

File No. 130710

Committee Item No. 2

Board Item No. 23

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules

Date February 20, 2014

Board of Supervisors Meeting

Date March 4, 2014

#### Cmte Board

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|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>LAFCo Resolution Nos. 2007-01, 2012-01, and 2013-01</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
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Completed by: Alisa Miller Date February 13, 2014

Completed by: Alisa Miller Date February 25, 2014

**EC**

1 [Terms of and Expansion of Scope - Existing Local Agency Formation Commission Positions]

2  
3 **Resolution amending the terms of the existing Local Agency Formation Commission**  
4 **(LAFCo) positions by expanding the scope of services for the Senior Program Officer;**  
5 **extending the term of employment additional three years through June 30, 2016; and**  
6 **utilizing the existing LAFCo budget to continue funding this position.**

7  
8 WHEREAS, Under Ordinance No. 0146-07, the Board of Supervisors directed the San  
9 Francisco LAFCo to assist with the startup of the Community Choice Aggregation (CCA)  
10 program and to advise the Board of Supervisors, San Francisco Public Utilities Commission  
11 (SFPUC), and other agencies regarding all aspects of development, implementation,  
12 operation, and management of the CCA Program; and

13 WHEREAS, By adopting Resolution No. 2007-01 on September 28, 2007, LAFCo  
14 accepted responsibility to provide monitoring and advice to the Board of Supervisors, SFPUC,  
15 and other agencies regarding the CCA Program, on file with the Clerk of the Board of  
16 Supervisors in File No. 130710, which is hereby declared to be part of this Resolution as if set  
17 forth fully herein; and

18 WHEREAS, In March 2009, the Board of Supervisors passed Ordinance No. 141-08,  
19 amending the Annual Salary Ordinance to include additional staff positions for LAFCo,  
20 including a 9775 Senior Community Development Specialist II position, a classification which  
21 allows for all duties currently performed by the Interim Executive Officer, and a 9770  
22 Community Development Assistant to support the development and implementation of the  
23 CCA Program; and

24 WHEREAS, On June 15, 2012, the Interim Executive Officer recommended, and the  
25 Commission approved by Resolution No. 2012-01, a one-year extension of LAFCO staff

1 positions through June 30, 2013; on file with the Clerk of the Board of Supervisors in File No.  
2 130710, which is hereby declared to be part of this Resolution as if set forth fully herein; and

3 WHEREAS, These positions were initially established as short-term positions, to advise  
4 the Board of Supervisors, SFPUC, and other agencies regarding all aspects of development,  
5 implementation, operation, and management of the CCA Program; and

6 WHEREAS, The current stage of the CCA Program does not require the same level of  
7 LAFCo staff time for monitoring and assistance, allowing staff and the Commission to pursue  
8 LAFCo projects and other special projects, including research and reporting on various  
9 studies of regional operations and policies; and

10 WHEREAS, A change in the LAFCo staffing structure would reflect the changing needs  
11 of the commission members and would be more cost effective; and

12 WHEREAS, On June 28, 2013, LAFCo unanimously passed Resolution No. 2013-01  
13 urging the Board of Supervisors to make amendments to the terms of existing LAFCo  
14 positions, on file with the Clerk of the Board of Supervisors in File No. 130710, which is  
15 hereby declared to be part of this Resolution as if set forth fully herein; and

16 WHEREAS, The LAFCo staff time for CCA, LAFCo projects, and other special projects  
17 will be tracked and reported as billable hours to allow the correct funding source to pay for  
18 actual work hours; now, therefore, be it

19 RESOLVED, That the Board of Supervisors hereby amends the terms of existing  
20 LAFCo positions by expanding the scope of services of the 9775 Senior Community  
21 Development Specialist II position to include all duties currently performed by the Interim  
22 Executive Officer, extends the term of the 9775 Senior Community Development Specialist II  
23 position for an additional three years through June 30, 2016, and utilizes the funding currently  
24 available in the LAFCo budget for these purposes.  
25

RESOLUTION NO. 2013-01

1 [Local Agency Formation Commission Resolution to urge the Board of Supervisors to amend  
2 the terms of existing positions.]

