

File No. 190600

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: June 20, 2019

Board of Supervisors Meeting:

Date: _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | MOU - Amendment No. 4 and Amendment Nos. 3, 2, 1 |
| <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 |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SFPUC Reso Nos. 19-0194, 17-0103, 15-0023, 13-0054, 09-0073</u>
<u>and 09-0061</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>BOS Reso No. 314-17</u> |

Prepared by: John Carroll

Date: June 14, 2019

Prepared by: John Carroll

Date: _____

1 [Amendment to Memorandum of Understanding - San Francisco Local Agency Formation
2 Commission - Term Extension]

3 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
4 **Commission to execute the fourth amendment to the Memorandum of Understanding**
5 **with the San Francisco Local Agency Formation Commission, extending the term by**
6 **one year, for a total agreement term of 12 years through FY2019-2020, with no change**
7 **to the total amount not to exceed \$2,100,000 pursuant to Charter, Section 9.118.**

8
9 WHEREAS, On April 17, 2009, the San Francisco Public Utilities Commission
10 (SFPUC) approved Resolution No. 09-0061, authorizing the General Manager of the
11 SFPUC to execute a Memorandum of Understanding (MOU) with the San Francisco Local
12 Agency Formation Commission (SF LAFCo) to allocate SFPUC Power Enterprise funds for
13 reimbursement for SF LAFCo services related to the Community Choice Aggregation (CCA)
14 Program, called CleanPowerSF, for an amount not to exceed \$2,100,000 with a term of
15 three years, concluding on June 30, 2011; and

16 WHEREAS, On April 24, 2009, the SFPUC approved Resolution No. 09-0073,
17 adopting the MOU; and

18 WHEREAS, On April 9, 2013, the SFPUC approved Resolution No. 13-0054,
19 authorizing the General Manager to execute Amendment No. 1, extending the duration of
20 the MOU by four years, for a total agreement duration of seven years, with no change to the
21 total not to exceed amount; and

22 WHEREAS, On January 30, 2015, the SFPUC approved Resolution No. 15-0023,
23 authorizing the General Manager to execute Amendment No. 2, extending the duration of
24 the MOU by two years, for a total agreement duration of nine years, with no change to the
25 total not to exceed amount; and

1 WHEREAS, On May 9, 2017, the SFPUC Approved Resolution No. 17-0103,
2 authorizing the General Manager to execute Amendment No. 3, extending the duration of
3 the MOU by two years, for a total agreement duration of 11years, with no change to the total
4 not to exceed amount; and

5 WHEREAS, On July 25, 2017, the Board of Supervisors approved Resolution
6 No. 314-17, authorizing the General Manager of the SFPUC to execute Amendment No. 3
7 of the MOU; and

8 WHEREAS, Amendment No. 4 is being requested to extend the duration of the MOU
9 by one year, for a total agreement 12 years, with no change to the total not to exceed
10 amount, in order to continue to have SF LAFCo monitor the implementation process and
11 advise the SFPUC and San Francisco Board of Supervisors regarding all aspects of
12 development, operation and management of the CCA program; and

13 WHEREAS, The proposed Amendment No. 4 is on file with the Clerk of the Board of
14 Supervisors in File No. 190600, and is hereby declared to be part of this Resolution as if
15 fully set forth herein; and

16 WHEREAS, On May 14, 2019, the SFPUC approved Resolution No. 19-0194
17 approving Amendment No. 4 to the Power Enterprise, CCA Project-funded MOU between
18 SFPUC and the SF LAFCo; and authorizing the General Manager of the SFPUC to execute
19 this amendment, with a term extension of one year, for a total agreement duration of 12
20 years through FY2019-2020; and

21 WHEREAS, Funds for this MOU are available from Project CUH978 – CCA Project
22 LAFCO-HHP; now, therefore, be it

23 RESOLVED, That this Board of Supervisors hereby approves and authorizes the
24 General Manager of the SFPUC to execute the fourth amendment to the MOU, extending
25 the duration of the MOU by one year, for a total agreement duration of 12 years, with no

1 change to the total not to exceed amount of \$2,100,000 pursuant to Charter, Section 9.118;
2 and, be it

3 FURTHER RESOLVED, That within thirty (30) days of the execution of Amendment
4 No. 4 to the MOU, the General Manager of the SFPUC shall provide the signed revised
5 contract to the Clerk of the Board for inclusion in the official file.
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**Amendment Number One to Memorandum of Understanding Between
The San Francisco Public Utilities Commission and
The San Francisco Local Agency Formation Commission
Regarding the Community Choice Aggregation Program**

This Amendment No. 4 to the MEMORANDUM OF UNDERSTANDING (“MOU”) dated April 17, 2009, by and between the SAN FRANCISCO PUBLIC UTILITIES COMMISSION (“SFPUC”) and the SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION (“SF LAFCo”) is dated for convenience insert date here.

