



**CAC C5
Staff Report Item 22**

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: Community Advisory Committee Guide and Appointment Process Updates (Action Item)
DATE: October 21, 2020

Recommendation

Adopt Resolution to amend the Community Advisory Committee (CAC) Guide and Appointment Process to:

- A. Include new EBCE service areas;
- B. Assign seats based on planning areas (see chart below);
- C. Expand the committee to 12 seats (10 seats based on planning areas and two at-large seats);
- D. Appoint one alternate for each planning area;
- E. Shorten appointment terms to 2-years, maintaining the appointment maximum of 8 years (4 full 2-year terms or combination thereof); and
- F. Request the Mayors' Conference to appoint the two at-large seats.

Background and Discussion

On September 25, 2020, staff presented suggested updates to the CAC Guide and Appointment Process to the Executive Committee in preparation of opening the 2020 application period. The suggested updates were made to ensure proper representation and engagement of the CAC. The Executive Committee reviewed the suggested updates and recommended the addition of three seats, increasing the CAC to 12 active seats to address the voting shares, appointing one alternate for each planning area, and engaging the Mayors' Conference to appoint two at-large seats.

The Committee directed staff to update the CAC guide and appointment process to include our new communities and to configure the apportionment of CAC seats to geographic regions of the EBCE service area. The seat allocations approximate the voting share percentage of each member jurisdiction:

	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	30%	3	1
EAST Dublin, Livermore, and Pleasanton	14%	1	1
SOUTH Fremont, Union City and Newark	27%	3	1
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	23%	2	1
SAN JOAQUIN COUNTY Tracy	6%	1	1
At-Large		1	
At-Large		1	

Below is a table with the current make-up of the CAC.

	Current CAC Seat Allocation	Current Alternate Seat Allocation
Albany, Berkeley, Oakland, Emeryville, and Piedmont	3* (4 th and 5 th CAC Members termed out 7/20)	Open
Dublin, Livermore, and Pleasanton	0	Open
Fremont, Union City, and Newark	1	Open
Hayward, San Leandro, and Alameda County Unincorporated	2	Open
Tracy	0	Open
At-Large	Open	
At-Large	Open	

By assigning seats to member jurisdiction areas, EBCE is able to engage the city Board representatives for outreach and appointment recommendations. This apportionment will also ensure equitable representation of all EBCE communities on the CAC.

To ensure engagement and active participation, appointment term lengths will be shortened to two years for members of the CAC with a maximum of eight years of service (four complete terms). If the proposed changes to the CAC are approved by the Board, open CAC seats and CAC seats that reach the end of a two-year term will be reviewed and allocated based on the new geographic apportionment formula. In order to facilitate transition, implementation of the new two-year terms will be applied to all current members of the CAC, as well as all future appointments.

The committee also recommended engaging the Mayor's Conference to appoint 2 at-large

seats to the CAC for outreach and agency visibility, and to enhance engagement with member agencies.

The CAC currently has 6 members with 3 regular and 2 alternate vacancies. To ensure the CAC is able to maintain a quorum, the application period is tentatively set for October/November 2020.

Fiscal Impact

The addition of 3 new seats and 5 alternate seats will increase the stipend budget from \$13,200 to \$20,400.

Attachments

- A. Resolution to Amend the Community Advisory Committee Guide and Appointment Process
- B. Community Advisory Guide and Appointment Process - Redline



Community Advisory Committee Guide

Purpose

Advise the Board of Directors on all subjects related to the operations of the CCA program as set forth in the work plan adopted on October 18, 2019

Authority

Established by the Board of Directors. See JPA section 4.9

Agency

East Bay Community Energy (EBCE)

Qualifications

EBCE service area resident or shall have owned or actively operated a business in EBCE service area for a period of at least 5 years prior to appointment and shall do so for the entire period of appointment. Applicants will be considered with an interest in maintaining diversity of representation by geography, population, work experience and community.

Staff Person

Stephanie Cabrera (510-736-4981)

Composition

The Advisory Committee consists of 10 planning area seats and two (2) at-large seats for a total of 12 seats. The 10 seats each represent the following areas:

	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	30%	3	1
EAST Dublin, Livermore, and Pleasanton	14%	1	1
SOUTH	27%	3	1

Fremont, Union City and Newark			
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	23%	2	1
SAN JOAQUIN COUNTY Tracy	6%	1	1
At-Large		1	
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Application Process

Any person residing or operating a business in the EBCE service area interested in serving on the Advisory Committee should complete the Advisory Committee application during the specified application period. EBCE will announce the start of the application window via meeting announcements, EBCE email distribution list and the Community Advisory Committee site: <https://ebce.org/community-advisory-committee/> . The application period will be for 30 days from the first announcement of the vacancy.

