

# SAN FRANCISCO PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Edwin M. Lee MAYOR

# **MINUTES**

(Approved December 13, 2011)

Regular Meeting
Tuesday, November 8, 2011

1:30 P.M. City Hall, Room 400 1 Dr. Carlton B. Goodlett Place

# **Commissioners**

Anson B. Moran, President Art Torres, Vice President Ann Moller Caen, Commissioner Francesca Vietor, Commissioner Vince Courtney, Commissioner

# **Departments and Enterprises**

Water Enterprise
Wastewater Enterprise
Power Enterprise
Infrastructure
Business Services
External Affairs

**Ed Harrington** General Manager

Michael Housh Secretary



# ORDER OF BUSINESS:

# 1. Call to Order

President Moran called the meeting to order at 1:30pm

## 2. Roll Call

Present were: President Moran, Commissioner Caen, Commissioner Vietor, Commissioner Courtney - Vice President Torres was reported excused attendance

# 3. Approval of Minutes

a) Minutes of the October 25, 2011 Regular Meeting

#### Public comment

Mr. Ali Altaha commented that the draft minute's report of his comments were inaccurate saying he had said rather than suggested his view that there were improper billings being approved on WSIP Program projects.

# Commission discussion

President Moran proposed use of the more neutral term stated be substituted in the cited reference instead. Commissioner Caen noted that Mr. Altaha's allegations had been discussed at the previous meeting and that at the previous meeting Mr. Altaha had been referred to the General Manager for a formal response to his allegat0ions.

Motion to amend as suggested by President Moran by Commissioner Courtney, seconded by Commissioner Vietor, Passed 4-0 AYE (Moran, Caen, Vietor, Courtney unanimously

Motion to approve the October 25<sup>th</sup> Meeting Minutes as amended by Commissioner Caen, 2nd by Commissioner Vietor Passed 4-0 AYE (Moran, Caen, Vietor, Courtney unanimously

# 4. Public Comments

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

## Public comment

Mr. Jerry Cadagan, Lake Merced Task Force, expressed disappointment that so many important issues related to the management of the Lake Merced Tract were being bundled into one agenda item which would only allow each public speaker a too brief

three minutes to address their many concerns saying in his view this was bundling of this very important public topic. Mr. Cadagan suggested calendaring a focused workshop discussion at a future commission meeting where all of these issues could be more fully addressed.

President Moran explained how the Commission's own Rules and the requirements of the Sunshine Ordinance framed the standard time limit and why the usual comment time was set a three minutes per speaker equally. President Moran further noted there was no time limit on a speaker's response to questions.

# 5. Communications

- a) Letter Summary
- b) Advance Calendar
- c) Staff Reports

(Written reports sent to the Commissioners)

- 1. Quarterly Audit & Performance Review Report (Rydstrom)
  2. Proposed Approach for Emerging Contaminants of Concern (Ritchie)
- 3. WSIP Groundwater Storage and Recovery Project Update

Regarding the letter summary, President Moran called attention to the very good SFPUC Commissioners' attendance quarterly report that was submitted in response to a request from Mayor Lee. President Moran then asked, in relation to the advance calendar, when this issue might be coming back to the Commissioners. Mr. Harrington brought the Commissioners up to date on recent board activities leading up to the proposed December 6<sup>th</sup> special joint meeting with the SF LAFCO followed by an item on the proposed rates at the Commission's regular December 13<sup>th</sup>. President Moran reminded the Commissioners of the limited numbers of meetings remaining this year, noting that it should be expected that these meeting could be long. In response to questions by Commissioner Vietor, President Moran reported the scheduled December 6<sup>th</sup> special joint meeting and the regular December 13<sup>th</sup> meeting.

Additionally, President Moran requested that when staff gave a presentation on action items, they are limited to five minutes and that those related to less well developed discussion items to twenty minutes in order to keep the flow of business at the meetings going forward.

