



**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**  
City and County of San Francisco

**London N. Breed**  
Mayor



**REGULAR MEETING MINUTES**  
**Tuesday, January 10, 2023**  
**1:30 PM**  
**(Approved January 24, 2023)**

1 Dr. Carlton B. Goodlett Place  
City Hall, Room 400  
San Francisco, CA 94102

**Commissioners**

Newsha Ajami, President  
Sophie Maxwell, Vice President  
Tim Paulson  
Tony Rivera  
Kate Stacy

**Dennis J. Herrera**  
General Manager

**Donna Hood**  
Secretary

1. Call to Order  
*President Ajami called the meeting to order at 1:31 pm.*
2. Roll Call  
*Present: Ajami, Maxwell, Paulson, Rivera, and Stacy*
3. Adopt renewed findings under State Urgency Legislation to allow hybrid in-person meetings during the COVID-19 Emergency and direct the Commission Secretary to agendize a similar resolution at a Commission Meeting within the next 30 days. ([Resolution 23-0001](#))

*No public comment.*

*On Motion to Adopt State Findings Under State Urgency Legislation*  
*Ayes: Ajami, Maxwell, Paulson, Rivera, and Stacy*

4. Approval of the Minutes of December 13, 2022

Public Comment

- *Dave Warner suggested edits to the minutes related to item 9.*

*The following individuals were directed to item # 13 - General Public Comment because their comments were not applicable to the Minutes of December 13, 2022.*

- *Eileen Boken*
- *Bob Stanley*
- *Mary Butterwick*
- *John Rosapepe*
- *Cindy*

*President Ajami stated the change to the timing of general public comment per the revised Rules of Order was made to prioritize business items that are on the agenda and for the public who wish to make comments on those agendized items. She stated that the Commission is interested in hearing from the public and that the change of order was not to shut down public comment or different perspectives.*

*On Motion to Approve the Minutes of December 13, 2022*  
*Ayes: Ajami, Maxwell, Paulson, Rivera, and Stacy*

5. Report of the General Manager (GM)
  - a) Drought Conditions Update (as of January 3, 2023)  
*Steve Ritchie, Assistant General Manager, Water, discussed the recent storms and reviewed (1) January 3, 2023 Reservoir Storage: Hetch Hetchy is at 66.6% of maximum storage, Water Bank is at 98.7% of maximum storage, and total system storage is at 79.6%. He stated water is being released from Cherry and is going into water bank. He stated Calaveras is full. (2) Other California Reservoirs: Shasta, Oroville and Don Pedro Reservoirs are at 38%, 28%, and 61% of capacity, respectively; (3) California Drought Monitor: Exceptional drought is gone, and extreme drought is lessening. He emphasized the drought is not over; (4) Hetch Hetchy Precipitation: Precipitation is above the 2022*

level and nearing the 1983 level, which was the wettest year on record; (5) Upcountry 6-Station Precipitation Index (as of January 2, 2023) year-to-date (YTD) total is at 21.48 inches; (6) Bay Area 7-Station Precipitation Index (as of January 1, 2023) YTD total is at 17.20 inches; (7) Upcountry Snowpack: Is above 2017 level and nearing 100% of typical April level; (8) Water Available to the City: Is at 250,000 acre feet after the recent storms; (9) National Precipitation Forecast: Additional precipitation is forecast; and (10) Total Deliveries: 133 mgd.

#### Public Comment

- Unidentified caller asked how many storms are needed to get out of drought. She suggested that the city install a rain harvest systems to capture rainwater.
- Peter Drekmeier, Tuolumne River Trust, discussed system storage levels and indicated that 226,000-acre feet were captured since the last report. He stated there is storage to last five years.
- Heinrich Albert, Sierra Club Water Committee, stated that the SFPUC is risk adverse to change and needs to balance risk
- (Inaudible) expressed gratitude for the rain and asked that the lawsuit against the State Water Board be dropped. He requested that one year be eliminated from the Design Drought.
- John Rosapepe stated that one year should be eliminated from the Design Drought. He asked that the lawsuit be dropped.
- Lawrence, retired wildlife biologist and ecologist, asked that the Tuolumne River not be killed, and that water be released.
- Mary Butterwick discussed the ecological state of the Tuolumne River. She stated the update should include a salmon count. She asked that the lawsuit be dropped.

