

PACKET MATERIALS

DATE October 16, 2009

Item No. 4

LOCAL AGENCY FORMATION COMMISSION AGENDA PACKET CONTENTS LIST *

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- September 25, 2009 LAFCo/PUC Joint Meeting Minutes
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Exceeds 20 pages; see file to review
Available for review at City Hall, Room 244

Completed by: Alisa Somera

Date: October 13, 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 - LAFCO August 20, 2009, at 2:00 p.m. City Hall, Room 400

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

SPECIAL AGENDA

(There will be public comment on each item)

1. Call to Order and Roll Call

The meeting convened at 2:06 p.m.

Members Present: Chairperson Mirkarimi, Commissioners Campos (left at 3:20 p.m.), Mar, Schmeltzer and Bornstein.

Members Absent: Commissioner Dufty.

2. Approval of minutes for July 31, 2009.

Public Comment: None.

Chairperson Mirkarimi moved to approve the minutes for July 31, 2009.

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

Action: Approved.

3. Introduction of Staff

Nancy Miller, Interim Executive Officer, SF LAFCO, introduced Jason Fried, the newly hired Senior Community Development Specialist II, and gave a brief summary of his background and experience.

Public Comment: None.

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

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

Action: Continued to the Call of the Chair.

Items 4 and 5 were heard together.

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

Michael Campbell, CCA Director, gave a presentation giving timeline updates, a status report on consulting projects, progress on market research work and the efforts to include energy efficiency as part of the project.

Glenn Walker, George E. Sansoucy, P.E., LLC (GES), gave a presentation on the analysis done for Task 3, a report on the levelized cost of electricity associated with out-of-city renewable energy resources considered supply options for the CCA program. Chairperson Mirkarimi requested more information on the percentage of renewable energy and the utility relationships with locations that provide renewable energy.

Cal Broomhead, Department of the Environment Energy Manager, talked about the scope for their energy efficiency programs, including goals, funding, progress, and strategy for the future.

Public Comment: Eric Brooks, SF Green Party, cautioned about using hydropower and bio-mass or bio-fuels; Joshua Arce, Brightline, spoke about the transbay cable cost and the Rio Vista Wind Farm.

Chairperson Mirkarimi moved to continue these items to the call of the Chair.

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

Action: Continued to the Call of the Chair.

5. Report on GES Consulting Task 3.

See Item No. 4.

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

Action: Continued to the Call of the Chair.

6. Report from Local Power, Inc. on progress GES Report Tasks 1 and 2.

Paul Fenn, Local Power, Inc., reported on issues and concerns related to GES' report on task 1, theoretical and technical assessment of megawatt capacity, and task 2, the analyzed cost of renewable energy.

Public Comment: Eric Brooks, SF Green Party, expressed concern regarding the NRG Steam Loop; Joshua Arce, Brightline, echoed Mr. Brooks' concerns.

Chairperson Mirkarimi made a motion to continue this item to the call of the Chair.

Ayes: Chairperson Mirkarimi, Commissioners Mar and Schmeltzer.

Absent: Commissioner Campos.

Action: Continued to the Call of the Chair.

7. Staff Report on Navigant Consulting, Inc., Report on Draft Risk Assessment Report and Public Outreach Process.

Jason Fried, SF LAFCO, gave an overview of Navigant Consulting's report and a summarization of what occurred at the SFPUC Clean Energy Stewards Meeting.

Public Comment: None

Chairperson Mirkarimi made a motion to continue this item to the call of the Chair.

Ayes: Chairperson Mirkarimi, Commissioners Mar and Schmeltzer.

Absent: Commissioner Campos.

Action: Continued to the Call of the Chair.

8. Executive Officer Report

Nancy Miller, Interim Executive Officer, SF LAFCO, announced that the next SF LAFCO meeting will be a joint meeting with the SF Public Utilities Commission on September 25, 2009. Authorization to hire the second LAFCO staff position will be placed on the September agenda.

Public Comment: None.

Chairperson Mirkarimi made a motion to continue this item to the call of the Chair.

Ayes: Chairperson Mirkarimi, Commissioners Mar and Schmeltzer.

Absent: Commissioner Campos.

Action: Continued to the Call of the Chair.

Items 9 and 10 were heard together.

9. Public Comment for Items not on the Agenda

Eric Brooks, SF Green Party, asked that the editorials on Solar City be placed on the agenda for discussion.

Joshua Arce, Brightline, echoed Mr. Brooks' comments regarding Solar City and also commented on CALISO Potrero Hill.

Alex Studder spoke about concerns related to the swine flu vaccinations.

10. Future Agenda Items

CLOSED SESSION

Public Comment: None.

Chairperson Mirkarimi moved to convene into closed session.

Ayes: Chairperson Mirkarimi, Commissioners Mar and Schmeltzer.

Absent: Commissioner Campos.

Action: Convened into Closed Session.

11. PG&E-sponsored State Initiative – Potential Litigation

Public Comment: None.

Action: Continued to the Call of the Chair.

12. Reconvene in Open Session

Chairperson Mirkarimi made a motion to not disclose the closed session deliberations.

Ayes: Chairperson Mirkarimi, Commissioners Mar and Schmeltzer.

Absent: Commissioner Campos.

Action: Closed Session Deliberations Not Disclosed.

13. Adjournment

The meeting adjourned at 4:20 p.m.

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Special Joint Meeting with the San Francisco Public Utilities Commission September 25, 2009, at 2:00 p.m. City Hall, Legislative Chamber, Room 250

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

ORDER OF BUSINESS

1. Call to Order

The meeting convened at 2:06 p.m.