1. Extension of Term. The parties agree to extend the terms of this Memorandum of Understanding through Fiscal Year 2019-2020 pursuant to the terms of Section 2 and Section 13 of the Memorandum.
2. Effect of Amendment. All responsibilities and obligations of the parties under the agreement will remain in effect through the extended term.
3. Counterparts. This MOU may be executed in multiple counterparts.

San Francisco Local Agency Formation Commission,

Date: _____

Bryan Goebel, Executive Director, San
Francisco LAFCo

San Francisco Public Utilities Commission,

Date: _____

Harlan L. Kelly Jr.
General Manager, the San Francisco Public
Utilities Commission

Approved as to Form

Deputy City Attorney

**Amendment Number Three to Memorandum of Understanding
Between The San Francisco Public Utilities Commission and
The San Francisco Local Agency Formation Commission
Regarding the Community Choice Aggregation Program**

This Amendment No. 3 to the MEMORANDUM OF UNDERSTANDING (“MOU”) dated April 17, 2009, by and between the SAN FRANCISCO PUBLIC UTILITIES COMMISSION (“SFPUC”) and the SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION (“SF LAFCo”) is dated for convenience insert date here.

1. Extension of Term. The parties agree to extend the terms of this Memorandum of Understanding through Fiscal Year 2018-2019 pursuant to the terms of Section 2 and Section 13 of the Memorandum.
2. Effect of Amendment. All responsibilities and obligations of the parties under the agreement will remain in effect through the extended term.
3. Counterparts. This MOU may be executed in multiple counterparts.

San Francisco Local Agency Formation Commission,

Date: _____

Jason Fried, Executive Director, San
Francisco LAFCo

San Francisco Public Utilities Commission,

Date: _____

Harlan L. Kelly Jr.
General Manager, the San Francisco Public
Utilities Commission

Approved as to Form

Deputy City Attorney

**Amendment Number Two to Memorandum of Understanding Between
The San Francisco Public Utilities Commission and
The San Francisco Local Agency Formation Commission
Regarding the Community Choice Aggregation Program**

This Amendment No. 2 to the MEMORANDUM OF UNDERSTANDING (“MOU”) dated April 17, 2009, by and between the SAN FRANCISCO PUBLIC UTILITIES COMMISSION (“SFPUC”) and the SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION (“SF LAFCo”) is dated for convenience the 30th day of January, 2015.

1. Extension of Term. The parties agree to extend the terms of this Memorandum of Understanding through Fiscal Year 2016-2017 pursuant to the terms of Section 2 and Section 13 of the Memorandum.
2. Effect of Amendment. All responsibilities and obligations of the parties under the agreement will remain in effect through the extended term.
3. Counterparts. This MOU may be executed in multiple counterparts.

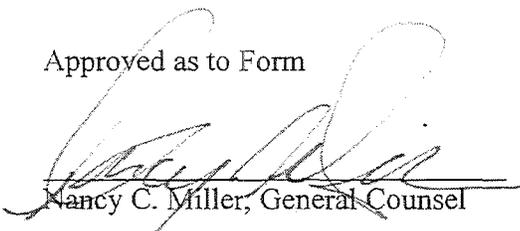
San Francisco Local Agency Formation Commission,

Date: Jan 30, 2015



Jason Fried, Executive Officer,
San Francisco LAFCo

Approved as to Form



Nancy C. Miller, General Counsel

San Francisco Public Utilities Commission,

Date: 1/30/15



Harlan L. Kelly Jr.
General Manager, the San Francisco Public
Utilities Commission

Approved as to Form



Deputy City Attorney

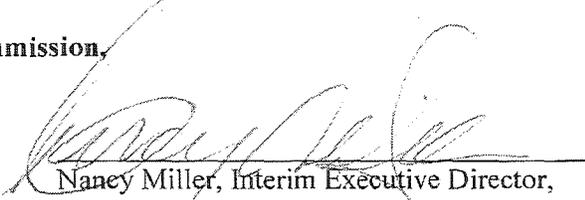
**Amendment Number One to Memorandum of Understanding Between
The San Francisco Public Utilities Commission and
The San Francisco Local Agency Formation Commission
Regarding the Community Choice Aggregation Program**

This Amendment No. 1 to the MEMORANDUM OF UNDERSTANDING ("MOU") dated April 17, 2009, by and between the SAN FRANCISCO PUBLIC UTILITIES COMMISSION ("SFPUC") and the SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION ("SF LAFCo") is dated for convenience 9th day of April, 2013.

