



**SAN FRANCISCO PUBLIC UTILITIES
COMMISSION**

City and County of San Francisco

London N. Breed
Mayor

REGULAR MEETING MINUTES
Tuesday, September 28, 2021
1:30 P.M.
(Approved October 12, 2021)

This meeting was held by Teleconference Pursuant to the Governor's Executive Order N-29-20 and the Twelfth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

During the Coronavirus Disease (COVID-19) emergency, the San Francisco Public Utilities Commission's (SFPUC) regular meeting room, City Hall, Room 400, is closed. Commissioners and SFPUC staff will convene Commission meetings remotely by teleconference.

Commissioners

Sophie Maxwell, President
Anson Moran, Vice President
Tim Paulson
Ed Harrington
Newsha Ajami

Michael Carlin
Acting General Manager

Donna Hood
Secretary



1. Call to Order

President Maxwell called the meeting to order at 1:30 PM.

2. Roll Call

Present: Maxwell, Moran, Harrington and Ajami

The Commission Secretary announced that item 11 was removed from the agenda and would be rescheduled.

Commissioner Paulson joined the meeting at 1:34 PM.

Commission Secretary Hood announced that the SFPUC's General Counsel, Francesca Gessner, accepted a new position with the California Attorney General. She indicated that Sheryl Bregman will now serve as the SFPUC General Counsel. She provided a brief background as to Ms. Bregman's experience, most recently with the San Francisco Airport Commission. Counsel Bregman thanked the Commission and expressed her excitement to be working with the SFPUC.

3. Approval of the Minutes of September 14, 2021

Public Comment

- *David Pilpel noted technical issues with the SFGTV web broadcast. He wished former Deputy City Attorney Gessner well in her new position. He indicated he would relay minor edits to the minutes to the Commission Secretary*

On motion to approve the Minutes of September 14, 2021:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

4. General Public Comment

- *Francisco DaCosta discussed the condition of the salmon and the need to respect the species. He stated water needs to be released from the Tuolumne.*

5. Communications

a) Advance Calendar

b) Correspondence Log

c) Contract Advertisement Report

d) Annual Multi-Enterprise Climate Program Update

David Behar, Climate Program Director, Water Enterprise, responded to a question from Commissioner Ajami regarding cross-enterprise efforts to address climate change and how systematic those efforts are. Commissioner Harrington requested that regular updates regarding climate policy.

Vice President (VP) Moran stated the scope of the SFPUC's involvement and leadership is impressive. He indicated it was difficult to get a sense of what is known by reading the report and requested a presentation as to how the organization is looking at global warming, and in broad terms, the challenges and what is being pursued.

- e) Annual Real Estate Update
- f) Final Changes to FY 2021-22 Budget since Commission Adoption
- g) Capital Improvement Program Quarterly Report
Mojgan Yousefkhani, Program Control Manager, responded to President Maxwell's request for three reasons as to why the new format will make the report more transparent and easier to read, indicating (1) table has been added to include budget, schedule and summary; (2) improvement to the front end section of report – cost summary table – to include information summarizing how much the budget changes over the quarter; and (3) project performance summary – to provide status report against latest approved CIP budget and schedule. She stated they will no longer use “traffic light indicators” and will instead insert a column that measures the percentage of cost increases and delays.
- h) Water Pipeline Assessment
- i) Water Supply Conditions Update
VP Moran requested information be provided as to current storage levels and the impacts of the state's curtailment orders on drought planning. Steve Ritchie, Assistant General Manager (AGM) Water, reviewed September 20, 2021 reservoir storage and noted the importance of water bank storage. He discussed the impacts and challenges of curtailments on storage and the effects if they persist through the year ahead. He discussed the potential for declaring a water shortage emergency. He indicated staff would return to the Commission with additional information. Brief discussion ensued.

Commission Secretary Hood announced that issues with the SFGTV web feed were resolved.

Public Comment

- *Francisco DaCosta stated that climate change is not being addressed as it should be and that the wildfires are close to Hetchy Hetchy. He asked what the SFPUC is doing to reduce their carbon footprint.*
- *David Pilpel thanked staff for the reports and for their hard work.*

6. Bay Area Water Supply and Conservation Agency (BAWSCA) Update

Nicole Sandkulla, BAWSCA CEO, displayed a graph showing that BAWSCA's July 2021 total potable water use was 51% less than in July 2020 and 20% less than in July 2013. She discussed the results and changes in the average daily per-person use over the years. She noted the curtailments will have a significant impact over the SFPUC's water supply.

