

**SPECIAL & REGULAR MEETINGS OF THE
SONOMA CITY COUNCIL
&
CONCURRENT REGULAR MEETING OF THE SONOMA CITY COUNCIL AS THE
SUCCESSOR AGENCY TO THE DISSOLVED
SONOMA COMMUNITY DEVELOPMENT AGENCY**



**Community Meeting Room, 177 First Street West
Sonoma CA 95476**

**Monday, June 3, 2013
5:00 p.m. Special Meeting
6:00 p.m. Regular Meeting**

City Council
Ken Brown, Mayor
Tom Rouse, Mayor Pro Tem
Steve Barbose
David Cook
Laurie Gallian

AGENDA

Be Courteous - **TURN OFF** your cell phones and pagers while the meeting is in session.

5:00 P.M. - STUDY SESSION

Presentation of Regional Water Supply Issues by Jay Jasperse from Sonoma County Water Agency

6:00 P.M. - REGULAR SESSION - OPENING

CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Rouse, Gallian, Cook, Barbose, Brown)

1. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please step to the podium and speak into the microphone. Begin by stating and spelling your name.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

4. PRESENTATIONS

Item 4A: Gay Wine Weekend Proclamation

Item 4B: Presentation on the Implementation of the Sonoma Clean Power (SCP) Program in the City of Sonoma

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only. (Standard procedural action - no backup information provided)

Item 5B: Approval of the Minutes of the May 20, 2013 Meeting.
Staff Recommendation: Approve the minutes.

Item 5C: Request by Congregation Shir Shalom for City-subsidized use of the Sonoma Valley Veterans Memorial Building on October 27, 2013.
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.

Item 5D: Adoption of a Resolution urging the State to assert its right to continue to lease the water bottoms in Drakes Estero for shellfish cultivation. [Requested by Mayor Brown and Mayor Pro Tem Rouse]
Staff Recommendation: Adopt the resolution.

6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 6A: Approval of the portions of the Minutes of the May 20, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.
Staff Recommendation: Approve the minutes.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

(Matters requiring discussion and/or action by the Council)

Item 8A: Discussion, consideration and possible adoption of a resolution establishing procedures pertaining to appointments to City boards and commissions. (City Manager)
Staff Recommendation: Adopt the Resolution entitled A Resolution of the City Council of the City of Sonoma Establishing Guidelines Pertaining to Appointments to City Boards and Commissions and Rescinding Res. No. 77-2002 [selecting the appropriate interview approach].

Item 8B: Discussion, consideration and possible action regarding the process for filling the vacant position on the Planning Commission. (City Manager)
Staff Recommendation: Provide direction to staff.

Item 8C: Discussion, consideration and possible action regarding designation of the voting delegate and alternate for the 2013 League of California Cities Annual Conference. (City Manager)
Staff Recommendation: Designate a Voting Delegate and up to two Alternates.

8. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 8D: Discussion, consideration and possible action providing direction to the Mayor regarding the City’s vote on an appointment by the Sonoma County Mayors’ and Councilmembers’ Association at their June 13, 2013 meeting. (City Manager)
Staff Recommendation: Discuss and consider, and provide direction to the Mayor regarding a recommendation for the appointment.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

(Matters requiring discussion and/or action by the Council)

10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Item 10B: Final Councilmembers’ Remarks.

11. COMMENTS FROM THE PUBLIC

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

Public testimony on closed session item(s) only.

13. CLOSED SESSION

Item 13A: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (One Potential Case)

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

15. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on May 30, 2013. GAY JOHANN, CITY CLERK

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are normally available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk’s office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the City Clerk, at or prior to the public hearing.

In accordance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



**City of Sonoma
City Council**
Agenda Item Summary

City Council Agenda Item: Study Session
Meeting Date: 06/03/2013

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director / City Engineer

Agenda Item Title

Presentation of Regional Water Supply Issues by Jay Jasperse from Sonoma County Water Agency

Summary

Jay Jasperse, Chief Engineer, at Sonoma County Water Agency (SCWA) will make a presentation on the Regional Water Supply issues that affect the City of Sonoma. This will include Integrated Water Resource Management, SCWA projects and initiatives, the Russian River watershed, Regional Groundwater Management, Water Conservation, and Recycled Water.

Staff intends to follow this June 3, 2013 presentation with a presentation on the June 17 Council agenda that addresses water issues local to the City. At that June 17 meeting, staff also plans to seek Council direction on the City's general strategic direction for water supply management and direction to update the City's water rate structure and rate model, which is a Council goal for 2013/2014.

Recommended Council Action

Receive the presentation (Presentation item, no City Council action is scheduled for this meeting).

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

None.

cc:



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4A

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Gay Wine Weekend Proclamation

Summary

Mayor Brown would like to recognize Gay Wine Weekend sponsored by Gary Saperstein and Out in the Vineyard. The event will take place June 14-16, 2013 and the Rainbow Flag will fly in front of City Hall during that time.

In keeping with City practice, the recipients of the proclamation have been asked to keep the total length of their follow-up comments and/or announcements to not more than 10 minutes.

Recommended Council Action

Mayor Brown to present the proclamation.

Alternative Actions

Council discretion.

Financial Impact

n/a

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Proclamation
-

Copy via email: Gary Saperstein

City of Sonoma



Proclamation

GAY WINE WEEKEND

WHEREAS, Gay Wine Weekend is three days of LBGT events in one of the most famous luxury wine destinations in the world –Sonoma Valley; and

WHEREAS, Gay Wine Weekend is an opportunity to show that Sonoma is a welcoming community – accepting of diversity; and

WHEREAS, Gay Wine Weekend benefits the tourism industry by bringing visitors to our City that support our local businesses by generating room nights and increased sales for our businesses and restaurants; and

WHEREAS, Gay Wine Weekend promotes the best of our Wine Country Lifestyle to the LBGT community and our straight allies with the various events that take place over the course of the weekend; and

WHEREAS, Gay Wine Weekend has been recognized as one of the top 5 LBGT events to attend in the world bringing awareness of the beauty of Sonoma to the international community; and

WHEREAS, Gay Wine Weekend raises much needed funds for Face to Face, our Sonoma County HIV/AIDS Network, an organization that has supplied support and services to people living with HIV/AIDS in Sonoma County.

NOW, THEREFORE, I, Ken Brown, Mayor of the City of Sonoma, do hereby proclaim June 14 – 16, 2013

GAY WINE WEEKEND

in the City of Sonoma and welcome all to celebrate the movement that has made progress possible, and recommit to securing the fullest blessings of freedom for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 3rd day of June 2013.

KEN BROWN, MAYOR





City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Presentation on the Implementation of the Sonoma Clean Power (SCP) Program in the City of Sonoma

Summary

On April 23, 2013, the Sonoma County Board of Supervisors, sitting as the SCP Authority Board of Directors, took action to approve the implementation of the SCP. Mr. Cordell Stillman is the Sonoma County Water Agency staff member leading the SCP effort. Mr. Stillman is unavailable and Mr. Steven Shupe will make a presentation to the City Council for the purpose of answering questions about the potential next steps for city participation in the SCP joint powers authority. SCP is a community choice aggregation program wherein a joint powers authority will be formed to consolidate electricity buying power. PG&E will continue to provide all delivery and billing services. SCP is asking each city in Sonoma County to join the joint powers authority by adopting a resolution and ordinance. SCP has provided preliminary rates based on results of recent power producer proposals.

By statute the program is an "opt out" program. If Sonoma chooses to participate, residents and businesses in the city would be automatically enrolled in the program (although perhaps not immediately; SCP envisions a phased roll-out of the program over two years). Each customer would receive four notices of their right to opt out of the program and remain with PG&E. Two notices of this right would be provided in the two months before the customer starts receiving power from SCP, and two notices are provided in the two months after the customer starts receiving power from SCP. There is no fee to opt out during this four month period, and customers can opt out by either by going to the SCP web site or by phone. After this four month period customers can still opt out at any time, but may be required to pay a fee to do so. The amount of that fee hasn't been set (estimates by SCP are \$5 for residential customers, \$25 for businesses). According to SCP staff, they plan to roll out a marketing program well in advance of the day SCP starts providing service, so that the public is aware of its right to opt out and how to accomplish that.

Final rates will depend on how many Sonoma County jurisdictions join SCP, and power producer final negotiations. Attached for the Council's information is a list of frequently asked questions, as well as Mr. Stillman's detailed Board of Supervisor's staff report.

Recommended Council Action

The presentation is for information purposes only for the City Council to ask questions and provide feedback and direction to staff. If the Council is interested in moving forward to join the SCP joint powers authority, then the matter will need to be returned at a future Council meeting for formal action. Based on the SCP's deadline, the Sonoma City Council would have to take action to adopt the resolution, and introduce and the ordinance for first reading no later than June 30, 2013.

Alternative Actions

[1]The Council could direct staff to solicit public feedback prior to initiating the process to joining the SCP joint powers authority; or [2] The City could join the SCP authority, and then "opt out" based on the power price.

Financial Impact

The final fiscal impact is estimated for residential customers to be from 1.8% below to 1.1% above PG&E's rates, and for commercial customers to be from 3.1% below to 0.5% above PG&E's rates. In addition to the

number of participating jurisdictions, another critical element of community choice aggregation is the ratio of customers that “opt out” of having SCP be their power supplier. Presently, a 20% opt out rate is estimated.

Environmental Review

Status

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Frequently asked Questions

BOS Report

Miscellaneous correspondence received as of the posting of the agenda. Any additional information received following the posting of the agenda will be placed on the Council dais.

cc:

DRAFT Sonoma Clean Power FAQs for Cities

This FAQ document will be updated from time to time as new information is available. A separate FAQ for the general public is available at www.scwa.ca.gov/cca.

Last updated May 1, 2013

Key Points

- SCP's goal is to keep rates comparable with PG&E's rates while providing a greener product and reducing customers' utility bills in the long term.
- Sonoma Clean Power (SCP) will end PG&E's monopoly and provide local competition and consumer choice.
- PG&E will continue to provide the same services of delivery, line maintenance, outage management, new service requests, billing and energy efficiency programs.
- Customers will get one bill from PG&E that charges for energy, distribution, transmission, taxes and fees. PG&E will forward payments made by customers for the energy generation portion to SCP.
- SCP will keep more of the revenues from energy sales in Sonoma County, while allowing customers who do not want to participate to opt out and stay with PG&E.
- SCP will focus on local renewable energy and energy efficiency projects. These help to minimize the use of transmission grid infrastructure, directly support our local economy and provide a more reliable and stable power supply.
- Each city that joins SCP will obtain a seat on the Board of Directors, thus giving cities a say in how Sonoma Clean Power is run.
- By 2015, SCP will provide financial incentives, such as a feed-in tariff, to directly purchase energy generated from local renewable energy projects at favorable rates.

The range of estimated rates for the 2014 year are:

Residential..... from 1.8% below PG&E's rate to 1.1% above

Commercial/Industrial from 3.1% below PG&E rate to 0.5% above

Sonoma Clean Power FAQs for Cities

Last updated May 1, 2013

1. What is Sonoma Clean Power?

Sonoma Clean Power (SCP) is a Community Choice Aggregation program (see next FAQ) that will provide electric power to the residents, businesses and institutions in participating jurisdictions throughout Sonoma County. SCP will be operated by a joint powers authority formed by the County of Sonoma and the Sonoma County Water Agency and will include the cities of Sonoma County which decide to join after they review preliminary rate information due out in mid-April. SCP is expected to start providing service to a small portion of customers at the beginning of 2014, pending a final vote to proceed by its Board of Directors. The rollout of the program to remaining customers in participating cities will happen in phases over 2-3 years.

2. What is a Community Choice Aggregation, or “CCA?”

Community Choice Aggregation (CCA) is a way that cities and counties can consolidate the buying power of individual customers to get good rates on energy with a higher fraction of renewable content. The existing utility (PG&E) will continue to provide all of the delivery, line maintenance, outage management, new service requests, billing services and energy efficiency programs. Marin County (with the City of Richmond) has an operating CCA and several areas of California, including San Francisco, San Diego, Monterrey/Santa Cruz, San Luis Obispo and Yolo County are developing a CCA or exploring that possibility. CCAs are common in Illinois, where more than 300 municipalities participate in CCAs, and CCAs have a track record of providing affordable energy in Massachusetts (since 1998) and Ohio (since 2000).

3. Why would we form a CCA?

A CCA can provide multiple benefits. These include reducing the amount of greenhouse gas emissions associated with electricity use, stabilizing energy rates (and eventually reducing them below those charged by PG&E), increasing the amount of renewable energy systems in the county, providing additional efficiency programs and incentives and benefiting the local economy. Today, businesses do not have an effective market for selling renewable energy. Sonoma Clean Power will create that. Today, electric rates are set without any input from Sonoma County residents. Sonoma Clean Power will change that. Today, we rely on tax revenues to promote local efficiency programs. Sonoma Clean Power will change that.

About \$12 million is collected from Sonoma County ratepayers every year for use by PG&E for efficiency programs, but ratepayers have no say over what programs are implemented. A CCA has the ability to request a portion of that money to administer new programs that are better targeted to Sonoma County. Today, estimated profits of more than \$10 million from energy sales are taken out of the county to pay private investors. That money would be better used inside Sonoma County on services and projects that benefit ratepayers and on rate reductions.

4. How will the rates compare with PG&E's rates?

Based on a bids for power supply, the 2014 estimated rates for residential customers will be between 1.8% below PG&E's 2014 rate to 1.1% above. The estimated rates for commercial and industrial customers is between 3.1% below PG&E and 0.5% above. These estimates were made by ignoring the lowest bid and using the range of costs from the cluster of responsive bidders to build retail rate. Final rates will be set in October after a detailed negotiation for a supply contract is completed. SCP's goal is to keep rates competitive with PG&E's rates while providing a product with more renewable energy.

5. Will low income residents still get the subsidy for the CARE rate?

Yes.

6. Is there an option to buy greener electricity?

Yes. SCP will offer an optional rate for 100% renewable energy at a premium. In addition, SCP aims to increase the portion of green energy it sells to all customers over time.

7. How will billing change?

Customers will continue to get just one bill from PG&E that charges for energy, distribution, transmission and the usual taxes and program fees. PG&E will send payments for the energy generation portion of the bill to SCP.

8. When will customers start receiving service?

SCP will start providing electricity in early 2014 to a portion of customers in County unincorporated areas and in each of the cities that choose to join SCP. More customers will start receiving service in 2015 and 2016 in phases. This process of phasing in customers helps ensure that SCP can provide good customer service and reduces financial risks by keeping the amount of start-up loans for energy supply contracts to a minimum.

Customers wishing to receive service from SCP do not need to do anything to participate. Enrollment in SCP is automatic unless a customer chooses to opt out and stay with PG&E.

9. How do customers opt out?

Customers have the ability to opt out of the Program beginning two months before service starts. The opt-out process will be simple. Customers will begin receiving notices with instructions on how to opt out of Sonoma Clean Power 60 days prior to the first delivery of electricity. Customers will receive a minimum of four monthly notices. For two months prior and two months after service begins, customers may opt out of the program at no charge. After the first two months of service, a small one-time termination fee will be assessed.

10. Can't PG&E buy energy for less money because of its size?

No. The market for electric energy is very competitive, and PG&E's size does not provide an advantage on wholesale prices. PG&E also has costs that SCP will not have – PG&E must make dividend payments to its stockholders and must pay taxes on its income. These costs impact PG&E's rates.

11. Would service be interrupted if the CCA fails?

No. If the CCA was unable to continue providing energy to customers for any reason, then PG&E would seamlessly take over that function and customers would return to PG&E.

12. Won't this just create another expensive government agency?

What exists today is a very expensive private entity that takes approximately \$180 million in energy revenues out of Sonoma County every year, operating in a marketplace with no competition. By forming SCP, Sonoma County will be able to redirect the net income from energy sales back into Sonoma County, while allowing any customers who do not want to participate to opt out and stay with PG&E. None of the costs to operate SCP will come from taxpayers. SCP will not require a large number of employees. The Marin Energy Authority, which operates a CCA program in Marin County, has about 12 employees.

13. How would Sonoma Clean Power be governed?

SCP is governed by a Board of Directors, which is advised and reviewed by a Ratepayer Advisory Committee and Business Operations Committee. The Board of Directors for Sonoma Clean Power will evolve as cities join. The following table shows how many seats each participant of the Board holds as more cities choose to participate:

JPA Participants	Seat 1	Seat 2	Seat 3	Seat 4	Seat 5	Seat 6	Seat 7	Seat 8	Seat 9
Only the County/SCWA	County	County	County	County	County	empty	empty	empty	empty
1 participating city	City 1	County	County	County	County	empty	empty	empty	empty
2 participating cities	City 1	City 2	County	County	County	empty	empty	empty	empty
3 participating cities	City 1	City 2	City 3	County	County	empty	empty	empty	empty
4 participating cities	City 1	City 2	City 3	City 4	County	County	empty	empty	empty
5 participating cities	City 1	City 2	City 3	City 4	City 5	County	County	empty	empty
6 participating cities	City 1	City 2	City 3	City 4	City 5	City 6	County	empty	empty
7 participating cities	City 1	City 2	City 3	City 4	City 5	City 6	City 7	County	empty
8 participating cities	City 1	City 2	City 3	City 4	City 5	City 6	City 7	City 8	County

In the special case that Santa Rosa participates, but no more than one other city participates for Phase 1, Santa Rosa would have two seats.

Each Director has one vote, but upon request by any Director an affirmative vote may also require a majority of “Voting Shares” weighted to the relative electric load in each participating city. Voting Shares are based on the relative amounts of energy used in each city and the County. Each Director has a voting share equal to their jurisdiction’s Annual Energy Use (MWh) divided by the total annual energy use by all participants. Three hypothetical scenarios are provided in this table to illustrate how voting shares would work in each case:

	Annual MWh	Example 1 Voting Shares with All Cities Participating	Example 2 Voting Shares with 3 Cities Participating	Example 3 Voting Shares with 6 Cities Participating
Cloverdale	37,294	1.4	2.7	1.5
Cotati	35,172	1.3	2.6	1.4
Petaluma	350,175	13.0	25.5	13.9
Rohnert Park	190,701	7.1	-	7.6
Santa Rosa	908,892	33.7	-	36.1
Sebastopol	46,209	1.7	-	1.8
Sonoma	70,173	2.6	-	-
Unincorporated	952,061	35.3	69.3	37.8
Windsor	105,350	3.9	-	-
Totals	2,696,027	100.0	100.0	100.0

14. Will Sonoma Clean Power have a negative impact on PG&E?

PG&E has a number of products and services they sell, including transmission, distribution, energy, incentive programs, billing and many other services. The formation of Sonoma Clean Power means that PG&E would face competition for energy sales. There would be no change in their other business areas, such as with transmission, distribution, outage management or existing energy efficiency programs. Moreover, as a regulated public utility, PG&E is entitled to continue collecting enough fees to cover all of their reasonable costs and profits associated with these services. As a result, PG&E will have to compete with SCP for customers on its energy sales, but SCP will have no impact on its other business services, which make up the majority of its business income and profit.

15. Why not form a Municipal Utility?

Municipal utilities are similar to CCAs in that they also buy and sell electric energy to local customers. However, “munis” have the burden of owning and maintaining the electric distribution system (poles, lines, transformers, substations, etc.,) setting up a billing structure, and must ensure power reliability. In contrast, CCAs do not require any initial infrastructure, do not need fleets of trucks or large numbers of employees, and do not have the immense start-up costs and liability risks associated with buying and managing the local electrical grid.

16. What impact will Sonoma Clean Power have on jobs?

The Feasibility Study estimated that SCP would have a significant impact on local jobs and the local economy. Because all revenues of SCP in excess of power and other costs must be spent on projects which benefit the ratepayers in Sonoma County. Since that revenue stream has historically been leaving the county, keeping that income local will provide a net benefit to local jobs. During the first few years of operations, SCP's net income will be relatively small as the program scales up. But after five years, assuming all cities join, we estimate SCP will have over \$10 million in net income, and possibly as much as \$15 million if we are able to secure management of the energy portion of the state-mandated Public Goods Charge. After the first several years, that net income will go toward producing permanent local jobs.

In addition, because SCP expects to obtain an increasing portion of its renewable supply from local projects, development of those projects will also have a positive local economic impacts that go beyond the direct purchases and incentives made by SCP.

17. Will the CCA risk public money?

Yes, although the amount is limited to the money already spent plus the amount needed to secure the start-up capital. The Sonoma County Water Agency has spent close to \$1 million through March 2013 on public surveys, a feasibility study, an implementation plan, regulatory analysis, load studies and managing the collection of preliminary energy bids and the development of estimated rates. The additional public money at risk is limited to a guaranty by the County of a loan to be received by SCP of up to \$2.5 million to offset start-up costs, which guaranty would be released after three years. Cities joining SCP will not take on financial risk.

Because SCP is operated under an independent joint powers authority, the debts and liabilities of SCP cannot be attributed to the County, or the Water Agency, or the cities that decide to participate in the program. The "worst case" scenario for SCP is one in which the price of power purchased by SCP increases dramatically, leading to rates for SCP customers that are significantly in excess of PG&E's rates. This would cause large numbers of SCP customers to opt out of the program and return to PG&E, resulting in a reduced rate base for SCP and, potentially, an inability on the part of SCP to pay its power suppliers and other creditors.

By using established industry risk management techniques, this worst case is highly unlikely to occur. But even if it did, the financial risk is entirely upon SCP's creditors and suppliers. Because of the joint powers authority structure, SCP participants would not be liable for SCP's losses. And as noted in FAQ Number 10, if SCP failed, there would be no interruption in electric service to customers.

18. What assurances do we have that the CCA will be well managed?

Sonoma Clean Power is a joint powers authority that has a public board, public oversight and transparency. It is also set up to operate more like a business than monopoly utilities like the Water Agency for the simple reason that it is in a competitive market. For example, SCP may use negotiated contracts rather than follow public contracting rules when it is financially advantageous to do so. SCP will operate like any other competitive utility, in that it will focus on winning the maximum number of customers by providing the highest value services.

19. Can PG&E cause Sonoma Clean Power to fail?

PG&E actively marketed to customers in Marin with messages that attempted to depict Marin Clean Energy as expensive and not green. Related marketing by others in San Francisco has denounced the likely high rates there and the impact those rates would have on the cost of living and local jobs. SCP has carefully reviewed these two programs and made significant improvements to create a stronger business.

SCP will launch with 33% renewable energy rather than the 50% level chosen by Marin and the 100% level chosen by San Francisco. This will allow SCP to keep rates much closer to current PG&E rates while building financial resources to support local renewable projects and programs. This way we will invest less money into Renewable Energy Credits (see next FAQ) and start building local renewable systems sooner. SCP intends to increase the percentage of renewables in its energy mix as soon as its finances can support it without a major impact on rates.

