Staff Report Item 15

TO: East Bay Community Energy Board of Directors

FROM: Alex DiGiorgio, Public Engagement Manager

SUBJECT: **Community Advisory Committee (CAC) structure (Discussion Item)**

DATE: September 20, 2023

Recommendation

Receive staff report on Community Advisory Committee (CAC) structure and provide direction regarding how to restructure the Committee (if at all) in light of EBCE's expanding service area and inclusion of new member-jurisdictions to the Joint Powers Authority (JPA).

Background and Discussion

On October 21, 2020, the Board of Directors approved updates to the CAC Guide and Appointment process. These updates were made to provide proper representation and engagement of the CAC, particularly given the inclusion of EBCE's new communities in the cities of Newark, Pleasanton, and Tracy. The updates included the following: The addition of three seats (increasing the CAC to twelve active seats corresponding with the concept of "voting shares" in the JPA Agreement); configuring the apportionment of CAC seats to EBCE Service Area Regions; appointing one Alternate for each EBCE Service Area Region, for a total of five; and engaging the Mayors' Conference to appoint two at-large Members.

Since that time, the CAC has been composed of twelve active seats (Members) and five alternate seats (Alternates).

On June 21, 2023, the Board of Directors approved a six month term extension for all current CAC Members and an interim seat for the City of Stockton. The purpose for this action was to provide staff with time to help the Board consider alternative

committee structures to address the challenge of shifting seat allocations created by the addition of new jurisdictions to EBCE's JPA territory.

Under the CAC's current structure, seats are distributed regionally across EBCE's service area in Alameda and San Joaquin counties.[1] Each region is allocated its number of seats according to its approximate cumulative electricity load. This corresponds to the JPA's allocation of Voting Shares votes among the Board of Directors (per JPA *Sec. 4.12.2* and *Exhibit C*).

The CAC currently has eleven members serving. One Member seat in the South Service Area Region is vacant, as are all five Alternate seats. Below is a table with the current structure, seat allocation, and membership of the CAC:

EBCE Service Area Region	Current CAC Seat Allocation	Current Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	**3** - Anne Olivia Eldred, Chair - Cynthia Landry - Lisa Hu	Open
EAST Dublin, Livermore, and Pleasanton	**1** - Joel Liu	Open
SOUTH Fremont, Union City, and Newark	**3** - Shiva Swaminathan - Vijay Lakshman - [Open]	Open
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	**2** - Ernie Pacheco - Lorraine Souza	Open
SAN JOAQUIN COUNTY Tracy	**1** - Harman Ratia	Open
STOCKTON (interim)	**1** (TBD)	N/A
At-Large	Ed Hernandez	N/A
At-Large	Jim Lutz	N/A

Issue: As the CAC is currently structured, the allocation of each Service Area Region's seats adjusts to reflect the change in the JPA Voting Shares vote each time EBCE's territory expands to include new communities. In effect, whenever

[1]The one exception is the Board's recent creation of the interim seat for the City of Stockton (referenced above) at the June 21, 2023, meeting.

EBCE welcomes a new jurisdiction into its territory, one CAC Service Area Region may gain a seat on the Committee, while another loses one.

Under this arrangement, with the addition of the City of Stockton to EBCE's service area, the CAC's San Joaquin Service Area Region would gain a seat, while the CAC's South Service Area Region (which includes the cities of Fremont, Newark, and Union City) would lose one. This dynamic is illustrated in the tables below.

CAC's regional seat allocation *before* Stockton's JPA membership:

Region	Member Jurisdictions	New JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
North	Albany, Berkeley, Oakland, Emeryville, Piedmont	30%	3	1
East	Dublin, Livermore, Pleasanton	14%	1	1
South	Fremont, Union City, Newark	27%	3	1
Central	Hayward, San Leandro, Unincorporated AlCo	23%	2	1
San Joaquin County	Tracy	6%	1	1
At-Large	All		1	
At-Large	All		1	
		100%	12	5

CAC's regional seat allocation *after* Stockton's JPA membership:

Region	Member Jurisdictions	New JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
North	Albany, Berkeley, Oakland, Emeryville, Piedmont	27.6%	3	1
East	Dublin, Livermore, Pleasanton	12.8%	1	1
South	Fremont, Union City, Newark	19.6%	2	1
Central	Hayward, San Leandro, Unincorporated AlCo	18.7%	2	1

San Joaquin County	Tracy, Stockton	21.3%	2	1
At-Large	All		1	
At-Large	All		1	
		100%	12	5

Alternative Committee Structures

As referenced above, the CAC's current, regionally-determined seat allocations reflect the approximate combined Voting Shares percentages of each JPA member-jurisdiction outlined in Exhibit C of the JPA Agreement. Under this Committee structure, the prospect of one region losing a seat if/when EBCE welcomes new jurisdictions to its JPA and service area will persist. For this reason, staff is seeking guidance from the Board regarding 1) whether to consider alternative committee structures/seat allocation mechanisms; and 2) if so, which alternatives to consider.