Public Comment

- *Francisco DaCosta stated the Commission needs to read the Raker Act to determine who the SFPUC partners are for the distribution of water. He discussed water used for swimming pools and other activities. He questioned what is being done to address leaching pipes.*

7. Report of the General Manager

a) Quarterly Audit and Performance Review Report

Charles Perl, Deputy Chief Financial Officer (CFO), began with a recap of FY 20-21 audits indicating that 31 are completed or in progress; 14 financial audits and six performance audits were completed; 15 audit projects (in-progress or upcoming) have been moved into the FY 2021-22 audit plan; and that there is an increase in audit activity compared to the total for FY 2019-20, fourth quarter. He reviewed audits completed, reports issued, and open City Service audits and recommendations. Deputy CFO Perl provided a FY2021-22 first quarter outlook noting reports that are completing or are upcoming.

Commissioner Paulson stated he was daunted by the number of audits performed to ensure accountability and transparency. He thanked staff for their work.

Commissioner Harrington thanked Mr. Perl for adding the revenue lease audit. In response to a question from Commissioner Harrington as to why the sewer repair and maintenance performance audit was cancelled, Mr. Per indicated it was not cancelled but rather delayed by the Board of Supervisors. Commissioner Harrington asked about the status of the audit of the Contract Monitoring Division (CMD) and asked if it will be part of the upcoming lifecycle procurement audit. He emphasized that the audit of CMD is a Commission priority.

VP Moran expressed hope that auditing and investigations are not limited to those conducted by the City Services Auditor (CSA) and that if the CSA declines a SFPUC recommendation the SFPUC should conduct the audit. He noted three areas he would like a to have a business efficiency analysis conducted (1) human resources; (2) construction contracting; and (3) non-construction procurements to assess the business adequacy of the rules and regulations that are in place to see if they help or hinder the SFPUC's ability to get the job done. He stated if rules are getting in the way they should be reviewed for possible adjustment.

Commissioner Paulson concurred with VP Moran's comments which he stated are based on governance.

Eric Sandler, CFO and AGM Business Services, indicated that he is in the process of hiring an audit manager.

Public Comment

- *Francisco DaCosta thanked Mr. Perl for providing a review of the audits. He discussed the need to pay attention to the audits.*

b) FY 2022-23 and 2023-24 Budget Introduction

CFO Sandler introduced the item and stated that the SFPUC has a fixed, two-year budget and that the City modified the budget process to adapt to the pandemic. He reviewed the three Commission budget actions taken during the last year and discussed the planning for the biennial budget for FY 2022-23 and FY 2023-24, and possible consideration of adoption of the operating and capital budget, 10-year Capital Plan, and 10-Year Financial Plan.

CFO Sandler reviewed (1) budget policy framework; (2) budget context – pandemic impacts (economic recovery and commodity demands, future of work and workforce, historic federal and state attention and support for our industries, and accelerated pace of technological change and employee, customer, and stakeholder expectations); and (3) budget contest – other impacts (increased frequency and severity of climate-related risks, cost of purchased power, regulatory issues on multiple fronts, City public corruption scandal, and rates and charges). He provided an economic outlook (high level observations) of the City Chief Economist and the Bay Area Council.

Mr. Sandler continued with a review of retail water sales projections pre-and-post COVID and indicated that projected retail water sales volumes for biennial budget years incorporate COVID impact and that FYE 2023 and FYE 2024 are 91% of pre-COVID projections. He discussed the updating of volumetric sales projections which will vary by enterprise/program given service area characteristics. He noted the unknown but significant impact of drought-related water use reduction restrictions.

Mr. Sandler indicated budget growth is driven mainly by CleanPowerSF and capital investments. He then discussed (1) cumulative retail water and wastewater rate increases; (2) historic average annual water and wastewater bills; (3) changing retail projections; and (4) retail rate change assumptions for water and wastewater. He presented budget focus areas of (1) right size capital plans; (2) focus on affordability; (3) future of work and workforce; (4) racial equity; and (5) financial sustainability. He concluded with a review of the timeline for the completion of major tasks through July 2022.