1. Extension of Term. The parties agree to extend the terms of this Memorandum of Understanding through Fiscal Year 2014-2015 pursuant to the terms of Section 2 and Section 13 of the Memorandum.
2. Effect of Amendment. All responsibilities and obligations of the parties under the agreement will remain in effect through the extended term.
3. Counterparts. This MOU may be executed in multiple counterparts.

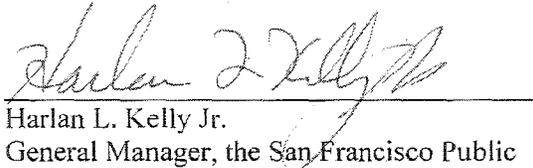
San Francisco Local Agency Formation Commission,

Date: May 1, 2013


Nancy Miller, Interim Executive Director,
San Francisco LAFCo

San Francisco Public Utilities Commission,

Date: _____


Harlan L. Kelly Jr.
General Manager, the San Francisco Public
Utilities Commission

Approved as to Form


Deputy City Attorney

**Memorandum of Understanding Between
The San Francisco Public Utilities Commission and
The San Francisco Local Agency Formation Commission
Regarding the Community Choice Aggregation Program**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is dated for convenience as of April 17, 2009, by and between the SAN FRANCISCO PUBLIC UTILITIES COMMISSION ("SFPUC") and the SAN FRANCISCO LOCAL AGENCY FORMATION COMMISSION ("SF LAFCo").

1. Purpose. The purpose of this MOU is to memorialize the agreement reached between SFPUC and SF LAFCo, as set forth in LAFCo Resolution No. 2007-03, for reimbursements to SF LAFCo for Community Choice Aggregation Implementation Plan ("The Implementation Plan") duties as set forth in San Francisco Board of Supervisors ("Board of Supervisors") Ordinance No. 147-07. (File No. 07-0777.) The agreement set forth in LAFCo Resolution No. 2007-03 accepted \$700,000 per year in SFPUC funds for reimbursement for SF LAFCo duties from fiscal year 2008-09 through 2010-11, up to \$2,100,000 total. Consistent with that agreement, the SFPUC has sought and obtained an appropriation of \$700,000 of SFPUC Power Enterprise Funds in fiscal year 2008-09 for SF LAFCo duties. The SFPUC budgeted the balance of the \$2,100,000 in the fiscal year 2008-2009, but the funds in excess of \$700,000 were placed on reserve by the Board of Supervisor's, and subsequent releases are subject to Budget and Finance Committee action. As needed, the SFPUC can request release of funds from the Board of Supervisors Finance Committee, but the decision to release the funds is within the Board Committee's sole discretion.

2. Term and Reimbursement.

a. The Term of this Memorandum of Understanding is for Fiscal Year 2008-2009 through 2010 -2011, which term may be extended by mutual agreement of the parties. SF LAFCo may seek up to \$700,000 in reimbursement for each fiscal year, beginning in Fiscal Year 2008-2009 through fiscal year 2010-11. If any of the \$700,000 allotted for a fiscal year is not used, the SFPUC shall recommend to the Mayor that those funds shall carry over to the subsequent fiscal year, and if approved by the Board of Supervisors and Mayor in the subsequent budget process pursuant to the San Francisco Charter, then the maximum amount that can be reimbursed for the subsequent fiscal year shall be increased accordingly, pending any further necessary authorization from the Board of Supervisors to remove required funds from reserve. Any monies received by SF LAFCo pursuant to state or federal grants are in addition to, and supplement, the SFPUC Power Enterprise Funds pursuant to this MOU.

3. Background.

a. The Charter of the City of San Francisco stipulates that the SFPUC holds sole authority over energy services. SF LAFCo's role is to monitor and advise. SF

LAFCo may undertake tasks that assist in the implementation of CCA subject to the SFPUC's delegation.

- b. Neither SF LAFCo nor SFPUC has the authority to appropriate funds and funds may not be removed from reserve without the action of the Board of Supervisors at a noticed and public hearing.
- c. In May 2004, the Board of Supervisors adopted Ordinance No. 86-04 approving the development of an Implementation Plan to create a San Francisco Community Choice Aggregation Program ("CCA Program"). (File No. 04-0236.)
- d. The Board of Supervisors adopted Ordinance No. 146-07 which provides that "[m]anagement and control of the Community Choice Aggregation (CCA) Program will be undertaken by the San Francisco Public Utilities Commission (SFPUC)." (File No. 07-0777.)
- e. Pursuant to Board of Supervisors' Ordinance No. 146-07, SF LAFCo's CCA Program assignment is "to monitor the implementation process and advise the SFPUC and the Board of Supervisors regarding the progress of CCA development and implementation. To the extent the LAFCo agrees, the LAFCo will assist with the startup of the CCA Program and advise the Board of Supervisors, SFPUC and other agencies regarding all aspects of development, implementation, operation and management of the CCA Program, as established by Ordinance 86-04, this Ordinance and any subsequent ordinances." (File No. 07-0777.) SF LAFCo accepted this assignment by adopting Resolution No. 2007-01.
- f. Additionally, in certain instances, SF LAFCo may make recommendations to the Board of Supervisors regarding how to proceed with certain implementation steps, 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.)
- g. The Board of Supervisors enacted an ordinance which adopts and incorporates by reference a CCA Program Description and Revenue Bond Action Plan and Draft Implementation Plan. (Board of Supervisors, Ord. No. 147-07; File No. 07-0501.)