To assist with this, staff has summarized the strcutures of similar committees at other community choice aggregation (CCA) agencies in California. This summary is as follows:

CCA	Committee structure/ seat allocation
Central Coast Clean Energy	All At-large
Clean Energy Alliance	Jurisdiction
Clean Power Alliance	Region
Desert Clean Energy	All At-large
EBCE	Region
Orange County Power Authority	Jurisdiction
Peninsula Clean Energy	All At-large
Redwood Coast Energy Authority	Jurisdiction
San Diego Community Power	Jurisdiction
Sonoma Clean Power	All At-large
Valley Clean Energy	Jurisdiction

As outlined above, seat allocations of community advisory committees at other California-based CCAs are generally structured in one of the following three ways:

1. By region
2. By jurisdiction
3. All at-large

Each of these structures offers various potential benefits and trade-offs regarding the committee's representation and operation. These generally include the following:

Structure	Potential benefits	Potential trade offs
By Region	• Geographically distributed representation; • Proportional representation relative to population size; • Smaller committee size	• Seat allocations likely to shift as service area/JPA membership grows; • Some jurisdictions may not have individual representation; • Member appointments administered by CCA staff/Board members
By Jurisdiction	• Geographically distributed representation (+ all jurisdictions have individual representation); • Committee structure mirror's Board structure; • Member appointments administered by city/County staff	• Larger committee/more members; • No proportional representation relative to population size; • Increased fiscal impact (e.g., more stipends to be paid)
All At-large	• Smaller committee size; • Proportional representation relative to population size more likely; • Multiple members from the same region/jurisdiction can serve on the Committee	• Geographically distributed representation less likely; • Member appointments administered by EBCE staff/Board; • Potentially more challenging to reach cross-section of community members

Board Engagement

To help facilitate robust input from EBCE's Board of Directors on this subject, staff convened an Ad Hoc committee of the Board to provide initial guidance. Board members from four of the five CAC Service Area Regions participated on this committee, including the following:

- Alameda County Supervisor/EBCE Board Chair Elisa Márquez (Central)
- Dublin City Councilmember Sherry Hu (East)
- Newark City Councilmember Matthew Jorgens (South)
- Piedmont City Councilmember Betsy Andersen (North)
- Union City City Councilmember Jaime Patiño (South)

Staff also reached out to individually consult with the following:

- Current CAC Chair (Anne Olivia Eldred);
- EBCE's Vice Chair of the Board (Pleasanton Vice Mayor Jack Balch);
- The Board Members of EBCE's two largest JPA member-jurisdictions (Oakland Councilmember Dan Kalb and Fremont Councilmember Teresa Cox);
- Emeryville's EBCE Board Member (Mayor John Bauters)
- Founding EBCE Board Chair, former Alameda County Supervisor Scott Haggerty

Committee Recommendation

An Ad Hoc committee of the Board convened on August 30, 2023, to discuss the CAC's structure and offer feedback to staff and the Board. Staff also individually conferred with three Board members. The bullets below summarize the key points that came out of these conversations:

- While Ad Hoc committee members acknowledged the appeal of a jurisdictional structure (i.e., one that mirrors the Board), they expressed concerns regarding 1) increasing the size of the CAC; 2) filling the seats/finding interested community members in each jurisdiction; and 3) coordinating with cities regarding the appointment timing and process;
- Given these concerns, the consensus of the Ad Hoc committee and the Board members with whom staff individually consulted was to maintain the CAC's regional structure;
- There was support expressed for either 1) removing the two At-Large CAC seats; or 2) exploring how to reallocate the seats to the Service Area Regions, since the At Large seats invite an imbalance among the regions/jurisdictions (e.g., Oakland gains an additional seat). Staff also noted the current At Large appointment process through the Alameda County Mayors' Conference does not align well with the timing of CAC terms/operations.
- The Board should consider removing the Alternate seats, since filling them has proven difficult (they are all currently vacant);
- The Board should consider instructing staff to stagger the terms of the current CAC members so that half of the members' terms end in an even year, and the other half in an odd year, with terms beginning in June with the fiscal calendar.
- The Board should consider allowing current CAC members who wish to continue serving to do so without having to reapply;

Based on communications with the CAC Chair, staff anticipates the CAC will discuss the Committee's structure at its meeting on September 19, 2023. The CAC may provide its own feedback and recommendations to the Board thereafter.