Acting GM Carlin responded to a question from Commissioner Paulson as to the meaning of “additional government funding”, stating it includes state revolving funds, federal infrastructure bill, and Water Infrastructure Finance and Innovation loans, among others.

CFO Sandler responded to follow-up questions from Commissioner Ajami if federal government funding has been obtained for water rate assistance (arrearage) and what the strategy is to deal with the “silver tsunami” and transition staffing. Brief discussion ensued.

Public Comment

- *Francisco DaCosta discussed his work with university students. He noted the need for data and for the sharing of wisdom and technology.*
- *David Pilpel requested that presentations be posted on the website and linked on the agenda.*

c) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements

None.

8. New Commission Business

None.

9. Consent Calendar

- a) Approve the selection of AECOM Technical Services, Inc.; award Agreement No. PRO.0182, Electrical Engineering Services for the Hetch Hetchy Region, to AECOM to provide electrical engineering planning, design, and engineering support during construction for the Hetch Hetchy Capital Improvement Program; and authorize the General Manager to negotiate and execute the agreement for an amount not-to-exceed \$6,000,000 and a duration of eight years. ([Resolution 21-0146](#))
- b) Approve an increase of 365 calendar days to the duration contingency for Contract WD-2687R, Auxiliary Water Supply System (AWSS) Pumping Station No. 2 Improvements (2016), with Rubecon Builders, Inc.; and authorize the General Manager to approve future modifications to the contract for a total contract duration of up to 1,800 consecutive calendar days, with no change to the contract amount. ([Resolution 21-0148](#))
- c) Accept work performed by Ronan Construction, Inc. for Contract No. WW-671(I), Fillmore and Haight Street Intersection, AWSS, Pavement, and Sewer Replacement; approve Modification No. 5 (Final), increasing the contract amount by \$65,718, for a total contract amount of \$656,895 with no change to the agreement duration; and authorize final payment to the contractor. ([Resolution 21-0147](#))

Public Comment

- *Eileen Boken requested that item 9b be removed.*
- *David Pilpel spoke to 9a: stating the resolution certification page signature line is missing the word "of"; 9b: stating the font changed from italic to Roman on the signature verification line.*
- *Francisco DaCosta stated that relatives of the Power Enterprise AGM work for AECOM. He stated a former Commissioner's relative works for the Power Enterprise.*

On Motion to approve the Consent Calendar items 9a and 9c:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

Dave Myerson introduced item 9b and noted the need for the increase to the contract duration to take care of electrical issues that have arisen and require a long procurement that will delay the contract. He discussed the reasons for the lengthy procurement and purchasing process. Mr. Myerson responded to a question from Commissioner Harrington as to the length of the delay, noting that the work was not in the original scope of work. Brief discussion ensued.

Public Comment

- *Eileen Boken expressed opposition to the item stating there have been seven*

contract modifications for the contract. She discussed work needed to be done on the Auxiliary Water Supply System.

At the request of Commissioner Ajami to respond to Ms. Boken's comments, Mr. Myerson indicated he does not anticipate further modifications to the contract and that the request is to account for the long lead time to obtain equipment. He discussed the previous contract modifications.

*On Motion to approve the Consent Calendar 9b:
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

10. Discussion and possible action to approve the terms of an employment contract, pursuant to San Francisco Charter Section 8B.126 (a) and (c), between the San Francisco Public Utilities Commission and Dennis Herrera for the position of General Manager of the San Francisco Public Utilities Commission and authorize the President of the Commission to execute the contract. ([Resolution 21-0149](#))

At the request of President Maxwell, the Commission Secretary read a summary of the General Manager's proposed compensation (wages, wage increases, benefits, supplemental management leave, severance pay, and training/tools reimbursement) as outlined in the Employment Agreement. She noted the contract is for a proposed five years and has a work and compensation start date of November 1, 2021.

Public Comment

- David Pilpel stated the salary should not exceed \$270,000 and that severance payments should be less than one year. He requested that a copy of the salary survey be sent to his home address.*
- Francisco DaCosta stated that the Commission could have done better, and he questioned the process.*

*On Motion to approve Item 10:
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

Commissioner Harrington congratulated Mr. Herrera and extended his welcome to the SFPUC.

Commissioner Ajami welcomed Mr. Herrera. She recognized and thanked Acting GM Carlin for his work and leadership during these turbulent times.

