



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

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MEMORANDUM

TO: Board of Supervisors' Transportation and Planning Committee

FROM: Chris Bazar, Director, Community Development Agency

DATE: February 2, 2015

SUBJECT: Community Choice Aggregation (CCA): Committees

BACKGROUND

On June 3, 2014, the Board of Supervisors authorized County staff to pursue actions that could result in formation of a new Joint Powers Authority (JPA) agency to implement a Community Choice Aggregation program for Alameda County, including steering committee formation and public outreach. The Board also authorized the expenditure of up to \$1,325,000 for the tasks described above.

DISCUSSION

At the December 8 meeting of the Board's Transportation and Planning Committee, the Committee asked Staff to bring back a recommendation on Committee Structure for the CCA process, specifically one that would include two Committees: A Citizens' Advisory or Stakeholders' Committee, which would examine and propose policy direction for the CCA, and which would have some number of members appointed by the Board of Supervisors; and a Technical Committee, which would examine technical aspects of the CCA and be composed of appointees by the Cities and / or Non-Governmental Organizations with significant background in California energy issues. The latter Committee could conceivably serve as a template for the future CCA Board of Directors.

The draft Committee structure developed by Staff, which is more fully presented in Attachment A, can be summarized as follows:

Two Committees of equal ADVISORY standing, one appointed by the Board of Supervisors, one staffed and/or appointed by the Municipalities:

A: Stakeholders' Policy Committee (SPOC) - 20 Committee members, appointed by each of the five Board members (4 appointees apiece), in 4 categories, each category containing 5 participants:

1. General interest members (district-specific or at large);
2. Economic / End User – members from the business community, Organized Labor, or representatives from Commercial / Ag / Residential / Industrial / Institutional end user groups.
3. Environmental – members representing interests in renewable energy, carbon-reduction, open space, transportation electrification (vehicles, rail, shipping), etc.

4. Social Justice / Equity – members representing interests in economic development, disadvantaged communities, diverse ethnicities and lower-income groups, and small local business enhancement.

The Stakeholders' Committee would be a Brown Act Committee, with open meetings. This Committee would discuss CCA policy, and would report with Staff assistance to the T&P Committee and Board, as well as to the City Councils of participating municipalities.

B: CCA Technical Advisory Group (CCA-TAC) – 18 Committee members, each serving his or her municipality or supervisorial district. Members could be appointed by the respective City Councils or Board members from the Stopwaste EC / TAG or Municipal Staff. Interests would include:

1. Local energy issues related to user groups within the various municipalities or districts
2. Governance leading up to, and after formation of, the JPA agency
3. Technical details, such as numbers, load requirements, possible technical pitfalls, and optimizing the JPA's mission to emphasize the best / most desirable combination of cost control, cost stability, local and regional renewable energy investment, carbon-emission reduction, local job creation, and investment in appropriate technologies to support the above objectives.

This Committee does not need to be a formal Brown Act Committee, but it would largely function as one. Committee members should have some basic interest and background / experience in energy and CCA matters. This Committee would discuss CCA matters narrowly and in detail. This Committee would report to the T&P and Board, with Staff assistance, and also to the City Councils of participating municipalities as needed.

Committee Options

As both Committees work together to forge the CCA policy framework, there may be instances where the discussions and determinations of the two Committees intersect and are not in conformance with each other, in which case Staff can bring majority and minority opinions or opposing viewpoints to the Board for its final consideration. Also, the Committees could choose to convene a Conference Committee to meet and iron out compromise positions on issues where agreement is critical.

There are many possible variants on this committee structure.

- A portion of the Stakeholders' Committee could either be appointed by other entities, or could be invited by appointees.
- The five at-large Technical Committee members could be appointed OR invited, and could either be general interest members or neutral technical specialists.

Prior to the release of this Memorandum, the East Bay Clean Power Alliance (EBCPA) proposed an alternative to the above Committee Structure whose participants would still represent the same basic interests but take a different form. In the EBCPA proposal, a single Steering or Stakeholders' Committee would be formed, consisting of appointees from each of the participating cities, and up to 20 appointees by the Board of Supervisors, possibly in a similar fashion to that described above in the Stakeholders' Policy Committee (A). This single Committee would report all findings to the Board of Supervisors, and at key moments to other decisionmaking bodies. A Technical Subcommittee could be formed (as well as

other subcommittees if needed) to discuss key CCA matters as above, and then report back to the Steering Committee. An outline of this proposal from EBCPA is provided as Attachment B.