#### b) Hetch Hetchy Capital Improvement Program (HCIP) Quarterly Report

Katie Miller, Director Water Capital Programs, reviewed the HCIP status as of September 2022, noting expenditures of \$196 million, with the HCIP 26% complete. Director Miller reviewed (1) HCIP cost summary, noting no cost variance for the overall HCIP for the quarter.

Director Miller provided project status updates for the following (1) Mountain Tunnel Improvements (Priest Audit Tunnel, Flow Control Facility Shaft, Bypass Tunnels, and preparation for Shutdown No. 2); (2) Moccasin Powerhouse and Generator Step-Up Transformer Rehabilitation (Step-up Transformers, Generators Rewind, and Powerhouse System Upgrade); and (3) San Joaquin Pipelines Valve and Safety Improvements.

Director Miller responded to a question from Vice President (VP) Maxwell as to whether the same contractor that was used for rewind would be used for the San Joaquin Pipeline Valve and Safe Entry Improvement, and if there would be any compensation for delays. Director Miller indicated the same contractor would be used and discussed the contractor's procurement challenges and delays, and staffing challenges due to COVID. Algy Collymore, Project Manager, indicated any compensation issues as a result of delays are being addressed with the contractor. Commissioner Paulson noted the main issues of concern were with procurement and staffing and not any "red flags" and asked that the Commission continue to be updated. Director Miller indicated staff are working with the contractor and

*will be closely monitoring.*

*President Ajami discussed the fact sheets and stated the variances need to be included.*

*No public comment.*

- c) Wastewater Enterprise Quarterly Report including Southeast Area Major Projects Update (1) Biosolids, (2) Headworks, and (3) 1550 Evans Southeast Community Center  
*Stephen Robinson, AGM Infrastructure, began with construction updates for the Mariposa Dry-Weather Pump Station and Force Main Improvements, Wawona Area Stormwater Improvement Project, and Westside Pump Station Reliability Improvements.*

*AGM Robinson reviewed the Sewer System Improvement Program (SSIP) Phase I status stating as of September 2022, indicating the project count by phase is 51% complete with \$3,646 million expended. He reviewed the SSIP status cost summary, the facilities and infrastructure cost summary, and cost variance.*

*AGM Robinson discussed capital program milestones, noting those projects that have completed design, that have awarded construction contract, and have completed conceptual engineering. He provided the following progress and status updates for the following (1) Southeast Plant Digester Facilities Project: Project cost increased from \$1,681 million to \$2,373 million; (2) Southeast Plant New Headworks Facilities Project: Project cost increased from \$619 million to \$679 million; and (3) Southeast Community Center 1550 Evans: Project cost increased from \$114 million to \$115 million.*

*In response to a question from VP Maxwell regarding the increase from \$619 million to \$679 million for the Southeast Plant New Headworks Facility Project, AGM Robinson indicated it was due to project redesign, value engineering, and changing market conditions; and the increase from \$114 million to \$115 million for the Southeast Community Center was due to PG&E's delay in the facility energization.*

*AGM Robinson responded to a question from VP Maxwell regarding maintenance funding and stated maintenance funding has been allocated and facilities have resources and contracts in place for maintenance and operation.*

*AGM Robinson responded to a question from President Ajami regarding opportunities for changes to projects that are in design, noting that the earlier changes can be made, the better, and emphasized that procedures, processes, and criteria need to be consistent. Brief discussion ensued.*

#### Public Comment

- *Peter Drekmeier, Tuolumne River Trust, stated cost for the projects come from rate payers and that wastewater isn't measured and that customers will use less water to reduce bills. He requested a deep dive during the budget process to understand debt service and water consumption.*

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

*GM Herrera discussed the atmospheric rivers that have occurred since New Year's Eve, noting they have posed a challenge for SFPUC staff and have triggered several emergency response activations. He indicated the Wastewater Enterprise activated their emergency response structure in coordination with Public Works, mitigating urban flooding by resourcing all available assets to maximize functionality of the City's collection system, and he noted specific efforts being taken. He stated the Water Supply and Treatment Division, and the Natural Resources Division activated their emergency response structure to ensure safe operation of reservoirs and noted increasing creek levels posed challenges. He stated Hetch Hetchy also activated their emergency response structure to maintain critical operations. All emergency response structures were supported and coordinated through the SFPUC's Department Emergency Operations Center (EOC) in coordination with the San Francisco EOC. He thanked all staff for their tireless work.*