3  
4 **Local Agency Formation Commission (LAFCo) Resolution to urge the Board of**  
5 **Supervisors to amend the terms of existing LAFCo positions by expanding the scope**  
6 **of services for the Senior Program Officer, extending the term of employment for an**  
7 **additional three years, and utilizing the existing LAFCo budget to continue funding this**  
8 **position.**

9  
10 WHEREAS, Under Ordinance 0146-07, the Board of Supervisors directed the San  
11 Francisco LAFCo to assist with the startup of the Community Choice Aggregation (CCA)  
12 program and to advise the Board of Supervisors, San Francisco Public Utilities Commission  
13 (SFPUC), and other agencies regarding all aspects of development, implementation,  
14 operation, and management of the CCA program; and

15 WHEREAS, By adopting Resolution number 2007-01 on September 28, 2007, LAFCo  
16 accepted responsibility to provide monitoring and advice to the Board of Supervisors, SFPUC,  
17 and other agencies regarding the CCA Program; and

18 WHEREAS, In March 2009, the Board of Supervisors passed Ordinance No. 141-08,  
19 amending the Annual Salary Ordinance to include additional staff positions for LAFCo,  
20 including a 9775 Senior Community Development Specialist II position to include all duties  
21 currently performed by the Interim Executive Officer and a 9770 Community Development  
22 Assistant to support the development and implementation of the CCA program; and

23 WHEREAS, In August 2012, the Interim Executive Officer recommended and the  
24 Commission approved a one-year extension of LAFCO staff positions through June 30, 2013;  
25 and

1           WHEREAS, These positions were initially established as short-term positions, to advise  
2 the Board of Supervisors, SFPUC, and other agencies regarding all aspects of development,  
3 implementation, operation, and management of the CCA program; and

4           WHEREAS, The current stage of the CCA program does not require the same level of  
5 LAFCo staff time for monitoring and assistance, allowing staff and the Commission to pursue  
6 LAFCo projects and other special projects, including research and reporting on various  
7 studies of regional operations and policies; and

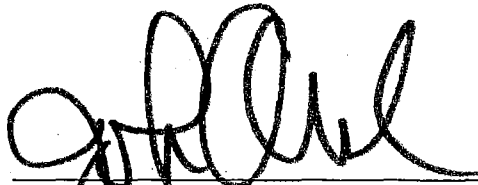
8           WHEREAS, The LAFCo staff time for CCA, LAFCo projects, and other special projects  
9 will be tracked and reported as billable hours to allow the correct funding source to pay for  
10 actual work hours; and

11           WHEREAS, LAFCo believes that a change in staffing structure would reflect the  
12 changing needs of the commission members, and would be more cost effective; now,  
13 therefore, be it

14           RESOLVED, That the Local Agency Formation Commission of the City and County of  
15 San Francisco hereby urges the Board of Supervisors to amend the terms of the existing  
16 LAFCo positions by expanding the scope of services of the 9775 Senior Community  
17 Development Specialist II position to include all duties currently performed by the Interim  
18 Executive Officer, extending the term of the 9775 Senior Community Development Specialist  
19 II position for an additional three years through June 30, 2016, and utilizing the funding  
20 currently available in the LAFCo budget for these purposes.

1 On a motion by Commissioner Mar, seconded by Commissioner Campos, the foregoing Resolution was  
2 passed and adopted by the SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION,  
3 State of California, this 28<sup>th</sup> day of June, 2013, by the following vote, to wit:

4 Ayes: Chairperson Avalos, Commissioners Campos, and Breed.  
5 Noes: None.  
6 Excused: Commissioner Schmeltzer.

7  
8   
9 John Avalos, Chairperson  
10 SAN FRANCISCO LOCAL AGENCY  
11 FORMATION COMMISSION

12 ATTEST:

13   
14 Nancy Miller

15 Interim Executive Officer  
16  
17  
18  
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25

As Amended in Commission – 6/15/12  
RESOLUTION NO. 2012-01

1 [LAFCO Resolution to Authorize the Interim Executive Director to extend the term of LAFCO  
2 staff positions for one fiscal year.]