Applicants will receive an automated email response to their application submission with the appointment target date. EBCE staff will review applications for completeness and qualifications. Once the applications have been reviewed, applicants will be notified via email if they will or will not advance to be interviewed.

The Executive Committee and/or an ad hoc committee of the Board will interview enough candidates for the number of available planning area and alternate seats and will recommend the appointment of members to the full Board for approval. The Mayors' Conference will interview and appoint members for the two (2) at-large seats. Once selected applicants have completed the interview process, interviewees will be notified of their appointment status.

If a selected applicant declines the appointment invitation, another candidate may be selected from the same pool of interviewees. Applications will be retained for 30 days after appointments are made. In the event a vacancy is created during these 30 days, EBCE may use the same pool of applicants.

No applications will be retained for future application periods. Applicants not selected may resubmit an application when the next application period opens.

Appointment

The Committee is appointed by the Board of Directors based on the qualifications outlined above.

Term

Appointments shall be for two (2)-year terms. With the exception of the initial committee which had three (3) members serving a shorter term to stagger the term end dates. Members may serve up to four (4) full terms or any combination thereof for a total of eight (8) years, or at the pleasure of the Board, from the

date of appointment. No appointee shall serve more than a total of eight (8) years.

Chair and Vice-Chair

The Committee shall elect a new Chair and Vice-Chair annually at the June meeting. Members may serve as Chair or Vice-Chair for one (1) year and for no more than two (2) consecutive years.

Ex Officio Board Member

The Committee Chair will serve as a non-voting member of the Board of Directors as described in section 4.2.2 of the Joint Powers Authority Agreement. The Ex Officio Board member may not serve on the Executive Committee or participate in Closed Session Meetings of the Board.

Stipends

Committee members are eligible to receive a \$50 stipend per meeting with a maximum of \$100 per month. As the Ex Officio Member of the Board, the Chair will receive a \$100 stipend per meeting with a maximum of \$200 per month, in line with the Board's stipend.

For Committee members to be eligible for stipends, the Committee must have a quorum and members must arrive no later than 30 minutes after the meeting start time. Please see Board of Directors' Resolution R-2018-17 for additional information.

Attendance

Members are expected to attend up to two (2) meetings per month. Members must inform the Clerk of the Board of a planned absence.

Absences may not be communicated through the Chair, although the member should include the Chair in any attendance communications with the Clerk. Members with excessive absences may potentially be dismissed from the committee. The decision to dismiss a member will be made by the Board of Directors.

Vacancies

When a vacancy is created on the committee, EBCE will announce the vacancy and the start of the application window via meeting announcements, EBCE email distribution list, and the Community Advisory Committee site: <https://ebce.org/community-advisory-committee/> closest to the date the vacancy was created.

Vacancies will be filled no later than 90 days of the vacancy announcement. If the seat vacated is a regular seat, an alternate may be appointed immediately following the vacancy announcement to fill the seat and complete the remaining term.

Removal from Committee

A member of the Community Advisory Committee may be removed by the Board of Directors for any reason by majority vote. See JPA section 4.9.

RESOLUTION NO. __

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AMEND THE COMMUNITY ADVISORY COMMITTEE GUIDE AND APPOINTMENT PROCESS

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, the Board of Directors approved the Community Advisory Committee Guide and Appointment Process on November 10, 2019, which outlines the committee seats, qualifications, and appointment process.

WHEREAS, since the EBCE service territory has expanded to include the City of Tracy in San Joaquin County, staff sought direction from the Executive Committee on suggested updates to the Guide language to include the new EBCE service area, committee seat qualifications, and member term lengths.

WHEREAS, at the September 25, 2020 meeting, the Executive Committee recommended updates to include the new service area, assign seats based on planning areas, shorten current and future member terms to two years, increase the Committee Advisory Committee by two (2) additional at-large seats, appoint one (1) alternate for each planning area, and request the Mayors’ Conference to appoint the two (2) at-large seats. The Committee directed staff to make the recommended updates and present it to the Board of Directors for approval.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Board of Directors hereby authorizes the amendments to the Community Advisory Committee Guide and Appointment Process to include the new service area of City of Tracy in San Joaquin County; to assign seats based on planning areas and voting shares based on the chart below; to expand the Community Advisory Committee to 12 seats, 10 based on planning areas and two (2) at-large; to appoint one (1) alternate for each planning area; and to request the Mayors’ Conference to appoint the two (2) at-large seats.

	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
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ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board