SCP will also benefit from starting after Marin Clean Energy, because that agency has helped clarify the many ways in which CCAs can ensure a healthy working relationship with PG&E. SCP will also benefit from launching after the passage of legislation that limits what actions PG&E can take to oppose the program (SB 790, Leno). This law limits the sources of money and the kinds of activities PG&E can use for negative marketing. SCP will quickly respond to any misinformation and use the CPUC to ensure PG&E fully cooperates with the formation and operation of the CCA.

20. What are Renewable Energy Credits (RECs)?

RECs are a way of creating more demand for renewable energy by allowing a renewable energy generator to more easily sell the environmental benefits of their power. A wind farm in Oregon can sell RECs to a utility in California without physically moving the energy across state lines because the renewable attribute is sold separately from the underlying energy. The effect is that renewable energy projects can be located far away from the utilities that value green power.

Despite the benefits RECs bring in terms of creating more demand for renewable energy, purchasing RECs from far-away projects is not SCP's long-term goal, which is to focus on local projects. Local projects have the most environmental value because, in addition to their climate change mitigation benefits, they minimize the use of transmission grid infrastructure and have lower impacts on habitat. Local projects also directly support our local economy.

For these reasons, Sonoma Clean Power is launching with 33% renewable energy in its power mix, and is emphasizing in-state renewable production from the outset. The portion of energy from renewable sources for Phase 1 will contain a minimum of 50% delivered renewable energy and use RECs for up to 50%. If prices are favorable, SCP may increase the use of RECs in the short-term, but intends to use its net income primarily to support local programs and the construction of new local projects rather than investing in large amounts of RECs.

21. But is SCP really greener than PG&E?

Yes. SCP's initial power mix of 33% renewable energy is greener than PG&E's power mix with about 20% renewables. In addition, SCP's use of renewable energy will grow much more quickly than PG&E's. For Phase 1, SCP will use about 65% more renewable energy and this advantage will increase so that in five years SCP will use at least 74% more renewable

energy, even after accounting for PG&E's planned increases in renewable sources. SCP's investment in renewable energy resources will reduce the total greenhouse gas emissions of the power market. Despite the fact that PG&E has some low-carbon sources such as nuclear and large hydroelectric dams that are not counted in their renewable portfolio, SCP would result in a net reduction in total greenhouse gas emissions. This is because PG&E will continue to operate these baseload facilities (and its other renewable sources) at full capacity after SCP begins service, and will reduce production from the non-renewable portion of its generation portfolio to account for the loss of SCP customers. Thus the implementation of SCP would result in reducing the amount of power produced from the most greenhouse-gas intensive portion of the PG&E supply (e.g., the 25% of PG&E supply that is from natural gas-fired plants) and replacing it with SCP's 33% renewable supply, resulting in a net overall reduction in greenhouse gas emissions. These benefits will become more pronounced over time as SCP adds new renewable generation resources to the system. The Feasibility Study for SCP also confirmed that the program would result in significant reductions in greenhouse gas emissions.

22. How will SCP help Sonoma County build more renewable energy projects?

SCP will develop a detailed plan for renewables later in 2013. The plan will include specific goals for feed-in tariffs, net energy metering, power purchase agreements, Community Solar, project financing pools and other approaches to encouraging renewable energy development. We expect that in 2014, SCP will contract with other public agencies and larger private projects to buy long-term energy supplies, and that by 2015, SCP will provide financial incentives, including a feed-in tariff or a similar program to directly purchase energy generated from local renewable energy projects at favorable rates. SCP also intends to create a Community Solar program, in which customers are invited to buy shares of community-owned systems. SCP is exploring the use of bond issuance to support low-cost project financing for local project development.

23. How will SCP avoid the feed-in tariff problems that occurred in Germany?

A combination of strategies will be used to ensure that any feed-in tariff (FIT) to support renewable energy production will remain financially viable. The FIT program will be planned in detail later in 2013, but likely will include a strict limit on the total capacity allowed into the program in each round and price differences for baseload sources such as geothermal relative to variable sources such as wind and solar photovoltaic. Also, SCP will actively explore other ways to increase private investment in renewable energy, including a Community Solar program.

24. What kinds of energy efficiency programs will SCP offer?

SCP will develop a detailed plan for energy efficiency and load management by mid-2014. The plan will include details on the programs most valuable for Sonoma County and target reductions in loads.

25. Would SCP remain viable if it cuts loads and installs a lot of renewables?

Yes. Even with extraordinarily successful efforts to help customers reduce their energy use and install local renewable systems, there will be a sizable and viable energy market in Sonoma County.

26. What laws govern how CCAs operate?

California AB 117 (Migden) sets out the framework for the formation and operation of CCAs. AB 117 provides, in part: "All electrical corporations shall cooperate fully with any community choice aggregators that investigate, pursue, or implement community choice aggregation programs." SB 790 (Leno) provides important limitations on how investor-owned utilities may or may not market against the formation of CCAs and customer enrollment.

For more information about Sonoma Clean Power, visit: www.scwa.ca.gov/cca.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number:
(This Section for use by Clerk of the Board Only.)

To: Board of Directors of the Sonoma Clean Power Authority, the Board of Directors of the Sonoma County Water Agency, the Board of Supervisors for the County of Sonoma

Board Agenda Date: April 23, 2013

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Water Agency

Staff Name and Phone Number:

Cordel Stillman/547-1953

Supervisorial District(s):

All Districts

Title: Sonoma Clean Power

Recommended Actions:

Receive staff report regarding progress on implementation of the Sonoma Clean Power program and responses to Request for Proposals on power rates; authorize staff to implement program; and approve associated actions, as detailed in Exhibit A of staff report.

Executive Summary:

Introduction

This item provides information regarding the Request for Proposals on power rates and requests the Board of Directors of the Sonoma Clean Power Authority (Board) to authorize staff to implement the Sonoma Clean Power Community Choice Aggregation Program in the unincorporated area of Sonoma County and in the territories of cities within Sonoma County that choose to participate in the program by June 30, 2013. The item also requests approval by the Board of Directors of the Sonoma County Water Agency and the Sonoma County Board of Supervisors of certain related actions necessary to the implementation of the Sonoma Clean Power program. A list of all actions requested by this item is attached as Exhibit A (A1).

Under the Sonoma Clean Power program, the electric demands of customers within the unincorporated area of the County and within any cities choosing to join the program would be served by electrical power provided by the Sonoma Clean Power Authority except for customers who choose to opt out and stay with PG&E. The existing distribution utility (PG&E) is required to deliver the electricity provided by the Sonoma Clean Power Authority to the program's customers. PG&E will also continue to provide other services, including transmission, grid infrastructure upkeep and repair, efficiency programs, new service requests and billing. Customers will continue to receive one bill from PG&E for all their energy costs, but the "generation" portion of the bill (that is, the charge for the electrical power itself) will be paid by PG&E to the Sonoma Clean Power Authority, which will use the revenues to pay the cost of

acquiring power for its customers. Customers not wishing to receive power from the program have the right to “opt out” of the program and continue to receive power from PG&E.

Approval of this item will result in the Sonoma Clean Power Authority taking all of the steps necessary to roll out the Sonoma Clean Power program. The estimated start of service would be January 1, 2014. Phase 1 of the program would provide service to approximately 10,000 customers. The Phase 2 roll-out would add approximately 120,000 customers after 6 months to a year of operation, and the Phase 3 roll out (90,000 customers) would occur about 6 months later. The exact number of customers eventually served by Sonoma Clean Power will depend on which cities choose to participate in the program. The participation of cities is anticipated and will broaden the rate base, although the program is viable even if the benefits of the program are limited to those living in the unincorporated area of the County.

Sonoma Clean Power -- Benefits

The October 2011 *Report on the Feasibility of Community Choice Aggregation in Sonoma County* (Feasibility Study) prepared by the Water Agency and its consultants documented the benefits implementation of the Sonoma Clean Power program can provide. Staff has also addressed various concerns identified while exploring implementation. These are listed and addressed in Exhibit B (A1).

These include:

Increased Renewable Energy Use: The Sonoma Clean Power Authority will initially deliver power having a minimum 33% renewable content, which will meet the State of California’s 2020 renewable portfolio standard, and plans to increase the minimum renewable content to 50% by or before 2018. These minimums exceed the renewable content of electricity delivered by PG&E. In addition, the Sonoma Clean Power Authority will offer an optional 100% renewable power product to its customers for a premium.

By increasing the renewable content of power delivered in Sonoma County, the Sonoma Clean Power program will have a significant effect on greenhouse gas emissions. The Feasibility Study estimated that implementation of the program with the renewable minimums described above would result in a 23% reduction in greenhouse gas emissions attributable to electricity use in Sonoma County (eliminating 155,000 metric tons of carbon dioxide per year – *equivalent to the annual greenhouse gas emissions of 32,300 automobiles*). Implementation of the Sonoma Clean Power program is the biggest single short-term step Sonoma County can take to reduce its greenhouse gas emissions.

Local Economic Benefits: Sonoma County residents currently pay approximately \$180 million per year in electric generation costs to PG&E. Most of this goes to pay for generation facilities in other areas of California or the United States. Sonoma Clean Power plans to focus on the development of local renewable generation sources, as well as implementing local energy efficiency and conservation programs. By keeping the generation revenues “at home” and focusing on local programs, Sonoma Clean Power will create local jobs and improve the local economy. The Feasibility Study estimated that the economic and job impacts of the program would be significant and sustained.

Providing Choice and Competition: Sonoma Clean Power will eliminate the existing monopoly of PG&E and give customers a choice – customers can receive power from the Sonoma Clean Power Authority, or they can opt out and continue to receive power from PG&E. Increasing competition in the marketplace for electrical generation services will benefit customers of both PG&E and Sonoma Clean Power.

Local Control: The operations and priorities of PG&E are determined by its shareholders, its management, and the California Public Utilities Commission in San Francisco. The governing board of the Sonoma Clean Power Authority will be comprised of appointees from the County and the cities choosing to join the program. This provides local residents with greater influence and control over decisions about the operation and priorities of the Sonoma Clean Power Authority, and will ensure that the Authority is attentive and responsive to the needs of its customers and residents.

Lower Financing Costs: Because the Sonoma Clean Power Authority is a public entity, it can finance electrical generation facilities with tax-exempt bonds, does not have to pay dividends to shareholders, and does not have to pay income taxes. These lower costs mean that in the long run the Sonoma Clean Power Authority should be able to provide electrical power to its customers at a lower cost than PG&E.

Increased Efficiency Programs: In many cases, the amount of money it takes to conserve a kilowatt of power is less than the amount of money it takes to generate a kilowatt of power. One of the primary purposes of Sonoma Clean Power is to undertake more aggressive energy efficiency and conservation programs, which will both reduce consumers' overall energy costs and further reduce greenhouse gas emissions.

Providing a Market for Small-Scale Renewables: By implementing more flexible and generous feed-in tariffs and net-energy metering programs, Sonoma Clean Power will provide a market for and encourage the development of small-scale private renewable energy projects (such as photovoltaics). Such projects will provide additional greenhouse gas reductions and local economic benefits.

Water Agency staff identified a number of other possible benefits of the program as well. For example, Sonoma Clean Power would be eligible to apply for and receive revenues from the “public goods charge” that the California Public Utilities Commission requires PG&E to collect from customers to support energy efficiency programs. Sonoma Clean Power could also offer individualized electric service products for larger commercial and business customers, which could help such customers save money on their electric bills.

Rates, Financial Projections, and Financing

Background

On December 4, 2012, the Board of Directors of the Sonoma County Water Agency and the Board of Supervisors of the County of Sonoma entered into a Joint Powers Agreement, creating the Sonoma

Clean Power Authority. Under an agreement between the Water Agency and the Authority approved on December 11, 2012, Water Agency staff performed certain services for the Authority on an interim basis, including the following:

Water Agency staff and consultants prepared and circulated a Request for Proposals to companies capable of providing the electric generation, scheduling, data management, and other services required by Sonoma Clean Power. Responses were received on April 5, 2013. Water Agency staff and its consultants have analyzed the responses to determine what rates the Sonoma Clean Power Authority would charge its customers if the community choice aggregation program were implemented. The result of that analysis is discussed below.

Water Agency staff issued a Request for Qualifications for a consultant to perform peer review services to review and verify the work and conclusions of our consultants and staff in the areas of implementation planning, rate setting, contract negotiation, and other areas. Responses were received on March 1, 2013 and MRW and Associates was selected. MRW also performed the peer review of the Sonoma Clean Power Feasibility Study. The Board authorized the General Manager to enter into a contract for these services at the February 5, 2013 Board meeting.

Water Agency staff issued a Request for Qualifications for a consultant to perform an executive search for a consultant to act as Chief Executive Officer of Sonoma Clean Power for a defined term. The Request for Qualifications was sent to firms with knowledge in this arena. When no firms responded to the Request for Qualifications, Water Agency staff contacted a number of firms who had received the Request for Qualifications to further explain the services being requested. As a result of these contacts, the Water Agency has negotiated an agreement with Robert Half and Associates to perform these services.

A Request for Qualifications was issued in February, 2013 for public information and outreach services related to the startup of Sonoma Clean Power. Responses from ten firms were received on March 8, 2013. Responses were evaluated by Water Agency staff and the firm of M.I.G. (Kenwood, CA) was selected to perform public outreach and marketing.

Water Agency staff and its consultants investigated possible sources of start-up financing for the Sonoma Clean Power program. As discussed in the next section, staff has identified a financing source and negotiated favorable financing terms.

Responses to the Request for Proposals for providing the electric generation, scheduling, data management, and other services required by Sonoma Clean Power were received from 13 firms. Services to be provided include delivery of electric power, data management, power scheduling services, demand management, net energy metering and feed-in tariff program development, and call center services. The responsive proposals are being evaluated by Water Agency staff and consultants, with the goal of identifying the most favorable proposals from two or three energy service providers in the coming weeks. Once the number of cities choosing to participate in the program has been finalized, staff will ask the remaining firms to provide the Sonoma Clean Power Authority with their final and best offers, based on the actual number of customers in participating cities and the county. A final contract

will then be negotiated.

Rates

Based upon the proposed cost of power contained in the responses provided by electric service providers, Water Agency staff and consultants were able to calculate within a narrow range the estimated rate that the Sonoma Clean Power Authority would charge its customers. This estimate is based upon certain assumptions (e.g., that the “opt out” rate of customers would be 20%, similar to that experienced by the Marin Energy Authority and that finance costs will be as discussed below). A table comparing expected 2014 Sonoma Clean Power Authority rates to expected 2014 PG&E rates for typical residential and commercial customers is shown below and attached as Exhibit C.

Example Residential Electric Fees Based on 500 kWh per month	SCP	SCP	PG&E
	Low Estimate for 2014	High Estimate for 2014	Estimated Rate for 2014
Electric Generation Fees <i>(all customers)</i>	33% Renewable Energy \$35.71	33% Renewable Energy \$38.46	20% Renewable Energy \$40.76
PG&E Electric Delivery Fees <i>(all customers)</i>	\$55.80	\$55.80	\$55.80
Additional PG&E Fees <i>(SCP customers only)</i>	\$3.32	\$3.32	\$0.00
<i>Last updated April 15, 2013</i>	Total Cost \$94.83	Total Cost \$97.58	Total Cost \$96.56

Example Commercial Electric Fees Based on 15,000 kWh per month	SCP	SCP	PG&E
	Low Estimate for 2014	High Estimate for 2014	Estimated Rate for 2014
Electric Generation Fees <i>(all customers)</i>	33% Renewable Energy \$1,203	33% Renewable Energy \$1,296	20% Renewable Energy \$1,373
PG&E Electric Delivery Fees <i>(all customers)</i>	\$1,169	\$1,169	\$1,169
Additional PG&E Fees <i>(SCP customers only)</i>	\$90	\$90	\$0
<i>Last updated April 15, 2013</i>	Total Cost \$2,462	Total Cost \$2,555	Total Cost \$2,542

Notes:

PG&E class average rates for residential (E-1) and medium commercial (A-10) customers are assumed to be 3.5% higher than the 2013 rates, taken from PG&E Advice Letter 4096-E-A, Attachment 2, Table 3, December 30, 2012.

“Additional PG&E Fees” includes the Power Charge Indifference Adjustments and the Franchise Fee Surcharge.

The calculation estimates that electric rates for a typical residential account would be from 1.8% below to 1.1% above PG&E’s rates. Estimated rates for at typical commercial account would be from 3.1% below to 0.5% above PG&E’s rates. A table comparing expected 2014 Sonoma Clean Power Authority monthly rates to expected 2014 PG&E monthly rates for typical residential and commercial customers is attached as Exhibit C (A1).

Note that the cost of electric power provided by an electric service provider cannot be set and guaranteed until the Sonoma Clean Power Authority signs an agreement with that provider. Similarly, the rate of financing for purchasing energy will not be set until the Authority actually first uses loan funds. Thus the longer the delay between the present and the time these events occur, the less certainty there is that the estimated rates above will match those actually charged by Sonoma Clean Power. However, Water Agency staff and its consultants anticipate that the rates above are indicative of those likely to be charged assuming that the Authority begins delivering power on January 1, 2014.

The favorable terms offered by the energy service providers in their responses to the RFP, which resulted in the estimated rates in the table above, were not entirely unexpected. In California, most power in excess of that provided by longstanding generation resources (such as hydropower and nuclear facilities) is generated by natural-gas fired plants, and the price of natural gas is at historically low levels. In addition, electric service providers see the advent of community choice aggregation programs such as Sonoma Clean Power as a way to break into a California market that has been off-limits to them since the right of direct access was eliminated in the early 2000s. Finally, interest rates in the financial markets are also at historical lows, making this a propitious time to borrow start-up funds.

Financial Projections

Water Agency staff and consultants have estimated the monthly expenses and revenues of Sonoma Clean Power over the first four years of operations, in order to determine whether the enterprise is financially viable. This analysis, which is based on current best assumptions about power, administrative, and finance costs, as well as estimates of revenues from power sales, shows that Sonoma Clean Power is financially viable, and will produce operating surpluses within the first year of selling power. A summary of the forecast annual revenues and expenses is shown in Table 1, attached as Exhibit D (A1).

The basic business model involves buying energy at wholesale and selling it to Sonoma County businesses and residents at retail rates. Revenues from power sales are used to pay for the cost of purchased energy, to pay staffing, consultants, and other common business expenses.

Three significant factors affect estimated Sonoma Clean Power finances:

Cost and terms of startup lending: The total cost of interest and fees for borrowing the startup money affects Sonoma Clean Power's financial health, as do the terms for repayment. The Draft Implementation Plan assumed rates and terms similar to Marin Energy Authority, namely 5.00% interest with a straight 5-yr amortized loan repayment schedule for all borrowing. Actual finance costs are more favorable, reflecting the offer received from First Community Bank presented in the "Start-up Financing" section later in this report. In addition, the Water Agency has agreed to accept delayed repayment of its startup loan, meaning that rather than a lump sum repayment in June 2013, it will start receiving monthly payments of \$25,000 in January 2015 until its loan is fully repaid.

Wholesale energy prices: Sonoma Clean Power's largest expense is the amount it pays to power suppliers for wholesale power. Because Sonoma Clean Power has a commitment to keeping its rates very close to PG&E's rates (while working to achieve lower rates over time), if wholesale power costs are too high, Sonoma Clean Power will not be financially viable. However, we received favorable responses from energy suppliers to the Request for Proposal. Based upon these responses, and taking into account other Sonoma Clean Power costs, Sonoma Clean Power's average rates can be set at a rate that comparable to PG&E's current rates. This level of rates will allow Sonoma Clean Power to obtain the revenue amounts set forth in the table above. With this level of rates and revenues, the analysis shows that Sonoma Clean Power would be a financially viable enterprise.

Number of cities participating in Phase 1: The number of customers in Phase 1 affects how quickly the enterprise can reach breakeven cash flows, which in turn improves Sonoma Clean Power's ability to secure favorable lending terms for the Phase 2 and 3 rollouts. Because of certain fixed costs associated with running Sonoma Clean Power, the more quickly Sonoma Clean Power can grow, the more quickly it can reach a strong financial position. An updated financial evaluation will be provided to the Sonoma Clean Power Board immediately following the June 30, 2013 deadline for cities to join for participating in Phase 1.

The expenses listed in Table 1 are based upon the experience of Marin Energy Authority in operating a similar program. Operations and Administrative expenses are based on an estimate of eight full-time staff with additional contracted professional support. We estimate that \$228,000 per month would cover these staff and consultant costs as well as the marketing outreach campaign.

Data Management service costs are based on an estimated \$1.75 per account per month fee plus \$0.45 per MWh for the first 800 GWhs per year. These costs increase over the three phases as service is provided to more customers (similar to Marin Energy Authority's costs). Actual data management costs may be higher or lower based on the selection of a provider from a competitive solicitation for services.

IOU Fees are the charges by PG&E setting up customer accounts for participation in Sonoma Clean Power, meter reading and billing, and include an estimated \$0.70 per account per month, \$6,500 per phase to transition the accounts to Sonoma Clean Power, and a one-time \$15,000 security deposit at startup. Like with Data Management, these charges increase as service is provided to more customers. Other Administrative and General expenses include \$50,000 per month for office space, supplies, telephones, technical support and related business expenses as well as \$30,000 per month for

unanticipated expenses that arise from the formation and operation of Sonoma Clean Power.

The Cost of Energy line item includes several costs beginning with the competitively-bid wholesale energy supply costs for each type of energy (general market energy, energy from local renewable energy projects, in-state renewable energy that is used immediately (called "Bucket 1") in-state renewable energy that is used in the same year as produced (called "Bucket 2") and renewable energy credits. The Cost of Energy also includes charges for certain regulatory requirements, including a "Resource Adequacy" charge of \$8.00 per MWh, a charge for distribution system delivery losses of \$2.58 per MWh, and a charge by the California Independent System Operator of \$3.00 per MWh.

The Debt Service line item includes both interest payments and principal payments on all loans. The estimates assume borrowing in the amounts of \$2.5 million drawn between June 2013 and December 2013, \$7.5 million drawn at the end of 2013 and into the first two or three months of 2014 to pay for initial energy supply for Phase 1, \$10 million at the end of 2014 to cover startup energy supply costs for Phase 2, and \$3 million at the end of 2015 to cover the startup energy costs for Phase 3. This makes a total of \$23 million in loans. However, this estimate is conservative and the amount of borrowing is likely to be less. All of the loans are interest-only for the first 24 months followed by a 36-month amortized loan payment schedule with principal and interest. The first \$2.5 million would be borrowed at 4.00% interest. The remaining energy contract loans would be borrowed at approximately 4.5% interest (see "Start-up Financing" later in this report for a description of how this rate will be set).

