

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

2
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.