With regard to the Board of Supervisors' appointments, Staff would assist the Board in applications and vetting of potential committee members, and in noticing, assembling and scheduling the first meetings. The application process would consist of a basic form to submit with information about the applicant and his / her interest in the matter, most likely submitted to a specific supervisorial district, as each Supervisor would have four appointees under the proposed committee structure.

Staff has also prepared an RFQ / RFP for a technical consultant to write a Technical Feasibility Study and assist with technical knowledge on energy matters in California, and is beginning the outreach process to potential consultants.

NEXT STEPS

Based on the information contained in this memo and its attachments, Staff seeks further direction from the Transportation and Planning Committee at this time with respect to the structure and composition of the Committee or Committees, and on the application process for appointments. Following creation of the Committee(s), next steps would include:

- Work with Administrative consultants and County Administrator to prepare load data request for PG&E
- Engage the Committee to help construct an appropriate Scope of Work for the Technical Consultant, so that all important issues related to the CCA can be appropriately framed and examined.

Attachments

cc: Each member, Board of Supervisors
Susan Muranishi, CAO
County Counsel

Attachment A: Committee Structures for CCA.

Two Committees of equal ADVISORY standing , one appointed by the Board of Supervisors, one staffed and/or appointed by the Cities:

A: Stakeholders' Policy Committee (SPOC) -20 Committee members, appointed by each of the five Board members (4 appointees apiece), in 4 categories, each category containing 5 participants:

1. Undefined interest or general interest, district-specific or at large – could be any interested persons the Board perceives as qualified, including additional members from any of the interest groups described below.
2. Economic /End User – could be from the business community, Labor Communities, or could be reps from Commercial / Ag / Residential / Industrial / Institutional end user groups.
3. Environmental – representing groups whose interests include renewable energy, carbon-reduction, renewable energy business, open space preservation, transportation electrification progress, etc.
4. Social Justice / Equity – reps would include groups interested in economic development in disadvantaged communities, communities of color, diverse ethnicity and culture, lower-income groups, and SLEB-type concerns.

This Committee would be a formal Brown Act Committee, have open meetings in which all concerned citizens would be able to speak and be heard at every gathering. Committee members would have no specific qualifications other than the categories outlined above, but with some basic interest in the CCA concept and process desirable. This Committee would discuss CCA formative policy broadly and / or in detail as required, with few if any limits on the breadth of the discussion as long as it pertains to CCA. This Committee would report to the T&P and Board, with Staff assistance, and also to the City Councils of participating municipalities when the time is appropriate, and would exchange information with the Technical Committee described below as necessary on issues where the two committees intersect.

Appointments would be managed by means of an application process, with review of applications as directed by the Board. Staff proposes that applications for each group category described above request details of a prospective applicant's interest and/or qualifications in that category, and that applicants designate under which Supervisorial District they would choose to be appointed.

B: CCA Technical Advisory Group (CCA-TAC) – 18 Committee members, consisting probably of staff, each serving his or her municipality or supervisorial district, could be self-appointed from the Stopwaste EC / TAG or appointed by the respective City Councils or Board members, and could include either five Board general interest appointees or five neutral technical specialists. Interests would include:

1. Local energy issues related to user groups within the various municipalities or districts
2. Governance leading up to, and after formation of, the JPA agency

3. The technical details, such as numbers, load requirements, possible technical pitfalls, and optimizing the JPA's mission to emphasize the best / most desirable combination of cost control, cost stability, local and regional renewable energy investment, carbon-emission reduction, local job creation, and investment in appropriate technologies to support the above objectives.

This Committee does not need to be formal Brown Act Committee, but it would largely function as one; participating staff members could rotate in or out as necessary and could opt out if their municipalities decide not to continue, but meetings would be publicly open and all concerned citizens would be able to speak and be heard at each gathering. Committee members should have some basic interest and background / experience in energy and CCA matters, as well as understanding of his or her municipality. This Committee would discuss CCA formative and functional matters fairly narrowly and in detail, with limits on the breadth of the discussion, and controlled by a Chairperson or moderator. This Committee would report to the T&P and Board, with Staff assistance, and also to the City Councils of participating municipalities when the time is appropriate, and would exchange information with the Technical Committee described below as necessary on issues where the two committees intersect.