*GM Herrera responded to a question from Commissioner Paulson regarding which departments are responsible for the flooding at the Marina Green.*

*The Commissioners thanked staff for their work during the storm events.*

*No public comment.*

6. CONSENT CALENDAR

- a) Approve the terms and conditions of and authorize the General Manager to execute a no-fee, month-to-month revocable license to the Girl Scouts of Northern California, a California nonprofit public benefit corporation, to use approximately 4.1 acres of land under the jurisdiction of the San Francisco Public Utilities Commission in San Francisco, California. The License Area constitutes a portion of the SFPUC's Parcel No. 55 located at 1100 Lake Merced Boulevard near Lake Merced. The Girl Scouts will use the License Area for Girl Scout troop outings, camps, events, trainings, and the maintenance and repair of the existing camp improvements. ([Resolution 23-0002](#))
- b) Approve Modification No. 1 to Job Order Contract, JOC-83R, General Building (B License) Construction, San Francisco, San Mateo, Santa Clara, and Alameda Counties, with Rubicon Builders, Inc., to complete ongoing facility and asset improvements, increasing the contract by \$2,500,000, for a total not-to-exceed contract amount of \$7,500,000, in accordance with San Francisco Administrative Code section 6.62. ([Resolution 23-0003](#))
- c) Approve Amendment No. 1 to Agreement Nos. PRO.0097.A-C, Hetchy Capital Improvement Projects, As- Needed Construction Management Services, with AECOM and Effective Management Services LLC. Joint Venture (PRO.0097.A), Mott MacDonald and Dabri, Inc. Joint Venture (PRO.0097.B), and Avila and Associates Consulting Engineers, Inc. (PRO.0097.C), to provide as- needed Construction Management service to augment City Construction Management staff as necessary, to increase each contract by \$2,000,000 for a total not-to-exceed amount of \$6,000,000, with no change to the duration of each agreement. ([Resolution 23-0004](#))

- d) Approve Amendment No. 1 to Agreement No. PUC.PRO.0113, Electric Billing Software as a Services (SaaS) Agreement, with Enterprise Solutions Consulting LLC to provide additional as-needed professional services to facilitate ongoing customizations to the Oracle C2M (Customer to Meter) electric billing system, to increase the contract by \$1,250,000 and increase the contract duration by six months, for a total not-to-exceed amount of \$5,624,527 and for a total duration of seven and one-half years. ([Resolution 23-0005](#))
- e) Award Contract Nos. PRO.0216.A, PRO.0216.B, PRO.0216.C, and PRO.0216.D, As-Needed Environmental Review Services, to provide as-needed environmental analyses, studies, and reports; resource agency documents/permits; environmental compliance support during construction; and specialized natural resource and other environmental expertise in support of the Sewer System Improvement Program and other Water, Wastewater, and Power Enterprise operating and capital projects, to AECOM Technical Services Inc., (PRO.0216.A), Environmental Science Associates Inc., (PRO.0216.B), Panorama Environmental, Inc., (PRO.0216.C), and Woodard & Curran and ATS Consultants Joint Venture, (PRO.0216.D), each for an amount not-to-exceed \$7,000,000, and each with a duration of seven years. ([Resolution 23-0006](#))
- f) Accept work performed by Ranger Pipelines, Inc., for Contract No. WD-2668, Regional Groundwater Storage and Recovery, for a total contract amount of \$62,168,845, and for a total contract duration of 2,707 consecutive calendar days (approximately seven years and six months); and authorize final payment to the contractor. ([Resolution 23-0007](#))
- g) Approve an increase of \$300,000 to the contract cost contingency and an increase of 300 calendar days to the contract duration contingency for Contract No. WD-2852R, San Francisco Westside Recycled Water Irrigation System Retrofits, with Fontenoy Engineering, Inc. to address on-going schedule and cost impacts due to COVID-related delays in material deliveries, delayed and modified work related to a tree conflict and associated public hearing process, additional work due to differing field conditions, and to provide sufficient contingency to address unanticipated changes through the remainder of the construction effort; and authorize the General Manager to approve future modifications to the contract for a total contract amount not to exceed \$3,031,877 and a total contract duration of up to 920 consecutive calendar days. ([Resolution 23-0008](#))
- h) Accept work performed by Kone, Inc., under Contract No. WW-672, Wastewater Enterprise Elevator Maintenance, Repair and Modernization 2018-2021; approve Modification No. 2 (Final), decreasing the contract amount by \$1,057,390, for a total contract amount of \$258,910, and decreasing the contract duration by 40 consecutive calendar days, for a total contract duration of 1,194 consecutive calendar days; and authorize final payment to the Contractor. This reduction in total contract amount relates to SFPUC staff's decision not to utilize an as-needed bid item to modernize the elevator. The reduction in duration is because this contract was due to expire and SFPUC awarded another elevator contract (WW-718R) that was anticipated to start during this period, overlapping the existing contract. ([Resolution 23-0009](#))
- i) Approve an increase of 250 calendar days to the contract duration contingency for Contract No. WW-685R, North Shore Pump Station Wet Weather Improvements, with Western Water

