

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.**

8  
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  
25

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.



**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 150605

**Date Passed:** October 06, 2015

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

October 01, 2015 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 01, 2015 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

October 06, 2015 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150605

I hereby certify that the foregoing Resolution was ADOPTED on 10/6/2015 by the Board of Supervisors of the City and County of San Francisco.

**Angela Calvillo**  
**Clerk of the Board**

Unsigned

10/16/15

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Date Approved**

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

10/16/15  
\_\_\_\_\_  
Date

File No.  
150605