

PACKET MATERIALS

DATE March 23, 2012

Item No. 6

LOCAL AGENCY FORMATION COMMISSION AGENDA PACKET CONTENTS LIST *

- Staff Memorandum from Jason Fried, dated March 23, 2012
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** Exceeds 20 pages; see file to review
Available for review at City Hall, Room 244

Completed by: Linda Wong

Date: March 19, 2012

* This list reflects the explanatory documents provided.



San Francisco Local Agency Formation Commission

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*Eric Mar
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*Leah Pimental
Member of the Public - Alternate*

*Nancy Miller
Interim Executive Officer*

*Jason Fried
Senior Program Officer*

TO: LAFCO Commissioners
FROM: Jason Fried, Senior Program Officer
DATE: March 23, 2012

SUBJECT: Item 6: Authorization to Amend the Legal Services Agreement with Miller & Owen to Extend the Term to June 30, 2013 (Discussion and Possible Action item)

Nancy Miller, Miller & Owen provides legal services to the Local Agency Formation Commission (Commission) and also acts as Interim Executive Officer. The current contract for services expired on February 28, 2012.

This request is to extend the contract term through June 30, 2013. 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 \$125,000 for all services, including legal services and the services of the Interim Executive Officer. This budget includes Community Choice Aggregation (CCA) activities to be reimbursed by the CCA budget with the San Francisco Public Utilities Commission (SF PUC) in an approximate amount of \$90,000.

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

Ms. Miller will continue to provide oversight and management. The work plan for the remainder of Fiscal Year 2011/2012 and Fiscal Year 2012/2013 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 follows:

- 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 of San Francisco 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;

- Contract at the direction of the Commission for experts and consultants to provide advice, documentation, and opinions regarding the CCA program;
- Prepare and make recommendations to Commissioners, actions, policy and measures necessary for program implementation monitoring and advice; draft and disseminate internal information to employees to facilitate and promote inter-agency communication;
- Conduct as assigned studies and prepare memoranda and reports thereon, including resolutions, ordinances, speeches, correspondence and other assigned materials;
- Provide 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;
- Investigate matters assigned by Commissioners relating to the affairs of the Board of Supervisors, its committees, or other City departments. Submit findings with recommendations; prepare correspondence to governmental officials and/or citizens informing them of findings;
- As assigned, coordinate investigations and departmental review of CPUC proceedings and communicate with members of LAFCo and departmental representatives relative to such proceedings; and
- Assist members of LAFCo with other duties, as may be assigned

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

AMENDMENT NO. 11

**TO LEGAL SERVICES AGREEMENT
BETWEEN THE
SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION
AND
MILLER & OWEN**

This Amendment to Legal Services Agreement Between the San Francisco Local Agency Formation Commission and Miller & Owen ("Amendment"), is effective the 1st day of March, 2012, in the City and County of San Francisco, State of California, by and between Miller & Owen, and the San Francisco Local Agency Formation Commission ("LAFCo").

NOW THEREFORE, the parties agree as follows:

1. Term of the Legal Services Agreement

The term of the Agreement shall be extended to June 30, 2013.

2. Terms and Conditions of Legal Services Agreement

The terms and conditions set forth in the Agreement are extended and carried over in this Amendment as though fully set forth herein.

3. Termination

LAFCo shall have the option, in its sole discretion, to terminate this Amendment, at any time during the term hereof, for convenience and without cause. LAFCo shall exercise this option by giving Miller & Owen written notice of termination.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day first mentioned above.

SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION

Chairperson

Date _____

MILLER & OWEN

Nancy C. Miller

Date _____