VP Moran concurred with Commissioner Ajami's comments recognizing Acting GM Carlin and indicated that Mr. Carlin has shown his dedication to the SFPUC and has acted professionally throughout.

Commissioner Paulson expressed his thanks to Acting GM Carlin.

President Maxwell thanked Mr. Carlin for his work on behalf of the Commission, the City and County of San Francisco, and the ratepayers.

Mr. Carlin thanked the Commission for their comments and stated that his colleagues make his job easier.

President Maxwell thanked the Commission for their hard work and thanked Mr. Rob Coelho, General Counsel, for his assistance with the search.

Commissioner Ajami thanked President Maxwell for her leadership during the search.

The Commission Secretary re-announced that item 11 was removed from the agenda.

11. Authorize the General Manager to execute a Novation Agreement with AECOM Global II, LLC for Agreement No. CS-396, Engineering Services Pilarcitos Dam and Reservoir Improvements Project; approve Amendment No. 1 and authorize the General Manager to execute Amendment No. 1, increasing the agreement amount by \$1,500,000 and extending the agreement duration by two years and six months, for a total not-to-exceed agreement amount of \$4,500,000 and a total duration of nine years and six months, to complete the planning phase for the proposed project.
12. Approve the selection of the Japanese Community Youth Council (JCYC), the sole respondent to the Request for Proposals; award Agreement No. PRO.0169, Project Pull Citywide Internship, to JCYC to provide San Francisco youth with summer internship opportunities with the SFPUC and other City departments; and authorize the General Manager to negotiate and execute a professional services agreement with JCYC for an amount not-to-exceed \$4,000,000, and with a duration of four years.
[\(Resolution 21-0150\)](#)

Ben Poole introduced the item and indicated the contract will retire the previous contract and requested Commission approval.

Commissioner Harrington indicated his support for the program and the work performed but expressed concern that the JCYC has was the sole responder and questioned the outreach efforts. Mr. Poole stated that efforts were made to broaden outreach to other non-profits and that those efforts were unsuccessful. He stated JCYC is predominate in the field and his highly qualified.

Public Comment

- *David Pilpel indicated that on the resolution signature line is missing the word "of".*
- *Mark (inaudible) stated that he is a product of the Project Pull Program and expressed his endorsement. He stated the Program helps to support youth with their professional development and social and work-related skills.*

On Motion to approve Item 12:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

13. Approve a contract amendment for CleanPowerSF (CPSF), between the San Francisco Public Utilities Commission and NextEra Energy Resources Development, to add battery storage to an existing long-term renewable energy contract for a total amount not-to-exceed \$220,280,744 over the remaining 19 years of the agreement;

and authorize the General Manager to seek approval from the Board of Supervisors for this contract. ([Resolution 21-0151](#))

Mike Hyams, Deputy AGM Power, stated the proposed amendment would add valuable battery storage capacity to an existing long-term contract to purchase solar energy from the Blythe IV Solar Project. He discussed the benefits of the purchase to CPSF and its ratepayers including the optimization of the delivery of the solar energy produced by the project, reduce grid reliance on fossil fuels to supply electricity demand, and provide significant resource adequacy compliance benefits. He noted if approved, the battery storage facility will be operational and available to CPSF by the end of 2022. He stated the amendment is competitively priced and is consistent with the CPSF 2020 Integrated Resource Plan.

In response to a question from Commissioner Harrington as to whether the amendment will make it cheaper to buy or sell power at a higher rate, Mr. Hyams stated it is a risk-mitigation measure and allows the shifting of energy received from the solar project. Commissioner Harrington offered suggestions for marketing the program for clarity.

Mr. Hyams responded to a question from VP Moran as to whether there are changes to the underlying terms of the contract other than battery storage, indicating the terms are limited to the battery technology with no major terms changing.