Turning next to the written reports, President Moran asked that staff make an effort to clearly address the key points of a report in the first pages whenever possible. President Moran noted on the audit reposts that he was pleased with the robust nature of the audit program yet stated that there was still some work to be done. President Moran also noted, regarding the Contaminants' Report, that the SFPUC had committed to setting a higher monitoring and reporting standard than the state was requiring and had moved through the first stages in addressing these emerging concerns. President Moran in particular commended AGM Ritchie's Groundwater Report for addressing its key points in the first page of the report as a model to be emulated.

(Ritchie)

In response to a question by Commissioner Caen regarding a Commission discussion of the issues raised in the Groundwater Report, President Moran noted that the purpose of these written reports was to address matters in some detail, keeping the Commissioners informed without taking up additional meeting time for each, also pointing out that each was a posted public document, and that of course any questions would be responded to by staff. Mr. Harrington reported that Groundwater Storage matters would be coming back to the Commission as each of the related contracts came forward.

# Public comment

Mr. Ali Altaha further outlined details of his allegations of misconduct and stated that he felt there was corruption and conflicts of interest among staff and that staff had not responded to his raising these matters appropriately. Mr. Altaha then requested that an independent review of these matters be undertaken as he had no confidence staff would address them effectively.

President Moran again recommended that Mr. Altaha submit his allegations in a formal written statement to the General Manager for an official response. President Moran noted that a Commission meeting was not a good forum to address allegations such as those Mr. Altaha had raised, especially as Mr. Altaha had named and accused individuals who were not present and could not respond to his allegations. President Moran again requested that Mr. Altaha submit a written summary of his allegations to the General Manager for a formal response. Mr. Harrington additionally pointed out that that Mr. Altaha's previous allegations made in a public meeting were being investigated independently by the independent audit group as would any that were raised. Additionally, President Moran pointed out the WSIP had in place a very comprehensive auditing program and that he was confident that any allegations would be thoroughly investigated and addressed seriously.

Ms. Jennifer Clary, Clean Water Action asked if these written reports were going to be accepted rather than being discussed. Ms. Clary applauded the Contaminants Report as extremely comprehensive, especially the inclusion of nano-particles, and also asked when these issues would be addressed in discharge which would also be a significant concern.

President Moran explained that providing these written informational reports to the Commissioners was a longstanding practice and that these were not typically also discussed during meetings, and that the main point he raised today was to again request a staff limit the length of each of these kinds of reports to facilitate the flow of business at meetings.

## 6. Other Commission Business

President Moran requested that the Commission Secretary provide each Commission with a copy of the Commission's current Rules of Order. President Moran requested that

his colleagues review them and advise the Commission Secretary of any changes that they thought beneficial. As an example, President Moran pointed to a clear need for Rule 16 regarding the Order of Business at meetings to be updated to reflect current practice.

# 7. Report of the General Manager

Mr. Harrington began by briefly outlining recent proposals and allegations being put forward by Congressman Devon Nunez related to the SFPUC, and noted that while none of these seemed to be advancing, our representatives were actively monitoring them and were prepared to make any necessary response.

a) Quarterly Financial Report

(Rydstrom)

b) Annual Financial Audits

(Rydstrom)

Chief Financial Officer and Assistant General Manager for Business Services Rydstrom began by discussing the audit reports presented in today's meeting materials, noting that all were found to be clean without any problems and reported that the SFPUC had again been recognized with two awards by the Government Financial Officer's Association for its skillful and comprehensive handling of these audits.

Mr. Rydstrom then introduced Ms. Tiffany Rasmussen, KPMG Audit Partner, representing KPMG, the outside auditor, who then presented an overview of the <u>Annual Financial Audits</u>

Commissioner Vietor thanked Ms. Rasmussen for her hard work on these audits

Mr. Rydstrom then introduced Frances Lee, SFPUC Deputy CFO, Financial Services, who presented the Quarterly Financial Report

