



# LOCAL AGENCY FORMATION COMMISSION CITY AND COUNTY OF SAN FRANCISCO MINUTES

City Hall, Legislative Chamber, Room 250  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

June 27, 2014 - 2:00 PM

## Regular Meeting

### 1. Call to Order and Roll Call

The meeting convened at 2:07 p.m.

Present: Commissioners John Avalos, London Breed, David Campos, and Eric Mar  
Absent: Commissioner Hope Schmelzter

There was a quorum

### 2. Approval of LAFCo Minutes from the May 16, 2014, Regular Meeting

Public Comment: None

Commissioner Breed, seconded by Commissioner Campos, moved to approve the minutes of the May 16, 2014, Regular Meeting. The motion carried by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, and Mar  
Noes: None  
Absent: Commissioner Schmelzter

Action: Approved

### 3. Community Choice Aggregation (CCA) Activities Report

#### A. Status Update on CleanPowerSF Program

Barbara Hale, Assistant General Manager-Power (San Francisco Public Utilities Commission (SF PUC)), reported that a workshop was held with the SF PUC on the CCA Program with Marin and Sonoma representatives attending and providing information on their programs.

Jason Fried, Executive Officer (LAFCo), provided additional information on the workshop.

B. Status Update on Proceedings at the California Public Utilities Commission (CPUC)

Barbara Hale, Assistant General Manager-Power (SF PUC), reported that a green tariff program proposal is pending at the CPUC and staff is expecting a decision soon. SF PUC staff has been actively participating to protect non-participating rate payers.

C. Status Update on State Legislature Proceedings

Barbara Hale, Assistant General Manager-Power (SF PUC), Assemblymember Bradford's bill (AB 2145) was heard on June 23, 2014, and opposition was successful in removing the opt-out option. Amendments were passed and the incorporation of them will be reported on later.

Jason Fried, Executive Officer (LAFCo), provided additional information on AB 2145, expressed staff's continued concerns, and what next steps are planned.

Public Comment: Eric Brooks (SF Green Party/Our City); spoke about the workshop, concerns with the progress of the program, and concerns regarding AB 2145.

No Action Was Taken

*Commissioner Mar was noted absent at 3:00 p.m. and for the remainder of the meeting.*

**4. Authorization to Amend the Legal Services Agreement with Miller & Owen to Extend the Term to June 30, 2015**

Jason Fried, Executive Officer (LAFCo), provided background information on the legal services agreement with Miller & Owen and the changes with the new amendment.

Public Comment: None.

Commissioner Breed, seconded by Commissioner Campos, moved to approve Amendment No. 13 to the Legal Services Agreement between the SF LAFCo and Miller & Owen, term ending June 30, 2015, for an amount not to exceed \$45,000 for all services. The motion carried by the following vote:

Ayes: Commissioners Avalos, Breed, and Campos

Noes: None

Absent: Commissioners Mar and Schmeltzer

Action: Approved

**5. SF LAFCo Reserve Fund Policy**

Jason Fried, Executive Officer (LAFCo), presented his findings on the policies of other LAFCo's reserve funds and provided staff recommendations on how the SF LAFCo may want to proceed with their reserve fund policy. Mr. Fried answered additional questions raised by the Commission throughout the discussion.

Public Comment: Eric Brooks (SF Green Party/Our City); encouraged the Commission to approve a policy for the reserve fund.

The Commission proposed amending the General Policies and Procedures by adding a new Section 1.65 to read as follows:

*1.65. When establishing its annual LAFCo budget, LAFCo shall, at a minimum, hold in the reserve account 15% of the annual budget or enough to cover costs for departing staffs' severance pay, whichever is greater. Only by a majority vote of the Commission shall money in this reserve account be used, with the understanding that it will be replenished.*

Commissioner Campos, seconded by Commissioner Breed, moved to amend the General Policies and Procedures by adding a new Section 1.65 to establish a Reserve Fund Policy. The motion carried by the following vote:

Ayes: Commissioners Avalos, Breed, and Campos

Noes: None

Absent: Commissioners Mar and Schmeltzer

Action: Approved as Amended

## **6. Consider Appointing One Public Member and One Public (Alternate) Member, terms ending February 22, 2018, to the Local Agency Formation Commission**

Cynthia Crews spoke on her qualifications and answered questions raised by the Commission.

Edwin Lindo spoke on his qualifications and answered questions raised by the Commission.

Public Comment: Thea Selby, Vice Chair (SF Transit Riders Union); Eric Brooks (SF Green Party/Our City); Karen Babbitt (Sierra Club); Andy Blue; Patrick Connors (SF League of Pissed Off Voters); Leah Cole; Jackson West; spoke in support of Cynthia Crews. Jose Rodriguez; Jon Jacobo; spoke in support of Edwin Lindo.

Commissioner Breed, seconded by Commissioner Mar, moved to appoint Cynthia Crews to seat 6, and Edwin Lindo to seat 7 (alternate), on the Local Agency Formation Commission, for the unexpired portion of a four-year term ending February 22, 2018. The motion carried by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, and Mar

Noes: None

Absent: Commissioner Schmeltzer

Action: Appointment of Cynthia Crews, seat 6, approved.  
Appointment of Edwin Lindo, seat 7 (alternate), approved.

## **7. Executive Officer's Report**

There was no report.

Public Comment: Eric Brooks (SF Green Party/Our City); spoke on the LAFCo letter sent opposing AB 2145 and requested the Commission send an additional letter.

No Action Was Taken

**8. Public Comment**

None

**9. Future Agenda Items**

None

**10. Adjournment**

The meeting adjourned at 3:24 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Local Agency Formation Commission on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.