Deposits and Other Uses include a \$700,000 estimate of the cost of the bond required to be filed with the California Public Utilities Commission and a \$15,000 security deposit to initiate working with PG&E. The California Public Utilities Commission bond could be more or less than \$700,000 based on the outcome of current proceedings at the California Public Utilities Commission. For budget purposes, the estimate was set at a reasonably conservative level.

Finally, the line item, "CCA Program Surplus/Deficit" shows Sonoma Clean Power's net income assuming the revenue and expense amounts are as estimated. This amount will primarily be used to self-finance energy contracts for the first few years, although this is also the source of funding for general operating reserves, a rate stabilization fund, any direct costs associated with customer programs that add to PG&E's current offerings, such as customized energy efficiency programs, demand management, distributed generation, net energy metering, a feed-in tariff for excess renewable energy and the development of any Sonoma Clean Power-owned generation assets.

The amount of Sonoma Clean Power's net income will significantly increase as the startup debts are paid off. Debt service rises to \$7.5 million in early 2018 and then begins to drop as loans are paid off, eventually dropping to zero at the end of 2020. Net income will also increase as the so-called "Power Cost Indifference Adjustment" charge is reduced over time. The power cost indifference adjustment is a charge to ensure that PG&E's remaining customers do not bear any cost created by departing customers who receive their electric supply from a community choice aggregation program.

Start-up Financing

On April 17, 2012, the Board directed staff to pursue start-up funding for Sonoma Clean Power. Since

that time we have investigated various ways to finance the first several months of administration and energy costs. Proceeds from financing sources would cover two different types of expenses. First, the Sonoma Clean Power Authority will need financing in order to pay staff, consultant, and administrative costs prior to the time when revenues from power sales begin to be collected. Second, the Authority must pay for electric power as it is delivered to customers, but does not receive revenues back from the customers for a period of 45-60 days. It is estimated that up to \$2,500,000 in financing is necessary to cover the first type of costs, and up to \$7,500,000 is necessary to cover the second type of costs.

Staff has investigated several methods for financing these costs. Initially we were hopeful that the California Infrastructure Bank would be able to provide the financing. Several trips were made to Sacramento, including a meeting in the Governor's office. In the end, the Infrastructure Bank was unable to provide the needed loan.

Staff also discussed obtaining start-up financing through the issuance of tax-exempt bonds, and discussed such a possibility with two bond financing firms. Although the two firms were willing to consider underwriting an issuance of bonds, it became apparent that because this would be the first issuance of its type, the net costs of the issuance would be higher than usual, and it was unlikely that financing could be obtained within a time frame that would allow Sonoma Clean Power to begin service by January 2014.

Staff also investigated the use of financing from energy service providers. In the request for proposal process described above, energy service providers that provide start-up financing will be given preferential rankings in the evaluation of their proposals. If it is determined that using start-up financing would be cost effective, it may be worked into final contract negotiations.

Finally, staff approached private lending institutions regarding their ability to finance Sonoma Clean Power. After conversations with several banks, First Community Bank in Santa Rosa stepped forward with a proposal that stood out from the others. After several rounds of negotiation, First Community Bank has agreed to offer Sonoma Clean Power two lines of credit to finance the two types of start-up costs described above.

The first line of credit would finance the first type of start-up costs (staff, consultant, and administrative costs, as well as out-of-pocket costs such as the cost of a bond required by the California Public Utilities Commission). These costs would be incurred during the period from approximately July 2013 until revenues from power sales begin to be collected (approximately seven months later). Conservative estimates of these costs are in the range of \$2.0-\$2.5 million. First Community Bank is offering a line of credit in the amount of \$2.5 million to cover these costs, at an interest rate of 4.00%. The loan would be repaid after five years, but the Authority would only have to make interest payments for the first 24 months (thus aiding the Authority's cash flow at the very beginning of its startup period). First Community Bank is requiring a guarantee of repayment of the line of credit; however, the amount of the guarantee can be reduced after twelve months of energy sales, and the requirement of a guarantee would be completely eliminated after the Authority makes twelve months of principal and interest payments on the loan, provided that the Authority maintains a debt service coverage ratio of 2:1. There is no penalty for early repayment of the line of credit and no requirement to draw the full amount.

The second line of credit would finance the purchase of electric power to be delivered by the Authority during the first phase of startup. There is a delay of approximately 45 to 60 days between the time the Authority must pay the electric service providers for power and the time the Authority receives payments for that power from its customers. We estimate that a line of credit of \$7.5 million will be needed to cover the power purchase cost that will be incurred prior to receiving revenues. First Community Bank is not requiring a guarantee of repayment on this line of credit, but is requesting that the Authority grant First Community Bank a security interest in the power contracts with the electric service providers. The interest rate on this line of credit is calculated based upon a formula that tracks the 5-yr Treasury Constant Maturity rate, and will not be fixed until the Authority first draws down funds from the line of credit. The interest rate on the line of credit would be 4.20% if the first funds were drawn today. The line of credit must be paid back within five years, but the first 12 months are structured as an interest-only loan to improve cash flow. The line of credit may be prepaid at any time without penalty and there is no requirement to draw the full amount.

The offer of these lines of credit by First Community Bank evidences the bank's commitment to reducing greenhouse gas emissions and encouraging the development of local "green" jobs. The offer also evidences the solidity and viability of the business plan developed for the Sonoma Clean Power Authority by Water Agency staff and consultants.

The County Auditor-Controller-Treasurer-Tax Collector has reviewed the pro forma and the proposed terms of the First Community Bank loan. Staff is working with the County Auditor-Controller-Treasurer-Tax Collector, the County Administrator, and County Counsel to determine the best mechanism for providing the guaranty. This could include obtaining a guaranty from the County, obtaining a guaranty or a letter of credit from a private party, or providing some other type of security. The form of guaranty will be presented to the Board at the time that the Board considers and approves the final loan documents. Staff is also exploring the use of a direct loan from the County for the \$2.5 million, in case that proves to be the best option.

Sonoma County Water Agency Services and Reimbursement Agreement

Beginning in March 2011, the Water Agency has been directly involved in investigating the feasibility of implementing a community choice aggregation program and in the creation of Sonoma Clean Power. In addition to providing the staff and consultant services needed for this effort, the Agency has been developing renewable energy projects in anticipation of delivering power to Sonoma Clean Power from those projects. The Agency has also been developing energy efficiency programs (for example, the Sonoma County Efficiency Financing program) which will neatly complement Sonoma Clean Power. Finally, the Agency is investigating the development of community solar projects, which could also be absorbed by Sonoma Clean Power. These Water Agency efforts have been designed to assure that Sonoma Clean Power can deliver on its promise of local economic benefit as soon as is practicable.

On December 11, 2012, the Board of Directors of the Sonoma Clean Power Authority approved an agreement for interim services with the Sonoma County Water Agency. In this agreement, the Water Agency agreed to continue to fund the initial costs related to Sonoma Clean Power with the understanding that it would be reimbursed for these costs at the time Sonoma Clean Power became financially viable. The agreement for reimbursement recognizes that Sonoma Clean Power will not be

able to immediately begin repayment, and allows Sonoma Clean Power to defer payments until one year after the program begins (estimated to be January 2015).

In order for Sonoma Clean Power to become financially viable it will be important that it focus in the short term on providing excellent customer service and establishing a firm customer base with rates that remain competitive with PG&E. Having Sonoma Clean Power staff concentrate primarily on this mission in the short term will make its success more likely. However, the development of local renewable energy projects, demand side programs and efficiency programs is of central importance to the long-term success of Sonoma Clean Power. By having the Water Agency staff and consultants continue to work on these types of projects in the short term, Sonoma Clean Power will be able to concentrate on solidifying its structure and business, while still advancing its long-term goals and objectives.

Staff thus recommends that the Boards of the Authority and the Water Agency approve the proposed Services and Reimbursement Agreement between the two entities. Under the proposed Agreement, the Water Agency will continue to advance viable renewable energy projects that could sell power to Sonoma Clean Power; analyze and propose new energy efficiency programs, services, and market mechanisms that could benefit Sonoma County (and potentially be financed by the Public Goods Charge funds); develop a proposed feed-in tariff program; investigate Community Solar Projects which could allow homeowners and businesses to subscribe to a solar project through virtual net metering; and act as a renewable energy “research and development” arm for Sonoma Clean Power. In return for these services, the Authority will pay the Water Agency a fee of \$25,000 per month, beginning on January 1, 2015. The Water Agency will set up a balancing account to track costs, expenses, and payments, and if the Agreement is terminated, any excess amounts due either to the Water Agency or the Authority will be repaid. The Water Agency is thus paid only for services actually performed.

This services portion of the Agreement can be terminated by either party on 90-days’ notice, and does not preclude the Authority from contracting with other governmental, non-profit, or private entities to provide these or similar services in the future. Thus the Authority Chief Executive Officer and Board retain full discretion to decide whether to contract out such work to other parties to replace in whole or in part the services proposed to be performed by the Water Agency. As noted, in the short term the interim Authority CEO and staff must focus on bringing initial SCP service on-line, ensuring the operation functions properly and provides excellent customer service, and planning for the later roll-out of service to additional customers. The Authority will not have the capacity to engage in the important longer-term project planning and development activities that the Water Agency will be performing under the proposed agreement. Putting the agreement in place now will thus help insure that implementation of the longer-term goals of the Authority is not delayed by the important short-term demands on Authority staff.

The proposed Agreement will also provide for the repayment by the Authority of costs and expenses incurred by the Water Agency through December 31, 2013 on feasibility studies and activities necessary to form the Authority and implement the community choice aggregation program. The Authority and the Water Agency will agree on the amount to be reimbursed, and the Authority will pay \$25,000 per month to the Water Agency beginning January 1, 2015 until the reimbursement amount is repaid, at an interest rate of 3% per year.

Ancillary Professional Services Agreements

Public outreach will be an important aspect of Sonoma Clean Power as it moves towards implementation. In particular, it will be important to clearly inform customers of Sonoma Clean Power rates and their right to opt out of Sonoma Clean Power service and remain with PG&E. Water Agency staff and consultants are currently developing an outreach plan to ensure even hard-to-reach customers are given opportunities to learn about Sonoma Clean Power and understand their right to opt out of the program.

Rusty Klassen has been a consultant to the Water Agency on issues related to Sonoma Clean Power. His services have been and continue to be valuable to the Water Agency in the areas of start-up financing, policy, California Independent System Operator issues and project development. Staff requests that the Board authorize the General Manager of the Sonoma County Water Agency to execute an amendment to the existing professional services agreement with Rusty Klassen to add \$10,000 to the contract amount for a total of \$60,000 in FY 12/13.

A Request for Qualifications for public outreach and marketing services was issued and responses were received from ten firms. M.I.G. (Kenwood, CA) was selected as the firm most qualified to perform the work. The work will include public education regarding the options consumers will have with respect to their power provider. This will take place through the creation of a website, radio, print media, social media, direct mailings and other mass media outlets. Staff is requesting that the Board authorize the General Manager of the Sonoma County Water Agency to enter into a professional services agreement in an amount not to \$258,000 for these services.

Prior Board Actions:

- 12/04/2012: Authorization formation of Sonoma Clean Power Authority.
- 04/17/2012: Accept results of surveys, approve goals of Aggregation Program, directed staff to hold workshops, pursue creation of a Joint Power Authority and pursue start up financing, authorize an amendment to contract with Dalessi Management Consulting for preparation of an Implementation Plan.
- 10/18/2011: Accept Community Choice Aggregation feasibility study and direct staff to continue with the investigation of Community Choice Aggregation in Sonoma County.
- 03/22/2011: Approval of the Sonoma County Water Agency Energy Policy Community Choice Aggregation Feasibility Study Report.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This program will stimulate economic growth in the areas of energy efficiency and renewable energy development in Sonoma County

Water Agency Energy Goals and Strategies, Goal 2: Pursue funding and development of renewable energy Projects of broad regional benefit to generate revenue, lower county-wide emissions profile, and reduce long term rate exposure risk to consumers.

Fiscal Summary - FY 12-13			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 268,000	Water Agency Gen Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 268,000
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 268,000	Total Sources	\$ 268,000
Narrative Explanation of Fiscal Impacts (If Required):			
Of total \$268,000 amount, \$258,000 is for new contract with MIG for marketing services, and \$10,000 is for additional services by consultant Rusty Klassen.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Exhibits A, B, C, D (A1)			
Related Items "On File" with the Clerk of the Board:			

SR\\FILESERVER\DATA\CL\AGENDA\AGREES\04-23-2013 WA SONOMA
CLEAN POWER_SUMM.DOCM

CF/46-0-21 KLASSEN, RUSTY (AGREE TO SUPPORT DEV OF RENEW ENG PROG) TW 10/11-142
CF/46-0-2 SONOMA CLEAN POWER
CF/46-0-21 MRW & ASSOCIATES, LLC (AGREE FOR PEER REVIEW SVS IN SUPPORT OF SCP) TW 12/13-126



Sonoma County Conservation Action

Sonoma County Conservation Action
540 Pacific Avenue • Santa Rosa, CA 95404
(707) 571-8566 • fax (707) 571-1678
www.ConservationAction.org

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Cecily Condron

Phone Canvass

Christina Olsa

May 20, 2013

To: Mayors and City Council members

CC: David Rabbit, Chairman, and Members, Sonoma County Board of Supervisors

RE: Sonoma Clean Power Authority

Dear Mayors and Councilmembers:

The Board of Directors of Sonoma County Conservation Action strongly support the goals of the proposed Sonoma Clean Power Authority ("SCP") initiative that is being put forth for your approvals by the Sonoma County Board of Supervisors and the Sonoma County Water Agency Board of Directors.

The ability of electrical users within Sonoma County to be provided with alternative sources of electricity that provide new and important benefits is very important. Reductions of greenhouse gas emissions, reducing energy demands, encouraging local generation from alternative sources, and creating rate stability and energy security are valuable and laudable goals.

However, as the largest environmental organization in Sonoma County, we not only have a distinct obligation to help ensure that SCP is put in to action in ways that help our environment, but also to protect our region's economic interests and the interests of our ratepayers. The voters of Sonoma County want a healthier environment, and our comments below reflect concerns about the specifics of putting SCP into action for a successful long term.

We have reviewed the Joint Powers Agreement ("JPA") and the Draft Implementation Plan ("Plan") (dated October 2012) and we share these concerns in the hopes of improving SCP and ensuring its success.

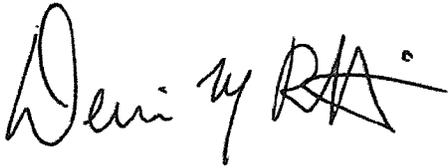
We urge that City Councils examine these documents carefully. The JPA is a multi-billion dollar, long term, complex contract that binds each participating city and its ratepayers for years to come. As any business contract requires careful due diligence, we believe that a number of areas and issues must be clarified and negotiated in public prior to signing on to this contract.

We are particularly concerned about several key areas: ratepayer protections; powers of the JPA-created institutions; representation of smaller cities in the voting process for decision making; and long term cost management and predictability.

SCP's fiscal health and ability to engage in its enterprise functions are financially dependent on revenues based on sales of electricity – both gross revenues and net income. The more SCP is successful in obtaining local off-line production, efficiencies and conservation, the more electricity sales will be reduced and the less SCP's revenues will be if rates remain stable. It is imperative that the institution and its practices are shaped carefully to ensure that the perverse incentives to increase sales of electricity – and thus act contrary to its stated mission - *do not occur*. This is a problem for SCWA's water contractors who must cover fixed capital and O&M costs through higher rates as water demands and sales are decreased. It is likely to become a problem as SCP becomes increasingly successful. It is critical to SCP's mission that reduced revenues do not instead drive policies and decisions to increase electrical sales. The JPA and Plan must address these points, which are currently absent from the documents and from discussions.

We urge you to take the time to carefully examine the legal framework of the JPA, the directives of the Plan, and the public institution it is creating to ensure that not only are we creating a better environment, but also a more thoughtful, effective and transparent institution we can be proud of.

Sincerely,



Denny Rosatti
Executive Director



David Keller
Board Chairman

Attached: Sonoma Clean Power: Issues of concern.

Sonoma Clean Power: Issues of concern

Listed here are a series of examples of problematic, unclear, contradictory or omitted issues, from the JPA and the Plan. They are noted with their respective sections from the documents.

POWERS OF THE SCP AUTHORITY

1.2 Exhibits C (Annual Energy Use) and D (Voting Shares) are missing. In order to conceptualize accurately samples of weighted voting among participating Parties, the JPA should have a representative table showing various combinations and permutations of participating Parties, large and/or small cities and the County, to see how weighted voting might work.

2.4 Powers.

2.4.3 What is the public process proposed to be used to “acquire, contract, manage, maintain and operate any buildings, infrastructure, works or improvements”? How would the costs of acquisition, maintenance and management be determined to be in the ratepayers’ interests, and how would costs be validated and distributed for inclusion in the rate base?

2.4.4 Why is SCP granted powers of eminent domain to acquire private property? Under what circumstances might this power reasonably be used? Should the power be limited? What public process would be used to decide on its use? No details or rationale are provided.

2.4.8 Are there any limits to SCP’s power to “form subsidiary or independent corporations or entities”? What public process would be used to justify and act? How would such subsidiaries or independent corporations or entities be governed in the public interest and held accountable, if they are indeed “independent”? How would the costs of such entities be validated and distributed for inclusion in the rate base?

Could these enumerated powers be used to purchase or exercise control over hydropower facilities such as the PG&E Potter Valley Project (“PVP”)? Given the long-time interest by SCWA in purchasing the PVP (as expressed in the Restructured Agreement for Water Supply, Sec. 2.4) would there be a parallel requirement for an EIR and water contractor approvals to do so, or could SCP act independently? Would hydropower plants whose dams block headwater salmonid streams be eligible for inclusion in the SCP portfolio of generators?

2.5 What does the Limitation of powers as “restrictions upon the manner of exercising power possessed by SCWA” mean? What is referenced here? Explicit references to such SCWA powers would be helpful in understanding what kind of institution the SCP is to become.

GOVERNANCE OF SCP AND VOTING POWERS OF SMALLER CITIES (“PARTIES”)

3.1 What is meant by, “(d) payment of membership payment...” by participants?

4.1 It would be extremely useful to include some representative tables showing how power would be distributed and exercised with various combinations and permutations of participant membership. (See note about missing Exhibits C and D, above)

There are no terms of office for Directors. Why not? Leaving removal of Directors to the governing body “at any time” makes for public expectations of a politically driven board.

4.3 Here, the JPA states, “The Board shall meet at least annually...”, yet this is contradicted by 4.8, “The Board shall hold at least four regular meetings per year...”
Clarification is needed.

4.3 (f) gives full discretion to SCP’s CEO or General Counsel, *without Board authorization or approval*, to intervene or become party to in a number of potentially controversial, complex and expensive legal proceedings at the CPUC, FERC or “any other administrative agency”. Why should these decisions be exempted from a public process requiring the Board’s consent? How would the costs of such action be justified as part of the rate base?

4.7.4 Voting shares.

While majority votes of the Directors provides one simple means of determining approvals of any matters before the Board, weighted voting by voting shares may also be called for by any Director. Under a number of participant scenarios, this could well leave just the County and Santa Rosa in control of any decisions, since they control respectively appx. 35% and 33% of the electric usage within the SCP (based on all cities participating).

Small cities could easily be relegated to irrelevance in such votes, particularly if the issue is at all controversial.

This potential problem has been reasonably well addressed among water contractors, where a vote of approval by the Water Advisory Committee (contractors) requires both an affirmative vote of more than 50% of the total weighted votes (proportional to water use) and the affirmative vote of at least 5 of the 9 contractors (Sec. 5.3).

The JPA and Plan should reexamine its current voting rules, and revise them to assure smaller cities that they indeed can have an effective role in decision making.

RATEPAYER PROTECTIONS

Unfortunately, the JPA and Plan as currently written do NOT require nor do they provide sufficient protection for ratepayers, either individually or as part of a class of ratepayers. Nowhere in the documents are ratepayers given specific standing in any proceedings or rights of intervention. Nowhere are ratepayers provided with a requirement for the SCP to establish clear, predictable and effective means for addressing their concerns. Other than asking to speak for 3 minutes to address the Board of Directors or a City’s representative, or sending letters, or by filing legal action against SCP, there are no rational policies or procedures to address dispute resolution, oversights, or recourse for ratepayer and ratesetting injustices.

Unlike the CPUC, the SCP does not provide any independent review of rates, by class or for individual ratepayers. All review of rates is solely the prerogative of the Ratepayer Advisory Committee, the Business Operations Committee, and the Board of Directors – all components of SCP itself. Clarification of the details of how rates are set is imperative, yet the JPA and Plan do not provide the framework, principles, standards and

policies to do so. Unlike the CPUC, there is no Division of Ratepayer Advocates to help assist ratepayers address SCP effectively and efficiently.

Once SCP is agreed to by the CPUC, ratepayers will have no standing or recourse at the CPUC to address any utility, rate design, costs, cost recovery, stranded costs, pricing, equity, auditing, policy or any other accountability issues. (per conversation with senior staff at the CPUC's Division of Ratepayer Advocates), as exists now prior to formation of a Community Choice Aggregator. There is not even a formal public process at the CPUC to address potential concerns about the formation and governance of SCP prior to its approval.

Assembly Bill 117, at SEC.4, PUC Code Section 366.2 (c)(3) states, "The implementation plan shall contain all of the following:

"(C) Provisions for disclosure and due process in setting rates and allocating costs among participants.

"(E) The rights and responsibilities of program participants, including, but not limited to, consumer protection procedures..."

This has not been done. While the Plan addresses detailed shutoff, opt-out, and re-entry procedures, there is no discussion, no less explanation and establishment of any such consumer protection procedures, except to allow dissatisfied customers to opt out of the program. This is not sufficient for consumer and ratepayer protection, whether for an individual ratepayer or for a particular class of ratepayers.

The JPA should mandate establishment of clear ratepayer protections and procedures.

4.5.1 The Ratepayer Advisory Committee is just that: advisory. It has no powers to determine or adjudicate any disputes. Its members can be removed by majority vote of the Board of Directors, removing any independent or dissenting voices at will, despite 4 year terms of office.

While the Ratepayer Advisory Committee can review budgets and rates, they are hamstrung by their inability to hire competent outside consultants and experts to help them perform these complex, skilled and arcane tasks: at 4.5.2.4, the Committee is limited to letting contracts for more than \$20,000 each, with an annual cap for any outside contracts of only \$50,000. Effective ratepayer protections will cost more than that each year.

