

# **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 09-0061

WHEREAS, the San Francisco Charter specifies that the management and control of the Community Choice Aggregation (CCA) program is the responsibility of the San Francisco Public Utilities Commission (Board of Supervisors, Section 1(a), Ord. No. 146-07; File No. 07-0777); and

WHEREAS, the San Francisco Board of Supervisors has requested the San Francisco Local Agency Formation Commission (SF LAFCo) to advise the SFPUC and Board of Supervisors regarding the progress of CCA development and implementation (Board of Supervisors, Section 1(b), Ord. No. 146-07; File No. 07-0777); and

WHEREAS, in certain instances, the SF LAFCo may make recommendations to the Board of Supervisors regarding how to proceed with actions related to CCA, should SFPUC fail to do so in a timely manner (Board of Supervisors, Section 1(a)(8), Ord. No. 147-07; File No. 07-0501); and

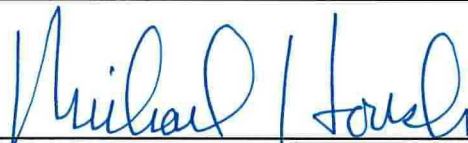
WHEREAS, the SF LAFCo issued LAFCo Resolution No. 2007-03 accepting \$700,000 per year in SFPUC funds for reimbursement for SF LAFCo services related to CCA from fiscal year 2008-09 through 2010-11, up to \$2,100,000 total; and

WHEREAS, the SF LAFCo and SFPUC staff have worked collaboratively to craft a Memorandum of Understanding (MOU) regarding the use of SFPUC funds for the purpose of SF LAFCo performing services related to CCA; and

WHEREAS, Funds identified in this MOU between the SFPUC and SF LAFCo will be available at the time of signing of the agreement from Project No. 519782 – CCA Project HHP, subject to budget and appropriation procedures; now, therefore, be it

RESOLVED, That this Commission hereby authorizes the General Manager of the San Francisco Public Utilities Commission to execute a Memorandum of Understanding with the SF LAFCo to allocate \$700,000 of SFPUC Power Enterprise Funds in fiscal year 2008-09 to reimburse SFLAFCo for services performed pursuant to the MOU, and as needed, the SFPUC may request release of the balance of the \$2,100,000 budgeted in fiscal year 2008-09, that remain held on reserve by the Board of Supervisor's Budget and Finance Committee; and authorize the General Manager to execute the MOU consistent with the terms in the MOU on file with the Commission Secretary and in such final form as is approved by the General Manager and City Attorney, consistent with City ordinances and regulations, and authorize the General Manager to approve any subsequent changes to the MOU necessary to address administrative issues, subject to approval as to form by the City Attorney.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of* \_\_\_\_\_ *April 17, 2009*



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*Secretary, Public Utilities Commission*