Public Comment

- *Alita Dupree expressed support for the item and stated it is an investment.*
- *Ali Altaha stated he did not see anything in the contract related to LBE participation.*
- *David Pilpel stated the final Resolved clause has a period missing or is missing wording. He stated additional battery storage is a good idea.*

On Motion to approve Item 13:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

14. Public Hearing: Discussion and possible action to approve, for customers of the San Francisco Public Utilities Commission's CleanPowerSF (Community Choice Aggregation) (CCA) Program, a revised rate-setting methodology effective November 1, 2021 through June 30, 2022 that sets rates to the lesser of (a) 15% higher than comparable PG&E rates, or (b) rates that recover CleanPowerSF's program costs. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code. ([Resolution 21-0152](#))

Erin Franks, Rates Administrator, began with a background of current rates and indicated that in May 2021 the Commission approved an update to CleanPowerSF's rate methodology for FY 2021-22. She stated at that time staff indicated they would return to the Commission if conditions changed. She discussed the changed conditions including delay of PG&E rate increase, higher power purchase costs than budgeted, and the bankruptcy of Western Community Energy. She stated that proposed action must balance multiple considerations including (1) covering increased power purchase costs; (2) maintaining prudent reserves and credit quality, (3)

managing customer bill impacts and potential for opt-outs, (4) benefits from favorable future PG&E rate and PCIA charges, and (4) waiting to make major changes until results are available from on-going electric rate study.

Administrator Franks reviewed the rate action proposal stating (1) the rate formula compares PCIA vs. PG&E generation and when comparing total bills, the difference is much lower; (2) Currently (effective July 1, 2021), there is authority to adjust rates to (a) the lesser of 5% higher than comparable PG&E rates, or (b) rates that recover program costs; and (3) Proposal (effective November 1, 2021) would give the authority to adjust rates to the lesser of (a) 15% higher than comparable PG&E rates, or (b) rates that recover program costs.

Ms. Franks reviewed (1) Rate action proposal: projected average residential bill; (2) Proposed rate authority: financial impact; (3) Risk: uncertainty in PG&E rates; and (4) Risk: increased customer opt-outs comparison to other CCA's rates.

Mr. Hyams continued the presentation, discussing (1) Risk: increased customer opt-outs customer count and energy use by class; (2) Risk: increased customer opt-outs financial opt-out; (3) Opt-out risk mitigations; and (4) Rate communications: customers will receive communications consistent with past rate changes (notice of rate action in newspaper at least 15 days prior to Commission meeting; on-bill messaging for 60 days after rate change notifying customers of new rates; availability of current rates at CleanPowerSF.org; and upon request, customers can receive a personalized cost comparison for their CleanPowerSF Service).

Mr. Hyams indicated that the presentation was provided to the San Francisco Public Utilities Commission's Rate Fairness Board (RFB). Ms. Franks stated that the RFB wished to share with the Commission their consensus that they understand CPSF is in a tough spot balancing financial pressures on competitiveness with PG&E and the power markets and understand that there is volatility. Ms. Franks emphasized the RFB's support for the need to proactively talk with customers about opt-outs.

Commissioner Paulson thanked Ms. Franks and Mr. Hyams for the presentation and expressed concern with raising rates. He indicated that CleanPowerSF messaging is lost.

Commissioner Harrington stated the proposed rate increase is unfortunate, but that customers will understand. He stated the presentation was impressive and thoughtful. He indicated he looks forward to the rate study next year. He asked that the information provided on rates, comparisons, impact of green energy be put "up front" as discussions take place.

Commissioner Ajami stated the value of the product provided is important to customers.

In response to a question from President Maxwell as to the percentage of clean power in PG&E's portfolio, Mr. Hyams indicated in calendar year 2020 they had 30% state

certified renewable energy. He stated they also have other greenhouse gas free resources, hydroelectric and nuclear. President Maxwell indicated CPSF needs better marketing.

In response to a question from Commissioner Ajami, Ms. Franks indicated that PG&E rate hikes impact all customers (PG&E and CPSF) and that PG&E rates have gone up significantly the past few years due to wildfire related costs incurred by PG&E. In response to a follow-up question as to whether rates are decoupled or per use, Ms. Franks stated that CPSF mirrors PG&E rate schedules. Mr. Hyams provided additional comments on the efforts to maintain rate stability.

Commissioner Paulson noted the economic condition of most people and the fact that they look for value and affordability.

Commissioner Ajami stated as the program is established the right rate setting process needs to be in place to remain a sustainable utility in the long run.

Public Comment

- Alita Dupree expressed support for the item. She indicated people are price sensitive. She asked that generation rates be competitive.
- David Pilpel discussed the Rate Fairness Board's review and asked if there was a written transmittal of their recommendations and if so, it should be included in the file. He expressed his support of time-of-use rates. He noted the first Whereas clause in the resolution is not indented.