There are no provisions within the structure of SCP to provide for auditing of costs on a regular basis, to determine what costs are indeed legitimately part of the rate base for any or all classes. If SCP was just purchasing electricity from other producers, this would be less of an issue.

However, because SCP is granted a large number of powers (at 2.4) that can have their own costs and expenses to SCP for activities including capital projects, financing, O&M, subsidiary entities and corporations, labor, consultants, marketing, lobbying, legal, eminent domain, land and property, it is necessary to determine annually which of these expenses, and to what extent, are legitimate components of a rate base. (See also additional costs at 6.3.2 – undefined SCWA costs – and 6.3.3 – CCA program costs).

The use of the Sonoma County Auditor-Controller-Treasurer-Tax Collector as treasurer and auditor for SCP (4.9.3) is insufficient, as is the use of merely a 'CPA or public accountant' who are not specialists in utility auditing and rate setting practices and policies. Without expert independent oversight, the opportunities for improper, illegal or unjustified assignment of costs to utility ratepayers are large. That is why the CPUC's

regulatory and oversight frameworks exist. This should be corrected within the JPA and Plan, including provisions for public access to all financial documents and accounting.

The participants in SCP should have an open, public discussion and debate about the necessity, benefits and costs of forming an independent Sonoma County Public Utilities Commission to address these shortcomings. Such an agency could also independently oversee costs and rates for solid waste and water, as well as electricity. The independence of a Sonoma County PUC from the SCP's regular workload and from the influence of the political process would provide decisions based on thorough and transparent examination.

The JPA and Plan, as written, are good starts towards achieving the goals of SCP. With careful attention to details as noted above, the public, ratepayers AND the environment will benefit. Sonoma County Power stands to gain an increase in public confidence if they observe cities submitting further improvements, particularly on behalf of protecting the ratepayer.

+++++



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Jeannie Schulz

FOUNDERS

Lori Houston

Marty Roberts

May 16, 2013

Dear City Council Member,

I would like to first take this opportunity to introduce myself, Alison Healy, as the Executive Director of Solar Sonoma County (SSC). SSC is a nonprofit consortium of local businesses, elected officials, city governments and individuals who are dedicated to reducing greenhouse gases through the installation of solar and energy efficiency applications. We develop programs, resources, and initiatives to bring solar and energy efficiency into the mainstream. Working together, we are making Sonoma County a national leader in clean energy, preserving and protecting our environment for our future generations.

SSC is also an active supporter of Sonoma Clean Power (SCP) as this new utility will be focused on renewable energy, which is vitally important to preserving our planet.

The potential benefits to the City, its residents and businesses are as follows:

1. Consumer choice for a greener product at competitive rates.
2. Local jobs for contractors, engineers, designers, business-to-business goods and services companies
3. Commercial businesses can secure a new revenue stream through the "Feed-In-Tariff" Program
4. Residents can be incentive to install solar through the "Net Metering" Program to sell back their surplus
5. SCP profits reinvested in Sonoma County
6. City facilities will be powered through green products, reducing the carbon footprint
7. Cities can join the JPA and have control over SCP and the electricity rates.

SSC is requesting that each City take an active part in the development of Sonoma Clean Power and establish policies and procedures that are consistent with the City's and County's environmental goals.

Furthermore and equally important, SSC is requesting that each City require that certain mandates be included in contractual agreements that achieve the following:

1. A minimum percentage of local jobs for installation projects (RFP structured to allow small, local companies to be competitive).
2. A date(s) for when the Feed-In-Tariff Program and Net Metering Program will begin. (City representation on creating and designing both programs is encouraged)
3. Primary and ancillary business-to-business goods and services are provided through local Sonoma County businesses when feasible. (This will provide a new, permanent, revenue stream for the Cities and County long after the project installation are completed.
4. City's input, review and adoption of electricity rate structure and rates to ensure equity and financial stability.

We thank you in advance for your prudent participation in this endeavor to ensure the success of Sonoma Clean Power and the positive impacts that can be achieved for your residents, your businesses, the local economy and the environment!

Sincerely,

Alison Healy
Executive Director

Jean Forsyth Schulz

May 17, 2015

City of Sonoma Council Members:

Laurie Gallian

David Cook

Steve Barbose

Mayor Ken Brown

Tom Rouse, Mayor Pro Tem

Dear Council Members,

I urge you to vote "yes" for Sonoma Clean Power.

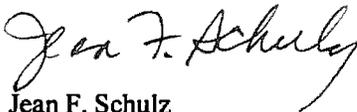
As a longtime resident, business owner, and investor in Sonoma County, it matters a great deal to me that our local policies match the can-do, innovative, and caring spirit of this community.

The need to take action to reduce greenhouse gas emissions is urgent. Last week the concentration of carbon dioxide in the atmosphere reached 400 parts per million, when scientists say that the concentration needs to be no more than 350.

Additionally, residents and businesses in Sonoma County deserve a choice – PG&E or Sonoma Clean Power. Unless you vote "yes," you deprive us of a choice.

Thank you for your consideration.

Sincerely,



Jean F. Schulz
Santa Rosa, CA

Gay Johann

From: Woody Hastings <woody@climateprotection.org>
Sent: Tuesday, May 21, 2013 6:42 AM
To: Gay Johann
Subject: Fwd: New petition signature from Zack Fuchs in Sonoma
Attachments: PastedGraphic-2.tiff; PastedGraphic-3.tiff; PastedGraphic-5.tiff

Begin forwarded message:

From: Woody Hastings <woody@climateprotection.org>
Date: May 21, 2013 6:35:26 AM PDT
To: David@cvmgrapes.com, Steve Barbose <sbarbose@vom.com>, ken@bearflagsocialclub.com, SonomaRouse@yahoo.com, lauriegallian@comcast.net
Cc: cgiovanatto@sonomacity.org
Subject: Fwd: New petition signature from Zack Fuchs in Sonoma

Dear Sonoma City Council Members,

The Climate Protection Campaign has created an online petition to enable Sonoma residents to express their support for Sonoma Clean Power. Below is a petition signed by a Sonoma resident.

I will be forwarding the petitions to you. Please let me know if you would like me to forward each petition to the entire city council or just to the city clerk. If there is anyone else who should receive them please let me know that as well.

Best Regards,
-Woody Hastings

Woody Hastings
Renewable Energy Implementation Manager
woody@climateprotection.org
707-525-1665 ext. 117 (office)
707-829-3460 (home office)
310-968-2757 (mobile)

[Sonoma Clean Power](#)



Postal Address:
P.O. Box 3785
Santa Rosa, CA 95404

Street Address:
520 Mendocino Ave., Suite 260
Santa Rosa, CA 95404

Begin forwarded message:

Date: May 21, 2013 1:34:49 AM PDT

Subject: New petition signature from Zack Fuchs in Sonoma

Dear City Council Members: Thank you for considering Sonoma Clean Power. This program will give residents and businesses the choice – PG&E or Sonoma Clean Power. If you do not adopt a resolution, we will not have a choice.

Please give us the choice! Please vote “yes” for Sonoma Clean Power.

Name

Zack Fuchs

Address

17339 Buena Vista Ave,
Sonoma, California
United States
[Map It](#)

I live within the city limits

Yes

Email

Roadrashfuchs@gmail.com

Phone

(707)280-0908

Gay Johann

From: Carol Giovanatto
Sent: Thursday, May 16, 2013 3:57 PM
Subject: Fw: City of Sonoma - Sonoma Clean Power
Attachments: CLEAN POWER.docx

Importance: High

From: Thom Shelton <thom@sonic.net>
To: "SonomaRouse@gmail.com" <SonomaRouse@gmail.com>, "sbarbose@vom.com" <sbarbose@vom.com>, Ken Brown <ken@bearflagsocialclub.com>, "David@cvmgrapes.com" <David@cvmgrapes.com>, "lauriegallian@comcast.net" <lauriegallian@comcast.net>, Carol Giovanatto <carolg@sonomacity.org>
Sent: Thu, May 16, 2013 22:38:39 GMT+00:00
Subject: City of Sonoma - Sonoma Clean Power

Dear Council Member,

I am submitting this article to provide you, and hopefully your constituents, with information to help the public to better understand the Sonoma Clean Power initiative and its ramifications. I had hoped it would be a more concise document, but felt that all aspects should be included to see the whole picture.

The Clean Power proposal is moving ahead with little or no clear information on cost, commitment, or potential long term liability to the participants and, although it appears to be well intentioned, there are shortfalls in the argument which should be discussed rationally and in-depth.

Please review the attached and decide if it merits inclusion in your council meeting agenda and for distribution or publication to the public. Thank you for your consideration.

Sincerely,

Thom Shelton
2154 Hastings Ct
Santa Rosa, CA 95405
707-292-6115 or 707-577-0100
Email: Thom@sonic.net

If there are no dogs in Heaven, then when I die, I want to go where they went.

-- Will Rogers

CLEAN GREEN POWER?

Will the Sonoma Clean Power (SCP) deliver more “green” power to its users than the current provider? The answer is likely, “No!” You may ask how this could be true when SCP has promised more green energy. The truth lies somewhere between physics, policy and reliability. SCP promises to deliver 33% mix of green power which is greater than the approximately 20% green power delivered by PG&E, if you don’t include large hydro or other low greenhouse gas sources. Physics dictates that delivering additional green energy to Sonoma County is virtually impossible for many reasons, most of which can be researched and verified by independent sources such as California Energy Commission and other online informational sites. In truth, we may never be able to exceed more than 40% of green power under our current technology and regulatory limitations.

The reality is that unless SCP disconnects from the grid, there remains a necessity that the overall electrical grid system be “balanced” within each electrical control area, a function which is overseen by one of the control area’s participating utilities or municipal districts. That is, all of the green power sources, except for combustion processes using waste or biomass products, and geothermal must be balanced by another base load power source (24/7 operation) to produce power when the green energy resource is not available. This occurs every night for solar based projects and in periods of calm or storm for wind based resources. Additionally, all power plants require that some percentage of their output is backed up by spinning reserves to guard against brown-outs or blackouts in case of an unplanned outage.

Solar projects can generally provide near full output for 8 to 12 hours per day, depending upon the season. A well designed and maintained solar PV project has an annual availability of about 33% of its total potential capacity output due to availability of the sun and inherent system inefficiencies. That means that there must be another source of power available anytime that the sun is not shining to make up for the loss of the solar system’s output.

Similarly, but more unpredictably, wind generators operate only when the wind is blowing at sufficient velocities to rotate the immense turbine blades to power these generators. When the wind is below the turbines requirement for reliable output, or above the maximum operating output, another source of energy must be available to match the electrical load. While modern meteorological predictions provide some indication of wind potential, changes occur frequently and without notice. Another issue with wind generation is that it may be most available when it’s not wanted. From early evening until early morning and on weekends, system demands may not be able accommodate wind energy production, without curtailing the balancing resources. This fact limits any green resource to the need for the power at any given time and the balancing authority’s ability to provide that power. Due to these limitations, most green energy sources cannot provide the level of reliability required and the only savings that can be obtained by these sources is fuel avoidance.

Both solar and wind energy costs have come down in recent years, but those costs are still roughly equal to the most expensive solid fuel combustion plants or \$3,000 to \$4,000 per installed kilowatt. The primary advantage of not having a high fuel cost is diluted by the fact that these sources cannot produce 24/7 as would a comparable sized combustion based power plant and, the costs incurred to maintain back-up or replacement power for these part-time power sources.

Although California has added almost 5,000 MW of wind and solar projects since 2005, over 11,000 MW, of new or retro-fitted natural gas powered projects, have been added to the California grid with an additional 4,000 MW of natural gas and solar/natural gas hybrid projects that are slated to come online in the next two years. The reason? As utilities and municipal districts add green power, they must maintain or even add brown power to enable them to balance the loads within their control areas or purchase standby resources to accomplish this balancing act.

SCP's current plan is to provide the additional green power by purchasing RECs (Renewable Energy Certificates) which come primarily from power generated out-of state, where the green attributes have less or no value and can be transferred to California to satisfy the State's renewable energy mandate. Will you receive any additional green power? No, but you'll have the right to say that you're using more green energy, regardless of the facts. Unless the SCP adds its own transmission lines, or isolates itself from the grid and builds its own power plants, 100% of SCP power must come from the existing PG&E system, which means that you will use the identical mix of power as do all other users in PG&E's territory. If more green energy could be built in Sonoma County, Marin or Mendocino for that matter, you'll still have the same mix as PG&E. Though you might feel as green as Kermit, your power use and mix will remain unchanged from any other user throughout PG&E's system.

The ability of SCP to bring about more green energy in Sonoma County should also be held suspect as there is limited opportunity to add green power in the local area. Prime agricultural land is likely to be off the table for solar projects, as environmentalist and farmers agree that we must maintain this true green space without commercial or industrial intrusion. Potentially available hillside land and sub-prime or marginal pasture has been removed from use for solar energy projects by city and county planning commissions, who have ruled that the negative visual impacts and loss of continuous green space are not worth the power received. As a side note, the investment in Sonoma County and the jobs that SCP talks about would be limited to the installation of solar panels, as the solar PV panels and many of the components are principally manufactured in China and other foreign locales.

Wind turbines have been fought by virtually all quarters in Sonoma County and neighboring counties and the total number of large turbines installed can be counted on your fingers. I cannot imagine that the County, the Coastal Commission or any environmental group would allow the installation of 300 foot wind turbines to harness the coastal winds either onshore or off shore along the Sonoma coast. Other potential sites have been ruled out due to noise and visibility issues, or by the potentially lethal impacts on migratory birds and bats.

Bio-gas is a viable green option, but the County Water Agency has already captured its landfill and digester bio-gas for use in electrical generation. It is also doubtful that a commercial sized biomass plant could be permitted within the county, due to the opposition by the environmental community to any combustion based generation. These limits would suggest that the only developable green power would be solar PV primarily installed on rooftops and empty urban lots or parking structures. Oddly, if rooftop installations were to proliferate, they would eventually drain away SCP customers. We might find ourselves in the same boat as we are with the County's water agency, where cutting back on our water consumption caused the agency to raise rates to maintain its programs and lifestyle.

Last Question: Why is Sonoma County doing this? I would suggest, as a cynic, that you follow the money. Sonoma County, along with most of California's agencies and municipalities, is greatly overextended financially, with little or no new income to fund pension shortfalls or other expensive continuing programs. The County is in a constant pursuit to find new sources of income. Is the SCP intended to be that source? When asked about this, the SCP, like virtually all other agencies, touts that it is a non-profit agency, and though it is not an answer, sounds positive. That is until you read their FAQs and consider the implications.

In SCP's FAQ #4, on their web site it states: "**SCP's goal is to keep rates comparable with PG&E's rates while providing a greener product.**" A reasonable person would interpret this to mean that they will charge roughly the same, or probably a little more, than PG&E charges to deliver the identical service except for the imaginary green component increase.

In FAQ #10, regarding PG&E's wholesale energy purchases, SCP states: "**The market for electric energy is very competitive, and PG&E's size does not provide an advantage on wholesale prices.**" A reasonable person might

conclude that the SCP might negotiate lower energy purchase costs, enhancing purchase/sale margins which would be greater than PG&E's current margins.

Added to this, from the same FAQ #10: ***“PG&E also has costs that SCP will not have – PG&E must make dividend payments to its stockholders and must pay various taxes. These costs impact PG&E's rates.”*** One would have to conclude that the profit or “non-profit” margins that the SCP would experience would be very high indeed. I have asked, but have not received an answer to the question: Where does the money go? Perhaps if enough people ask this question, the County or SCP might eventually provide a reasonable answer and in-depth accounting.

If SCP is not burdened by dividend payments and pays no taxes, why isn't their energy offering less expensive? When a tax paying entity is replaced by a governmental “non-profit,” don't we all lose when PG&E no longer makes these payments?

The SCP has not shared the response to their request for offers from energy producers, which incidentally are not located in California and are some of the largest ***brown energy*** producers in the U.S. and yet are asking cities in the County to sign up for the program. Without this information and the intended rate structure, how could anyone make that decision? As the California Public Utility Commission (CPUC) does not have authority over the SCP, there is no one to provide regulatory oversight on the energy programs and rates adopted by SCP. If you don't opt out initially, can you return to PG&E without penalty? It is interesting to note that the all of the successful bidders to the SCP request for offers are not only primarily brown power companies, but they have less than 4% of their total power emanating from renewable sources. Even the offer from the Geysers, which was considered a green resource, is from Calpine, a company with less than 3% of their generation coming from renewable energy sources.

Obviously, the start of this paragraph was not my Last Question, nor should it be yours. Take some time, do some research and then decide. I think I might just opt out...

Thom Shelton
2154 Hastings Court
Santa Rosa, CA 95405
707-577-0100

My energy experience includes over 26 years working to develop, permit, build and operate independent power projects and related transmission systems from 1.0 to 850 MW in California and throughout the U.S. These includes natural gas, tires, rice hulls, wood waste, municipal solid waste and bio-gas.



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Approval of the Minutes of the May 20, 2013 Meeting.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Minutes

**SPECIAL & REGULAR MEETINGS OF THE SONOMA CITY COUNCIL
&
CONCURRENT REGULAR MEETING OF SONOMA CITY COUNCIL AS THE
SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY
DEVELOPMENT AGENCY**

Monday, May 20, 2013

**5:00 p.m. Joint Meeting With The
Sonoma Valley Health Care District
EOC – 175 First Street West
(Special Meeting)**

City Council
Ken Brown, Mayor
Tom Rouse, Mayor Pro Tem
Steve Barbose
David Cook
Laurie Gallian



**6:00 p.m. Regular Session
Community Meeting Room, 177 First Street West**

MINUTES

Joint Meeting With The Sonoma Valley Health Care District

1. Call to order and introductions

Mayor Brown called the meeting to order. Present were: Mayor Brown and Councilmembers Barbose, Cook and Gallian. Hospital Board Members Hohurst, and Carruth, Nevins. Absent were: Councilmember Rouse and Boardmembers Boerum and Hirsch. Also Present: City Clerk Johann, Planning Director Goodison, and Hospital CEO Mather.

2. Discussion of items of mutual interest

Hospital CEO Mather reported that the Board's major focus had been the hospital expansion and remodel project and development of a strategic plan. They anticipate completion of the expansion by the middle of November and had raised \$10 million of the \$11 million needed to fully fund the project. Boardmember Hohurst reported that they were looking at the end of Perkins Street or the Carnelli property as possible locations for additional medical offices. Mather spoke on the potential impact of the Affordable Care Act and noted that Sonoma Valley had a high percentage of Medicare patients and at least 9,000 in capitation.

Mayor Brown inquired how the contract to provide medical care for inmates of Napa State Hospital was going. Mather responded that it was going fine and they had not had any instances which required calling the Police. She said they averaged about thirty patients a month.

CIm. Barbose inquired if the hospital had any plans for an exercise program. Mather explained they would be setting up a wellness center next door to Parkpoint Fitness Center.

CIm. Gallian inquired about transportation issues. Mather responded that there was a bus stop at the hospital and noted that the majority of their patients drove themselves to appointments.

CIm. Cook confirmed that the hospital was a Safe Medicine Disposal site.

3. Comments from the Public. – There were no comments from the public.

6:00 P.M. – REGULAR MEETING

Mayor Brown called the meeting to order at 6:00 p.m. Public Works Director Takasugi led the Pledge of Allegiance.

PRESENT: Mayor Brown and Councilmembers Barbose, Gallian, and Cook
ABSENT: Rouse

ALSO PRESENT: City Clerk/Assistant to the City Manager Johann, City Attorney Walter, Planning Director Goodison, Public Works Director Takasugi, Stormwater Coordinator Atkins, and Maintenance Worker Pegg.

1. COMMENTS FROM THE PUBLIC

Darryl Ponsican made statements regarding the negative impacts leafblowers had on his life and urged the City Council to take action to ban them.

Anthony Fernandez made statements in support of fluoridation of the County's water supply.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Cm. Gallian reported attendance at the Chamber Mixer held at the Depot Park Museum and at the Springs Alliance meeting held at the Grange.

Cm. Cook announced his May 29 office hour at City Hall.

Mayor Brown reported participation in the Historic Racecar Motorcade from Sonoma Raceway to Sebastiani Winery, he dropped in on the Gran Fondo bicycle event in the Plaza, and presented certificates of recognition to Valerie Brown and Harriet Derwingson at the Sonoma Valley Hospital Foundation 2013 Pulse Award ceremony.

3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

There were no announcements.

4. PRESENTATIONS

Item 4A: Recognition of Gerry Simmel's service on the Cultural and Fine Arts Commission.

Mayor Brown presented Gerry Simmel a Certificate of Appreciation for his service on the Cultural and Fine Arts Commission 2007-2013.

Item 4B: Presentation of Fiscal Year 2011-2012 Annual Stormwater Report and Program Activities.

Maintenance Worker Pegg presented the annual Stormwater Report. Highlights of the report included:

- Over 1,250 K-12 Students Participated in Sonoma Ecology Center's Watershed Education Program.
- The City teamed with Sonoma Community Center to complete a Rainwater Harvesting Demonstration Project at 276 E. Napa Street.
- Stormwater Coordinator Wendy Atkins made educational presentations at Sonoma Ecology Center's Sustainability Day Workshop.
- 394 Volunteers attended 10 Creek Clean-Up Events. They removed 1700 lbs. of garbage and 280 lbs. of recyclables from the Creeks.
- Staff began an inventory and inspection of all stormwater outfalls in Sonoma.
- Staff conducted 113 Construction Site Inspections to ensure that all Erosion Control Measures were in place and functioning.
- Staff removed 7 tons of debris from municipal storm drains.
- 230 tons of debris were swept from gutters and streets.
- Through collaboration with San Francisco Estuary Partnership, 34 Trash Capture Devices were installed in August 2012. Each device prevents solid waste from entering the Stormwater System.

CIm. Barbose inquired if staff had identified any problems with old sewer laterals leaking into the storm drains. Pegg responded they were in the process of locating maps of the old lines to research if there could be some leaks. CIm. Barbose and Mayor Brown complimented Pegg on his presentation.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

- Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.**
- Item 5B: Approval of the Minutes of the May 6, 2013 Meeting.**
- Item 5C: Authorization to execute memorandums of agreement in order to participate and qualify for funding in the County-wide Greenhouse Gas Reduction Implementation Program.**
- Item 5D: Second Reading and adoption of an ordinance amending Chapter 10.48 of the Sonoma Municipal Code relating to the regulation of parking on City streets. (Ord. No. 01-2013)**
- Item 5E: Adoption of a resolution establishing parking regulations on City streets and for Electric Charging Stations. (Removed from Consent, see below)**
- Item 5F: Adoption of a resolution establishing a schedule of parking fines and penalties. (Res. No. 19-2013)**

CIm. Cook removed Consent Item 5E. The public comment period opened and closed with none received. It was moved by CIm. Gallian, seconded by CIm. Barbose, to approve the Consent Calendar except for Item 5E. The motion carried unanimously, Rouse absent.