4. Individual Responsibilities of SF LAFCo and SFPUC Regarding CCA Program Development and Implementation. Ordinance Nos. 146-07 and 147-07 set forth the role of SF LAFCo regarding CCA Program development and implementation. (File Nos. 07-0501.)

5. **Certification of Funds; Budget and Fiscal Provisions; Termination in the Event of Non-Appropriation. Procedures**

This Agreement is subject to the budget and fiscal provisions of the City's Charter. Charges will accrue only after prior written authorization certified by the Controller, and the amount of City's obligation hereunder shall not at any time exceed the amount certified for the purpose and period stated in such advance authorization.

This Agreement will terminate without penalty, liability or expense of any kind to City at the end of any fiscal year if funds are not appropriated for the next succeeding fiscal year. If funds are appropriated for a portion of the fiscal year, this Agreement will terminate, without penalty, liability or expense of any kind at the end of the term for which funds are appropriated.

City has no obligation to make appropriations for this Agreement in lieu of appropriations for new or other agreements. City budget decisions are subject to the discretion of the Mayor and the Board of Supervisors. The SF LAFCo assumption of risk of possible non-appropriation is part of the consideration for this Agreement.

10. Staffing Levels. Staffing levels for CCA Program responsibilities will be determined by each individual agency, SF LAFCo and SFPUC, respectively. SF LAFCo and SFPUC shall consult with each other in determining the appropriate CCA Program staffing levels at each agency, however, the final decision rests with the agency hiring the staff. The hiring of SF LAFCo or SFPUC CCA Program staff is not dependent on the hiring status of the other agency.

11. Staff Management. SF LAFCo will monitor and manage its CCA Program staff. SFPUC will monitor and manage its CCA Program staff. SF LAFCo and SFPUC, recognizing the need for timely, efficient progress, will work cooperatively to avoid duplication of services and staff assignments, develop a timeline and tasks to be performed, and ensure that the program is implemented in a timely manner.

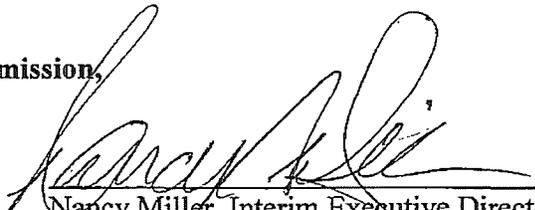
12. Consultants. SF LAFCo and SFPUC have already issued a joint Request for Qualifications and have established a joint working relationship for the selection of consultants for the CCA Program. SF LAFCo and SFPUC will continue to work cooperatively to ensure that the necessary consultants are retained to perform tasks as necessary to the CCA Program by SFPUC and SF LAFCo.

13. Amendments. No alteration or variation of the terms of this MOU shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto. Should SF LAFCo's CCA Program responsibilities and obligations not be completed by the end of Fiscal Year 2010-11, SF LAFCo and SFPUC will work cooperatively to extend the terms of this MOU as necessary.

14. Counterparts. This MOU may be executed in multiple counterparts.

San Francisco Local Agency Formation Commission,

Date: 6/5/09



Nancy Miller, Interim Executive Director,
San Francisco LAFCo

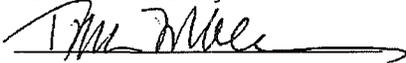
San Francisco Public Utilities Commission,

Date: 6/5/09



Ed Harrington
General Manager, the San Francisco
Public Utilities Commission

Approved as to Form
Dennis J. Herrera
City Attorney



Deputy City Attorney

THIS SECTION CONTROLS AGAINST ANY AND ALL OTHER PROVISIONS OF THIS AGREEMENT.

