson: Commissioner Gonzalez; Vice Chairperson: Commissioner McGoldrick  
Members: Commissioners Ammiano, Hall and Schmeltzer  
Alternate: Commissioners Peskin and Fellman

Clerk: Monica Fish

**SPECIAL AGENDA**

(There will be public comment on each item)

1. Call to Order and Roll Call

The meeting was called to order by Chairperson Gonzalez at 2:08 p.m.

Members Present: Chairperson Gonzalez, Vice-Chairperson McGoldrick;  
Commissioners Ammiano and Schmeltzer (noted present at 2:15 p.m.)

Member Absent: Commissioner Hall

2. Approval of Minutes for the Public Hearing of June 17, 2002 and Commission Meeting of June 28, 2002 (Action Item).

Commissioner Ammiano moved to approve the Minutes; duly seconded.

No Public Comment

The Public Hearing Minutes of June 17 and Commission Meeting Minutes of June 28, 2002 were approved with no objection.

3. Discussion regarding the San Francisco Local Agency Formation Commission's Future Work Plan.

Gloria L. Young, Executive Officer stated that the Commissioners have the Fact Sheet in their packet that lists options available to the Commission in terms of future planning. Commissioner Hall had indicated that he wanted to meet to discuss some of the proposals on the Fact Sheet; however, they have not had the opportunity to meet.

The Fact Sheet outlines the various options that are before LAFCo agencies, including but not limited to looking at (1) the efficiencies in providing government services; (2) orderly formation and development of local government agencies based on the needs of the community; (3) control of urban sprawl; and (4) the maintenance of open-space and agricultural land. The section of the Code that specifies specifically what the Commission's duties and responsibilities can be is also outlined in the Fact Sheet.

Vice-Chairperson McGoldrick stated that issues that may emerge out of the November election may be part of the work plan sometime in the future.

Chairperson Gonzalez asked when the next LAFCo meeting is scheduled.

Ms. Young stated that the next meeting is not yet scheduled. Vice Chairperson McGoldrick asked that the LAFCo not meet when the Board of Supervisors is on vacation from August 27<sup>th</sup> through September 16<sup>th</sup>. If LAFCo were to have a meeting, it would have to be prior to August 27<sup>th</sup> and after September 16<sup>th</sup>.

Chairperson Gonzalez stated that he would not be inclined to comment on the future work plan at this time in order to give Commissioner Hall and Ms. Young a chance to meet. Then maybe we could get input from our citizen members.

Ms. Young stated that she had offered to meet with each of the Commissioners individually. The Commissioners may contact Monica Fish, Commission Clerk if they are interested in setting up a meeting.

Chairperson Gonzalez asked that a meeting be setup before the Board break.

Public Comment

Ms. Young introduced Ms. Judy McFarland, the City Clerk of San Ramon.

Public Comment Closed

The discussion regarding SFLAFCo's future work plan was continued to the next meeting.

4. Discussion regarding the Final Energy Services Study.

Ms. Young stated that the Commission has before them the Final Energy Services Study. It contains the comments that were added by the Task Force members, Commissioners Schmeltzer and Fellman. The report answered the questions that were asked and raised a number of scenarios. Mr. Mellor stated at the last meeting when we looked at the draft report that in order to go into depth on any of the items mentioned, whether it was transmission distribution, that we would have to consider the possibilities of further consulting reports. R. W. Beck went into detail in terms of responding to two written correspondences from members of the public. Both the attorneys and Mr. Mellor from R. W. Beck are here to respond to your questions.

Mr. Mellor stated that since they had already presented the report in its draft form, he does not have a presentation of the report, but thought he would be here to answer any questions that are asked. As Ms. Young stated, they believe that they have responded to all of the questions that the Task Force raised, as well as the written questions that came in from the public. A Section 6 was added to the report which provides a summary of the questions raised so that this captured and provided a response to all of the issues, including those that were raised in the Public Hearing by the Commission.

Chairperson Gonzalez asked what is being planned in terms of the presentation of the Final Report to the public.

Ms. Young stated that she was working with the staff person from Chairperson Gonzalez's office, Mr. Kalish about outreach, but they have not had an opportunity to meet. They tried to set up times to meet, but he has been working on the public power measure that will be on the ballot. We received outreach material from the Public Utilities Commission and the Department of Environment. The Department of the Environment held approximately twelve meetings in the community. They also did a great deal of outreach to all kinds of agencies within the City and County of San Francisco, and we did obtain their lists of agencies that they contacted for their public outreach effort.