In response to questions by President Moran, Mr. Rydstrom and Mr. Harrington explained how many of these issues, such as wholesale customer debts being carried forward, would be addressed in the upcoming budget process. In particular Mr. Harrington discussed the current year budget implications, noting that so far the reported lower use and sales had not crossed the Commission's set threshold which would, as was previously established, trigger responses in accordance with the Water Sales Agreement. Mr. Harrington observed that the Commission would need to continue to consider how best to address this eventuality. President Moran concluded on the happy note that one result of all of this was that we were doing extremely well with conservation.

c) Sewer System Improvement Program Update

(Kubick)

SSIP Director Karen Kubick presented a Sewer System Improvement Program Update

President Moran commended the presentation's focus on demonstrating the transfer of the program oversight and management skills learned in the Water System Improvement Program to this upcoming new effort. Additionally President Moran urged that careful devotion to looking very hard at what was being proposed and doing careful validation of each so that we could gain a buy-in by the community on these things that were needed. Commissioner Vietor applauded the expanded Watershed approach, noting she had heard good results for a similar approach being used in Wyoming. Commissioner Vietor requested that Ms. Kubick keep the Commissioners informed as the modeling was being done, noting this modeling as well as developing a workable triple bottom line approach was groundbreaking for a utility. Commissioer Vietor recommended documenting our findings and sharing these models with other agencies. Mr. Harrington reported that work was already ongoing to apply a community benefits approach to each of our contracts, noting that an upcoming request for proposals (RFP) would seek ways to do this and take a broader view of what would be involved to carrying each identified project forward.

# Public comment

Ms. Jennifer Clary, SFPUC Citizens Advisors Committee and Clean Water Alliance expressed her excitement with this entire process, asked that the ongoing development of a community benefits model be made available, and urged that a particular focus be made with the Islais Creek Watershed where much community engagement and preliminary information and work was already underway.

THE FOLLOWING MATTERS BEFORE THE PUBLIC UTILITIES COMMISSION ARE RECOMMENDED FOR ACTION AS STATED BY THE GENERAL MANAGER OF PUBLIC UTILITIES AND CITY ATTORNEY WHERE APPLICABLE.

Explanatory documents provided to the Commission in connection with this agenda are available for public inspection and copying at the Office of the Commission Secretary, 1155 Market Street, 11<sup>th</sup> Floor, San Francisco, CA 94103, Telephone: (415) 554-3165, Fax: (415) 554-3424.

# **CONSENT CALENDAR**

8. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Public Utilities Commission, and will be acted upon by a single vote of the Commission. There will be no separate discussion of these items unless a member of the Commission or the public so requests, in which event the matter will be removed from the Consent Calendar and considered as a separate item.

Motion by Commissioner Caen, seconded by Commissioner Vietor to approve Consent Calendar items #8a through #8d Passed 4-0 AYE (Moran, Caen, Vietor, Courtney unanimously

In response to a question regarding any Community Choice Aggregation (CCA) customer impacts related to Agenda Item #8a by President Moran, Mr. Harrington explained that the SFPUC position would be to argue that existing programs to encourage energy savings and conservation would remain available to CCA customers.

# Public comment

No comments were offered on any Consent Calendar item.

a) Approve Water Enterprise, Water Conservation Operating-funded High Efficiency Clothes Washer Rebate Program (CS-222) to Pacific Gas & Electric Company (PG&E) to administer and process the washing machine rebates for San Francisco Public Utilities Commission (SFPUC) customers; and authorize the General Manager of the SFPUC to negotiate and execute a professional services agreement with PG&E for an amount not-to-exceed \$1,900,000 and with a duration of four (4) years..