3 **Resolution of the Local Agency Formation Commission of the City and County of**  
4 **San Francisco to Authorize the Interim Executive Officer to Extend the Term of**  
5 **Employment for LAFCO Staff by One Fiscal Year.**

6  
7 WHEREAS, under Ordinance 0146-07, the Board of Supervisors has directed SF  
8 LAFCO to assist with the startup of the CCA Program and to advise the Board of Supervisors,  
9 SFPUC, and other agencies regarding all aspects of development, implementation, operation,  
10 and management of the CCA Program; and

11 WHEREAS, by adopting Resolution number 2007-01 on September 28, 2007, LAFCO  
12 accepted responsibility to provide monitoring and advice to the Board of Supervisors, SFPUC,  
13 and other agencies regarding the CCA Program; and

14 WHEREAS, the SFPUC has agreed to provide LAFCO with up to \$2.1 million in funds  
15 ~~between 2007 and 2010~~ for its role in the CCA Program; and

16 WHEREAS, at its hearings held January 23, 2009, the Commission authorized Interim  
17 Executive Director to move forward with hiring an Administrative Assistant/Community Liaison  
18 and a Senior Program Officer if the Government Audit and Oversight Committee and the  
19 Board of Supervisors authorized the addition of the two positions;

20 WHEREAS, in March 2009, the Board of Supervisors for the City and County of San  
21 Francisco passed Ordinance No. 141-08, amending the annual salary ordinance to include  
22 two additional staff positions for SF LAFCO to assist with the development and  
23 implementation of the CCA program; and

24 WHEREAS, while these positions were initially established as short-term positions,  
25 given the current status of the CCA program, the Interim Executive Director has

1 recommended a one-year extension of both positions through June 30, 2013, utilizing the  
2 funding currently available.

3 THEREFORE BE IT RESOLVED, that the Local Agency Formation Commission of the  
4 City and County of San Francisco hereby ~~extends~~ approves the extension of the term of  
5 these two positions, and authorizes the Interim Executive Officer to request, in coordination  
6 with the SFPUC and the CCSF, the extension of the term of the 9775 Senior Community  
7 Development Specialist II position and the 9770 Community Development Assistant position  
8 through June 30, 2013.

9  
10 On a motion by Commissioner John Avalos, seconded by Commissioner Leah Pimentel, the  
11 foregoing Resolution was passed and adopted by the SAN FRANCISCO LOCAL AGENCY  
12 FORMATION COMMISSION, State of California, this 15th day of June, 2012, by the  
13 following vote, to wit:

14 AYES: Chairperson David Campos, Commissioners John Avalos, Christina  
15 Olague, and Leah Pimentel.

16 NOES: None.

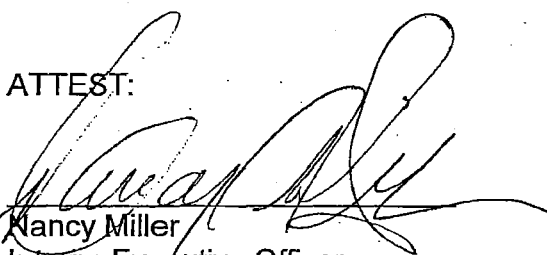
17 ABSTAIN: None.