2. Roll Call

SF LAFCo Members

Present: Chairperson Mirkarimi, Commissioners Dufty (arrived at 3:25 p.m.), Mar (arrived at 2:15 p.m.), Avalos, Schmeltzer, and Bornstein.

Excused: Commissioner Campos.

SF PUC Members

Present: President Crowley, Commissioners Vietor, Caen, Ellis, and Moran.

There was a quorum.

REGULAR BUSINESS

Chairperson Mirkarimi moved, seconded by Commissioner Avalos, to conduct the Closed Session (Items 7 and 8) before the regular business.

Action: Motion approved to hear Items 7 and 8 (Closed Session) before the regular business.

Items 3 and 4 were heard together.

3. Opening remarks and discussion of expectations for this joint meeting
4. Discussion and possible action to concur with the authorization of the General Manager of the San Francisco Public Utilities Commission to submit a Request for Proposals for a Community Choice Aggregation provider to the Board of Supervisors for approval pursuant to Ordinance No. 147-07 1(a)7 and 86-04.

- A. Presentation by SF PUC Staff
(Michael Campbell, CCA Director; Ed Harrington, SFPUC Director; Barbara Hale, Assistant General Manager of Power)

An overview of the Request for Proposals (RFP) process and the options for structuring the CCA RFP was given. The two staff recommendations were reviewed; one would require all of the City's minimum requirements be met and the second recommendation would be less than the minimum and the differences were discussed.

- B. Presentation by SF LAFCo Staff
(Nancy Miller, Interim Executive Officer)

Options for the CCA RFP and the flexibility with the objectives were discussed. LAFCo and PUC staff will work together in finalizing the RFP before it is considered by the Board of Supervisors (BOS). LAFCo will be holding a joint meeting with the BOS Government Audit and Oversight Committee (GAO) on October 16, 2009; during which they will consider the draft final RFP and send forth a recommendation to the full BOS. Legal counsel will look into whether the RFP approval must be done by ordinance or resolution.

Public Comment: Erick Brooks, SF Green Party, spoke on his concerns with the second recommendation and ensuring the process is being followed; Francisco Da Costa urged the Commissions to incorporate goals and targets while keeping the constituents of San Francisco in mind; Joshua Arce, Brightline, spoke on his concerns with the recommendations presented.

SF PUC Action

The resolution was amended to add 1) a resolve clause requiring SFPUC staff to coordinate with LAFCo staff and 2) another resolve clause authorizing issuance of the RFP as generally described during this joint meeting to ensure it is compliant with program goals and conveys a strong preference that proposals meet all of the minimum requirements.

Commissioner Caen moved, seconded by Commissioner Moran, to approve the resolution as amended.

Ayes: President Crowley, Commissioners Vietor, Caen, Ellis, and Moran.

Action: Resolution approved as amended.

LAFCo Action

LAFCo recommended PUC staff work with LAFCo staff to finalize the draft RFP so that it is ready for consideration at the joint GAO / LAFCo meeting on October 16, 2009.

Commissioner Mar made a motion, seconded by Commissioner Schmeltzer, to concur with the amended resolution passed by the SF PUC.

Ayes: Chairperson Mirkarimi, Commissioners Dufty, Mar, Avalos, and Schmeltzer.

Action: Motion to concur with the amended resolution approved by the SF PUC passed.

5. Public Comment

Eric Brooks, SF Green Party, urged staff to make documents available in a timely manner and inquired about the peer review work done by Local Power on Navigant's work up-to-date; Joshua Arce, Brightline, spoke on the local green workforce and those that are economically disadvantaged.

6. Presentation by the City Attorney's Office, and discussion, of laws governing political activities and State and local ballot measures.
(Jon Givner, Deputy City Attorney)

A City employee or the City as an organization cannot take a stand on ballot measures or use any City resource (e.g., meeting room, phone, computer) to conduct any political activities. Any activity taking a position must be done on an employee's own time. Government agencies can provide and distribute information regarding ballot measures as they normally would. The BOS can

take a position on ballot measures on behalf of the City, but City departments or commissions should not.

Chairperson Mirkarimi moved to file this item.

Action: Filed.

JOINT CLOSED SESSION

7. Conference with Legal Counsel – Pursuant to California Government Code Section 54956.9(c) and San Francisco Administrative Code Section 67.10(d)(2)

Anticipated Litigation: As Plaintiff

Present: Theresa Mueller, Noreen Ambrose, Jon Givner, Andrew Shen, Nancy Miller, Jason Fried, Ed Harrington, Michael Campbell, Barbara Hale, and Mike Housh.

Action: Convened in closed session.

8. Reconvene in Open Session

[Elect Not to Disclose] Motion that the Commission finds that it is in the best interest of the public that the Commission elect at this time not to disclose its closed session deliberations listed above.

Chairperson Mirkarimi moved, seconded by Commissioner Mar, to not disclose the deliberations of the closed session.

Action: Motion passed to not disclose the deliberations of the closed session.

LAFCo BUSINESS

9. Consideration of a Resolution authorizing the Executive Officer to hire a Community Development Assistant (Jason Fried, Senior Program Officer)

The history of the second LAFCo staff position and the duties they would be performing was reviewed and discussed. The resolution presented authorized the Executive Officer to hire a Community Development Assistant.

Public Comment: Eric Brooks, SF Green Party, offered to fill or assist this position.

Commissioner Avalos moved, seconded by Commissioner Mar, to approve the resolution as presented.

Ayes: Chairperson Mirkarimi, Commissioners Dufty, Mar, Avalos, and Schmeltzer.

Action: Resolution was approved as presented.

10. Adjournment

The meeting adjourned at 4:48 p.m.