# Resolution 11-0184

- b) Accept work performed by P&J Utility Company, Inc. for Water Enterprise Program-funded Contract No. WD-2617, 8-Inch Ductile Iron Main Installation and Pavement Renovation on Dolores Street from 21<sup>st</sup> Street to 25<sup>th</sup> Street, to replace distribution pipes and service pipes; approve Modification No. 2 (Final), decreasing the contract by \$53,851 to reflect the actual quantity of materials and labor required to complete the contract, for a total contract amount of \$1,221,440 with a total contract duration of 164 consecutive calendar days; and authorize final payment to the contractor.(*Ritchie*) Resolution 11-0185
- c) Approve Modification No. 1 to Power Enterprise-funded Contract No. <a href="HH-940">HH-940</a>, Job Order Contract, Heating, Ventilation and Air Conditioning (HVAC) Energy Efficiency (C-20 & B-Licenses), San Francisco/Peninsula/East Bay, with Western Allied Mechanical, Inc. to accomplish energy efficiency repair and renovation of mechanical systems in City buildings, increasing the contract by one year for a total contract duration of three years. This contract modification will allow for continued energy efficiency repair and renovation of mechanical systems in City facilities.. Resolution 11-0186

# **REGULAR BUSINESS**

9. Discussion and possible action to authorize the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute a Memorandum of Understanding by and between the SFPUC and San Francisco Recreation and Parks

(Ke

Commission (RPD) regarding management of the Lake Merced Tract and to accept the Lake Merced Watershed Report as a resource in planning, conducting environmental review and making recommendations to the Commission for action on projects and activities within the Lake Merced Tract and watershed. (*Ritchie*)

AGM Ritchie presented an overview of staff's proposed plans <u>management of the Lake Merced Tract</u> as well as discussed aspects of the draft <u>Memorandum of Understanding</u> with the Department of Recreation and Park.

In response to questions by Commissioner Vietor concerning the sources of the \$180 million need to fund proposed Daly City Vista Grande Project; Mr. Harrington and Mr. Ritchie reported that these were still being identified with federal and state resources dedicated to such projects being among the first sources to fund this massive project that were being investigated. In response to follow up questions by Commissioner Vietor regarding the current state of the Lake Merced Boathouse and it future uses, Mr. Ritchie outlined in some detail the current circumstances and some options under consideration. In answer to a related question by Mr. Harrington, Mr. Ritchie discussed ongoing conversations with the rowing clubs and efforts to expand other kinds of boating as well as a range of potential community and public access activities. Commissioer Caen recalled that all of these matters were longstanding issues and it was her concern that the MOU clearly defines who would be responsible for what, given the inherent challenges involved when two agencies with different roles attempt to jointly manage facilities. In response to questions by President Moran concerning who would be responsible for what facilities and their related activities and how each of these elements were funded at the Lake Merced Tract, Mr. Ritchie and Mr. Harrington described what was envisioned for each segment on the site, as well as what the SFPUC currently funded.

President Moran wrapped up by observing that it was essential in this Memorandum of Understanding (MOU) that we were very clear about who was responsible for what at Lake Merced and not create a false impression that the SFPUC could assume the Department of Recreation and Park's (Rec/Park) role.

# Public comment

Mr. Mondy Lariz, CAL Trout and Lake Merced Task Force member, recalled the lengthy history of the Lake Merced Task Force and called attention to its achievements in turning around the severely threatened state of the Lake, which had become a city orphan, so that in time the 30 member Task Force members felt their work was done, and that the next steps in fully restoring lake Merced would be undertaken by the SFPUC assuming full management of the Lake Merced Tract. Mr. Lariz urged that the Commissioners not approve the proposed MOU which he felt did not meet the expectations unanimously approved by all parties involved when the Lake Merced Task Force disbanded in 2007.

Mr. Dick Allen, Lake Merced Task Force member, asked that the Commissioners reject this MOU and asked that the SFPUC assume full management of Lake Merced, noting that the work of more than 1000 volunteer hours and dozens of community meetings and years of planning were still not being carried forward as had been promised in a 2007

Resolution. Mr. Allen said that the SFPUC must assume full control of its property and manage it in accordance with what had been agreed and eliminate the problematic dual responsibility.

Mr. Tim Colen, Lake Merced Task Force member, began by commending the work done by SFPUC staff to save the lake. Mr. Colen also pointed to the recommendations of the Lake Merced Task Force that the SFPUC assume full control of Lake Merced and discussed his view of Rec/Parks' mismanagement at the lake. Additionally, Mr. Colen observed that Lake Merced was primarily an essential water asset and therefore any management plan should naturally arise from that basis. Mr. Colen observed that the SFPUC was already funding most of everything being done at the lake and should assume direct managing of it. Mr. Colen expressed support for fixing up the existing boathouse but suggested that what was really needed was to build entirely new facilities for this purpose.