Constructors, Inc., to address COVID supply chain delays related to the procurement of dry weather liquid pumps; and authorize the General Manager to approve future modifications to the contract for a total contract duration of up to 1,075 consecutive calendar days, with no change to contract amount. ([Resolution 23-0010](#))

- j) Award Contract No. WW-737, Baker St. Combined Sewer Discharge Baffle Improvements & Backflow Valve Repair, in the amount of \$566,000, and with a duration of 240 consecutive calendar days, to the responsible bidder that submitted the lowest responsive bid, Trinet Construction, Inc., to construct a new baffle wall and repair the existing baffle inside the Baker Street Combined Sewer Discharge including leak repair in the existing backflow valve. ([Resolution 23-0011](#))

Public Comment

- *Eileen Boken provided comment on item 6b, stating the dollar increase is 50%. She noted the same contractor was used for the AWSS Pump Station 2 project; and commented on item 6c, noting the dollar increase of 50%.*

*On Motion to Approve Consent Calendar Items 6a through 6j:*

*Ayes: Ajami, Maxwell, Paulson, Rivera, and Stacy*

7. Authorize the General Manager to execute, on behalf of the City and County of San Francisco, a First Amendment to the Agreement with the California Department of Fish and Wildlife (CDFW) regarding the construction, operation, and maintenance of a permanent water recirculation system at the CDFW-owned and operated Moccasin Fish Hatchery that will allow for reduction in San Francisco Public Utilities Commission water deliveries to the Hatchery during shutdowns of the Hetch Hetchy Water and Power system and during droughts, to extend the Agreement duration by up to 12 months, to December 1, 2023, for a total duration of up to 36 months, with no change to the Agreement amount. ([Resolution 23-0012](#))

*AGM Ritchie introduced the item and requested Commission approval. He responded to a question from President Ajami regarding recirculation and treatment, noting it is a “flow-through” system. He stated the CDFW will be responsible for operation and maintenance, with technical support from the SFPUC.*

*In response to a question from VP Maxwell regarding the safe use of recycled water for fish, AGM Ritchie stated that the use of recycled water is common in other hatcheries and is prudent.*

*No public comment.*

*On Motion to Approve Item 7:*

*Ayes: Ajami, Maxwell, Paulson, Rivera, and Stacy*

8. Award Contract No. PRO.0264, New City Distribution Division (CDD) Campus at 2000 Marin Design Services, to provide architectural, engineering, and consulting services to design new facilities for the San Francisco Public Utilities Commission Water Enterprise CDD at 2000 Marin Street, San Francisco, to Mark Cavagnero Associates, for an amount not-to-exceed \$27,800,000 and with a duration of five years, subject to Board of Supervisors’ approval under San Francisco Charter Section 9.118. ([Resolution 23-0013](#))

*Shelby Campbell, Project Manager, reviewed the proposed contract award and provided a brief background of the CDD Yard, touched on the existing conditions at the CDD campus, and presented the new CDD campus site plan. Project Manager Campbell reviewed the Request-for-Proposals (RFP), which she indicated has been opened three times, on March 31, 2021, September 17, 2021, and September 14, 2022, stating issues included the number of responsible proposals, overhead and profit schedule, and conflict of interest. She indicated the RFP was revised to address issues and was readvertised September 14, 2022 and included robust outreach. She reviewed the proposers and scores.*

*President Ajami requested that location maps be put into a larger location context.*