- Item 5E: Adoption of a resolution establishing parking regulations on City streets and for Electric Charging Stations.**

CIm. Cook inquired if the proposed four hour parking limit for the Electric Charging Stations was adequate. City Clerk Johann responded that four hours was the Statewide average according to Police Chief Sackett. It was moved by CIm. Cook, seconded by CIm. Gallian, to adopt the resolution entitled A Resolution of the City Council of the City of Sonoma Establishing Parking Regulations on City Streets and For Electric Charging Stations. (Res. No. 18-2013) The motion carried unanimously, Rouse absent.

6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

Item 6A: Approval of the portions of the Minutes of the May 6, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

It was moved by Clm. Gallian, seconded by Clm. Cook, to approve the Consent Calendar as presented. The motion carried unanimously, Rouse absent.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion and possible action regarding the new NPDES Permit, including consideration of a resolution authorizing the City Manager to apply for coverage under the State Water Resources Control Board’s Phase II Small Municipal Separate Storm Sewer Systems (MS4) General Permit.

Stormwater Coordinator Atkins reported that on February 5, 2013, the State Water Resources Control Board adopted Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) (General Permit). The U.S. Environmental Protection Agency (EPA), under the Clean Water Act, required local governments to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit in order to discharge stormwater from small municipally-owned stormwater conveyance systems to waters of the United States. Atkins stated that in California, the U.S. EPA delegated NPDES permitting authority to the California State Water Resources Control Board. In the Bay Area, the San Francisco Bay Regional Water Quality Control Board was the Phase II Permit local enforcement authority. All California municipalities with a population of less than 100,000 were covered by the Phase II permit.

Atkins stated that staff was recommending adoption of a resolution authorizing the City Manager to apply for coverage under the State’s MS4 General Permit. She added that current budget and staffing levels were not sufficient to meet the requirements of the permit and staff would be requesting additional resources for the FY 2013/14 budget cycle.

Clm. Barbose inquired if staff had been successful in seeking reconsideration of some of the unfunded mandates. Atkins responded that the State had not considered the requirements to be a higher level of service and noted that Federal mandates and requirements for which agencies can charge a fee were also exempt.

The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Barbose, to adopt the resolution entitled A Resolution of the City Council of the City of Sonoma Authorizing the city Manager to Apply for Coverage Under the State Water Resources Control Board’s Phase II Small Municipal Separate Storm Sewer Systems (MS4) General Permit (Res. No. 20-2013). The motion carried unanimously, Rouse absent.

8. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 8B: Discussion, Consideration and Possible Action on a Resolution Authorizing the City Manager to file an Application for Funding Assigned to the Metropolitan Transportation Committee, Committing Necessary Matching Funds, and Stating the Assurance to Complete the Rehabilitation of Various Streets in Sonoma.

Public Works Director Takusuki reported that with the dissolution of redevelopment the Napa Road Rehabilitation Project, in addition to numerous other CDA-TAB Projects, had been put on hold until an alternative funding source was identified. In May of 2011, the Metropolitan Transportation Commission (MTC) approved the One Bay Area Grant (OBAG). OBAG established program commitments and policies for investing roughly \$800 million over the four-year Cycle 2 period (FYs 2012-13 through 2015-16), funded through continuations of the current surface transportation legislation known as Moving Ahead for Progress in the 21st Century Act (MAP-21). Working in conjunction with MTC, the Sonoma County Transportation Authority (SCTA) released its Call for Projects under OBAG on October 8, 2012 to program projects for fiscal years 2013-14, 2014-15, and 2015-16. The City submitted a grant application by the November 30, 2012 due date for the Napa Road Rehabilitation Project titled "Rehabilitation of Various Streets in Sonoma" and had been awarded \$250,000 in grant proceeds. The City's cost share to complete the project would be \$298,000 and will be included in the 2013/14 budget. Takusuki added that the project was anticipated to get underway in 2015.

There were no Council comments and the public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Barbose, to adopt the resolution entitled A Resolution Authorizing the City Manager to File An Application For Funding Assigned to the Metropolitan Transportation Commission, Committing Necessary Matching Funds, and Stating the Assurance to Complete the Project. (Res. No. 21-2013). The motion carried unanimously, Rouse absent.

Item 8C: Discussion, consideration, and possible direction to staff concerning a request for proposals for the re-use and renovation of the Maysonnave Cottage.

Planning Director Goodison reported that on January 7, 2013 the City Council reviewed a series of options developed by the Facilities Committee concerning the Maysonnave Cottage. The options included: 1) Demolition; 2) subdividing the property and selling off a parcel encompassing the cottage so that it might be used as a residence; and 3) circulating a request for proposals (RFP) inviting suggestions for the re-use and renovation of the cottage. After discussing the matter, the City Council voted 3-2 to direct staff to proceed with option #3. As directed by the Council, staff developed a draft RFP for the City Council's consideration. Goodison added that in conducting additional research while preparing the RFP, staff concluded that some basic property improvements would be required in order to successfully solicit proposals for the re-use and upgrade of the cottage. The improvements were as follows: 1) upgrade (and underground) the electrical service to the property; 2) create an accessible sidewalk connection to First Street East; and 3) demolish the barn.

Clm. Barbose questioned the need for the City to spend money. Goodison explained that staff felt it would be necessary to encourage the submittal of proposals. He assured the Council that no money would be spent prior to acceptance of a proposal or award of a contract.

Clm. Cook stated that he previously voted against demolition of the cottage and that he did not want to include relocation as an option at this time.

Mayor Brown invited comments from the public. Patricia Culinan suggested that the RFP include language referring to the Secretary of Interior Standards and that the setting of the cottage was also important.

Clm. Cook stated that demolition and relocation were the same thing to him and he urged the Council to remove the option of relocation from the RFP. Clm. Barbose did not feel the same and pointed out the successful relocation and preservation of the Marcy House. Mayor Brown agreed with Barbose and Clm. Gallian added that the City was trying to cast the net as wide as possible to attract proposals.

Clm. Cook stated the property had become a security risk and suggested the addition of motion detector lighting. Mayor Brown agreed about the need for security lighting. It was moved by Clm. Barbose, seconded by Clm. Gallian, to direct staff to circulate the RFP as drafted. The motion carried three to one, Cook dissented and Rouse was absent.

Item 8D: Discussion, consideration and possible action authorizing Councilmember Cook to use best judgment based on information presented when voting at meetings of the Mayors' and Councilmembers' Association of Sonoma County Legislative Committee meetings.

City Clerk/Assistant to the City Manager Johann reported the Legislative Committee, established by the Mayors' and Councilmembers' Association of Sonoma County, consisted of a Mayor or Councilmember from each of the member cities, chosen by their respective City Councils. Its duties were to review pending legislative and policy matters, which have the potential to affect California cities, and to determine an appropriate response on behalf of the Association. In some instances, the Committee would send letters of support or opposition. Councilmember Cook serves as the City's representative on the Legislative Committee. Mayor Pro Tem Rouse is the Alternate. Johann stated that typically, when Councilmembers, sitting as members of outside boards, were asked to vote on an issue; they placed the issue on a City Council agenda in advance of the meeting at which the vote would be taken in order to obtain direction on how their vote should be cast on behalf of the City. She stated that frequently Councilmember Cook, as the City's representative on the Sonoma County Legislative Committee, was called upon to vote on an issue without having had enough advance notice to obtain direction from the City Council. For this reason, Councilmember Cook was requesting authorization to vote using his own discretion at the Legislative Committee meetings.

The public comment period was opened and closed with none received. Clm. Gallian stated that as a League of Cities Boardmember she received updates on pending issues through the League's Division representative and was aware that items moved quickly through the process at times. She stated that she was comfortable with granting the requested authorization and added that it was a right and a privilege for those who serve on the Legislative Committee. Clm. Barbose and Mayor Brown agreed.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose reported attendance at the final meeting of the Sonoma Waste Advisory Group (SWAG).

Clm. Cook announced that the Friends of the Library raised \$10,000 at their recent used book sale.

Mayor Brown reported attendance at the Disaster Council and Sonoma Valley Fire and Rescue Authority meetings.

Item 10B: Final Councilmembers' Remarks.

Clm. Gallian said thank you to all the Veterans and invited all to the Memorial Day Observance on May 27.

11. COMMENTS FROM THE PUBLIC

Anthony Fernandez left his contact information with the City Clerk.

12. ADJOURNMENT

The meeting was adjourned at 7: 09 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the ___day of _____ 2013.

Gay Johann, MMC
City Clerk/Assistant to the City Manager



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Request by Congregation Shir Shalom for City-subsidized use of the Sonoma Valley Veterans Memorial Building on October 27, 2013.

Summary

In 1991, the City entered into a Development and Use Agreement with Sonoma County to undertake a major renovation of the Sonoma Valley Veterans Memorial Building. The agreement also provided that the City would pay the County \$10,000 annually to offset operational expenses and in return the City would be allowed use of the facility up to twenty times per fiscal year. Through the years, the City developed a program whereby many, if not all, the City's allocated days were assigned to local students and non-profit or charitable organizations. In June 2010, the City Council approved a three-year extension of the agreement that will expire June 30, 2013.

On December 4, 2012 Congregation Shir Shalom submitted a request for City-subsidized use of the Veteran's Building on October 27, 2013 for their 4th Annual Jewish Winemakers Tasting and Nosh. Their request was placed on a waiting list at that time there were no subsidies available.

Staff was just informed by the County that one of the rent subsidies previously granted had gone unused due to the cancellation of an event and that there was still one available. Congregation Shir Shalom was first on the rent subsidy waiting list. If this request is approved, the City will have no rent-subsidized days remaining for the fiscal year ending June 30, 2013.

Recommended Council Action

Approve the request subject to applicant's compliance with the City's standard insurance requirements.

Alternative Actions

- 1) Delay action pending receipt of additional information.
 - 2) Deny the request.
-

Financial Impact

The City pays \$10,000 annually to the County in return for the use of the Veteran's Building for twenty days throughout the year. The value of each City-subsidized day provided to an outside organization is \$500.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Request from Maddy Leader.

Gay Johann

From: Maddy <maddy@maddyleader.com>
Sent: Tuesday, December 04, 2012 12:09 PM
To: Gay Johann
Cc: 'Ross Kaplan'; tkaplan@comcast.net; Avram Goldman
Subject: Jewish Winemakers Tasting and Nosh

Hi Gay,

We have chosen Sunday, October 27, 2013 for our 4th Annual Jewish Winemakers Tasting and Nosh. We have the date booked with the Veterans Building, and we are hoping to have the City Council help us with the “free day”.

Please let me know if there is anything else you need to know.

Thank you so much for your assistance, and our event has attracted the community at large.

Have a wonderful holiday season.

Best,

Maddy Leader

*2nd Vice President Congregation Shir Shalom
Jewish Winemakers Tasting and Nosh Committee
maddy@maddyleader.com
(707) 938-7099*



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 05/20/2013

Department

Administration

Staff Contact

Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Adoption of a Resolution urging the State to assert its right to continue to lease the water bottoms in Drakes Estero for shellfish cultivation. [Requested by Mayor Brown & Mayor Pro Tem Rouse]

Summary

Mayor Brown brought this item forward at the request of constituent Yannick Phillips.

Recommended Council Action

Adopt the resolution.

Alternative Actions

Council discretion.

Financial Impact

None.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Resolution

Backup information provided by Ms. Phillips

cc: Yannick Phillips via email

CITY OF SONOMA

RESOLUTION NO. __ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA SUPPORTING THE STATE OF CALIFORNIA'S RIGHTS OVER OYSTER CULTIVATION

WHEREAS, oyster farming in Drakes Estero, located in Pt. Reyes, Marin County, has been part of the region's history for nearly 100 years; and

WHEREAS, Drakes Bay Oyster Farm employs 30 community members, and farms sustainably in Drakes Estero, producing 40-50% of all oysters in California, which includes supplying our Sonoma restaurants and other local venues (example: firemen community functions, local fundraiser events) with an important food source. The Lunny family, who owns and manages the oyster farm, works hard to participate in keeping the agricultural economic system in West Marin alive. The family members are respected stewards of the land in their community and represent the best in environmental protection, small business, local jobs and history; and

WHEREAS, the State of California, acting through the constitutionally-established Fish and Game Commission, has leased the tidelands within the Point Reyes National Seashore for shellfish cultivation since 1934; and

WHEREAS, the California Legislature retained the State's fishing in Drakes Estero when it transferred the tidelands within the Point Reyes National Seashore to the United States in 1965; and

WHEREAS, in June 2004 the California Fish and Game Commission authorized a 25 year extension of the lease for shellfish cultivation in Drakes Estero until 2029; and

WHEREAS, when the Johnson Oyster Company sold the land and facilities on the shore of Drakes Estero to the United States in 1972 it retained a 40-year "reservation of use and occupancy for an acre and a half of the land on the shore of Drakes Estero, which expired in November 2012, but could be renewed "that such permit will run concurrently with and will terminate upon the expiration of State water bottom allotments assigned to the Vendor" (Lunny family); and

WHEREAS, according to the United States National Oceanic and Atmospheric Agency, the environmental benefits of shellfish cultivation include providing habitat for endangered and threatened species; species recovery; cleaner water and nutrient removal; and shoreline protection; and

WHEREAS, Congress authorized the Secretary of the Interior to grant the current owner of the oyster farm, the Drakes Bay Oyster Farm, a permit to continue to use and occupy the onshore facilities on the same terms as the existing permit except that the Secretary was given discretion to amend the terms of the current permit to reflect recommendations of the National Academy of Sciences; and

WHEREAS, a 2009 National Academy of Sciences review of National Park Service studies on the impact of shellfish cultivation on the ecology of Drakes Estero “selectively presented, over-interpreted, or misrepresented the available scientific information on potential impacts of the oyster mariculture operation;” and

WHEREAS, in 2010 the National Park Service said that it was required to conduct environmental review of the impact of granting the permit and invited public comment both during the scoping stage and on a draft environmental impact statement; and

WHEREAS, a 2012 review by a Committee of the National Academy of Sciences of the science in the draft environmental impact report concluded that “because of a limited amount of information on effects of oyster farming in Drakes Estero, the conclusions regarding the impacts projected for seven of eight categories are associated with moderate to high levels of uncertainty, and, for many of those categories, an equally reasonable alternate conclusion of a lower impact intensity could be reached”; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sonoma

1. Requests Assembly Member Marc Levine, Chair of the Select Agriculture and Environment Committee, to urge the State of California to assert its rights to continue to lease the water bottoms in Drakes Estero for shellfish cultivation which would include giving support to the Fish and Game Commission in its full jurisdiction; and

2. Request Congressman Jared Huffman to support a bi-partisan Congressional investigation by the appropriate House Committee of Natural Resources which he is a member of, into the questionable science that informed Secretary Salazar’s decision not to grant the Oyster Farm a permit for the facilities onshore Drakes Estero; and

3. Commends and lends its support of Drakes Bay Oyster Farm in its heroic efforts to seek a permit to continue to utilize the onshore facilities and thus to preserve the last oyster cannery in California and the many jobs it provides for women, in particular, maintaining the environmental and agricultural stewardship which presents an exemplary template of harmonious co-existence of sustainable agriculture and wilderness.

ADOPTED this ___ day of _____, 2013 by the following vote:

AYES:
NOES:
ABSENT:

Ken Brown, Mayor

ATTEST:

Gay Johann, City Clerk

Dear City of Sonoma Mayor and City Council members,

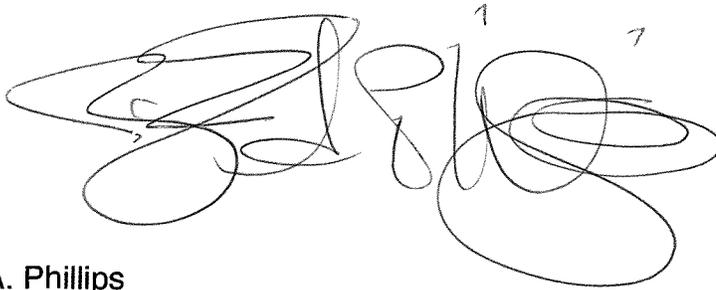
There is much speculation on the legitimacy of the continuation of Drakes Bay Oyster Farm. Instead of providing more speculation, I've tried to provide you will facts and documentation.

I've printed many documents for you and I hope you will find some time to read through them, but one is very long (Amicus Brief) and I will send to Gay electronically for her to pass along to all of you.

We hope you will be honest with your questions on June 3rd. We hope we can answer all of them.

Thank you for giving a sustainable farm much consideration; It is one of our California gems.

Warmly,

A handwritten signature in black ink, appearing to read 'Yannick A. Phillips'. The signature is highly stylized and cursive, with several loops and flourishes. There are two small, handwritten numbers '7' above the signature, one above the 'P' and one above the 'S'.

Yannick A. Phillips
1492 Nut Tree Lane
Sonoma, Ca.
707-933-0312

SENT TO:-
ATTORNEY GENERAL
KAMALA HARRIS

MEMORANDUM

February 22, 2013

To: Save Our Shellfish, a Coalition
From: Judy Teichman, Esq., judyteichman@gmail.com
Subject: Federal Claims to State's Leasing Rights in Drakes Estero Water Bottoms

Introduction:

Drakes Estero is located within the boundaries of the Point Reyes National Seashore, which was established by Congress in 1962. When the California Legislature granted the tidelands in the Seashore to the United States in 1965, the Legislature retained the State's fishing and mineral rights, including the continuing right to lease the water bottoms in Drakes Estero for commercial shellfish cultivation. The State has leased the Drakes Estero water bottoms for shellfish cultivation continuously since 1934.

When Charley Johnson, former owner of the oyster farm in Drakes Estero [JOC], sold the onshore fee land to the United States in 1972, he retained a 40-year "reservation of use and occupancy" [RUO] for an acre and a half of the land:

. . . for the purpose of processing and selling wholesale and retail oysters, seafood and complimentary food items, the interpretation of oyster cultivation to the visiting public, and residential purposes reasonably incidental thereto

That retained right of use expired on November 30, 2012. In a November 29, 2012 Order denying the Drakes Bay Oyster Company [DBOC] a permit to continue to occupy the facilities onshore Drakes Estero, U.S. Department of the Interior Ken Salazar assumed that the National Park Service [NPS] has jurisdiction over shellfish cultivation in Drakes Estero and directed DBOC to "remove its personal property, including shellfish and racks." Salazar further directed that "[n]o commercial activities may take place in the waters of Drakes Estero after November 30, 2012." That date was subsequently delayed to February 28, 2013.

Secretary Salazar's Order is ultra vires insofar as it orders that commercial shellfish cultivation in Drakes Estero cease and includes terms that directly impact the State's lessee, i.e., directs DBOC to remove the shellfish and racks. If Secretary Salazar's Order directing that shellfish cultivation in Drakes Estero cease is allowed to stand, the loss of shellfish cultivated in Drakes Estero will have a serious negative impact on the shellfish

industry in California and on the many San Francisco Bay Area restaurants that feature locally and sustainably raised food.

Importance of Shellfish Cultivation in Drakes Estero:

California is second only to the State of Washington in shellfish production on the West Coast. Almost 40% of the oysters grown in California and 50% of the Marin County produced oysters are grown in Drakes Estero. The Drakes Estero water bottoms are 55% of the water bottoms in the State of California that are leased for shellfish cultivation and 85% of the shellfish growing area in Marin County and the San Francisco Bay Area. Shellfish produced in Drakes Estero play an important role in the local, regional and statewide economy, and there are no options for relocating these oyster beds in California.

Shellfish raised in Drakes Estero are only a few minutes or hours from market and consumption. If oysters are no longer raised in Drakes Estero, shellfish imported to fill the gap will travel great distances, e.g., from China, Korea and uncertain locations of origin, increasing the chances for food safety problems, poor quality and product contamination as well as adding to the carbon footprint associated with their transportation. Importing shellfish to replace those now grown in Drakes Estero will defeat the principle of local sustainable farm production and food security.

State Retained Right to Lease Water Bottoms for Shellfish Cultivation:

The contemporaneous and long-standing interpretation of the scope of the fishing rights retained by the State in 1965 by government officials and administrators at the time and through the years is well documented and controlling in this instance.

At the request of the Seashore Superintendent, State Assemblyman William Bagley authored a bill in 1965 transferring title to the Seashore tidelands to the United States but reserving fishing and mineral rights. In a June 25, 1965 Memorandum to Governor Edmund G. Brown, the State Director of Finance, Hale Champion, noted that the bill retained the State's fishing and mineral rights and advised, "[t]his bill has no financial effect on the State of California." If the retained fishing rights did not include the right to continue to lease the Drakes Estero water bottoms for shellfish cultivation, there would have been a loss of revenue and the bill would have had a financial impact on the State.

In 1965-1966 correspondence between the Seashore Superintendent, Charley Johnson and the California Fish and Game Department [CDFG] Director, it was agreed that the fishing rights retained by the State included the right to continue to lease the submerged lands for shellfish cultivation. Copies of these letters were sent to Assemblyman Bagley and Deputy State Attorney General Ralph Scott, advisor to the Fish and Game Department and Commission. Assemblyman Bagley recently retrieved copies of the letters from the Bancroft Library archives. They are attached to the Declaration of William Bagley, Exhibit C to the August 11, 2011 letter from Burton, Bagley and McCloskey to Secretary Salazar, Attachment 1 hereto.

In a December 12, 1973 letter to DOI Secretary Rogers Morton, Acting U.S. Attorney General Robert H. Bork approved JOC's 1972 Deed of the onshore property to the United States subject to the "rights and easements" contained in it. The paragraph with the 40-year RUO provided that the "Vendor" could be granted a permit to continue to utilize the onshore property so long as the Vendor had a State's lease for shellfish cultivation in Drakes Estero. In approving the Deed with its reference to the State's leases for shellfish cultivation, the Attorney General implicitly agreed with the established understanding that the State's retained fishing rights include the right to continue to lease the Drakes Estero water bottoms for shellfish cultivation.¹

The understanding of federal administrators that the State retained the right to continue to lease the Drakes Estero water bottoms for shellfish cultivation was confirmed in the Department of the Interior's 1974 EIS on the Proposed Point Reyes Wilderness Area:

This is the only oyster farm in the seashore. *Control of the lease from the California Department of Fish and Game, with presumed renewal indefinitely, is within the rights reserved by the State* in these submerged lands The existence of the oyster-farm operation renders the estero unsuitable for wilderness classification at present, and *there is no foreseeable termination of this condition.* [Emphasis added.]