Materials were also received from Mr. Smeloff of the PUC. The outreach effort did not necessarily gain them the kind of public input that they wanted. It was suggested that we send those agencies a notice about the Public Hearing on the Final Energy Services Study. She is more than willing to meet with Mr. Kalish to see if there is some other outreach efforts that he had in mind. She is concerned about doing outreach without having a definition of what agencies we want to contact, what communities we want to go out to reach, whether we do it by district or by area. I think we would need to have some discussion about that. We do have this list and it is pretty extensive. If we were to use this list, we could see at our next meeting if there is an interest from people to comment on the Final Energy Plan. We could also make them aware that it is now on our web. We have made every effort in

also make them aware that it is now on our web. We have made every effort in terms of putting the notices about the Energy Study in our community papers and soliciting comments. We have had two responses. We had great write-ups in the newspaper about it, but we haven't had many responses. Two public hearings were estimated to take place. They are not scheduled at this point, but could be scheduled.

Chairperson Gonzalez stated that he did not have a chance to read the final study. He did look carefully at the draft, and stated that he thinks the Commission is pleased at the manner in which the study was prepared, the willingness to accept input from the Commission and members of the public.

Mr. Mellor stated that it was valuable to work with the Task Force and to have that coordination effort there. It was helpful to them, and he thinks it produced a better product as a result.

Commissioner Schmeltzer thanked the efforts of Mr. Mellor and the other consultants who worked on the report for going back after the public hearing, for adding whole sections, for rearranging and really using it as an opportunity to make it a more comprehensive and better report.

Ms. Young stated that for the record, she would like to correct that we did have one public hearing on the Draft Plan after the Board meeting on June 17<sup>th</sup>. We have one hearing that we could have on the Final Plan, and she will give the Commission dates under Future Agenda Items.

## 5. CLOSED SESSION

### CONFERENCE WITH LEGAL COUNSEL

Motion that the San Francisco Local Agency Formation Commission convenes in closed session. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. Claimant: E. J. Simpson (copy of claim is available for public inspection) for the purpose of conferring with or receiving advice from legal counsel.

Question: Shall this Motion be ADOPTED?

### PUBLIC COMMENT

No Public Comment

### ADJOURN TO CLOSED SESSION

The Commission Meeting adjourned at 2:20 p.m.

The Closed Session meeting convened at 2:25 p.m.

After a closed session, if one occurs, the Chairperson shall (1) request the Legal Counsel to identify the subjects discussed in the closed session, and (2) direct the Clerk to report the vote taken on any motion in the closed session.

[Elect To Disclose]

Motion that the SF LAFCo finds it is in the public interest to disclose information discussed in closed session, and directs the Chairperson immediately to disclose that information.

[Elect Not to Disclose]

Motion that the SF LAFCo finds that it is in the best interest of the public that the Board elects at this time not to disclose its closed session deliberations concerning the litigation listed above.

#### RETURN TO OPEN SESSION FOR ANY REPORTABLE ACTION

The Closed Session meeting adjourned at 2:35 p.m.

The Commission Meeting reconvened at 2:38 p.m.

Nancy Miller, Esquire recommended that the Commission elect not to disclose any action that was taken since no action was taken.

Chairperson Gonzalez announced that the Commission unanimously elects not to disclose its closed session deliberations.

#### 6. Future Agenda Items

Ms. Young stated that the future meeting dates that are available in August are August 9<sup>th</sup>, 16<sup>th</sup>, and 23<sup>rd</sup>. She talked with Mr. Mellor, and he is available for August 9<sup>th</sup>. If it were August 23<sup>rd</sup>, he would be out of town, but Mr. Bell could be available.

Chairperson Gonzalez asked for a date that could accommodate the full LAFCo Commission.

Ms. Young stated the item for the transition of legal counsel was taken off the agenda because Commissioner Fellman wanted to be present for that discussion, and the Attorney's Office did not have time to do the transition plan because they were working on the Charter amendments. We will contact all of the parties to make sure that one of those dates work.

No Public Comment

7. Public Comment on Items not on the Agenda

No Public Comment

8. Adjournment

The meeting of the San Francisco Local Agency Formation Commission adjourned at 2:45 p.m.