*No public comment.*

*On Motion to Approve Item 8:*

*Ayes: Ajami, Maxwell, Paulson, Rivera, and Stacy*

9. Award sole source Contract No. PUC-0004(I), 525 Golden Gate Elevator Maintenance and Repair Services, in an amount not-to-exceed \$950,000, and with a duration of 2,920 consecutive calendar days, to Otis Elevator Company, which is the only elevator contractor authorized to maintain and support proprietary components in the elevators at the SFPUC headquarters building, in accordance with San Francisco Administrative Code section 6.73(a). ([Resolution 23-0014](#))

*Ivy Fine, Manger, Program Administration Bureau, introduced the item and stated Otis installed the elevators which contain proprietary components and is the only licensed contractor able to provide legally required maintenance services for their proprietary elevator components.*

*Manager Fine responded to a question from VP Maxwell regarding the proprietary elevators and questioned if other vendors should be considered. Discussion ensued on the contract and contract renewal amount and process. Commissioner Paulson noted Otis is a well-known and trusted elevator company.*

#### Public Comment

- *Eileen Boken questioned the need for a sole source contract.*

*On Motion to Approve Item 9:*

*Ayes: Ajami, Maxwell, Paulson, Rivera, and Stacy*

10. Authorize the General Manager to execute a Memorandum of Understanding with the San Francisco Local Agency Formation Commission (SF LAFCo) for an amount not-to-exceed \$800,000 and with a duration of three years and five months to perform work for CleanPowerSF. *Mike Hyams, Deputy AGM, Power Enterprise, introduced the item and provided a brief background of the SFPUC's work with the SF LAFCo. He noted the first MOU was in 2009 and was extended several times before its 2021 expiration. He stated the proposed MOU will reimburse LAFCo for work performed during fiscal year 2022-23 through fiscal year 2025-26 and will use approximately \$130,000 which remains appropriated from the 2009 MOU and will be supplemented by CleanPowerSF ratepayer funds for approximately \$225,000 per year for fiscal years 2023-24 through fiscal years 2025-26.*

*He stated the term of the MOU can be extended by mutual agreement between the SFPUC and LAFCo and he discussed the details of work to be performed by LAFCo staff under the MOU. He indicated the LAFCo Commission approved the draft MOU on December 9, 2021. Mr. Hyams recognized LAFCo Executive Officer Jeremy Pollock.*

*President Ajami noted that CleanPowerSF is an established utility and questioned the need for or the value of the work to be performed by LAFCo staff and wondered why that work can't be conducted by SFPUC staff. She stated that CleanPowerSF needs to be careful to manage costs and maintain its competitive edge and adding things like this will begin to erode our operational efficiency. She expressed that the SFPUC should use its own staff and consultants to conduct studies related to its operations.*

*Mr. Hyams noted there is a new direction with LAFCo since the launch of the CleanPowerSF program. There is a new commission and executive director who are interested in LAFCo's role in advising the SFPUC and the Board of Supervisors on CleanPowerSF and issues related to meeting the City's Climate Action Plan goals.*

*GM Herrera acknowledged President Ajami's comments and stated since the formation of LAFCo in 2007 there has been a transition with the CleanPowerSF program being mature, and that the SFPUC is interested in seeing what the LAFCo can contribute to supplement the SFPUC's administration of CleanPowerSF.*

*President Ajami reiterated the SFPUC's efforts to remain competitive, efficient, and to keep costs down. She stated the proposed MOU needs to be considered within that context and that in her view, SFPUC staff can perform the proposed work under the MOU.*

*Commissioner Paulson discussed the LAFCo's development in the various counties. He concurred with comments made by President Ajami.*

*Commissioner Stacy discussed the original intent with LAFCo's formation and stated that the Commission must look at how ratepayer money is being spent and agreed with comments made by other Commissioners.*

*VP Maxwell noted that the requested \$800,000 is not a small amount of money and expressed concerns with the MOU.*

*GM Herrera indicated that the Commission may pull the item if they are not comfortable with moving forward.*

#### Public Comment

- *Francisco DaCosta stated a hearing needs to be held to see how proactive and progressive the SFPUC has been.*
- *John Rosapepe stated that \$800,000 is not a small sum.*
- *Jeremy Pollock, Executive Officer LAFCo, acknowledged concerns expressed and discussed the scope of work and study topics to be addressed regarding CleanPowerSF's future and related issues that are outside of the SFPUC's core functions. He highlighted the financing through green bank initiative.*

- *Written comment submitted are attached.*

*President Ajami stated there was not intent to minimize the amount of money requested and noted the significance of the funding request. She again expressed the need to spend taxpayer money wisely and thoughtfully. The item was continued.*