On Motion to approve Item 14:

Ayes: Maxwell, Moran, Harrington and Ajami

Nay: Paulson

15. Authorize the General Manager to execute an agreement between Pacific Gas and Electric Company and the City and County of San Francisco, acting through the San Francisco Public Utilities Commission, for service to some new 100% Affordable Housing projects on City land with a term of 10 years, and an option to extend an additional five years; and authorize the General Manager to seek Board of Supervisors approval of the agreement. ([Resolution 21-0153](#))

Barbara Hale, AGM Power, introduced the item and stated that to serve Hetch Hetchy customers there is the need to rely on PG&E's grid. She indicated the City pays PG&E approximately \$20M per year to deliver Hetch Hetchy power and that this service is regulated by the Federal Regulatory Energy Commission (FERC). She indicated the terms and conditions of the service are detailed in the PG&E's Wholesale Distribution Tariff and that the City and PG&E disagree on how PG&E administers the Tariff, and on the policies imposed on the City, with terms and conditions that increase the cost of connecting without improving the safety or reliability of the system. She indicated negotiation and litigation have occurred to arrive at reasonable access to PG&E's distribution system. She stated that an agreement, in principle, has been achieved on interconnections for new affordable housing developments that meet certain conditions and that these developments can connect at secondary voltage. She estimates that

during the next 10 to 15 years, 20 affordable housing projects will be covered (21,000 housing units) with an estimated 13 megawatts of electric load. She noted if approved, additional approvals will be needed by the Board of Supervisors and is subject to approval by the FERC.

No public comment.

On Motion to approve Item 15:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

16. Public comment on matters to be addressed during Closed Session
None.

17. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel
On Motion to approve to assert the attorney-client privilege regarding the matters listed as Conference with Legal Counsel:
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

The Commission entered Closed Session at 5:23 PM.

Present: All items: Commissioners Maxwell, Moran, Paulson, Harrington and Ajami; Sheryl Bregman, Deputy City Attorney; Michael Carlin, Acting General Manager; Eric Sandler, CFO; Donna Hood, Commission Secretary; Lee Sayao, SFPUC IT. Item 18: John Roddy, Deputy City Attorney; Greg Norby, AGM Wastewater. Item 19: Richard Robinson, Deputy City Attorney; Greg Norby, AGM Wastewater. Item 20: Theresa Mueller, Deputy City Attorney; Barbara Hale, AGM Power; Pam Husing, Power Enterprise; Tyrone Jue, Chief of Staff.

18. CONFERENCE WITH LEGAL COUNSEL – Pursuant to California Government Code, Section 54956.9(d)(1), and San Francisco Administrative Code, Section 67.10(d)(1): EXISTING LITIGATION: *Tamsyn Waterhouse v. City and County of San Francisco / San Francisco Superior Court Case No. CGC-20-583543 / Date Filed March 2, 2019:* Proposed settlement with City to pay plaintiff \$45,000 and plaintiff to release all claims. (Resolution 21-0154)
19. CONFERENCE WITH LEGAL COUNSEL – Pursuant to California Government Code, Section 54956.9(d)(2), and San Francisco Administrative Code, Section 67.10(d)(2): Settlement of Unlitigated Claim: *City and County of San Francisco v. Shimmick Construction Company, Inc. and F.D Thomas Inc. / City File No. 190927:* Proposed settlement of City's unlitigated claim against Shimmick and F.D. Thomas, Inc., with F.D. Thomas to pay City \$750,000 in exchange for City's release of all unlitigated claims arising from the failure of interior liners in digesters at the Oceanside Water Pollution Control Plant. (Resolution 21-0155)
20. CONFERENCE WITH LEGAL COUNSEL – Pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section

67.10(d)(1): Conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 9-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL 19-38- 000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18- 1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL 15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703- 000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. 1.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; California Public Utilities Commission Case No. R.19-09-016, filed January 10, 2019; and California Public Utilities Commission Case No. P. 21-07-012, filed July 27, 2021

The Commission exited Closed Session at 6:12 PM.

21. Announcement following Closed Session
President Maxwell announced that the Commission recommends the Board of Supervisors resolve and settle the claims listed for items 18 and 19. No action taken on item 20.
22. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a)
*On Motion not to disclose discussions during Closed Session:
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*
23. Adjournment
President Maxwell adjourned the meeting at 6:13 PM.