18 ABSENT: Commissioners Eric Mar and Hope Schmeltzer.

19 

20 David Campos, Chairperson  
21 SAN FRANCISCO LOCAL AGENCY  
22 FORMATION COMMISSION

23 ATTEST:

24   
25 Nancy Miller  
Interim Executive Officer

Supervisor Campos  
Local Agency Formation Commission



[LAFCo Resolution Accepting Advisory Role for Implementation of Community Choice Aggregation Energy Program]

**Resolution of the Local Agency Formation Commission of the City and County of San Francisco accepting an advisory role in monitoring Community Choice Aggregation energy program implementation, authorizing staffing for said purpose, directing the executive officer to draft an initial budget and tentative timeline for advisory role duration, authorizing the executive officer to execute Memoranda of Understanding with governmental agencies or contractors of the City and County of San Francisco and establishing initial advisory and monitoring protocols.**

Note: Commission amendment additions are double underlined.  
Commission amendment deletions are ~~strike through normal~~.

WHEREAS, The City and County of San Francisco established a Community Choice Aggregation program ("CCA Program") pursuant to the California Public Utilities Code as authorized by Assembly Bill 117 (Migden, 2002) under Ordinance 86-04, file # 40236 which is incorporated by this reference as though set forth at length; and,

WHEREAS, The City and County of San Francisco adopted a Community Choice Draft Implementation Plan ("IP") by Ordinance 0147-07, file #070501, which is incorporated by this reference as though set forth at length; and,

WHEREAS, The City and County of San Francisco further adopted a Community Choice governance structure by Ordinance 0146-07, file #070777, which is incorporated by this reference as though set forth at length; and,

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1           WHEREAS, The City and County of San Francisco has sought the assistance of the  
2 Local Agency Formation Commission of the City and County of San Francisco ("LAFCo") in  
3 providing an advisory role for the implementation of its Community Choice energy program  
4 specifically seeking the involvement of LAFCo in Ordinance 0146-07, at Section (1)(b), to  
5 "assist with the startup of the CCA Program and advise the Board of Supervisors, SFPUC  
6 and other agencies regarding all aspects of development, implementation, operation and  
7 management of the CCA program....", and,

8           WHEREAS, the San Francisco Public Utilities Commission ("SFPUC") has agreed to  
9 provide LAFCo with funding not to exceed an initial \$2.1 million in annual increments of  
10 \$700,000.00 over three years for the purposes of establishing a its requested monitoring and  
11 advisory role in the implementation of the CCA Program; and,

12           WHEREAS, The Board of Supervisors and the Office of the Mayor have placed  
13 \$3.1 million of Mayor's Energy Conservation Account (MECA) funds previously allocated to  
14 the SFPUC for implementation of the Program on Finance Committee reserve; and

15           WHEREAS, LAFCo has been substantively involved in developing the CCA Program  
16 having been the venue for development of the Draft Implementation Plan, receiving feasibility  
17 studies and third party legal opinions, and conducting hearings on CCA creation, scope and  
18 viability; now therefore, be it

19           RESOLVED, That the Local Agency Formation Commission of the City and County of  
20 San Francisco hereby accepts the responsibility to provide monitoring of and advice to the  
21 Board of Supervisors of the City and County of San Francisco and the San Francisco Public  
22 Utilities Commission ("SFPUC") regarding implementation of the City's Community Choice  
23 Aggregation Energy Program as contemplated by the ordinances incorporated herein.  
24 Activities and actions taken by LAFCo to monitor and provide advice regarding the CCA  
25 Program are hereinafter referred to as the "Project"; and, be it

1 FURTHER RESOLVED, that LAFCo has the authority to assume the role of monitor  
2 and advisor to the Board of Supervisors of the City and County of San Francisco and the  
3 SFPUC regarding implementation of the City's Community Choice Aggregation Energy  
4 Program pursuant to its powers to pursue special studies, and to obtain and provide  
5 information regarding government services as outlined in SF LAFCo Policies and Procedures  
6 sections 1.1 and 2.6 consistent with Government Code section 56031.