11. Public Hearing: Discussion and possible action to approve the Electric Home (E-ELEC) rate schedule for customers of the San Francisco Public Utilities Commission's CleanPowerSF Community Choice Aggregation Program. This action constitutes the Approval Action for the Project for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 31.04(h) of the San Francisco Administrative Code. The Planning Department has determined that this action is exempt from the CEQA. If the item is approved, the Commission will rely on that determination to make its decision. ([Resolution 23-0015](#))

*Ma Yee, Principal Revenue/Rates Analyst, presented the item and discussed (1) CleanPowerSF Rates Landscape: San Francisco City Charter requirement for rate study every five years by independent consultant, 2022 Power Rates Study – completed and adopted FY 2022-23 cost-of-service rates in May 2022, and Key outcomes of rate study – to ensure financial stability, prioritize customer needs, and support the City's climate action goals; (2) CleanPowerSF Rate Schedules: CleanPowerSF customers receive power supply (generation service) from CleanPowerSF and distribution services from PG&E, and are billed by PG&E. CleanPowerSF's suite of rate schedules matches PG&E offerings and provides alternative option of cleaner energy for customers; (3) Electric Home (E-ELEC) Rate Schedule: California Public Utilities Commission Decision 21-11-016 ordered new electric home rates for qualifying residential customers, with final E-ELEC rates on December 1, 2022. Supports residential electrification; (4) CleanPowerSF E-ELEC Generation Rates Methodology; (5) E-EEC Bill Comparison: High usage (assumes 650 kWh monthly usage) and low usage (assumes 249 kWh monthly usage) for PG&E and CleanPowerSF Customers; and (6) Recommendation: staff recommends approval of the 2022-23 CleanPowerSF E-ELEC Rate Schedule, applied to bills of CleanPowerSF customers who voluntarily sign-up for E-ELEC rate schedule since PG&E's offering on December 1, 2022.*

*Mike Hyams, Deputy AGM, Power Enterprise, responded to a question from VP Maxwell as to what "net metering" is, stating net metering is a program that provides bill credits to customers with rooftop solar for the energy they produce; and to a question regarding "volumetric" stating it is determined per kilowatt-hour. He noted that the E-ELEC distribution rate design is a form of "decoupling", by recovering more utility distribution revenue from fixed fees rather than from volumetric rates that increase with increasing electricity usage. Brief discussion ensued on rates, rates schedules, and methodology.*

*No public comment.*

*President Ajami noted that the rate schedule doesn't apply to customers with rooftop solar and asked if there are proactive efforts to add them as customers. Deputy AGM Hyams stated there are rates that net energy metering customers may use but that it may not be advantageous to solar customers, but other rates structures could be considered in the future. He anticipates that PG&E will offer this rate for rooftop solar customers once it is able to make necessary changes to the billing system.*

*On Motion to Approve Item 11:*

*Ayes: Ajami, Maxwell, Paulson, Rivera, and Stacy*

12. Communications

- a) Advance Calendar
- b) Contract Advertisement Report
- c) Correspondence Log
- d) CleanPowerSF Quarterly Update
- e) Quarterly Report on Contracts Awarded by the General Manager Pursuant to Delegated Authority
- f) O'Shaughnessy Dam Reservation Quarterly Report 4<sup>th</sup> Quarter: October – December 2022
- g) Sewer Inspection and Replacement Program Update

13. General Public Comment

*President Ajami reiterated comments she made earlier in the meeting regarding concerns expressed with the placement of general public comment on the agenda. She stated there are many people involved with all aspects of the agenda and there is a fairness in the process to give priority to those who have taken the time to work on and speak to items on the agenda. She stated members of the public are welcomed to speak on items beyond those listed on the agenda, but that opportunity will come later in the meeting so business on the agenda can be accomplished .*

