

1 [Board Response - Civil Grand Jury - CleanPowerSF At Long Last]

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3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2014-2015 Civil Grand Jury Report, entitled**
5 **“CleanPower At Long Last”; and urging the Mayor to cause the implementation of**
6 **accepted findings and recommendations through his/her department heads and**
7 **through the development of the annual budget.**

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9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and,

12 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
19 Supervisors must conduct a public hearing by a committee to consider a final report of the
20 findings and recommendations submitted, and notify the current foreperson and immediate
21 past foreperson of the civil grand jury when such hearing is scheduled; and

22 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
23 the Controller must report to the Board of Supervisors on the implementation of
24 recommendations that pertain to fiscal matters that were considered at a public hearing held
25 by a Board of Supervisors Committee; and

1 WHEREAS, The 2014-2015 Civil Grand Jury Report entitled “CleanPowerSF At Long
2 Last” (Report) is on file with the Clerk of the Board of Supervisors in File No. 150605, which is
3 hereby declared to be a part of this resolution as if set forth fully herein; and

4 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
5 to Finding Nos. 1, 2, 3, 4, and 5, as well as Recommendation Nos. 1, 2, 3, 4, and 5 contained
6 in the subject Report; and

7 WHEREAS, Finding No. 1 states: “CleanPowerSF will be a relatively small, low-risk
8 program at startup, but must grow quickly to meet the City’s timeline for reducing greenhouse
9 gas emissions;” and

10 WHEREAS, Finding No. 2 states: “CleanPowerSF’s rates will be lower and more
11 affordable to all San Franciscans, if it is free to use unbundled [Renewable Energy
12 Certificates] (RECs) as needed, and to provide less than 100% green power;” and

13 WHEREAS, Finding No. 3 states: “Local job creation, while desirable, is not the chief
14 purpose of CleanPowerSF, and should not cause further delay in implementing the program;”
15 and

16 WHEREAS, Finding No. 4 states: “There are ample affordable resources of renewable
17 power to support CleanPowerSF, including local rooftop solar installations such as those
18 funded through the GoSolarSF program;” and

19 WHEREAS, Finding No. 5 states: “Political discord has at times delayed
20 implementation of CleanPowerSF;” and

21 WHEREAS, Recommendation No. 1 states: “That CleanPowerSF be designed, first
22 and foremost, to be financially viable and to grow quickly without undue risk;” and,

23 WHEREAS, Recommendation No. 2 states: “That CleanPowerSF be free to use
24 unbundled RECs, and to provide less than 100% green power, as needed to meet its goals of
25 financial viability and early expansion;” and

1 WHEREAS, Recommendation No. 3 states: “That CleanPowerSF be designed to
2 provide as many local jobs as it can, without compromising its financial viability and potential
3 for early expansion;”

4 WHEREAS, Recommendation No. 4 states: “That [San Francisco Public Utilities
5 Commission] (SFPUC) integrate the GoSolarSF program into CleanPowerSF to take
6 advantage of their complementary relationship;” and

7 WHEREAS, Recommendation No. 5 states: “That local officials, including the Mayor,
8 put the full weight of their offices behind the success of the CleanPowerSF program;” and

9 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on Finding Nos. 1, 2, 3, 4, and 5, as well as Recommendation Nos. 1, 2, 3, 4, and 5
12 contained in the subject Civil Grand Jury report; now, therefore, be it

13 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
14 Superior Court that they agree with Finding No. 1 for reasons as follows: 30-60 megawatts is
15 a modest size for launch, and the Board of Supervisors will work with the SFPUC to expand
16 CleanPower San Francisco (CPSF) as quickly as possible, mindful that moving to 100% clean
17 energy is the single most important thing San Francisco can do to combat climate change;
18 and, be it

19 FURTHER RESOLVED, That the Board of Supervisors reports that they disagree
20 partially with Finding No. 2 for reasons as follows: The Board of Supervisors recently
21 approved language regarding the use of unbundled Renewable Energy Certificates (RECs),
22 saying they "shall be limited to the extent deemed feasible by the SFPUC, consistent with the
23 goals of the program" and state law. Unbundled RECs may have some utility in the short term
24 but should not be the linchpin to ensure CPSF's competitive rates. The Board of Supervisors
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1 supports having two product offerings under CPSF: one with 100% green power and another
2 with less than 100% but more than what PG&E offers; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors reports that they disagree
4 partially with Finding No. 3 for reasons as follows: Providing clean energy to San Franciscans
5 is the chief purpose of CPSF, but creating local jobs is an important and complementary
6 purpose that is not delaying the program; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors reports that they agree with
8 Finding No. 4; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors reports that they agree with
10 Finding No. 5 for reasons as follows: After 12 years of effort, the Board of Supervisors knows
11 this truth all-too-well, and is thankful to finally be collaborating with the Mayor and SFPUC to
12 launch CPSF as quickly as possible; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
14 No. 1 has been implemented for reasons as follows: The program is designed to be viable
15 and able to grow quickly; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
17 No. 2 has been implemented for reasons as follows: CPSF is not currently restricted from
18 using unbundled RECs, however the Board of Supervisors recently approved language saying
19 unbundled RECs, "shall be limited to the extent deemed feasible by the SFPUC, consistent
20 with the goals of the program" and state law. CPSF is designed with two product offerings:
21 one with 100% green power and another with less than 100% but more than what PG&E
22 offers; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
24 No. 3 has been implemented for reasons as follows: CPSF is designed to provide local jobs
25 and its expansion will enable it to create yet more local jobs; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
2 No. 4 will be implemented for reasons as follows: As the SFPUC's response indicates, CPSF
3 is designed so that "its customers will be able to access GoSolarSF incentives. [But] the
4 amount of funding CleanPowerSF will contribute to GoSolarSF has not yet been determined."
5 The Board of Supervisors enthusiastically supports this integration and though it cannot
6 predict exactly when the effort will be completed, the Board anticipates it to be one year after
7 the CPSF rollout in the spring of 2016, or by May 2017; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
9 No. 5 has been implemented for reasons as follows: The Board of Supervisors has been
10 putting its full weight behind CleanPowerSF for years, and is thankful to be joined by Mayor
11 Lee, the SFPUC, and a broad coalition of city officials, residents, business owners, and
12 advocates who are committed to CleanPowerSF's success; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
14 implementation of accepted findings and recommendations through his/her department heads
15 and through the development of the annual budget.

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