6. Invoicing Procedures

- a. An invoicing procedure for reimbursements of SF LAFCo by SFPUC has already been established through the Clerks' Office of the Board of Supervisors. This procedure was established by SF LAFCo, pursuant to LAFCo Resolution No. 2007-03, which provides that the invoicing reimbursement shall be accomplished through the City and County of San Francisco procurement process.
- b. Under the current procedure, which shall continue until a streamlined mechanism is put in place, an approved invoice for work performed is sent from the Clerk's Office of the Board of Supervisors to the SFPUC for reimbursement or payment. Based upon their mutual understanding, and past practices, SFPUC and SF LAFCo intend to continue using this invoicing procedure for all future payments until a streamlined mechanism is put in place, pursuant to this MOU.
- c. SF LAFCo will continue to submit detailed invoices for contracts where CCA Program duties are performed for a fixed "not to exceed" amount. SFPUC shall promptly pay such invoices.
- d. Should a question arise regarding an invoice, SFPUC and SF LAFCo agree to work cooperatively to resolve the matter.
- e. If SF LAFCo and SFPUC later determine that a different invoicing procedure will be more efficient and save costs, they commit to work cooperatively to implement the better invoicing procedure to replace the invoicing procedure described in (a)-(b), above.

7. Cooperation. SF LAFCo and SFPUC issued a joint Request for Qualifications in November 2007, and have worked cooperatively to establish a pool of qualified consultants for CCA Program activities. SF LAFCo and SFPUC agree to continue to work cooperatively in the preparation of scopes of services and budgets for CCA Program activities, so as to avoid any duplication of work or services, and to ensure funds are used prudently.

8. SF LAFCo Hiring: SF LAFCo will hire staff as directed by SF LAFCo and will work cooperatively with SFPUC to avoid duplication of staff efforts. SF LAFCo staff will be located within the Clerk's Office of the Board of Supervisors and will be available for SFPUC CCA Program assignments, from time-to-time, and as mutually agreed upon. SF LAFCo staff shall be managed and supervised by SF LAFCo. SFPUC staff will be hired as directed by the SFPUC.

9. Limited Term Employment. Any SF LAFCo staff hired for the CCA Program will be for a limited term. The employment will continue until the earliest of:

- f. Funding for the position is exhausted and no additional funds are received; or
- g. SF LAFCo's CCA Program responsibilities and obligations are completed.

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 19-0194

WHEREAS, On April 17, 2009, this Commission authorized the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute a Memorandum of Understanding (MOU) with the San Francisco Local Agency Formation Commission (SF LAFCo) to allocate Power Enterprise Funds for reimbursement for SF LAFCo services related to the Community Choice Aggregation (CCA) Program, called CleanPowerSF, from Fiscal Year 2008-09 through 2010-11; and

WHEREAS, On April 24, 2009, the SFPUC and the SF LAFCo Commission adopted the MOU for Fiscal Year 2008-09 through 2010-11;

WHEREAS, Amendment No. 1, for the MOU extended the collaborative working relationship between the SFPUC and the SF LAFCo through FY 2014-2015; and

WHEREAS, Amendment No. 2, for the MOU extended the collaborative working relationship between the SFPUC and the SF LAFCo through FY 2016-2017; and

WHEREAS, Amendment No. 3, for the MOU extended the collaborative working relationship between the SFPUC and the SF LAFCo through FY 2018-2019; and

WHEREAS, Amendment No. 4, for the MOU is being requested to extend the collaborative working relationship between the SFPUC and the SF LAFCo through FY 2019-2020; and

WHEREAS, Funds identified in the MOU between the SFPUC and SF LAFCo will continue to be available from Project No. 519782 – CCA Project LAFCO-HHP, subject to budget and appropriation procedures; now, therefore, be it

RESOLVED, That this Commission hereby approves Amendment No. 4 to the Power Enterprise, CCA Project-funded MOU between the SFPUC and the SF LAFCo; and authorizes the General Manager of the SFPUC to execute this amendment, with a term extension of one (1) year, for a total agreement duration of twelve (12) years through Fiscal Year 2019-2020; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to submit the proposed amendment to the Board of Supervisors for approval pursuant to Charter Section 9.118 because the term of the agreement has exceeded 10 years.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of May 14, 2019.



Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO.: 17-0103

WHEREAS, On April 17, 2009, this Commission authorized the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute an Memorandum of Understanding (MOU) with the San Francisco Local Agency Formation Commission (SF LAFCo) to allocate Power Enterprise Funds for reimbursement for SF LAFCo services related to the Community Choice Aggregation (CCA) Program, called CleanPowerSF, from Fiscal Year 2008-09 through 2010-11; and

WHEREAS, On April 24, 2009, the SFPUC and the SF LAFCo Commissions jointly adopted the MOU from Fiscal Year 2008-09 through 2010-11; and

WHEREAS, The term of the initial MOU between the SFPUC and the SF LAFCo expired at the end of Fiscal Year 2010-11, prior to the conclusion of SF LAFCO's CCA Program responsibilities and obligations; and

WHEREAS, Amendment No. 1, for the MOU extended the collaborative working relationship between the SFPUC and the SF LAFCo through FY 2014-2015; and

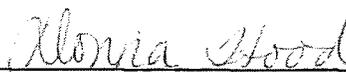
WHEREAS, Amendment No. 2, for the MOU extended the collaborative working relationship between the SFPUC and the SF LAFCo through Fiscal Year 2016-2017; and