Mr. Dick Morten Lake Merced Task Force member, also recommended that the Commission reject the proposed MOU and take control of management of all activities at Lake Merced as was envisioned when the Task Force wrapped up it work,. Mr. Morten noted that Rec/Park lacked the resources needed to accomplish many already identified goals necessary to restore the lake and that the SFPUC was already paying for most everything anyway. Mr. Morten opposed spending any more on the existing boathouse recommending instead planning be undertaken to build a new better facility.

Mr. Dan Murphy, Golden Gate Audubon Society and Lake Merced Task Force member, commented on the urgent need for a MOU that clearly assigned full responsibility for Lake Merced to the SFPUC pointing to the clear fact that aside from Harding Park Golf Course, everything else should fall with the direct control and responsibility of the SFPUC. Mr. Murphy called attention to the SFPUC's excellent track record in restoring water quality and said that it was essential to carry out the Master Plan goals now only half done by making all the needed capital improvements it envisioned and only the SFPUC had the resources and skills to do this.

Mr. Jerry Cadagan, Founder and Lake Merced Task Force member, requested that the Commission kill the two-headed monster and reject this MOU and instead assume full management of all of Lake Merced. Mr. Cadagan observed that after so many years of intensive productive community engagement what was needed was well understood and that it was clear to him that the Department of Recreation and Park's expertise was not needed. Additionally, Mr. Cadagan pointed to numerous drafting flaws he found in the proposed MOU document, citing examples. Mr. Cadagan urged the Commissioners to hold a pubic workshop at an upcoming meeting where the stakeholders would have enough time to fully present and the Commissioners discuss how to best carry forward the work that the task force had begun.

Ms. Jennifer Clary, Clean Water Action, suggested that the lack of specificity in the proposed MOU offered little protection against continuation of the current problematic situation and noted her concerns with a General Fund Department cost transfer from the SFPUC to the Department of Recreation and Park. Ms. Clary suggested further

clarification of specifics and a detailed review of responsibilities was needed before going forward.

Mr. Eric Brooks, San Francisco Green Party, Our City, noted that the Department of Recreation and Parks was not well liked by activists, observing that it was felt that Rec/Park had engaged in efforts to "privatize" it public assets and suggested that the SFPUC possessed both the record and needed skills to most effectively manage Lake Merced. Mr. Brooks further commented that this was watershed land not a profit center and that he preferred that the SFPUC remain the sole steward of this important property.

Mr. Bob Palacio, Department of Recreation and Parks defended his Department's work at Lake Merced pointing to numerous improvements already done and plans for major reconstruction work in the first year of the proposed new MOU. Mr. Palacio also pointed to the need to expand recreational activities in the southwestern corner of the city and pointed to the success of the Dragon Boat partnerships and the many proposed new aquatic activities. Mr. Palacio's also noted that the Department of Recreation and Parks was charged with responsibility for recreational activities and that it was important that Lake Merced become available for the wider community.

## Commission discussion

Commissioner Courtney recalled his lifelong involvement with Lake Merced and noted his longstanding ties to Rec/Park advocates saying that a truly collaborative way had to be found to sustain Lake Merced as well as promote greater accessibility to the community. Following an extensive discussion of many of the points raised by the public speakers and questions concerning details of the proposed Memorandum of Understanding with the Department of Recreation and Park among the Commissioners Commissioer Caen proposed and Commissioer Vietor agreed it was the consensus of the Commission that approval of this item be continued to the call of the chair. This was done in order that further clarifications be made to the draft memorandum of understanding with the Department of Recreation and Park concerning an array of issues and aspects related to the management of the Lake Merced tract.