7 FURTHER RESOLVED, That LAFCo hereby authorizes its Executive Officer to expend  
8 funds necessary to hire personnel to: adequately assist its members in discharging their  
9 duties; hire experts or other consultants to render budgetary, financial, technical, policy,  
10 specialized legal or other advice, representation or expertise to LAFCo regarding the CCA  
11 Program as contemplated by Ordinance 0146-07, Section 1(b), subsections (1-14); and, be it

12 FURTHER RESOLVED, the Executive Officer is hereby requested to submit an  
13 amended budget for the current fiscal year ~~reflecting the initial \$700,000.00 in funds~~ with  
14 funding anticipated from the SFPUC and propose a an operating budget for the subsequent  
15 two years of anticipated funding for an initial Project term of three (3) years. Said amended  
16 budget shall contain provisions and funding for a staff position consistent with San Francisco  
17 City and County standard procedures acknowledging that LAFCo is a separate entity; and, be  
18 it

19 FURTHER RESOLVED, that the Executive Officer is requested to propose a timeline,  
20 in consultation with either the General Manager of the SFPUC or Manager of its Power  
21 Enterprise, either the Director of Government Relations or the Director or designee of the  
22 Mayor's Office of Economic and Workforce Development, and the LAFCo Chair, for duration  
23 of the Project; and, be it

24 FURTHER RESOLVED, upon LAFCo adoption of an initial project budget and annually  
25 thereafter in accordance with approved LAFCo budgetary authority, the Executive Officer in

1 consultation with the SFPUC, shall submit a work order or such other similar request to the  
2 SFPUC for transfer of budgeted funds to the LAFCo account. Budgeted funds remaining  
3 unspent shall be carried forward to future years without offset to the annual increment due  
4 from the SFPUC's initial project funding obligation. However, unspent funds, if any and less  
5 encumbrances, received from the SFPUC, on hand at the end of the project duration shall be  
6 returned to the SFPUC and be available for CCA purposes; and, be it

7 ~~FURTHER RESOLVED, the Executive Officer is authorized to enter into agreements~~  
8 ~~either by work order or properly let contracts to retain a staff member for the balance of the~~  
9 ~~current fiscal year in accordance with budgetary authority hereafter approved; and, be it~~

10 FURTHER RESOLVED, the Executive Officer is authorized to enter into Memoranda  
11 of Understanding with other City Departments, the Legislative Analyst, Budget Analyst or  
12 other governmental agencies or existing city contractors to provide services, logistic support,  
13 or technical capacity in furtherance of the Project, and, be it

14 FURTHER RESOLVED, That LAFCo establishes the following initial protocols for  
15 discharging the duties contemplated by the Project:

16 1. LAFCo understands that time is of the essence and will consequently review, in  
17 its discretion, all documentation produced and actions to be taken pursuant to relevant law,  
18 including, but not limited to, the contemplated RFI, RFP, Final IP, or any contract, MOU,  
19 release of reserved funds or other public document or action that may be required to be  
20 executed, approved or taken by any or all of the Mayor, Board of Supervisors or SFPUC  
21 relating to the CCA Program in a timely manner;  
22 LAFCo will convey its advice regarding such documentation or proposed action either through  
23 its Executive Officer, assistant executive officer or other staff, an expert or consultant's  
24 memorandum or directly to the interested parties by resolution. LAFCo will rely on the IP to  
25 guide its assessment of the progress of CCA Program implementation and may, by

1 resolution, outline parameters to further guide its membership and interested parties as to the  
2 elements, policy and desired outcome necessary to assess a successful completion of each  
3 phase of the CCA Program. Such phases presently contemplated, some of which may run  
4 concurrently, are:

- 5 a. Request for Information
- 6 b. Request for Proposal, CCA Program Basis Report and Completion of Statement  
7 of Intent
- 8 c. Contract Negotiation
- 9 d. Completion and Approval of Implementation Plan
- 10 e. Submission of the IP and Binding Notice of Intent to the CPUC and related  
11 process
- 12 f. Contract Monitoring and Administration
- 13 g. Contract wind-up and transfer of assets and management responsibility to the  
14 SFPUC;