WHEREAS, Amendment No. 3, for the MOU is being requested to extend the collaborative working relationship between the SFPUC and the SF LAFCo through Fiscal Year 2018-2019; and

WHEREAS, Funds identified in the MOU between the SFPUC and SF LAFCo will continue to be available from Project No. 519782 – CCA Project LAFCO-HHP, subject to budget and appropriation procedures; now, therefore, be it

RESOLVED, That this Commission hereby approves Amendment No. 3 to the Power Enterprise, CCA Project-funded MOU between the SFPUC and the SF LAFCo; and authorizes the General Manager of the SFPUC to execute this amendment, with a term extension of two years, for a total agreement duration of 11 years through Fiscal Year 2018-2019, subject to Board of Supervisors approval pursuant to Charter Section 9.118.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of May 9, 2017.



Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 15-0023

WHEREAS, On April 17, 2009, this Commission authorized the General Manager of the SFPUC to execute an MOU with the SF LAFCo to allocate Power Enterprise Funds for reimbursement for SF LAFCo services related to the CCA Program, called CleanPowerSF, from Fiscal Year 2008-09 through 2010-11; and

WHEREAS, On April 24, 2009, the SFPUC and the SF LAFCo Commissions jointly adopted the MOU from Fiscal Year 2008-09 through 2010-11;

WHEREAS, The term of the existing MOU between the SFPUC and the SF LAFCo expired at the end of Fiscal Year 2010-11, prior to the conclusion of SF LAFCO's CCA Program responsibilities and obligations; and

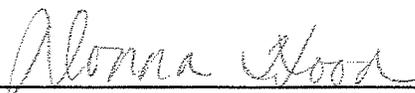
WHEREAS, Amendment No. 1, for the MOU extended the collaborative working relationship between the SFPUC and the SF LAFCo through FY 2014-2015; and

WHEREAS, Amendment No. 2, for the MOU is being requested to extend the collaborative working relationship between the SFPUC and the SF LAFCo; and

WHEREAS, Funds identified in the MOU between the SFPUC and SF LAFCo will continue to be available from Project No. 519782 – CCA Project LAFCO-HHP, subject to budget and appropriation procedures; now, therefore, be it

RESOLVED, That this Commission hereby approves Amendment No. 2 to the Power Enterprise, CCA Project-funded MOU between the SFPUC and the SF LAFCo; and authorizes the General Manager of the SFPUC to execute this amendment, with a term extension of two years, for a total agreement duration of nine years through Fiscal Year 2016-2017.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of January 30, 2015.



Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 13-0054

WHEREAS, On April 17, 2009, this Commission authorized the General Manager of the SFPUC to execute an MOU with the SF LAFCo to allocate Power Enterprise Funds for reimbursement for SF LAFCo services related to the CCA Program, called CleanPowerSF, from Fiscal Year 2008-09 through 2010-11; and

WHEREAS, On April 24, 2009, the SFPUC and the SF LAFCo Commissions jointly adopted the MOU from Fiscal Year 2008-09 through 2010-11;

WHEREAS, The term of the existing MOU between the SFPUC and the SF LAFCo expired at the end of Fiscal Year 2010-11, prior to the conclusion of SF LAFCO's CCA Program responsibilities and obligations; and

WHEREAS, Amendment No. 1, for the MOU is being requested to extend the collaborative working relationship between the SFPUC and the SF LAFCo; and

WHEREAS, Funds identified in the MOU between the SFPUC and SF LAFCo will continue to be available from Project No. 519782 – CCA Project LAFCO-HHP, subject to budget and appropriation procedures; now, therefore, be it

RESOLVED, That this Commission hereby approves Amendment No. 1 to the Power Enterprise, CCA Project-funded MOU between the SFPUC and the SF LAFCo; and authorizes the General Manager of the SFPUC to execute this amendment, with a term extension of four years, for a total agreement duration of seven years through Fiscal Year 2014-2015.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of April 9, 2013.



Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0073

WHEREAS, the Board of Supervisors of San Francisco has expressed its intention to pursue a Community Choice Aggregation (CCA) program (Ordinance 86-01 and Ordinance 147-07); and

WHEREAS, under the San Francisco Charter the management and control of a CCA program would be 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 monitor and advise the San Francisco Public Utilities Commission (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, the Board of Supervisors adopted the Draft Implementation Plan which described the key aspects and overall policy objectives for San Francisco's CCA program and directed SFPUC to make necessary updates and modifications to the Implementation Plan to incorporate additional information (Board of Supervisors, Section 3(d), Ord. No. 147-07; File No. 07-0777); and

