

# PACKET MATERIALS

DATE February 26, 2010

Item No. 5

## LOCAL AGENCY FORMATION COMMISSION AGENDA PACKET CONTENTS LIST \*

- Memo Re: "Approval of Amendment No. 9 to Legal Services Agreement  
with Miller, Owen & Trost"
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\*\* Exceeds 20 pages; see file to review  
Available for review at City Hall, Room 244

Completed by: Alisa Somera

Date: February 23, 2010

\* This list reflects the explanatory documents provided.

# San Francisco Local Agency Formation Commission

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TO: LAFCO Commissioners

FROM: Jason Fried, Senior Program Officer

DATE: February 26, 2010

SUBJECT: Item 5: Approval of Amendment No. 9 to Legal Services Agreement with Miller, Owen & Trost (Action item)

Nancy Miller of Miller, Owen & Trost provides legal services to the Commission and also acts as Interim Executive Officer. The current contract expires on February 28, 2010.

This request is to extend the contract term through February 28, 2011. The proposed contract extension provides that it may be terminated at any time by the Commission.

**Staff Recommendation:** The contract amount shall not exceed a total of \$ 80,000 for all services, including legal services and the services of the Interim Executive Officer. This budget includes CCA activities to be reimbursed by the CCA budget with SFPUC in an approximate amount of \$50,000.

**Background:** Nancy Miller provides services to services to the Commission as Counsel and Interim Executive Officer. Services for the CCA program and other services as directed by the Commission.

Since the hiring of two staff positions, duties by Ms Miller for Fiscal Year 2009/2010 and 2010/2011 will be reduced as the new staff will assume all of the administrative duties and more of the monitoring duties for the CCA CleanPowerSF Program. However due to the implementation of the CCA CleanPowerSF Program increased duties are expected in the areas of the preparation of the Implementation Plan, its approval at the CPUC, Energy Supplier Contract Review, Agreement with PG&E over customer billing and charges, CleanPowerSF community outreach program, rate setting issues, and the other duties of implementation of the CCA CleanPowerSF Program.

SF LAFCo staff will be primarily responsible for the CCA CleanPowerSF Community Outreach program in conjunction with the SFPUC as well as the day to day CCA

monitoring activities required under our Memorandum of Understanding with the SFPUC and Board of Supervisor Resolutions.

Ms. Miller will continue to provide oversight and management. Ms Miller has indicated that during the next fiscal year additional transitioning of duties will occur from her to staff as appropriate. The work plan for Fiscal Year 2010/2011 includes continuing and new duties related to implementation of the CCA CleanPowerSF Program.

A general list of duties and the shared responsibilities for staff are set forth below. As a consequence the budget for this year for legal services and Interim Executive Officer services are reduced by 20% acknowledging the duties to be assumed by new staff while realizing the need for additional work due to CCA implementation. Following is a list of services provided:

- Staff and NCM: Assist the Commission in CCA Implementation by advising the Commission on the status and implementation of the CCA program and monitoring the CCA Implementation Program; attending meetings of the Commission; SFPUC staff, meetings with City and County staff, and other jurisdictions on the CCA program; advise the Board of Supervisors as requested as well as the SFPUC on CCA Implementation as requested.
- Staff and NCM: Contract at the direction of the Commission for experts and consultants to provide advice, documentation and opinions regarding the CCA program.
- Staff and NCM: Prepares and recommends to Commissioners, actions, policy and measures necessary for Program implementation monitoring and advice; drafts and disseminates internal information to employees to facilitate and promote inter-agency communication.
- Staff: Establishes and maintains regular contact with interest groups related to CCA Program status and operational needs of the Commission and other interested parties, including other government agencies, community groups, environmental groups, business and industry.
- New: Staff: Represents the Commission at various meetings of interest groups, including departmental associations, trade organizations, neighborhood organizations, and environmental groups; advises the Commission and other management personnel regarding the concerns of these organizations; corresponds with these organizations on a regular basis.
- New: Staff: Oversee the Commission's media relations activities; supervise the preparation and dissemination of press releases, responses to media, and the facilitation of coverage of services and activities in various publications in cooperation with the SFPUC.

- New: Staff: Coordinate and or monitor the planning, development, and implementation of an aggressive and proactive community relations/public information program, including community outreach and consultation as required by AB 117; maintains contact with users in conjunction with Program implementation.
- NCM and Staff: Conducts as assigned studies and prepares memoranda and reports thereon; also prepares resolutions, ordinances, speeches, correspondence and other assigned materials.
- Staff: Provides information to the public, City officials and representatives of a variety of agencies and groups in response to questions concerning SFPUC CCA/LAFCo rules, regulations, legislation and the Commission's actions, legislation and policies.
- Staff: Investigates matters assigned by Commissioners relating to the affairs of the Board of Supervisors or its committees or other City Departments; submits findings with recommendations; prepares correspondence to governmental officials or citizens informing them of findings.
- New: Staff: As assigned, maintains a tracking system for monitoring actions of the Draft IP before the California Public Utilities Commission coordinates investigation and departmental review of CPUC Proceedings and communicates with members of LAFCo and departmental representatives relative to such proceedings.
- NCM and Staff: Assists members of LAFCo with other duties as may be assigned

Staff recommends extension of the contract for services from Miller Owen & Trost.