Consistent with recognizing the State's continuing right to grant leases for shellfish cultivation in Drakes Estero while ensuring that the Estero would be managed as "wilderness" to the extent feasible, Congress designated a portion of Drakes Estero "potential wilderness" in the 1976 Point Reyes Wilderness Act.

Under California Constitution Article IV, Section 20, the Fish and Game Commission is the *only* body to which the California Legislature may delegate policy making authority. 17 Ops. Cal. Atty. Gen. 72, at 78 (February 20, 1951). Again, consistent with the contemporaneous and long-standing interpretation of the scope of the State's retained fishing rights, in 1979 and 2004 the California Fish and Game Commission found it "in the public interest" to renew the State leases for shellfish cultivation in Drakes Estero for 25 years. The most recent examples of the State's assertion of the right to lease the Drakes Estero water bottoms are:

- The Fish and Game Commission designating Drakes Estero a "State Marine Conservation Area," in 2010. Regulations implementing the California Marine

¹ The 1972 JOC deed and A.G.'s Letter are available on the Seashore website: www.nps.gov/pore/parkmgmt/upload/planning_dboc_sup_background_ruo_1972.pdf

Life Protection Act prohibit the cultivation of oysters in Drakes Estero without a valid state water bottom lease.

- A July 11, 2012 Fish and Game Commission letter to Secretary Ken Salazar asserting the State’s continuing right to lease the Drakes Estero water bottoms:

The Commission, in the proper exercise of its jurisdiction . . . has clearly authorized shellfish cultivation in Drakes Estero through at least 2029 through the lease granted to Drakes Bay Oyster Company. The Commission will continue to regulate and manage oyster aquaculture in Drakes Estero pursuant to State law [Attachment 2]

- An October 10, 2012 letter from the current Director of the Fish and Game [now Wildlife] Department to the Seashore Superintendent noting that the agencies “have worked together for 47 years . . . to allow continued aquaculture operations in Drakes Estero.” The Director observes that correspondence between the two agencies reflects that they originally “believed that the State’s reservation of fishing rights included the right to lease the bottomlands at Drakes Estero indefinitely for shellfish cultivation.” As did the Commission in its July letter to the Seashore Superintendent, the Director affirmed that “[t]he current state issued water bottom lease with Drakes Bay Oyster Company extends to 2029.” [Attachment 3]

Letters with later dates than the foregoing were included in the Final EIS produced on the DBOC requested permit to continue to occupy the facilities onshore Drakes Estero. However, neither of the foregoing letters referring to the State’s retained leasing rights and leases were included or even referenced in the Final EIS on the DBOC request.

Contemporaneous and long-standing interpretations of the “fishing rights” retained in the 1965 Act establish beyond a doubt that the State’s retained fishing rights include the right to lease the Estero water bottoms for shellfish cultivation. For the weight given contemporaneous and long standing interpretations of legislation in California, see City of Los Angeles v. Rancho Homes, Inc. (April 1953) 40 Cal.2d 764 in which the California Supreme Court upheld the long-standing administration of a tax law by a city clerk, saying, at 771:

. . . the contemporaneous administrative construction of the enactment by those charged with its enforcement and interpretation is entitled to great weight, and *courts generally will not depart from such construction unless it is clearly erroneous or unauthorized.* [Citations omitted, emphasis added.]

Salazar’s Order Based on Inaccurate and Misleading DOI Field Solicitor Advice :

Secretary Salazar said the continued operation of DBOC would violate policies concerning commercial uses within the NPS system “and nonconforming uses within potential or designated wilderness, as well as specific wilderness legislation for Point Reyes National Seashore.” The Order appears to be based on a Field Solicitor’s 2004 Memorandum advising that NPS is “mandated” by wilderness laws, including the 1976 Point Reyes Wilderness Act:

... to convert potential wilderness, i.e., the Johnson Oyster Company tract and the adjoining Estero, to wilderness status as soon as the non conforming use can be eliminated. [Emphasis added]

The Field Solicitor’s advice is both factually and legally inaccurate. As pointed out above, the Johnson Oyster Company “tract” referenced in the Field Solicitor’s February 26, 2004 Memorandum is an acre and a half on the shores of Drakes Estero. It is in an area of the Seashore that is not designated wilderness or potential wilderness. And JOC cultivated shellfish in the “adjoining Estero” pursuant to leases granted by the *State* for shellfish cultivation, not the NPS.

The Field Solicitor erroneously assumed that Congress had the power to terminate the State’s right to lease the water bottoms for shellfish cultivation, a form of easement on the Drakes Estero tidelands. He dismissed a 1976 letter from Assistant DOI Secretary John Kyl to the Chair of the House Committee on Interior and Insular Affairs saying that DOI did not recommend that Drakes Estero be designated a wilderness area because the State’s retained fishing and mineral rights were “inconsistent with wilderness.” Despite the fact that Congress could not unilaterally terminate the State’s property right, the Field Solicitor said Kyl’s letter was overridden by Congress’ designation of a portion of Drakes Estero as “potential wilderness.”

The Field Solicitor’s advice is as misleading and false as the NPS “science” decried by Senator Dianne Feinstein in the May 22, 2012 letter to the California Fish and Game Commission. [Attachment 4]

Misguided 2007 and 2008 Fish and Game Department Letters and Interpretation of State Fish and Game Code:

In conducting environmental review of the DBOC request for a permit to continue to utilize the onshore facilities, NPS claimed that the fishing rights retained by the State Legislature in 1965 were limited to “wild fishing.” NPS cited misguided 2007 and 2008 letters from the Director of the CDFG to the Seashore Superintendent and State Assembly Member Huffman respectively.

The CDFG letters were written in the context of public accusations by the Seashore Superintendent that DBOC was criminally harming eelgrass and harbor seals in Drakes Estero. While two National Academy of Sciences reports (2009 and 2011) have since established that the claims of harm were unfounded, in this context the CDFG Director concluded that the Seashore, rather than the State, has “primary management authority” over DBOC’s mariculture operation in Drakes Estero. NPS relied on these letters despite challenges to them in Comments on the Draft EIS prepared on the requested permit.

NPS primarily relied on the CDFG Director’s statement in the May 15, 2007 letter that:

. . . fishing involves the take of public trust resources and is therefore distinct from aquaculture, which is an agricultural activity involving the cultivation and harvest of private property.

In addition to being contrary to the contemporaneous and long-standing interpretation of the scope of the fishing rights retained in the 1965 Act, the Director’s statement that shellfish cannot be a public trust resource because the product is recognized as “private property” is not supported by California case law. In order to encourage shellfish cultivation, the State must provide protection for the proprietary interests of shellfish cultivators. State legislatures and courts around the country have recognized this purpose behind leases for shellfish cultivation for centuries. More particularly, the California Supreme Court in Darbee and Immel Oyster and Land Company v. Pacific Oyster Company (1907), 150 Cal. 392 at 394-395, cited with approval Phipps v. State of Maryland (1864), 22 Md. 380, at 388:

“ . . . The power of the Legislature to authorize the erection of wharves, and the reclamation of land from the water, for the purpose of encouraging navigation and commerce, has never been questioned, notwithstanding the effect has been to confer privileges and advantages wholly private and exclusive in their character. And there appears to be no substantial reason why it may not, in like manner, grant privileges affording particular and exclusive benefits, for the purpose of increasing generally the product and value of the common right of fishery. . . .” [Emphasis added.]

California Fish and Game Code Section 45 defines “fish” as “wild fish, mollusks, crustaceans, invertebrates, or amphibians.” In support of their claim that the State’s retained rights do not include shellfish cultivation, NPS says cultivated mollusks are not “fish” for purposes of the 1965 Act because “wild” modifies all of the species that follow “wild fish” in the State’s definition of “fish”.² This interpretation makes no sense in a Code that sets out the terms on which shellfish are cultivated in California. It is also

² For example, see page 6 of the Draft EIS, which is available on the Seashore’s website.

inconsistent with a contrary interpretation implicit in an Attorney General's Opinion written by Deputy Attorney General Ralph Scott three months after the Governor signed the 1965 bill transferring ownership of the Seashore tidelands to the United States. The issue in that instance was whether the 25-year limitation on leases for shellfish cultivation applied to allotments made prior to the effective date of a 1955 amendment to the Fish and Game Code. 65 Ops.Cal.Atty.Gen. 68, at 69-70 (September 30, 1965).

Nothing cited or said in the 2007 and 2008 CDFG Director letters or the California Fish and Game Code warrants ignoring or overturning the contemporaneous and long-standing interpretation of the 1965 Act. See also Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization, 22 Cal.3d 208 (1978) [administrative construction of Prop 13] and State of South Dakota v. Brown 20 Cal. 3d 765 (March 1978) [long-standing interpretation of the extradition powers and duties of the Governor].

Equitable Estoppel Bar to Effort to Extinguish State's Retained Fishing Rights:

While DOI and NPS efforts to assert the right to force closure of shellfish cultivation in Drakes Estero may be enterprising, they do not change the fact that shellfish from Drakes Estero are an integral and important part of the Bay Area's world famous local sustainable agriculture and food industry. This industry has grown over the 50 years since the Seashore was established. Closing down Drakes Estero as a source of fresh, sustainable raised shellfish would wreak havoc with this industry.

Under these circumstances equitable estoppel could be applied to prevent the NPS from asserting the right to close down shellfish cultivation in Drakes Estero. While the general rule is that equitable estoppel cannot be used against a government agency acting in its sovereign capacity, equitable estoppel can be applied when government is acting in a proprietary capacity. And if it can be applied when government is acting in a proprietary capacity, it will surely be applied against the United States in the instant situation, where the issue is the scope of the property rights of a donee – not even a purchaser – of California's tidelands.

Conclusion:

Since 1965, the State and the Department of the Interior by a contemporaneous exchange of letters, by ongoing federal acknowledgment, and by 50 years of usage, have delineated the specific rights of the parties as applied to Drakes Estero. Those water bottom rights are property rights of the State established in law and should be protected.

Attachments:

#1: August 11, 2011 letter from Bagley, Burton and McCloskey to Salazar with Exhibit C, Bagley Declaration and Exhibits.

#2: Fish and Game Commission 7/11/12 letter to DOI Secretary Ken Salazar.

#3: Fish and Game Department 10/10/12 letter to Seashore Superintendent Muldoon.

#4: Senator Dianne Feinstein's May 22, 2012 letter to the Fish and Game Commission.

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August 11, 2011

Secretary Ken Salazar
Department of the Interior
1839 C Street, NW
Washington, D.C. 20240

RECEIVED AT

APR 12 2012

COMMISSION MEETING
AGENDA ITEM 24

Former Congressman Pete McCloskey

Re: Continuance of a Permit in Drakes Estero, Point Reyes National Seashore for the Drakes Bay Oyster Company

Dear Mr. Secretary:

We write to recommend that you exercise your discretion to grant a Special Use Permit for the continuance of the Drakes Bay Oyster Company in the Point Reyes National Seashore when its present Reservation of Use and Occupancy expires in November, 2012.

We write as three former Northern California legislators who were personally involved in either the transfer of state tidal lands in 1965 to the Park Service, the necessary additional \$35 million funding authorized in 1969 to acquire the 20,000 acres of ranches for the Park's pastoral zone, or the 1976 Wilderness Act which assigned a portion of the Park to wilderness, but retained the 20,000 acres of ranchlands to be operated by lease to private ranchers and the oyster farm to continue to operate as a "prior, non-conforming use."

As you know this has been a controversial issue since April, 2007 when Superintendent Don Neubacher and a senior Park Service scientist accused the oyster operator of endangering the seal population in the Park. The charges were subsequently determined to be false by the Department of Interior in 2008 and by a National Academy of Sciences panel in 2009. Not until 2010, did the Service release three years of logs and daily photographs secretly taken of the seal pupping areas which disclosed that kayakers and others than the oyster operators were the primary cause of seal disturbances.

For some ten weeks we have been talking to leaders on both sides of the controversy and examining the documents, particularly with regard to the environmental issues and the legislative history of the Seashore. The Seashore is somewhat unique in the National Park System in that from the beginning, it was intended to have a considerable part of its area, consisting of the historic scenic ranches being leased back to their owners, and to retain an oyster farm and California's only oyster cannery in the Drakes Estero. The Estero sits in the middle of those 20,000 acres of ranches designated as a pastoral zone; the oyster plant and cannery on the shores of Drakes Estero are in that pastoral zone.

Point Reyes National Seashore was created in 1962 through the leadership of three remarkable men, Congressman Clem Miller, Secretary of Interior Stuart Udall, and Park Director Conrad Wirth.

Wirth's words to the Congress and to the people of Marin County in 1961 were specific:

“EXISTING COMMERCIAL OYSTER BEDS AND THE OYSTER CANNERY AT DRAKES ESTERO.....SHOULD CONTINUE UNDER NATIONAL SEASHORE STATUS BECAUSE OF THEIR PUBLIC VALUES. THE CULTURE OF OYSTERS IS AN INTERESTING AND UNIQUE INDUSTRY WHICH PRESENTS EXCEPTIONAL EDUCATIONAL OPPORTUNITIES FOR INTRODUCING THE PUBLIC, ESPECIALLY STUDENTS, TO THE FIELD OF MARINE BIOLOGY.”

In 1965, Assemblyman William Bagley, at the request of the Park Service, caused to be enacted A.B. 1024, conveying the State of California's tidelands and bottomlands within the Seashore to the Park Service, reserving however the fishing rights which then included shell fishing rights, traditionally leased by the state for oyster production.

Then in 1969, when the initial appropriation of \$19 million became exhausted, with the threat of subdivision hanging over the Seashore, a second term Congressman was able to convince a reluctant Nixon White House to grant an additional \$35 million to purchase the remaining ranch lands, which were to be continued to be operated in the 20,000 pastoral zone surrounding the Estero.

In 1972, the late Congressman Phil Burton gave the Bay Area the priceless gift of the Golden Gate National Recreation Area (GGNRA) situated just south of Point Reyes.

In 1974, Congressman John Burton and Senator John Tunney introduced bills to designate a portion of the Seashore as wilderness. Department of Interior Secretary Jon Kyl pointed out that the State of California had reserved fishing rights in the submerged lands, which was inconsistent with the submerged lands qualifying as pure wilderness. The bills were amended to add 8,000 acres surrounding and including Drakes Estero as potential wilderness. Both Congressman Burton and Senator Tunney testified that the oyster farm was intended to continue as a prior, non-conforming use within the potential wilderness area.

BURTON: “THERE ARE TWO AREAS PROPOSED FOR WILDERNESS WHICH MAY INCLUDED AS WILDERNESS WITH ‘PRIOR, NON-CONFORMING USE.’ ONE IS DRAKES ESTERO WHERE THERE IS A COMMERCIAL OYSTER FARM.”

TUNNEY: “ESTABLISHED PRIVATE RIGHTS OF LANDOWNERS AND LEASEHOLDERS WILL CONTINUE TO BE RESPECTED AND PROTECTED. THE EXISTING AGRICULTURAL AND AQUACULTURAL USES CAN CONTINUE.”

Prior to the passage of the Act, both the Citizens' Advisory Commission of the GGNRA and the Sierra Club also concluded, and so recommended that the oyster farm and cannery could continue as a prior, non-conforming use.

For your convenience, we have attached the precise words of Park Director Wirth in 1961, and the words of the principals approving the continuation of the oyster farm at the time of the 1976 Wilderness Act as Exhibit A. Relevant excerpts from the California Bancroft Library's historical essay, SAVING POINT REYES NATIONAL SEASHORE, 1969-70, are attached as Exhibit B, and the affidavit of Assemblyman Bagley, with related documents attached as Exhibit C.

We think you will find the words of former Assistant Secretary Nathaniel Reed (last page of Exhibit A) of particular significance.

In our inquiries we have identified three opposing views held by honorable people, all of whom, however, have forgotten or want to set aside as no longer applicable, the commitments made in 1962 and particularly their own words and those of Senator Tunney, Congressman Burton and Assistant Secretary Reed regarding the preservation of the oyster farm as a non-conforming use in 1976/1975.

Former State Secretary of Resources Huey Johnson argues that all private operations in National Parks should be eliminated. Another group center on the single sentence in the House Committee Report accompanying the 1976 Act, setting forth the expectancy that non-conforming uses will be removed with all due speed. A third view is held that whenever there is a chance to add additional "pure" wilderness, for use only by kayakers, canoeists and hikers, the opportunity should be seized.

We have weighed these views, but believe that they are far less compelling than the commitments made back in 1976 and earlier. We are satisfied after hearing from several leading scientists outside the Service, and from the report of the National Academy of Sciences panel requested by Senator Feinstein that the 77 years of operation of the oyster farm has not endangered the local seal or bird life populations. The cannery is perhaps visited by more school children and other visitors than any other spot in the Park. The Academy of Sciences panel, in addition to finding that there was no substantial evidence of any danger to the seal population, has pointed out that the oyster farm serves as a wonderful basis for future research. Finally, producing 80% of the Bay Area's oysters, over 440,000 pounds annually, for human consumption, it meets the Commerce Department's new emphasis on local mariculture.

Each of us agreed some weeks ago that we would not make this recommendation to you if we found that the oyster farm represented any significant danger to the Estero's environment, its seal population or its bird life. It's only drawback seems to be that kayakers, canoeist and hikers will see some 140 acres of the 2,200 acre Estero covered with oyster racks and bags at low tide when they go out to see the seals and wildlife.

Commissioners
Daniel W. Richards, President
 Upland
Michael Sutton, Vice President
 Monterey
Jim Kellogg, Member
 Discovery Bay
Richard Rogers, Member
 Santa Barbara
Jack Baylis, Member
 Los Angeles

STATE OF CALIFORNIA
 Edmund G. Brown Jr., Governor

Fish and Game Commission

Sonke Mastrup, Executive Director
 1416 Ninth Street, Room 1320
 Sacramento, CA 95814
 (916) 653-4899
 (916) 653-5040 Fax
 www.fgc.ca.gov



July 11, 2012

Secretary Salazar
 Department of the Interior
 1849 C Street, N.W.
 Washington, DC 20240

Dear Secretary Salazar:

Subject: Drakes Bay Oyster Company

The California Fish and Game Commission, at its May 23, 2012 meeting, requested a letter be sent to interested parties regarding its position on the continued operation of Drakes Bay Oyster farm in Drakes Estero. To that end, let it be known that:

The Commission, in the proper exercise of its jurisdiction, supports and continues to support the agricultural business of aquaculture, and to that end, has clearly authorized the shellfish cultivation in Drakes Estero through at least 2029 through the lease granted to Drakes Bay Oyster Company. The Commission will continue to regulate and manage oyster aquaculture in Drakes Estero pursuant to state law. In this context, the Commission expresses its desire that the cultivation of oysters in Drakes Estero be recognized by the National Park Service as a valuable resource to the public and to the economy within the Point Reyes National Seashore. The Commission respectfully requests that, to the degree possible and consistent with the National Park Service's obligations to carry out federal law in cooperation with the State of California, the National Park Service grant the Drakes Bay Oyster Company all necessary onshore permits to continue shellfish cultivation operations within and in accordance with the Commission water bottom lease granted to that Company.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sonke Mastrup".

Sonke Mastrup
 Executive Director

cc: Senator Dianne Feinstein
 One Post Street, Suite 2450
 San Francisco, CA 94104

July 11, 2012

Page 2 of 2

California Governor Edmund Brown Jr.
California State Capitol
State Capitol
Sacramento, CA 95814

Secretary John Laird
California Natural Resources Agency
1416 Ninth Street, 13th Floor
Sacramento, CA 95814

Superintendent Cicely Muldoon
Brannon Ketcham, Hydrologist
National Park Service
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

Chuck Bonham, Director
Department of Fish and Game
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

#3



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND GAME
1416 9th Street
Sacramento, CA 95814
<http://www.dfg.ca.gov>

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



October 10, 2012

Superintendent Cicely Muldoon
National Park Service
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

Dear Ms. Muldoon:

I am writing to encourage continued cooperation between the National Park Service, the California Department of Fish and Game ("Department"), and Drakes Bay Oyster Company, as renewal of the Special Use Permit for the Drakes Bay Oyster Company is considered.

The state and federal government have worked together for 47 years—since the State originally conveyed the bottom lands in Drakes Estero to the United States in 1965—to allow continued aquaculture operations in Drakes Estero. Correspondence between our agencies shortly after the conveyance strongly suggests that our agencies then believed that the State's reservation of fishing rights included the right to lease the bottom lands at Drakes Estero indefinitely for shellfish cultivation.

For almost five decades, the State has supported aquaculture in Drakes Estero. It has done so by regulating the Drakes Bay Oyster Company on an ongoing basis, by renewing the water bottom leases in 1979 and 2004, and by authorizing aquaculture in 2010 when establishing the Drakes Estero State Marine Conservation Area. Regulations implementing the California Marine Life Protection Act prohibit the cultivation of oysters in Drakes Estero without a valid state water bottom lease. The current state issued water bottom lease with Drakes Bay Oyster Company extends to 2029.

It is also important to recognize that California now is second only to Washington in shellfish production on the west coast and that Drakes Bay Oyster Company represents 55% of the water bottoms leased and 40% of the oysters cultivated in the state.

The continued cooperation between Drakes Bay Oyster Company, the National Park Service and the California Department of Fish and Game will benefit the environment, the community, and the local economy, consistent with our agencies' unique history of managing this property. Please contact me at 916.653.7667 if you have any questions or would like to discuss this matter.

Sincerely,

Charlton H. Bonham
Director

cc: Senator Dianne Feinstein



CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Approval of the portions of the Minutes of the May 20, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

See Agenda Item 5B for the minutes



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 06/03/2013

Department Administration	Staff Contact Carol E. Giovanatto, City Manager
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Agenda Item Title

Discussion, consideration and possible adoption of a resolution establishing procedures pertaining to appointments to City boards and commissions.

Summary

Towards the end of 2012 during Council discussions related to an appointment to the Planning Commission, certain issues arose pertaining to the commission appointment process that would benefit from further clarification. Two issues in particular included: 1) the appointment of commission alternates; and 2) the use of a Council subcommittee to conduct applicant interviews.

Staff used Resolution No. 77-2002 which “established guidelines pertaining to expired terms and reappointments to City boards and commissions” as a starting point and has added sections pertaining to the appointment of commission alternates, the recruitment process, and the Council subcommittee which conducts applicant interviews based upon the current practices that are in place.