10. City Department Electricity Rates and Charges: Workshop and Discussion (Discussion will be limited to 30 minutes or such other duration set by the Commission)

A workshop presentation, and discussion, of key considerations for setting future electric power rates and charges for City departments and other public entities, including evaluation of fiscal impacts on City departments and the long-term financial sustainability of the Hetch Hetchy Water & Power fund. A proposed schedule of these future electric power rates and charges will be presented to the Commission for consideration and adoption at a public hearing before the close of 2011.

(Rydstrom)

CFO & AGM for Business Services Rydstrom presented this Workshop and Discussion

In response to questions by Commissioner Vietor, Mr. Rydstrom explained limitations in the projected budget to restore solar and energy efficiency funding that had already been reduced given the revenue outlook based on current rates. Commissioner Caen observed that the amounts by shown by percent department shown in Slide #12 were small but the dollar amounts were shocking. Mr. Rydstrom noted that in the context of the City's \$3.3 billion dollar General Fund Budget these were small but still significant amounts for City Departments and that the necessary rates increases would have to be structured in a sustainable way as we transition to recover more of our cost of services. President Moran pointed out that a key step in addressing this situation had to be done when the Mayor's Budget Office issued its budget instructions. In response to questions by President Moran, Mr. Rydstrom and Mr. Harrington addressed these issues in context of the proposed Community choice Aggregation (CCA) Program, correcting the projected shortfall in meeting Hetch Hetchy Capital needs, and the ongoing energy efficiency and development of local renewable energy resources programs. In response to questions by President Moran, Mr. Rydstrom outlined various scenarios that would move the SFPUC closer to cost recovery.

# Public comment

Mr. Eric Brooks, San Francisco Green party, Our City, commented that advocates were still pressing for a rapid build out of local renewable energy resources and that there would be very strong support for, and it was good public policy, to fully recover the cost of service of providing energy so that in the long-term we had the needed resources for development of more local resources producing local energy as well as energy efficiencies, all of which would bring down these costs in addition to the obvious other environmental benefits of such an approach. Mr. Brooks noted in his view that this would be essential if the CCA program was to be successful.

Mr. Eddie Ong, Brightline Defense Project noted build out of local renewable energy resources was needed to create and maintain good paying local jobs and that steps to recover the true costs of energy provided were necessary to sustain this critically important effort.

# Commission discussion

Following an extensive discussion among the Commissioners it was the consensus of the Commissioner that rather that addressing this question by half measures it was the Commissioners' preference that staff bring forward a proposal for a 4-cent rate increase over four years with a fifth year being held flat as suggested by Mr. Rydstrom for the Commission's consideration at their December 13<sup>th</sup> meeting.

President Moran called a brief recess at 4:29pm The Commission returned to session at 4:35pm

11. Discussion and possible action to approve the plans and specifications, and award Water Enterprise, Water System Improvement Program (WSIP) - funded Contract No. WD-2652, Bioregional Habitat Restoration – San Antonio Creek, in the amount of \$12,947,400 to the lowest, qualified, responsible and responsive bidder, Gordon

N. Ball, Inc., to restore the existing San Antonio Creek, a site on the SFPUC's watershed in Alameda County. The project will provide wetland areas and endangered species habitat as compensation for impacts identified for the WSIP Calaveras Dam Replacement Project (CDRP) and two other possible WSIP projects - San Antonio Backup Pipeline and Seismic Upgrade of BDPL 3&4 (Kelly)

Resolution 11-0188

AGM for Infrastructure Harlan Kelly presented <u>WD-2652</u>, <u>Bioregional Habitat Restoration – San Antonio Creek</u>, explaining that the project would provide wetland areas and endangered species habitat as compensation for impacts identified for the WSIP Calaveras Dam Replacement Project (CDRP) and two other possible WSIP projects, San Antonio Backup Pipeline and the Seismic Upgrade of Bay Division Pipelines 3&4.

Motion by Commissioner Vietor, seconded by Commissioner Courtney to approve this item Passed 4-0 AYE (Moran, Caen, Vietor, Courtney unanimously

Public comment

No comments were offered.