Fiscal Impact

There is no fiscal impact to considering alternative CAC structures. If EBCE's Board votes to restructure the CAC this could affect the amount of money budgeted for Committee member stipends. The current CAC stipend budget is $20,400. If the committee were to be restructured to have fewer seats, the budget would decrease proportionally. Alternatively, if the Committee were to be restructured to mirror the Board (i.e., one seat allocated to each jurisdiction) this would require an additional four seats, increasing the stipend budget to approximately $27,200. The additional stipends would be disbursed as new CAC members are sworn-in and begin serving at regular, monthly meetings.

Attachments

A. CAC Structure Ad Hoc PPT – 8.30.23

AUGUST 30, 2023

Ad Hoc Committee: Community Advisory Committee (CAC) Structure

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Objective: To address the issue of shifting CAC seat allocations

- ## Issue:

  The current regional structure of the CAC results in one region potentially losing an allocated seat when a new jurisdiction joins the JPA

  - E.g., Stockton joining JPA = CAC's San Joaquin region gains a seat, while the CAC's South region (Fremont, Newark, Union City) loses a seat

- ## Ad Hoc Committee Assignment:

1. **To advise staff and EBCE Board of Directors re how to restructure the CAC (if at all) as EBCE grows to include new jurisdictions**
2. **To consider various committee structures for the CAC**
   - e.g., Regional vs. Jurisdictional vs. At-Large

CAC Intro

Overview

- The CAC is a Brown Act body established in EBCE's JPA
- The CAC meets monthly on the Monday before the Board of Directors mtg
- To Join: Interested members of the public submit applications for open seats; Board Members for each region make nominations from among the applicants; final appointments are approved by the full Board.
- At-large Members are appointed by the Alameda County Mayor's Conference
- Members can serve 2-year terms for a maximum of 4 terms (8 years total)

Current Structure

Region	Member Jurisdictions	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
North	Albany, Berkeley, Oakland, Emeryville, Piedmont	30%	3	1
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South	Fremont, Union City, Newark	27%	3	1
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San Joaquin County	Tracy	6%	1	1
At-Large	All		1	
At-Large	All		1	

**City of Stockton: Interim seat awaiting appointment*

Current CAC Membership

Attachment Staff Report Item 15A

NAME	REGION	CITY OF RESIDENCE
Anne Olivia Eldred, Chair	North	Oakland
Cynthia Landry	North	Oakland
Jim Lutz	At Large	Oakland
Lisa Hu	North	Oakland
Joel Liu	East	Pleasanton
Shiva Swaminathan	South	Fremont
Vijay Lakshman	South	Fremont
Lorraine Souza	Central	Hayward
Ernesto Pacheco	Central	Hayward
Ed Hernandez,Vice Chair	At Large	San Leandro
Harman Ratia	San Joaquin	Tracy

Current Vacancies:

- All five Alternate seats
- South Region Member
- Stockton Interim Member

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Ad Hoc Committee Background

Why are we here?

- With the addition of Stockton (and possible further expansion) the Board may wish to consider structural changes to avoid having some CAC regions lose seats while others gain them.
- Most of the CCA's in California that have CACs have one of the following structures:
  - **Regional**: The service area is divided into regions and CAC seats are allocated on a per region basis. This is EBCE's current structure.
  - **Jurisdictional**: Seats are allocated to each JPA member-jurisdiction on a per city/county basis, often mirroring the BOD structure.
  - **At-large**: Seats are not allocated to any specific regions/jurisdictions.
- Additional structural questions to consider:
  - Alternates?
  - Terms?
  - Appointment process

CCA Comparison

CCA	Committee structure/seat allocation
Central Coast Clean Energy	All At-large
Clean Energy Alliance	Jurisdictional
Clean Power Alliance	Regional
Desert Clean Energy	All At-large
EBCE	Regional
Orange County Power Authority	Jurisdictional
Peninsula Clean Energy	All At-large
Redwood Coast Energy Authority	Jurisdictional
San Diego Community Power	Jurisdictional
Sonoma Clean Power	All At-large
Valley Clean Energy	Jurisdictional

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Regional Approach Allocations w/ Stockton

Region	Member Jurisdictions	New JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
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At-Large	All		1	
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Next Steps

- 8/30: Ad Hoc mtg to discuss future of CAC structure
- 9/6: If necessary/desired, item goes to Executive Committee
- 9/18: CAC discusses item and may provide recommendation to Board
- 9/20: Item goes before full Board of Directors for discussion/final decision

12/31/23: End of term for all current Members of the CAC

Appointment timelines by structure:

- **Regional** (current structure): Applications (Oct/Nov); Nominations (Nov); Appointment by BOD (December).
- **Jurisdictional**: Appointments by cities/County (Oct-Dec)
- **At Large**: Applications (Oct); Appointments by BOD (December)

Thank You!

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