WHEREAS, Ordinance 147-07 stated that before implementing a CCA program that "...the Board of Supervisors will consider projected costs, risks and benefits of this program to CCA customers, SFPUC and other city agencies, and the City's general fund..." while ensuring "...that the provision of CCA service to San Francisco customers can be reasonably expected to deliver significant benefits at a reasonable cost" (Board of Supervisors, Section 4, Ord. No. 147-07; File No. 07-0777); and

WHEREAS, the SFPUC was briefed on February 10, 2009 regarding the intent of Power Enterprise staff to undertake an approach that would issue a Request for Qualifications (RFQ) in Spring of 2009 in order to create a pool of qualified bidders for a Fall 2009 release of a Request for Proposals (RFP) for services necessary to operate San Francisco's CCA program (CleanPowerSF); and

WHEREAS, the SFPUC has directed the General Manager to ensure that SFPUC continue to work cooperatively in a coordinated fashion with LAFCo personnel; and

WHEREAS, the SF LAFCo has been briefed by SFPUC Power Enterprise staff on the status of key milestones and deliverables regarding progress towards issuance of the necessary RFQ and RFP for services necessary to operate San Francisco's CCA program (also referred to as CleanPowerSF) on April 3, 2009, and March 6, 2009; and

WHEREAS, the SFPUC General Manager has directed staff to present the findings of the interim project deliverables to the SFPUC and SF LAFCo as developments warrant; and

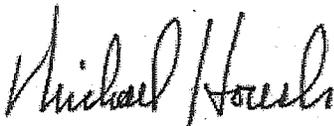
WHEREAS, the SFPUC General Manager has directed staff to engage with members of the public and the LAFCo on an ongoing basis to seek feedback on the development of CCA program implementation details; and

WHEREAS, the SFPUC and SF LAFCo met jointly on the 24th day of April, 2009, to confer and express their mutual interest in pursuing a CCA program; and now, therefore, be it

RESOLVED, the SFPUC and the SF LAFCo are united in their interest in developing a CCA program for the City that will provide residents and businesses the ability to choose a reasonably-priced energy supply from the CCA that is less polluting than what is offered by PG&E; and, be it

RESOLVED, the SFPUC and the SF LAFCo affirm the attached timeline for work to be performed in 2009.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its special joint meeting of April 24, 2009



Secretary, Public Utilities Commission

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

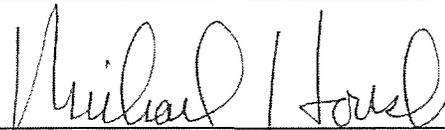
WHEREAS, the SF LAFCo and SFPUC staff have worked collaboratively to craft a Memorandum of Understanding (MOU) regarding the use of SFPUC funds for the purpose of SF LAFCo performing services related to CCA; and

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



Secretary, Public Utilities Commission

1 [Amendment to Memorandum of Understanding - San Francisco Local Agency Formation
2 Commission - Not to Exceed \$2,100,000]

3 **Resolution retroactively authorizing the General Manager of the San Francisco Public**
4 **Utilities Commission to execute the third amendment to the Memorandum of**
5 **Understanding with the San Francisco Local Agency Formation Commission,**
6 **extending its duration by two years, for a total agreement duration of 11 years from**
7 **FY2008-2009 through FY2018-2019, with no change to the total amount not to exceed**
8 **\$2,100,000 pursuant to Charter, Section 9.118.**

9
10 WHEREAS, On April 17, 2009, the San Francisco Public Utilities Commission (SFPUC)
11 approved Resolution No. 09-0061, authorizing the General Manager of the SFPUC to execute
12 a Memorandum of Understanding (MOU) with the San Francisco Local Agency Formation
13 Commission (SF LAFCo) to allocate SFPUC Power Enterprise funds for reimbursement for
14 SF LAFCo services related to the Community Choice Aggregation (CCA) Program, called
15 CleanPowerSF, for an amount not to exceed \$2,100,000 with a term of three (3) years,
16 concluding on June 30, 2011; and

17 WHEREAS, On April 24, 2009, the SFPUC approved Resolution No. 09-0073, adopting
18 the MOU; and

19 WHEREAS, On April 9, 2013, the SFPUC approved Resolution No. 13-0054,
20 authorizing the General Manager to execute Amendment No. 1, extending the duration of the
21 MOU by four (4) years, for a total agreement duration of seven (7) years, with no change to
22 the total not-to-exceed amount; and

23 WHEREAS, On January 30, 2015, the SFPUC approved Resolution No. 15-0023,
24 authorizing the General Manager to execute Amendment No. 2, extending the duration of the
25

1 MOU by two (2) years, for a total agreement duration of nine (9) years, with no change to the
2 total not-to-exceed amount; and

3 WHEREAS, On May 9, 2017, the SFPUC Approved Resolution No. 17-0103,
4 authorizing the General Manager to execute Amendment No. 3, extending the duration of the
5 MOU by two (2) years, for a total agreement duration of eleven (11) years, with no change to
6 the total not-to-exceed amount; and