- *Francisco DaCosta stated there is a difference between freedom and license and that the public has the right to make statements and be respected.*
- *Eileen Boken stated that January 22 begins the new Lunar Year of the Rabbit and that it is expected to bring prosperity, hope and calm. She discussed Alice and Wonderland and movement of general public comment to the end of the agenda.*
- *Dave Warner stated moving general public to the end of the agenda is a burden and he questioned the benefit of doing so. He discussed practices of other water organizations. He suggested time certain placement of general public comment.*
- *Peter Drekmeier, Tuolumne River Trust, discussed the reduction of time allocated and questioned the move of general public comment to the end of the agenda. He discussed general comment practices of other water and governmental organizations. He discussed his public records request for information and denial under attorney-client privilege.*
- *Molly Colton, Sierra Club California, stated movement of general public comment to the end of the agenda is counter to what other agencies do and requested it be moved back to the beginning of the meeting.*
- *John McManus, Golden State Salmon Association, commented on movement of general public comment to end of the meeting. He recommended that general public comment be placed on the agenda time certain.*
- *Lawrence, retired biologist and ecologist, expressed concern with moving general public comment to the end of the agenda.*
- *Elizabeth Dougherty, Executive Director, Wholly H2O, concurred with other speakers and expressed concern with moving general public comment to the end of the agenda and asked that it be moved back to the beginning.*
- *Alita Dupree discussed the need to have clean and electric power. She suggested the*

*municipalization of the grid and decarbonization.*

- *Mark (inaudible) asked how the SFPUC will comply with the Bay Delta Water Quality Control Plan.*
- *John Rosapepe expressed thoughts on moving general public comment to the end of the agenda.*
- *Written comment submitted are attached.*

*Commissioner Stacy stated how important public comment is on each action items as well as during general public comment. She noted the change for general public comment means that individuals are going to need to watch the full meeting and that timing of general public comment will be less predictable. She indicated the number of individuals who want to provide general public comment is unknown and that the Commission must be sensitive the needs of all, including those who are waiting to comment on agendized action items and reports. She discussed the Brown Act and Sunshine Ordinance and noted the Commission can't act on items under general public comment and that issues present during general public comment may be considered for future discussion. She stated that callers have noted the difficulty with no time certain for general public comment and stated that commenters on agendized items have the same issue, and the Commission needs to be cognizant of them as well. She asked that the change on the new order be given a change. She reemphasized the importance and value of public comment.*

*VP Maxwell stated d that it is a good idea to see if it works and revisit if necessary.*

*President Ajami noted that equity, democracy, and fairness apply to all items on the agenda. She stated that the agenda as a whole and commenters on all items need to be considered. She expressed the value of public comment and asked that it be given a fair try.*

#### 14. Items Initiated by Commissioners

*None.*

#### 15. Public comment on the matter to be addressed during Closed Session.

- *Peter Drekmeier, Tuolumne River Trust, encouraged the Commission to discuss public records exempt from disclosure based on privilege. Caller was asked if he had any comments specific to the agendized closed session item and he responded in the negative.*

*Commissioner Rivera recusal from Closed Session due to a previous professional relationship.*

*On Motion to approve Commissioner Rivera's recusal from Closed Session:*

*Ayes: Ajami, Maxwell, Paulson, Rivera and Stacy*

*Commissioner Rivera was excused from the meeting at 4:37 PM.*

#### 16. Motion on whether to assert the attorney-client privilege regarding the matter listed below as Conference with Legal Counsel.

*On Motion to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel:*

*Ayes: Ajami, Maxwell, Paulson, and Stacy*

*The Commission entered Closed Session at 4:37 PM.*

*Present in Closed Session: Commissioners: Ajami, Maxwell, Paulson, and Stacy; Deputy City Attorney Sheryl Bregman; Deputy City Attorney Lauren Wood; Dennis Herrera, General Manager; Steve Ritchie, Assistant General Manager, Water Enterprise; Wendy Macy, Chief People Officer, and Donna Hood, Commission Secretary.*

17. CONFERENCE WITH LEGAL COUNSEL regarding existing litigation (Government Code §54956.9, Administrative Code §67.10(d)(1)):  
Andrea Cervantes v. City & County of San Francisco, et al. (San Francisco Superior Court, Case No. CGC-20-586083), filed August 10, 2020.  
Proposed settlement of employment dispute in the amount of \$400,000, subject to approval by the San Francisco Board of Supervisors. (Resolution 23-0016)

*The Commission exited Closed Session at 5:18 PM.*

18. Announcement following Closed Session.  
*President Ajami announced that the Commission recommends the Board of Supervisors approve the settlement under Closed Session item 18.*
19. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a).

*On Motion to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel:*  
*Ayes: Ajami, Maxwell, Paulson, and Stacy*

20. Adjournment  
*President Ajami adjourned the meeting at 5:19 PM.*