The attached resolution accomplishes the following:

1. It retains the existing concept that the appointment of alternates to fill a vacancy is not automatic, but discretionary with the mayor (more on this issue, below). But even the mayor’s nomination of an alternate is subject to ratification by the council.
2. It continues the policy of authorizing the mayor to nominate candidates for vacant/open positions, subject to ratification by the council. This policy is not mandated by state law. Only in cities where the mayor is directly elected is the mayor vested with the power to nominate appointees, subject to ratification by the council. This procedure means, then, that only the mayor may nominate candidates to fill open/vacant positions. Individual councilmembers are divested of this opportunity to make nominations – an opportunity that they otherwise possess under state law. In order to change this policy, the Sonoma Municipal Code will need to be amended.
3. It makes the appointment process somewhat more transparent, at least to the council. These provisions represent changes from existing practice. They include: (a) the City Clerk is required to give the mayor *and* councilmembers notice of the expiration of a commissioner’s term of office; and (b) a mayor’s determination that she/he will not consider re-appointing an incumbent must be noticed to the other councilmembers. It retains the existing practice of permitting the mayor to unilaterally determine that an incumbent will not be re-appointed and unilaterally determine that the existing applications on file are sufficient (or not) to choose from and that advertising the opening/vacancy is unnecessary (or necessary).
4. It offers two approaches to the interview process. One approach retains the existing practice of authorizing the mayor to appoint one other councilmember to join the mayor in interviewing the candidates, with the joint recommendation of this subcommittee forming the basis for the mayor’s nomination. The resolution changes the existing practice by mandating that the interviews be conducted by two councilmembers in attendance. This approach does not provide the three councilmembers who are not involved in the interviews the benefit of the information gleaned during

the interviews, and leaves each of these three councilmembers to their own devices in terms of reviewing the applications and discovering what information they can about the eligible candidates.

The second approach does away with the subcommittee concept entirely, and gives to the full council the opportunity and right to interview all candidates (either those who applied during the advertising period or those whose applications on file the mayor has already determined to be numerically or otherwise sufficient). These interviews by the entire council are envisioned to take place during the public portion of an agendized council meeting, at the conclusion of which the mayor is empowered to make his/her nominations which must be ratified by the council to be effective. The attached resolution outlines several actions that can be taken at the close of the council interviews in an attempt to anticipate possible scenarios and set forth the steps that must be taken in the event any of the scenarios actually plays out.

Another part of the previous Council discussions related to the issue of whether the appointment of a commission alternate should be automatic instead of at the discretion of the Mayor. In addition, since the initial preparation of this staff report and the attached resolution, Councilmember Barbose received communication from Gerry Simmel (and proposed amendments to the Municipal Code) regarding the residency requirement for alternates and Councilmember Barbose has requested Council consideration of:

1. Whether a vacancy on a commission for which there is an alternate is automatically filled by the alternate if he or she is willing to be appointed, provided that it does not result in the filling of an out of city commissioner seat with a city resident and the alternate has adequately discharged his or her duties as an alternate.

2. Whether the Council should adopt the amendment to the Sonoma Municipal Code suggested by Mr. Simmel or other appropriate amendment to implement the decision reached by Council on #1 above. Making the appointment of an alternate automatic would require an amendment to the Municipal Code. Should Council desire to make any changes to the appointment of alternates it could direct staff to prepare an ordinance enacting the change or changes for future Council consideration.

Recommended Council Action

Adopt the Resolution entitled A Resolution of the City Council of the City of Sonoma Establishing Guidelines Pertaining to Appointments to City Boards and Commissions and Rescinding Res. No. 77-2002 [selecting the appropriate interview approach].

Alternative Actions

1. Revise the resolution prior to adoption.
2. Provide direction to staff to research particular issues further and to revise the resolution accordingly.
3. Defer action to a future date.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Existing Resolution No. 77-2002
2. Redlined version of the resolution [the proposed Resolution]
3. Clean Version of the Proposed Resolution
4. Applicable code sections

CITY OF SONOMA

RESOLUTION NO. 77 - 2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ESTABLISHING GUIDELINES PERTAINING TO EXPIRED TERMS AND REAPPOINTMENTS TO CITY BOARDS AND COMMISSIONS

WHEREAS, the City Council of the City of Sonoma encourages citizen participation on its many boards and commissions; and

WHEREAS, Chapter 2.40 of the Sonoma Municipal Code Chapter provides general provisions for boards and commissions including how appointments are made and the total number of years that may be served; and

WHEREAS, California Government Code §54972 requires preparation and posting of a Local Appointments List on or before December 31 of each year; and

WHEREAS, California Government Code §54974 requires posting of a special vacancy notice whenever an unscheduled vacancy occurs on any board or commission; and

WHEREAS, the City Council desires to provide written guidelines pertaining to the procedure for advertisement, appointment and reappointment of board or commission members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sonoma hereby establishes the following guidelines regarding advertisement, appointment and reappointment of board or commission members:

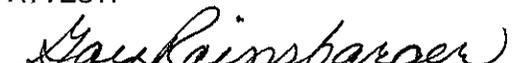
1. Whenever an unscheduled vacancy (due to resignation, death, termination, or other) occurs on any board or commission, the City Clerk shall: A) Post a vacancy notice pursuant to the provisions of G.C. 54974; and B) Publish a Vacancy Notice at least one time, no later than ten days prior to the deadline to submit applications, in a newspaper of general circulation published and circulated in the city.
2. Six weeks prior to expiration of a board or commission member's term, the City Clerk shall provide written notification to the Mayor. The notification shall include the name of the member, the board or commission to which they are appointed, the date of the original appointment, and whether they are eligible for a four year or two year appointment pursuant to Municipal Code section 2.40.070.
3. The Mayor shall consider the reappointment of the member whose term is expiring.
4. If the Mayor determines that reappointment of the member is advisable, then he/she shall contact the member to ask if they are willing to accept appointment to another term. If the member is willing, the Mayor shall notify the City Clerk to place the reappointment on a future City Council agenda.
5. If the Mayor determines that reappointment of the member is not advisable, he/she shall notify the committee member and the City Clerk of that determination no later than four weeks prior to the expiration of the member's term.
6. Upon receipt of the notification from the Mayor that a member will not be reappointed to a position, the City Clerk shall advertise the vacancy pursuant to Section 1 above.

The foregoing Resolution was duly adopted this 9th day of October 2002, by the following vote:

AYES: (4) Brown, Barnett, Ashford, Mazza
NOES: (0) None
ABSENT: (1) Costello


ALBERT C. MAZZA, MAYOR

ATTEST:


GAY RAINSBARGER, CITY CLERK

CITY OF SONOMA

RESOLUTION NO. xx - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
ESTABLISHING PROCEDURES GUIDELINES PERTAINING TO
APPOINTMENTS AND REAPPOINTMENTS EXPIRED TERMS AND
REAPPOINTMENTS TO CITY BOARDS AND COMMISSIONS AND
RESCINDING RES. NO. 77-2002

WHEREAS, the City Council of the City of Sonoma encourages citizen participation on its many boards and commissions; and

WHEREAS, Chapter 2.40 of the Sonoma Municipal Code Chapter provides general provisions for boards and commissions including how appointments are made and the total number of years that may be served; and

WHEREAS, California Government Code §54972 requires preparation and posting of a Local Appointments List on or before December 31 of each year; and

WHEREAS, California Government Code §54974 requires posting of a special vacancy notice whenever an unscheduled vacancy occurs on any board or commission; and

WHEREAS, the City Council desires to establish provide-written guidelines pertaining to the procedure for advertisement, appointment and reappointment of board or commission members for which the City Council has the appointing authority; and

WHEREAS, for purposes of this Resolution, a-All boards, commissions and committees appointed using the guidelines set forth below shall be referred to as "commission". A member of a board, commission, or committee shall be referred to as a "commissioner"; and

WHEREAS, all commission appointments shall be by nomination of the Mayor and ratification by the City Council. (SMC 2.40.100)

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sonoma hereby establishes the following procedures guidelines regarding advertisement, appointment and reappointment of board or commission members:commissioners:

Section 1. Definitions

"Open position" shall mean a position made available due to the expiration of a term of office or due to the creation of a new position on a commission. An "open position" shall include both regular member positions and alternate member positions.

"Unscheduled Vacancy" shall mean a position made available prior to the expiration of the applicable term of office due to resignation, incapacitation, ineligibility, death or other reason. An "unscheduled vacancy" may occur with respect to shall include both regular member positions and alternate member positions.

"Eligible Alternate" shall mean an appointed commission alternate who which-meets the residency requirement of the vacancy to be filled by the Eligible Alternate.

Section 2. Reappointment of Commissioners

Commissioners may serve up to a total of eight years. They are first appointed to a two-year term and may be reappointed for a second term of four years and a third term of two years. (SMC2.40.070)

A.2. Six weeks prior to expiration of a board or commission member's first or second term, the City Clerk shall provide written notification to the Mayor and the other Councilmembers. The notification shall include the name of the member, the board or commission to which she/he isthey are appointed, the date of the original appointment, and whether she/he isthey are eligible for a four-yearfour-year or two-yeartwo-year appointment pursuant to Municipal Code section 2.40.070.

B. ——— 3- The Mayor shall consider the reappointment of the member whose term is expiring. _

C. 4. If the Mayor determines that reappointment of the member is advisable, then he/she shall contact the member to ask if she/he is they are willing to accept appointment to another term. If the member is willing, the Mayor shall notify the City Clerk to place the reappointment on the Consent Calendar of a future City Council agenda.

D.5. If the Mayor determines that reappointment of the member is not advisable, he/she shall notify the committee-commission member and the City Clerk of that determination no later than four weeks prior to the expiration of the member's term. Upon receipt of such determination, the City Clerk shall promptly notify the other Councilmembers of same.

Section 3. Filling an open position or unscheduled vacancy

A. Whenever an Uunscheduled Vvacancy occurs on a commission, the City Clerk, shall, no later than within twenty days after the vacancy occurs: A) Post a special vacancy notice on the City Hall bulletin board;2) Post a special vacancy notice on the City's website and 3) Send a copy of the special vacancy notice to the Sonoma Valley Library.; The City Council is precluded from making an appointment to fill the vacancy for at least ten days after the posting of the special vacancy notice unless an emergency exists in which case it may fill the vacancy on an acting basis until the final appointment is made; pursuant to the provisions of G.C. 54974.

B. Appointment of an Alternate. Open Ppositions and Uunscheduled Vvacancies may be filled by the appointment of an Eeligible Aalternate. An Eligible Alternate may be appointed to fill the position without further recruitment for a replacement upon nomination by the Mayor and ratification by the City Council. (SMC 2.40.110 D) In the case of an Uunscheduled Vvacancy, the appointment may not occur less than ten days after the posting of the special vacancy notice.

C. Consideration of Applications on file. The City Clerk shall retain all commission applications on file and they shall be considered active for a period of one year after receipt. The Mayor may determine that an adequate number of applications on file are sufficient from which to draw from and no further advertisement of the vacancy is necessary.

D. Advertisement. Open Positions or Unscheduled Vacancies which are not filled by the appointment of an Eeligible Aalternate or from the applications on file shall be advertised by the publication of a vacancy notice at least one time, no later than ten days prior to the deadline to submit applications, in a newspaper of general circulation published and circulated in the City of Sonoma. The City Clerk may also disseminate the advertisement by other methods commonly used to distribute public information such as posting it on the City website, issuance of a press release, etc. The notice shall include the statement that should the position not be filled as a result of the advertisement; the application period will remain open until the position is filled.

Section 4. Applicant Interviews

[Alternative One]

At the close of the advertised application period or upon the Mayor's determination that the applications on file are sufficient, as the case may be, a two-member City Council subcommittee consisting of the Mayor and one other Councilmember of the Mayor's choosing, shall interview all applicants or review the on-file applications, respectively. Every interview shall be conducted with two elected officials in attendance. Following conclusion of the interviews or the subcommittee's review of the on-file applications, the subcommittee will make a recommendation, which shall be brought forth as a nomination by the Mayor as a Consent Calendar item on a future City Council agenda.

[Alternative Two]

At the close of the advertised application period or upon the Mayor's determination that the applications on file are sufficient, as the case may be, the City Clerk shall agendize a council meeting for the purpose of the full council interviewing all of the applicants during the public portion of such meeting. These interviews may be scheduled as part of a regular council meeting. At the close of the interviews and the public comment portion pertaining thereto, one of the following actions may be taken: (1) the Mayor may nominate one of the candidates for appointment to the position and said candidate shall be appointed to the position provided that the council ratifies the nomination pursuant to Sonoma Municipal Code (SMC) section 2.40.100; or (2) the Mayor may decline to nominate any candidate for the position, in which case the council shall determine whether or not to continue advertising the vacancy, advertise the vacancy for the first time, or decline to fill the position for the time being under terms and conditions specified by the council consistent with this Resolution; or (3) the council, by 4/5ths vote of the members of the council, may require that the vacancy be re-advertised or advertised for the first time and the position filled under terms and conditions consistent with this Resolution; or (4) if none of the Mayor's nominations garner sufficient votes to ratify same, then the vacancy shall be re-advertised or advertised for the

first time for no less than 90 days, upon the conclusion of which the City Clerk shall re-agendize the interviews and selection of the candidates at which time the council shall interview the candidates who submitted applications within said 90 day advertisement period, and, at the conclusion of which, one of the four actions described above may take place.

Section 5. Commission Applications

Individuals desiring to serve on a City commission must complete a Commission Application Form. The completed application form must be filed with the City Clerk prior to the close of the application period. Applications received after the application deadline will not be considered for current vacancies but will be placed on file for a period of one year for consideration in the event of future vacancies. All applications shall be deemed to be public documents and shall be available for public inspection.

Section 6. Resolution Number 77-2002 is hereby rescinded in its entirety.

The foregoing Resolution was duly adopted this ____ day of _____ 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

KEN BROWN, MAYOR

ATTEST:

GAY JOHANN, CITY CLERK

CITY OF SONOMA

RESOLUTION NO. xx - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ESTABLISHING PROCEDURES PERTAINING TO APPOINTMENTS AND REAPPOINTMENTS TO CITY BOARDS AND COMMISSIONS AND RESCINDING RES. NO. 77-2002

WHEREAS, the City Council of the City of Sonoma encourages citizen participation on its many boards and commissions; and

WHEREAS, Chapter 2.40 of the Sonoma Municipal Code Chapter provides general provisions for boards and commissions including how appointments are made and the total number of years that may be served; and

WHEREAS, California Government Code §54972 requires preparation and posting of a Local Appointments List on or before December 31 of each year; and

WHEREAS, California Government Code §54974 requires posting of a special vacancy notice whenever an unscheduled vacancy occurs on any board or commission; and

WHEREAS, the City Council desires to establish written guidelines pertaining to the procedure for advertisement, appointment and reappointment of board or commission members for which the City Council has the appointing authority; and

WHEREAS, for purposes of this Resolution, all boards, commissions and committees appointed using the guidelines set forth below shall be referred to as "commission". A member of a board, commission, or committee shall be referred to as a "commissioner"; and

WHEREAS, all commission appointments shall be by nomination of the Mayor and ratification by the City Council. (SMC 2.40.100)

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sonoma hereby establishes the following procedures regarding advertisement, appointment and reappointment of commissioners:

Section 1. Definitions

"Open position" shall mean a position made available due to the expiration of a term of office or due to the creation of a new position on a commission. An "open position" shall include both regular member positions and alternate member positions.

"Unscheduled Vacancy" shall mean a position made available prior to the expiration of the applicable term of office due to resignation, incapacitation, ineligibility, death or other reason. An "unscheduled vacancy" may occur with respect to both regular member positions and alternate member positions.

"Eligible Alternate" shall mean an appointed commission alternate who meets the residency requirement of the vacancy to be filled by the Eligible Alternate.

Section 2. Reappointment of Commissioners

Commissioners may serve up to a total of eight years. They are first appointed to a two-year term and may be reappointed for a second term of four years and a third term of two years. (SMC2.40.070)

A.. Six weeks prior to expiration of a commission member's first or second term, the City Clerk shall provide written notification to the Mayor and the other Councilmembers. The notification shall include the name of the member, the board or commission to which she/he is appointed, the date of the original appointment, and whether she/he is eligible for a four-year or two-year appointment pursuant to Municipal Code section 2.40.070.

B. The Mayor shall consider the reappointment of the member whose term is expiring. C. If the Mayor determines that reappointment of the member is advisable, then he/she shall contact the member to ask if she/he is willing to accept appointment to another term. If the member is willing, the Mayor shall notify the City Clerk to place the reappointment on the Consent Calendar of a future City Council agenda.

D. If the Mayor determines that reappointment of the member is not advisable, he/she shall notify the commission member and the City Clerk of that determination no later than four weeks prior to the expiration of the

member's term. Upon receipt of such determination, the City Clerk shall promptly notify the other Councilmembers of same.

Section 3. Filling an open position or unscheduled vacancy

A. Whenever an Unscheduled Vacancy occurs on a commission, the City Clerk shall, no later than twenty days after the vacancy occurs: A) Post a special vacancy notice on the City Hall bulletin board; 2) Post a special vacancy notice on the City's website and 3) Send a copy of the special vacancy notice to the Sonoma Valley Library. The City Council is precluded from making an appointment to fill the vacancy for at least ten days after the posting of the special vacancy notice unless an emergency exists in which case it may fill the vacancy on an acting basis until the final appointment is made; pursuant to the provisions of G.C. 54974.

B. Appointment of an Alternate. Open Positions and Unscheduled Vacancies may be filled by the appointment of an Eligible Alternate. An Eligible Alternate may be appointed to fill the position without further recruitment for a replacement upon nomination by the Mayor and ratification by the City Council. (SMC 2.40.110 D) In the case of an Unscheduled Vacancy, the appointment may not occur less than ten days after the posting of the special vacancy notice.

C. Consideration of Applications on file. The City Clerk shall retain all commission applications on file and they shall be considered active for a period of one year after receipt. The Mayor may determine that an adequate number of applications on file are sufficient from which to draw from and no further advertisement of the vacancy is necessary.

D. Advertisement. Open Positions or Unscheduled Vacancies which are not filled by the appointment of an Eligible Alternate or from the applications on file shall be advertised by the publication of a vacancy notice at least one time, no later than ten days prior to the deadline to submit applications, in a newspaper of general circulation published and circulated in the City of Sonoma. The City Clerk may also disseminate the advertisement by other methods commonly used to distribute public information such as posting it on the City website, issuance of a press release, etc. The notice shall include the statement that should the position not be filled as a result of the advertisement; the application period will remain open until the position is filled.

Section 4. Applicant Interviews

[Alternative One]

At the close of the advertised application period or upon the Mayor's determination that the applications on file are sufficient, as the case may be, a two-member City Council subcommittee consisting of the Mayor and one other Councilmember of the Mayor's choosing, shall interview all applicants or review the on-file applications, respectively. Every interview shall be conducted with two elected officials in attendance. Following conclusion of the interviews or the subcommittee's review of the on-file applications, the subcommittee will make a recommendation, which shall be brought forth as a nomination by the Mayor as a Consent Calendar item on a future City Council agenda.

[Alternative Two]

At the close of the advertised application period or upon the Mayor's determination that the applications on file are sufficient, as the case may be, the City Clerk shall agendize a council meeting for the purpose of the full council interviewing all of the applicants during the public portion of such meeting. These interviews may be scheduled as part of a regular council meeting. At the close of the interviews and the public comment portion pertaining thereto, one of the following actions may be taken: (1) the Mayor may nominate one of the candidates for appointment to the position and said candidate shall be appointed to the position provided that the council ratifies the nomination pursuant to Sonoma Municipal Code (SMC) section 2.40.100; or (2) the Mayor may decline to nominate any candidate for the position, in which case the council shall determine whether or not to continue advertising the vacancy, advertise the vacancy for the first time, or decline to fill the position for the time being under terms and conditions specified by the council consistent with this Resolution; or (3) the council, by 4/5ths vote of the members of the council, may require that the vacancy be re-advertised or advertised for the first time and the position filled under terms and conditions consistent with this Resolution; or (4) if none of the Mayor's nominations garner sufficient votes to ratify same, then the vacancy shall be re-advertised or advertised for the first time for no less than 90 days, upon the conclusion of which the City Clerk shall re-agendize the interviews and selection of the candidates at which time the council shall interview the candidates who submitted applications within said 90 day advertisement period, and, at the conclusion of which, one of the four actions described above may take place.

Section 5. Commission Applications

Individuals desiring to serve on a City commission must complete a Commission Application Form. The completed application form must be filed with the City Clerk prior to the close of the application period. Applications received after the application deadline will not be considered for current vacancies but will be placed on file for a period of one year for consideration in the event of future vacancies. All applications shall be deemed to be public documents and shall be available for public inspection.

Section 6. Resolution Number 77-2002 is hereby rescinded in its entirety.

The foregoing Resolution was duly adopted this ___ day of _____ 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

KEN BROWN, MAYOR

ATTEST:

GAY JOHANN, CITY CLERK

Code Sections pertaining to the discussion, consideration and possible adoption of a resolution establishing guidelines pertaining to appointments to City boards and commissions.

Government Code 54972-74:

54972. On or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List. The list shall contain the following information: (a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position. (b) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

54973. The Local Appointments List shall be made available to members of the public for a reasonable fee which shall not exceed actual cost. The legislative body shall designate the public library with the largest service population within its jurisdiction to receive a copy of the list.

54974. (a) Whenever an unscheduled vacancy occurs in any board, commission, or committee for which the legislative body has the appointing power, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the office of the clerk of the local agency, the library designated pursuant to Section 54973, and in other places as directed by the legislative body, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office. (b) Notwithstanding subdivision (a), the legislative body may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

Sonoma Municipal Code Chapter 2.40, Boards & Commissions – General Provisions:

2.40.010 Attendance.

Attendance by members at the regular and special meetings of all boards, commissions, and advisory or assisting groups of the city appointed by the city council now in existence, or hereafter established, shall be subject to the following rule: If a member of any board or commission of the city fails to attend the regular or special meetings of such a board or commission for three consecutive meetings or one-third of any calendar year's meetings, the office becomes vacant automatically, without any declaration to that effect, and shall thereafter be filled as any other vacancy. Upon request by a commissioner, the council may waive the attendance rules due to special circumstances. (Ord. 84-8 § 2, 1984).

2.40.020 Meeting schedules. Regular meetings of the planning commission shall be held monthly with special meetings being scheduled on call by the chair or in the absence of the chair, on call by the vice chair. Regular meetings of other boards and commissions shall be held once each calendar quarter, unless a more frequent meeting schedule is approved by the city council. Special meetings of any commission can be called by the chair or a majority of the commission members. (Ord. 84-8 § 2, 1984).

2.40.030 Removals. All commissioners serve at the pleasure of the council and may be removed from any commission by a three-fifths vote of the full council. (Ord. 84-8 § 2, 1984).

2.40.040 Quorum. A quorum shall consist of a majority of eligible commissioners serving at such time as any meeting is scheduled or called. (Ord. 84-8 § 2, 1984).

2.40.050 Public meetings. All commission meetings shall be properly noticed, at least 72 hours in advance of any meeting, held in full view of the public on city property or such other place as approved by the city council, and comply with applicable city and state laws. (Ord. 99-15 § 1, 2000; Ord. 84-8 § 2, 1984).

2.40.060 Compensation. All commissioners shall serve without compensation. (Ord. 84-8 § 2, 1984).

2.40.070 Term of office. No commissioner shall serve for a total of more than eight years. A commissioner shall first be appointed for a two-year term; the council may reappoint a commissioner to a second term of four years and may also reappoint a commissioner to a third term of two years. All reappointments shall be made at the sole discretion of the city council utilizing the procedures contained in SMC 2.40.100. Members of the mobilehome park rental review board shall be exempt from the term limits and appointment schedule provided herein and shall instead serve at the sole discretion of the city council. (Ord. 99-15 § 2, 2000; Ord. 87-8 § 1, 1987).

2.40.080 Commission officers. Each commission shall select a chairman and vice chairman from the eligible members of their respective commissions during a regularly scheduled meeting. (Ord. 84-8 § 2, 1984).

2.40.090 City council may waive limitation on successive terms of office. Notwithstanding any limitation on the length of the term which an individual member of a board or commission may serve, or any limitation on the number of successive terms which may be served, the city council may, by a four-fifths vote of its membership, appoint or reappoint any incumbent member of a city board or commission to continue in office beyond the prior limitation or to fill the unexpired term of any office vacated by any other member of a board or commission. (Ord. 2003-03 § 1, 2003; Ord. 84-8 § 2, 1984. Formerly 2.40.100).

2.40.100 Appointments. Appointments to city commissions shall be filled by nomination of the mayor and ratification by the city council. (Ord. 2003-03 § 1, 2003; Ord. 84-8 § 2, 1984. Formerly 2.40.110).

2.40.110 Alternates. A. In addition to regular members, the city council shall appoint one alternate member to each city board or commission now in existence or hereafter established.

B. The alternate shall, like regular members, attend the regular meetings and special meetings of the board or commission to which he/she is appointed. The alternate shall review staff reports and documents and otherwise prepare for such meetings. At such meetings, the alternate shall be identified for the record. That alternate shall publicly announce any items on the agenda that he/she is disqualified from participating in because of a conflict of interest. If, as a result of absences, one or more regular members cannot participate at a regular or special meeting, the alternate shall move to any vacant seat and shall participate as a regular member until the completion of the agenda. If the alternate participates due to a conflict of interest of a regular member, the alternate shall participate as a regular member only until the affected item is completed. In the event an absent member arrives after the commencement of an agenda item, the alternate shall participate as a regular member until the completion of the current item, at

which time the alternate shall move back to the alternate's seat and shall stop participating as a regular member. In the event an item on which the alternate member has participated as a regular member is continued to a subsequent meeting, the alternate shall continue to participate as a regular member on the item at any and all such subsequent meetings.

C. The qualifications, appointment, term of office, attendance, removal and other requirements applicable to the alternate shall be the same as those for regular members of the board or commission, except that the alternate position may be filled only by a qualified elector of the city. The alternate shall also be subject to the requirements of and shall abide by the Ralph M. Brown Act, the Political Reform Act and other law applicable to the regular members of the board, commission or group.

D. In the event that a vacancy occurs on the board or commission, upon nomination by the mayor and ratification by the city council, the alternate may be appointed to the vacancy without further recruitment for a replacement for the regular member. For the purpose of determining the term of office pursuant to SMC 2.40.070, the time served as an alternate member shall not be counted toward the term to be served as a regular member. (Ord. 03-2007 § 1, 2007; Ord. 2003-03 § 1, 2003; Ord. 2000-14 § 1, 2000. Formerly 2.40.120).

2.40.120 Effect of tie votes as a result of absences. When the action of any commission is a tie vote as a result of absences of one or more members of that commission, the matter shall be rescheduled for commission reconsideration at a meeting at which all, or an odd number of, commissioners will be in attendance. This section shall not apply when a tie vote is a result of recusal necessitated by conformance with the California Political Reform Act. (Ord. 09-2008 § 1, 2008).



**City of Sonoma
City Council**
Agenda Item Summary

City Council Agenda Item: 8B

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, consideration and possible action regarding the process for filling the vacant position on the Planning Commission.

Summary

The Planning Commission consists of 7 members and one alternate who serve at the pleasure of the City Council. Commissioners may serve for a total of eight years (Two-year term, Four-year term, Two-year term). At least six members and the alternate must reside within the City limits.

A position on the Planning Commission was vacated in November 2012 when Michael George did not seek reappointment after serving six years on the Commission. The then Mayor, Joanne Sanders, directed the City Clerk to advertise the vacancy. Six applications were received including one submitted by the Planning Commission Alternate Bill Willers. Mayor Sanders conducted the interviews and placed the nomination of James Cribb on the November 5, 2012 Consent Calendar. Mayor Brown recused himself and did not participate in the item. The nomination was not ratified. At the December 3, 2012, Council meeting, Mayor Sanders again nominated Mr. Cribb and one of the other applicants; however neither nomination was ratified and the position has remained vacant.

The primary reason presented by Councilmembers for not ratifying Mayor Sanders' nomination was the belief that the Alternate should have been appointed. Councilmembers also expressed a desire to establish guidelines clarifying the Commission Appointment process. Assuming that Councilmembers adopt a procedure pursuant to the previous item on this agenda; staff is requesting direction from the City Council as to the process it wishes to utilize to fill the vacant position on the Planning Commission.

Recommended Council Action

Provide direction to staff.

Alternative Actions

Council discretion.

Financial Impact

n/a

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachment: Excerpts from the 11/5/12, 11/19/12 and 12/3/12 Council meeting minutes.

cc:

Excerpt from the November 5, 2012 City Council Minutes:

Item 5D: Approval and Ratification of the appointment of James K. Cribb to the Planning Commission for a two-year term effective November 5, 2012.
(Removed from Consent, see below)

CIm. Barbose removed Item 5D. Mayor Sanders stated that staff had requested removal of 5F and she would remove 5B. CIm. Brown stated that for full transparency he would recuse from voting on Item 5D. He stated he had talked to two Councilmembers about elements of the issue and that no collective concurrence had taken place. The public comment period was opened and closed with none received. It was moved by CIm. Rouse, seconded by CIm. Gallian, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

Item 5D: Approval and Ratification of the appointment of James K. Cribb to the Planning Commission for a two-year term effective November 5, 2012.

CIm. Brown stepped down from the dais and left the room.

Mayor Sanders expressed her disappointment with CIm. Brown's actions and cause for recusal. She stated that she had interviewed six candidates, gave them all fair consideration, and came to the conclusion that James Cribb was best suited to fill the vacancy on the Planning Commission. She then invited comments from the public. Ed Kenney stated that CIm. Brown had violated the Brown Act and that was ethically wrong.

CIm. Barbose stated that he removed the item from the Consent Calendar because he felt that the current alternate (Bill Willers) should be promoted to the regular position. He added that if the Council did not respect and honor the service of commission alternates with promotion, the City would have a hard time filling the alternate positions. CIm. Barbose stated that Mr. Cribbs was a fine candidate and his position regarding the appointment had nothing to do with Mr. Cribbs personally. He proposed that on a subsequent agenda the Council appoint the current alternate to the regular seat on the commission and Mr. Cribb to the alternate position.

CIm. Rouse stated his support for the Mayor's decision and noted that Mr. Cribb had served on the Design Review Commission for eight years. CIm. Gallian stated that the appointment process needed to be shored up and that she would have liked to have seen two Councilmembers involved in the interview process. CIm. Barbose stated he spoke to Mr. Willers who stated it had been his expectation to be appointed when an opening came up. Mayor Sanders stated that it was obvious that a motion to appoint Cribb would result in a tie vote and they should move on to another item on the agenda.

CIm. Brown returned to the dais.

Excerpt from the November 19, 2012 City Council Minutes:

Item 8C: Discussion of potential Brown Act violation that affected the City Council's November 5, 2012 agenda item regarding the appointment of a Planning Commissioner, requested by Mayor Sanders.

Mayor Sanders stated that she placed this on the agenda because some of her constituents had questions about the Brown Act and what happened when somebody violated it. CIm. Barbose asked City Attorney Walter if there was a procedure for handling such an item. Attorney Walter

stated that the Brown Act directs that public business be conducted in the public eye. It does not punish those who are alleged to violate it except when there was an intentional act to deprive the public of information. Walter stated that in his view, that had not occurred in this instance. He said that Clm. Brown consulted with him prior to the last meeting and had complied with the Brown Act by recusing himself. Walter added that he did not feel any additional steps needed to be taken.

Mayor Sanders referred to a letter submitted by local Attorney Fred Peterson and stated that he should receive a written response from staff. Attorney Walter stated he would follow up on that. Mayor Sanders asked about her ability to discuss the matter of the appointment to the Planning Commission with another Councilmember and Walter responded that in doing so, she would put the other Councilmember at risk.

Mayor Sanders invited comments from the public. Fred Peterson read a memo memorializing a conversation he had with Clm. Rouse about his communication with Clm. Brown about the Planning Commission appointment. He asked that the letter and memo be made a part of the City's record. Peterson stated that because Brown violated the Brown Act he should be recused from any further discussion about the appointment.

Herb Golenpaul stated that the fact that the Mayor did not have anyone else participate in the interviews had a lot to do with this situation. Mayor Sanders responded it had been her intent to have another person participate but they could not make it and she did not want to reschedule the six applicants at the very last minute.

Morgan Sanders stated that there needed to be consequences for not following the rules and questioned Clm. Brown's qualification to be the next Mayor.

Clm. Rouse stated the Council needed to govern in a transparent mode. Clm. Gallian stated that Councilmembers should have been made aware of the cancellation of one of the interview panels. She said that having only one person conduct the interviews was confusing to her.

Clm. Barbose defended Clm. Brown and stated it was an inadvertent act on his part and that no additional punishment was required or appropriate.

Clm. Brown stated that he had made a mistake but that no one believed in the Brown Act more than he did. He added that he would not participate in the appointment and asked that the following statement be entered in the minutes.

I need to recuse myself from this issue. Over time I did talk to two councilmembers about elements of this issue. I did not tell one councilmember what the other member said or felt about the item. As a result, no collective concurrence was arrived at as how to vote on this item. I believe in the importance of the Brown Act and in the spirit of transparency I will step down.

Mayor Sanders stated she would like to go on record stating that she did not support what went down at the last meeting and she hoped to not see that behavior again.

Excerpt from the December 3, 2012 City Council Minutes:

Item 5H: Ratify Mayor's nomination of James K. Cribb to fill the current vacancy on the Planning Commission, and should said nomination not garner sufficient votes to ratify same, then the Mayor may nominate another person or other persons to fill this position for the Council's consideration and ratification; information regarding the Planning Commission appointment process is also provided for the Council's consideration.

CIm. Brown recused himself and left the room.

CIm. Barbose stated that it was still his opinion that, although Mr. Cribb was a qualified applicant, the Alternate should be appointed to fill the current vacancy. He said the Council should honor the custom and practice of appointing Alternates who had served ably and capably. CIm. Barbose added that he would not support a nomination of any of the other applicants except for Mr. Willers.

At the request of Mayor Sanders, staff read a portion of minutes from a past Council meeting relating to the appointment of Alternates. She said it was clear that the appointment of an Alternate to fill a vacancy was not automatic.

Mayor Sanders invited comments from the public. Herb Golenpaul asked CIm. Rouse why he supported the Mayor's nomination of Cribb. CIm. Rouse responded that he was supposed to participate in the interviews but when unable to do so, he was comfortable leaving it in the Mayor's hands.

It was moved by CIm. Rouse, seconded by Mayor Sanders, to ratify the nomination of Mr. Cribb. CIm. Barbose stated that he never said that the ordinance required the automatic appointment of an Alternate. CIm. Gallian said she felt the process was in question and that Councilmembers had not been informed that the Mayor did not intend to appoint Alternate Willers. The motion failed with a tie vote, Barbose and Gallian dissented.

The Mayor said she would then nominate Jennifer Gray. It was moved by Mayor Sanders, seconded by CIm. Rouse, to ratify the nomination of Jennifer Gray. The motion failed with a tie vote, Barbose and Gallian dissented. Mayor Sanders stated she would not nominate any of the other applicants.

CIm. Brown returned to the dais.



**City of Sonoma
City Council**
Agenda Item Summary

City Council Agenda Item: 8C

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, consideration and possible action regarding designation of the voting delegate and alternate for the 2013 League of California Cities Annual Conference.

Summary

The League of California Cities 2013 Annual Conference will be held September 18-20, 2013 at the Sacramento Convention Center. An important part of the Annual Conference is the Annual Business Meeting scheduled for noon on Friday September 20. At that meeting, representatives (delegates) from each city consider and take action on resolutions that establish League policy. In order for the City of Sonoma to cast a vote at the September 20 Annual Business Meeting, the City Council must designate a Voting Delegate and up to two Alternates.

The deadline to provide these designations to the League is August 23; however, the League is anticipating hotel rooms to be sold out quickly and they are encouraging an earlier designation of the City's delegate to ensure that delegates are able to secure a hotel room near the convention center.

Recommended Council Action

Designate a Voting Delegate and up to two Alternates.

Alternative Actions

Council discretion.

Financial Impact

n/a

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachment: Notices from the League.

cc:

Gay Johann

From: city_clerks-bounces@lists.cacities.org on behalf of Natasha Karl <nkarl@cacities.org>
Sent: Thursday, May 02, 2013 1:56 PM
To: city_clerks@lists.cacities.org
Cc: Meg Desmond
Subject: [City_clerks] Voting Delegates for League AC
Attachments: ATT00001.txt

To: City Clerks
From: Natasha Karl, legislative representative
Re: Voting Delegates for League Annual Conference

The [Voting Delegate letter](#) is being mailed to member cities early next week. As a reminder, this letter requests the designation of a voting delegate by your agency for the Annual Conference General Assembly (Friday, Sept. 20). Please complete and return the form to the League offices or feel free to click on the link above and use the electronic version.

Hotel space around the Sacramento Convention Center will be especially tight this year and rooms will sell out fast, possibly within weeks. We want to be sure that individuals identified as voting delegates have an opportunity to register and book a room well in advance, to ensure their close proximity to the Sacramento Convention Center, where the Annual Conference is being held.

[Register](#) your voting delegates and attendees for the Sacramento conference, held **September 18-20**, now to receive our ****EARLY BIRD**** rate (save \$50 by registering before June 28!) on our largest event of the year!

Curious about the content of this year's Annual Conference? [Check out our website for session information.](#)



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org



Council Action Advised by August 2, 2013.

PLEASE NOTE: You are receiving this letter and form earlier than usual because hotel space near the Sacramento Convention Center for the Annual Conference will be especially tight this year. As a result, we want to encourage you to make your hotel reservations early.

April 26, 2013

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 18 - 20, Sacramento**

The League's 2013 Annual Conference is scheduled for September 18 - 20 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 20, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 23, 2013. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one person must be present at the

- Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.
- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 18, 9:00 a.m. – 6:30 p.m.; Thursday, September 19, 7:00 a.m. – 4:00 p.m.; and September 20, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 23. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2013 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures 2013 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2013 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 23, 2013. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 23, 2013

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mmccullough@cacities.org
(916) 658-8247



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 8D

Meeting Date: 06/03/2013

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, consideration and possible action providing direction to the Mayor regarding the City's vote on an appointment by the Sonoma County Mayors' and Councilmembers' Association at their June 13, 2013 meeting.

Summary

The Sonoma County Mayors' and Councilmembers' Association will hold its third regular meeting of 2013 on June 13, 2013 in the City of Healdsburg. The evening will include a meeting of the Association Board of Directors and the General Membership.

At that meeting, the Association Board of Directors will consider an appointment to the Sonoma County Agricultural Preservation & Open Space District Citizens Advisory Committee to fill the expiring term of Councilmember Laurie Gallian.

Councilmember Gallian was the only person to submit a letter of interest for this position.

Recommended Council Action

Discuss and consider, and provide direction to the Mayor regarding a recommendation for the appointment.

Alternative Actions

Council discretion.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

1. Call for letters of interest
 2. Letter of interest from Laurie Gallian
-

cc: n/a

May 13, 2013

Mayors' & Councilmembers Association of Sonoma County
Board of Directors

Re: Appointment by the Mayors' and Councilmembers' Association of Sonoma County

Dear Mayors,

The Board of Directors of the Sonoma County Mayors' and Councilmembers' Association will hold its next regular meeting on June 13th at 6:00 pm in the City of Healdsburg. One of the business items for this meeting will be to consider appointments to the following Committee:

- **Sonoma County Agricultural Preservation & Open Space District Citizens Advisory Committee** (2 year term ending June 2015): To fill the expiring term of Laurie Gallian, Sonoma.

Because time is of the essence, please submit your letters of interest to me directly, at: kmassey@ci.cloverdale.ca.us no later than close of business, **Friday, May 17th**. This should allow review at each of your Council meetings prior to the June meeting.

My sincere apologies for the short notice and thank you in advance for your expeditious response.

Sincerely,



Karen Massey (on behalf of)

Mayors' and Councilmembers' Association of Sonoma County

City of Sonoma

Sonoma Sister Cities:

No. 1 The Plaza
Sonoma, California 95476-6618
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



Aswan, Arab Republic of Egypt
Chambolle-Musigny, France
Greve in Chianti, Italy
Kaniv, Ukraine
Patzcuaro, Mexico

May 16, 2013

Sonoma County Mayors and Council Members

Re: Application for the County Agricultural Preservation and Open Space District Advisory Committee

Dear Mayors and Councilmembers,

It has been my distinct honor to have served as your representative on the Sonoma County Agricultural Preservation and Open Space District Advisory Committee since June 2009. I have served these last 4 years on the Executive Committee, this year as Chair of the Committee. I have also served on the subcommittee for Matching Grants and Stewardship Committee. Once again I am requesting your support as I seek reappointment for another two-year term.

As a 32-year resident of Sonoma County, residing in the City of Sonoma, I have a great respect for the beauty and importance of land use policies that will help the County fulfill its goals of preserving the land and providing healthy open spaces for generations to enjoy. In the last two years the Sonoma County Ag Preservation and Open Space Advisory Committee has worked with the public and District to represent an advisory body for the public to weigh in District Three Year Work Plan, Matching Grants, access for the public to Sonoma County Open Space, Draft District Habitat Mitigation Policy, Environmental, Conservation and Stewardship policies.

Besides serving on the Ag Preservation and Open Space District, I have also served on the Sonoma County 2007 Community Climate Action Plan Committee and since 2009 served the Sonoma County regionally as a Director on the Sonoma County Transportation Authority, Regional Climate Protection Authority District, and City representative on the Water Advisory Committee. In my year as Mayor of City of Sonoma in 2011, I was Chair of Sonoma County Mayor and Councilmembers, and city representative on the Sonoma Valley County Sanitation District. I have represented the City of Sonoma on the Association of Bay Area Governments, and in 2011 Sonoma County on the League of California Cities North Bay Division Executive Board.

As a 32 year Sonoma County community member and a 5 year Sonoma City Councilmember, I have a stake in the acquisition and preservation of agricultural and open space lands as a legacy for future generations. I eagerly anticipate the possibility of representing you on the committee and accepting the challenge to work collaboratively in a regional cities leadership approach to explore and support the cities and the mission of the Ag Preservation and Open Space District - "*Permanently protects the diverse agriculture, natural resource and scenic open space lands of Sonoma County for future generations*".

Thank you for your consideration and I would very much appreciate your support for this appointment. Feel free to contact me at lauriegallian@comcast.net or at (707) 738-9847.

Sincerely,

Laurie Gallian
Councilmember



CITY OF SONOMA
 City Council
 Agenda Item Summary

Agenda Item: 10A
Meeting Date: 06/03/2013

Department Administration	Staff Contact Gay Johann, City Clerk/Assistant to the City Manager
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Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

Council members will report on activities, if any, of the various committees to which they are assigned.

MAYOR BROWN	MPT. ROUSE	CLM. BARBOSE	CLM. COOK	CLM. GALLIAN
AB939 Local Task Force	ABAG Alternate	Cittaslow Sonoma Valley Advisory Council, Alt.	Cemetery Subcommittee	ABAG Delegate
Oversight Board to the Dissolved CDA	City Audit Committee	North Bay Watershed Association	City Facilities Committee	Cemetery Subcommittee
Sonoma Community Center Subcommittee	City Facilities Committee	Sonoma Community Center Subcommittee	LOCC North Bay Division Liaison	Cittaslow Sonoma Valley Advisory Council
Sonoma County Health Action, Alternate	Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County Transportation Authority & Regional Climate Protection Authority, Alternate	Oversight Board to the Dissolved CDA, Alt.	City Audit Committee
Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County M & C Assoc. Legislative Committee, Alt.	Sonoma County Waste Management Agency	Sonoma County M & C Assoc. Legislative Committee	LOCC North Bay Division Liaison, Alternate
Sonoma Disaster Council	Sonoma Disaster Council, Alternate	Sonoma County/City Solid Waste Advisory Group (SWAG)	S. V. Library Advisory Committee	Sonoma County Transportation Authority & Regional Climate Protection Authority
Sonoma Housing Corporation	Sonoma Housing Corporation	VOM Water District Ad Hoc Committee, Alternate		Sonoma County/City Solid Waste Advisory Group (SWAG), Alt.
S. V. Citizens Advisory Commission	Sonoma Valley Citizens Advisory Comm. Alt.	Water Advisory Committee, Alternate		LOCC North Bay Division, LOCC E-Board, Alternate (M & C Appointment)
S.V.C. Sanitation District BOD	S.V.C. Sanitation District BOD, Alt.			Sonoma County Ag Preservation and Open Space Advisory Committee (M & C Appointment)
S.V. Economic Development Steering Committee	S.V. Economic Development Steering Committee, Alt.			VOM Water District Ad Hoc Committee
S.V. Fire & Rescue Authority Oversight Committee	S.V. Fire & Rescue Authority Oversight Committee			Water Advisory Committee
S. V. Library Advisory Committee, Alternate				
Substance Abuse Prevention Coalition				

Recommended Council Action – Receive Reports

Attachments: None