7 WHEREAS, Amendment No. 3 is being requested to extend the duration of the MOU
8 by two (2) years, for a total agreement duration of eleven (11) years, with no change to the
9 total not-to-exceed amount, in order to continue to have SF LAFCo monitor the
10 implementation process and advise the SFPUC and San Francisco Board of Supervisors
11 regarding all aspects of development, operation and management of the CCA program; and

12 WHEREAS, The proposed Amendment No. 3 is on file with the Clerk of the Board of
13 Supervisors in File No. 170771, and is hereby declared to be part of this Resolution as if fully
14 set forth herein; and

15 WHEREAS, Funds for this MOU are available from Project CUH978 – CCA Project
16 LAFCO-HHP; now, therefore, be it

17 RESOLVED, That this Board of Supervisors hereby approves and authorizes the
18 General Manager of the SFPUC to execute Amendment No. 3 to the MOU, extending the
19 duration of the MOU by two (2) years, for a total agreement duration of eleven (11) years, with
20 no change to the total not-to-exceed amount of \$2,100,000, pursuant to Charter, Section
21 9.118; and, be it

22 FURTHER RESOLVED, That within thirty (30) days of the execution of Amendment
23 No. 3 to the MOU, the General Manager of the SFPUC shall provide the signed revised
24 contract to the Clerk of the Board for inclusion in the official file.
25



City and County of San Francisco
Tails
Resolution

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

File Number: 170771

Date Passed: July 25, 2017

Resolution retroactively authorizing the General Manager of the San Francisco Public Utilities Commission to execute the third amendment to the Memorandum of Understanding with the San Francisco Local Agency Formation Commission, extending its duration by two years, for a total agreement duration of 11 years from FY2008-2009 through FY2018-2019, with no change to the total amount not to exceed \$2,100,000 pursuant to Charter, Section 9.118.

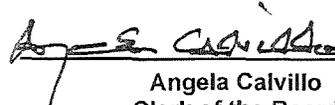
July 20, 2017 Budget and Finance Sub-Committee - RECOMMENDED AS COMMITTEE REPORT

July 25, 2017 Board of Supervisors - ADOPTED

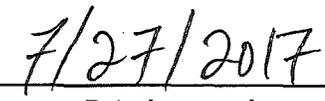
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170771

I hereby certify that the foregoing Resolution was ADOPTED on 7/25/2017 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved



San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

BOARD OF SUPERVISORS
SAN FRANCISCO
2019 MAY 17 PM 4:21
BY jn

TO: Angela Calvillo, Clerk of the Board

FROM: Christopher Whitmore, Policy and Government Affairs

DATE: May 17, 2019

SUBJECT: Amendment to Memorandum of Understanding - San Francisco Local Agency Formation Commission – Not to Exceed \$2,100,000

Please see the attached resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the fourth amendment to the Memorandum of Understanding with the San Francisco Local Agency Formation Commission, extending its duration by one (1) year, for a total a total agreement duration of twelve (12) years and total costs not to exceed \$2.1 million, pursuant to Charter, Section 9.118.

The following is a list of accompanying documents (2 sets):

- 1. Board of Supervisors Resolution
- 2. SFPUC Reso. 09-0061
- 3. SFPUC Reso. 09-0073
- 4. LAFCo MOU
- 5. SFPUC Reso. 13-0054
- 6. Amendment No. 1 – LAFCo MOU
- 7. SFPUC Reso 15-0023
- 8. Amendment No. 2 – LAFCo MOU
- 9. SFPUC Reso. 17-0103
- 10. BOS Reso. No. 314-17
- 11. SFPUC Reso. 19-0194
- 12. Amendment No. 4 – LAFCo MOU

Please contact Christopher Whitmore at (415) 934-3906 if you need any additional information on these items.

- London N. Breed**
Mayor
- Ann Moller Caen**
President
- Francesca Viotor**
Vice President
- Anson Moran**
Commissioner
- Sophie Maxwell**
Commissioner
- Tim Paulson**
Commissioner
- Harlan L. Kelly, Jr.**
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2019 JUN 8 AM 11:51
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 [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

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 the Imperative Form.

Sponsor(s):

Sandra Lee Fewer

Subject:

Amendment to Memorandum of Understanding - San Francisco Local Agency Formation Commission - Term Extension

The text is listed:

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the fourth amendment to the Memorandum of Understanding with the San Francisco Local Agency Formation Commission, extending the term by one year, for a total agreement term of 12 years through FY2019-2020, with no change to the total amount not to exceed \$2,100,000 pursuant to Charter, Section 9.118.

Signature of Sponsoring Supervisor:

Sandra Lee Fewer