15 2. LAFCo will provide advice, opinions, communications and recommendations in  
16 writing where practicable;

17 3. Reports, memoranda, opinions, communications, recommendations and advice  
18 generated by LAFCo or its staff, to the extent not covered by a lawful exclusions including,  
19 but not limited to, attorney-client privilege, corporate confidentiality agreement, or trade or  
20 competitive secret, shall be in the public domain and published on the LAFCo website;

21 4. In order to exercise due diligence, expedite action and reduce delay of  
22 consideration of Project and CCA Program matters coming before it, LAFCo will, in either the  
23 discretion of the Chair or upon recommendation of LAFCo, promptly forward reviewed  
24 documents and proposed actions to relevant experts for evaluation, comment and advice

25 ///

1 prior to the scheduling of hearings, if necessary, to discuss, make recommendations, and/ or  
2 propose revisions relating to said documentation and/ or contemplated actions;

3 5. LAFCo understands that, given the power delegated to it to draft documents in  
4 the absence of action by the SFPUC in Ordinance 0147-07 Section (1)(a)(8), the Board of  
5 Supervisors expects that LAFCo has the right to and will, either in its discretion or upon  
6 request, review and advise either the Board, Mayor or SFPUC on all matters regarding the  
7 CCA Program prior to official release, approval or execution of documentation, or taking  
8 actions as contemplated in paragraph one (1) above; and, be it

9 FURTHER RESOLVED, That the Executive Officer of LAFCo is directed to transmit fully  
10 conformed copies of this resolution to: the Clerk of the Board of Supervisors of the City and  
11 County of San Francisco for inclusion on its next printed agenda as a communication and for  
12 distribution to its membership, the Director of Governmental Affairs, the General Manager of  
13 the SFPUC, the Director of the Mayor's Office of Economic and Workforce Development and  
14 to publish this resolution on the LAFCo website.



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7703  
Fax No. 554-5163

## Local Agency Formation Commission

Resolution No. 2007-01

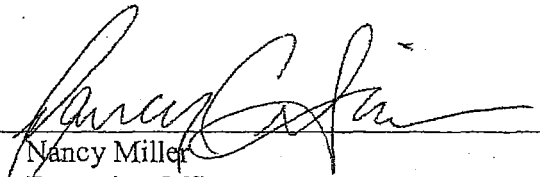
Date Passed: September 28, 2007

### RESOLUTION ACCEPTING ADVISORY ROLE FOR IMPLEMENTATION OF COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM

Adopted by the following vote: 3-0.

AYES: Chairperson Commissioner Mirkarimi, Commissioners Daly and  
Schmeltzer  
NOES: None  
ABSENT: Commission McGoldrick

I hereby certify that the San Francisco Local Agency Formation Commission adopted the  
foregoing resolution on September 28, 2007.

  
\_\_\_\_\_  
Nancy Miller  
Executive Officer

  
\_\_\_\_\_  
Chairperson Commissioner Ross Mirkarimi

Date Approved: September 28, 2007

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Supervisor John Ayalos

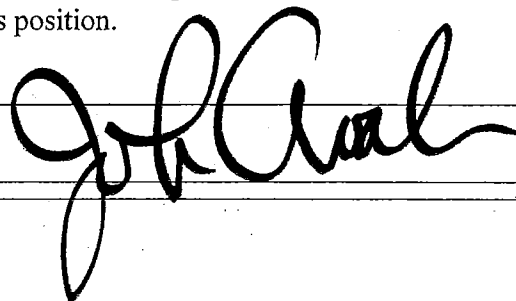
**Subject:**

Resolution amending the terms of existing LAFCo positions.

**The text is listed below or attached:**

Resolution amending the terms of existing Local Agency Formation Commission (LAFCo) positions by expanding the scope of services for the Senior Program Officer, extending the term of employment for an additional three years, and utilizing the existing LAFCo budget to continue funding this position.

Signature of Sponsoring Supervisor:



For Clerk's Use Only: