



## **Staff Report Item 12**

**TO:** East Bay Community Energy Board of Directors

**FROM:** Bruce Jensen, Alameda County Community Development Agency

**SUBJECT:** Community Advisory Committee (CAC) Application and Selection

**DATE:** January 30, 2017

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### **Staff Recommendation**

Direct Staff to create an application form for nomination of individuals to the nine (9) – member Community Advisory Committee (CAC), and consider the method for final selection (e.g. by the full JPA Board or by a selection committee thereof). These options are described fully below.

### **Background**

In June 2014, the Alameda County Board of Supervisors passed a resolution to explore the possibility of creating a Community Choice Aggregation (CCA) program in the County. Central to this initiative was the creation of a Steering Committee, made of up experts and stakeholders from across Alameda County, who advised CDA staff and the Board on key aspects of the program’s development and provided a forum through which interested parties and the public were able to express their views.

### **Analysis and Discussion**

In late 2016, the County and 11 of its cities formed the Joint Powers Agency designated as the East Bay Community Energy Authority to govern the new Community Choice Energy program. One elected official from each of the participating jurisdictions makes up the voting members of the Board. In addition, the Joint Powers Agreement specifies the formation of a Community Advisory Committee (CAC) composed of nine (9) members of the public. The Chair of the CAC will have a non-voting seat on the EBCEA Board. The CAC co-Chair will act as the Committee’s alternate Board member. CAC members will be encouraged to attend the EBCEA Board meetings and to meet as a committee, when appropriate.

From the JPA Agreement for the EBCEA, Section 4.9 describes the overall methodology for CAC member selection, along with the parameters of CAC service: “...The Board shall publicize the opportunity to serve on the CAC, and shall appoint members of the CAC from those individuals

expressing interest in serving, and who represent a diverse cross-section of interests, skill sets and geographic regions. Members of the CAC shall serve staggered four-year terms (the first term of three of the members shall be two years, and four years thereafter), which may be renewed. A member of the CAC may be removed by the Board of Directors by majority vote. The Board of Directors shall determine whether the CAC members will receive a stipend and/or be entitled to reimbursement for expenses.”

Section 4.2.2 of the JPA Agreement also describes the role of the CAC Chair on the Board of Directors: “The Board shall also include one non-voting ex officio member as defined in Section 1.1.13 (“Ex Officio Board Member”). The Chair of the Community Advisory Committee, as described in Section 4.9 below, shall serve as the Ex Officio Board Member. The Vice Chair of the Community Advisory Committee shall serve as an alternate Ex Officio Board Member when the regular Ex Officio Board Member is absent from a Board meeting.”

### **Staff Recommendation**

Staff proposes to create a self-nomination form for the CAC, similar to that used for the Steering Committee in 2015. Forms would include name, contact information, key area(s) of interest in the EBCE program, qualifications for the position on the CAC, and statement certifying that no conflict of interest exists for the nominee. A draft sample of a basic nomination form is attached.

Staff also proposes that the Board of Directors determine whether to appoint the CAC members by vote of the full Board with recommendations by Staff, or after recommendation of a designated nomination committee comprised of up to five (5) Board members. In making this decision about full Board vs. committee, the Board may wish to take into account the “diverse cross-section of interests, skill sets and geographic regions” required for the CAC. Staff is neutral on this matter.

Staff seeks direction on both of these items; upon the Board’s directive, Staff will move quickly to have the process in place and to make the nomination forms available to all interested parties and the citizens of the County.

### **CAC: Looking Ahead**

For the next meeting, Staff will bring additional CAC considerations for the Board, including consideration of the roles and responsibilities of the CAC (possibly including budgets, policies, reporting, agendaizing CAC matters, funding for CAC contract support, and other delegated powers); the minimum frequency of CAC meetings; and whether or not to dedicate a stipend or reimbursement procedure for CAC members.

On the specific question of the roles and responsibilities, the Board’s own JPA Agreement sets the following requirements, which are broad but not without limits:

#### **“Section 4.9 Community Advisory Committee.**

The Board shall establish a Community Advisory Committee (CAC) consisting of nine members, none of whom may be voting members of the Board. The function of the CAC shall be to advise the Board of Directors on all subjects related to the operation of the CCA Program as set forth in a work plan adopted by the Board of Directors from time to time, with the exception of personnel

and litigation decisions. The CAC is advisory only, and shall not have decision-making authority, or receive any delegation of authority from the Board of Directors...”

Thus the Board may specify more precisely the roles and responsibilities of the CAC. The Board may wish to consider what other CCA agencies have done in this regard. For example, the Peninsula Clean Energy Agency maintains a fairly broad and open interpretation for its CAC, which is required to:

- Represent the views of their constituencies in their comments and decision-making;
- Serve as an information-channel back to their colleagues and communities; and
- Help the Board to identify issues of concern and opportunities to educate about CCE in San Mateo County

The Sonoma Clean Power Agency, on the other hand, is more specific (but not necessarily more restrictive) in the roles it has assigned to its CAC, which are authorized to:

- Review of budget and rates – review and comment
- Review of policies and programs – review and comment
- Reports to the Board – may prepare reports to the Board
- Placing matters on Board’s agenda – may place any item relevant to SCP or CCAs on the Board agenda
- Support for Community Advisory Committee – CEO [of the Agency] may approve contracts up to \$20,000 to assist in carrying out the CAC’s duties; total may not exceed \$50,000 per year
- Chief Executive Officer Reports to Community Advisory Committee – The CEO shall provide a report to the Community Advisory Committee on the operations of the Authority during the preceding fiscal quarter. The report shall contain information regarding the financial performance of the Authority during the preceding quarter, the number of accounts served, the amount of power delivered, and a narrative description of energy efficiency, energy conservation, renewable power generation, and other programs carried out by the Authority.
- Other Delegated Powers - The Board of Directors may delegate such other and further powers and duties to the Community Advisory Committee as it shall determine in its sole discretion.

Staff urges the EBCE Board to consider these models and possible options for CAC direction for the next meeting.

### **Fiscal Impact**

The EBCEA Board will be asked to consider if a stipend will be provided for CAC members for their participation in the regularly scheduled EBCEA Board meetings. Costs associated with staffing the CAC are unknown but will be related to the frequency of meetings and extent of work required to support the CAC.

### **Attachments:**

12-A: EBCEA Community Advisory Committee application