



# **LOCAL AGENCY FORMATION COMMISSION CITY AND COUNTY OF SAN FRANCISCO MINUTES**

**City Hall, Committee Room 263  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689**

**November 9, 2017 - 10:00 AM**

## **Special Meeting**

**Present:** Commissioners Sandra Lee Fewer, Cynthia Pollock, and Hillary Ronen

The San Francisco Local Agency Formation Commission (SF LAFCo) met in special session on Thursday, November 9, 2017, with Chair Sandra Lee Fewer presiding.

### **1. Call to Order and Roll Call**

Chair Fewer called the meeting to order at 10:06 a.m. On the call of the roll, Chair Fewer, Vice Chair Pollock, and Commissioner Ronen were noted present. There was a quorum.

### **2. Approval of SF LAFCo Minutes from the July 20, 2017, Regular Meeting**

Chair Fewer inquired whether any Commissioner had any corrections to the minutes of the July 20, 2017, Regular Meeting of the San Francisco Local Agency Formation Commission. There were no corrections.

Public Comment: None.

Commissioner Ronen, seconded by Commissioner Pollock, moved to approve the minutes of the July 20, 2017, Regular Meeting of the Local Agency Formation Commission. The motion carried by the following vote:

Ayes: 3 - Fewer, Pollock, Ronen

Action: Minutes Approved

### **3. Community Choice Aggregation (CCA) Activities Report**

#### **A. Status update on CleanPowerSF Program**

Michael Hyams, Director (Community Choice Aggregation Program, Public Utilities Commission) presented a Power Point presentation on the activities of the CleanPowerSF

Program, including background information, goals and objectives, two energy products being offered, revenues, growth plan, phasing policies, completing citywide enrollment, request for offers (RFO) update, project capacity, potential job creation, projected costs and revenues, contracting approvals, and proposed schedule.

**B. Status update on proceedings at the California Public Utilities Commission**

Director Hyams provided an update on recent California Public Utilities Commission actions.

**C. Status update on State legislation**

Public Comment: Eric Brooks (SF Green Party/Our City/Clean Energy Advocates); provided suggestions on next steps and planning for renewables. Jed Holtzman (350 Bay Area); provided suggestions on the progress of CleanPowerSF in comparison to other CCA Programs.

No action was taken.

**4. Interim Administrative Officer's Report**

**A. LAFCo Budget Update**

Angela Calvillo, Interim Administrative Officer (SF LAFCo), presented a Power Point presentation providing an update of SF LAFCo's budget, including the General Fund balance, CCA Work Order balance, expenditure details, and FY207-18 expenditures to date.

Public Comment: Eric Brooks (SF Green Party/Our City/Clean Energy Advocates); expressed gratitude for Officer Calvillo's work on SF LAFCo and the need for permanent staffing.

No action was taken.

**5. Potential Waiver Execution Regarding General Counsel Potential Conflict of Interest**

Officer Calvillo (SF LAFCo) confirmed receipt of correspondence from Renne Sloan Holtzman Saki LLC providing notice to SF LAFCo regarding potential conflict of interest with their representation of SF LAFCo and also the City and County of San Francisco. Pursuant to Rule 3-310 of the Professional Rules of Responsibility, a written waiver is required from each client whenever this conflict of interest occurs. She further informed the Commission that the legal counsel is requesting Chair Fewer to execute a waiver on behalf of the Commission.

Teresa Stricker, Legal Counsel (Renne Sloan Holtzman Sakai LLC), provided additional information on this potential conflict of interest and answered questions raised throughout the discussion.

Public Comment: Eric Brooks (SF Green Party/Our City/Clean Energy Advocates); expressed concerns regarding the potential conflict of interest and the possibility of retaining different legal counsel.

Commissioner Pollock, seconded by Commissioner Ronen, moved to approve the waiver regarding the potential conflict of interest and directed Chair Fewer to sign on behalf of the Commission. The motion carried by the following vote:

Ayes: 3 - Fewer, Pollock, Ronen

Action: Waiver Approved

**6. Potential Staffing Change for Provision of General Counsel Services by Renne Sloan Holtzman Sakai LLC**

Teresa Stricker, Legal Counsel (Renne Sloan Holtzman Sakai LLC), informed the Commission of the staffing change for the main legal counsel being provided by Renne Sloan Holtzman Sakai. Nancy Miller has been the primary counsel for SF LAFCo, but due to time and location constraints, they are requesting Teresa Stricker be designated as the primary legal counsel going forward with Ms. Miller advising on certain matters.