# 12. Enforcement Program for the California Renewable Energy Resources Act: Workshop and Discussion

(Discussion will be limited to 30 minutes or such other duration set by the Commission)

A workshop presentation and discussion of the SFPUC's Enforcement Program for SBX1-2 (Simitian) The California Renewable Energy Resources Act. This bill was signed into law this year and establishes renewable portfolio standards for electric utilities. Consistent with the new statute, the SFPUC's Enforcement Program will be brought to the Commission for consideration in its meeting on December 13, 2011.

(Meal)

Power Enterprise Utility Specialist Meg Meal presented this Workshop and Discussion.

Public comment

No comments were offered.

# **CLOSED SESSION**

13. Public comments on matters to be discussed in Closed Session.

## Public comment

There were no comments offered on any closed session item?

14. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel.

Motion by Commissioner Vietor, seconded by Commissioner Courtney to assert the attorney-client privilege and retire into a closed session Passed 4-0 AYE (Moran, Caen, Vietor, Courtney unanimously

THE PUBLIC UTILITIES COMMISSION WILL GO INTO CLOSED SESSION TO DISCUSS THE FOLLOWING ITEMS:

The Commissioners retired into Closed Session at 5:17pm

Present in closed session were President Anson B Moran, Commissioner Ann Moller Caen, Commissioner Francesca Vietor, Commissioner Vince Courtney, General Manger Ed Harrington, Deputy General Manager Michael Carlin, CFO & AGM for Business Services Todd Rydstrom, Real Estate Services Manager Rosanna Russell, and Commission Secretary Michael Housh

Commissioner Vietor left the meeting during the closed session

15. Threat to Public Services or Facilities – Pursuant to California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(a). (*Ambrose*)

Consultation with: Agency Chief of Security concerning security of SFPUC Water and Power Systems.

16. Conference with Real Property Negotiator – Pursuant to California Government Code Section 54956.8 and San Francisco Administrative Code Section 67.8(a)(2).

(Russell)

Property: Mountain View, portion of BDPL 3 and 4, parcels 189, 190, 191 and

19s, located between Whisman Road and Tyrella Avenue.

Parties Negotiating SFPUC -Russell

KMJ Urban Communities, LLC

Under Negotiation: Price and Terms

FOLLOWING THE CLOSED SESSION, THE PUBLIC UTILITIES COMMISSION WILL RECONVENE IN OPEN SESSION.

The Commission returned to open session at 5:17pm

17. Announcement following Closed Session.

President Moran reported no actions were taken during closed session.

18. Motion regarding whether to disclose the discussions during Closed Session.

Motion by Commissioner Courtney, seconded by Commissioner Caen Not to disclose the discussions held in closed session Passed 3-0 AYE (Moran, Caen, Courtney unanimously

19. Other New Business

No New Business items were proposed

There being no further business, President Moran adjourned the Meeting at 5:18pm

**ADJOURNMENT** 



# **PUBLIC NOTICE**POSTED NOVEMBER 4, 2011

Consideration and Possible Adoption of a Program for the Enforcement of Article 16 of the California Public Utilities Code Relating to the California Renewable Energy Resources Act

The San Francisco Public Utilities Commission (SFPUC), the governing board of the publicly owned electric utility operations of the City and County of San Francisco, with this public notice announces that it will consider for adoption an Enforcement Program, consistent with Section 399.30(e) of the Public Utilities Code, at its regular meeting scheduled for December 13, 2011.

The Enforcement Program establishes the Commission's process for ensuring that the SFPUC's obligations under the law are met.

San Francisco Public Utilities Commission
Regular Meeting
Tuesday, December 13, 2011
1:30 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place
San Francisco, California

Michael Housh, Secretary San Francisco Public Utilities Commission



For information, contact the Commission Secretary at 554-3165. Minutes and other information are available on the SFPUC web site: www.sfwater.org.

City and County of San Francisco Public Utilities Commission 1155 Market Street, 11<sup>th</sup> Floor San Francisco, CA 94103