Public Comment: Jed Holtzman; inquired as to whether the change will entail a double paying of legal services for multiple legal counsel staff.

Ms. Stricker confirmed that legal services are charged based on actual time spent on matters and indicated it is a more efficient.

Commissioner Ronen, seconded by Commissioner Pollock, moved to approve staffing change for provision of general counsel services by Renne Sloan Holtzman Sakai LLC. The motion carried by the following vote:

Ayes: 3 - Fewer, Pollock, Ronen

Action: General Legal Counsel Staffing Change Approved

**7. Discussion of Scope and Scale of Local LAFCo Jurisdiction and Responsibilities, with Presentation from Pamela Miller of California Local Agency Formation Commission (CALAFCO)**

Pamela Miller, Executive Director (California Local Agency Formation Commission (CALAFCO)), and David Church, Executive Officer (San Luis Obispo LAFCo) and Deputy Executive Officer (CALAFCO Coastal Region), presented a Power Point presentation on LAFCo jurisdiction and responsibilities, including legislative purposes, the uniqueness of SF LAFCo, review of Cortese-Know-Hertzberg Local Government Reorganization Act of 2000, regulatory review, municipal service review, Sphere of Influence, special studies, challenges and opportunities.

Teresa Stricker, Legal Counsel (Renne Sloan Holtzman Sakai LLC), provided additional information and answered questions raised throughout the hearing.

Public Comment: Eric Brooks (SF Green Party/Our City/Clean Energy Advocates); expressed gratitude for this informational hearing and provided suggestions on possible future plans.

No action was taken.

## **8. Discussion of Possible Options for Obtaining Executive Officer Services for the Commission and Possible Direction to Staff**

Teresa Stricker, Legal Counsel (Renne Sloan Holtzman Sakai LLC), reviewed the options that the Commission previously directed legal counsel to explore in order to retain executive officer services, namely: 1) contracting with another public agency to provide executive officer services, like the agreement LAFCo had with the City to provide these services; 2) contracting with a firm to provide executive officer services; 3) contracting with an individual, as an independent contractor, to provide executive officer services; 4) hiring an employee to serve as Executive Officer; and 5) other short-term options to retain “interim” executive officer services until a long term option can be implemented.

Chair Fewer also inquired about the possibility of partnering with another LAFCo to contract executive officer services. Ms. Stricker indicated that Nancy Miller had inquired about this possibility with Marin LAFCo. Pamela Miller, Executive Director (CALAFCO), provided additional information and answered questions raised regarding the possibility of partnering with another LAFCo.

Ms. Stricker provided additional information on the options, compliance requirements, and answered questions raised throughout the hearing. The Commission discussed the possibility of temporary staff and the need for specific projects and goals.

Angela Calvillo, Interim Administrative Officer (SF LAFCo), suggested scheduling a workshop to discuss the possibilities for obtaining executive officer services. The Commission expressed interest in scheduling the suggested workshop.

Public Comment: Eric Brooks (SF Green Party/Our City/Clean Energy Advocates); expressed concerns on ensuring oversight of the CleanPowerSF Program and the continuation of LAFCo.

The Commission directed staff to schedule the workshop for the November 30, 2017 Regular Meeting being rescheduled for 11:00 a.m., with regular meeting business occurring after the workshop.

No action was taken.

## **9. Public Comment**

Eric Brooks (SF Green Party/Our City/Clean Energy Advocates); expressed concerns regarding the California Public Utilities Commission actions on pass-through charges.

## **10. Future Agenda Items**

No future agenda items were

Public Comment: Eric Brooks (SF Green Party/Our City/Clean Energy Advocates); suggested the Commission consider the issue of public broadband.

## **11. Adjournment**

There being no further business, the Local Agency Formation Commission adjourned at the hour of 1:33 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Local Agency Formation Commission on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.