C: In the instance where the discussions and determinations two Committees intersect and are not in conformance with each other, a **Conference Committee may be selected by each to meet and iron out compromise positions** on issues where agreement is critical. In cases where either Committee cannot reach agreement internally, or the two cannot reach agreement externally, Staff will bring majority and minority opinions to the Board or City Councils for their final consideration.

Attachment B: Proposal for Alameda County Community Engagement and Oversight

The members of the East Bay Clean Power Alliance are excited by the prospect of a vibrant Alameda County Community Choice energy program. We see active participation and oversight by communities in Alameda County's Community Choice program development as vital to ensuring widespread, enthusiastic support for the program when it launches. To that end, and consistent with our November 11 letter to Supervisors (attached) we propose the following structure and process for selecting members of a Community Engagement and Oversight Committee.

We support a single committee, as suggested by county staff (December 8, *Memorandum*, Section VI., C.), as the best way to guarantee open communication among all participants and prevent an unequal division of power between committees. To the extent that the county seeks the assistance of individuals with technical expertise in clean energy project development, those individuals should serve as a sub-committee of the Community Engagement and Oversight Committee, supplementing the professional, community service, and lived experiences of community representatives.

Community participants should be diverse with respect to gender, age, ethnicity, race, income level and geography in proportion to the population. They should also represent organizations including major interest groups and Community Choice stakeholders, such as environmental and environmental justice organizations, social justice organizations, labor and workforce development organizations, green/sustainable/renewable businesses, commercial businesses and developers, small and diverse business enterprises, faith-based organizations, housing advocates, neighborhood organizations, and health-based organizations.

We propose that this single Committee consist of around 25 representatives of the different constituencies listed above plus representatives of cities committed to the Community Choice program formation process.

Community members would be selected by the following procedure. Supervisors would issue an open call for candidates to be considered for the Committee. Candidates would need to provide background information and be nominated by at least three organizations representing one of the constituencies listed above. County staff would vet the candidates to propose a slate of candidates that represents the diversity, geographic regions, and stakeholder interests listed above. The Board of Supervisors would then approve this slate of candidates, with modifications as it sees fit.

The committee, once formed, should be open to additional candidates if it were determined that significant constituencies were not represented.

November 11, 2014

Dear Supervisors Haggerty, Valle, Chan, Miley, and Carson

We write representing an alliance of groups who advocate for Community Choice energy programs as a powerful tool that local governments have for taking meaningful climate action while addressing other community needs. Potential benefits of Community Choice include: spurring economic development and clean energy jobs, reducing greenhouse gas emissions, stabilizing or lowering the cost of electricity, improving community health and social equity, and providing other community benefits. Like any tool, the value comes from how it is used.

At the Alameda County Board of Supervisors on June 3 there was discussion regarding the importance of engaging community expertise and perspectives in the development of an Alameda County program. In particular, there was mention of a possible advisory structure or steering committee. We believe careful choice of any advisory or steering committee is important in designing a Community Choice program that will achieve community goals.

In particular, any public advisory or steering committee should be representative of the communities involved. Therefore, any Community Choice advisory or steering committee for Alameda County should be diverse with respect to gender, age, ethnicity, race, income level and geography in proportion to the population. We understand that the size of a committee will mean that perfect representation may not be possible so we also recommend that members represent organizations including major interest groups and Community Choice stakeholders, such as environmental and environmental justice organizations, social justice organizations, labor organizations, small business organizations, minority business organizations, green/sustainable/renewable business organizations, commercial businesses and developers, faith-based organizations, neighborhood organizations, health-based organizations, and youth organizations.

Some knowledge of how Community Choice programs are structured and how electricity is delivered is desirable, but we believe that the committee should be educated in these matters and recommend the document [*East Bay Community Choice Energy: from Concept to Implementation*](#) be part of the education process.

As in all public endeavors we believe that transparency is an essential guiding principle. In that regard we would like the selection process of the advisory or steering committee to be made publicly available. Transparent information about the process should include who will make the selections, the criteria, whether it is a point-scale or subjective evaluation, means of outreach to prospective applicants, and the timeline for outreach and selection.

Thank you for considering our recommendations. We look forward to participating in making the Community Choice program in Alameda County into one we can all be proud of.

-Continued on next page-

Sincerely,

East Bay Clean Power Alliance*:

Local Clean Energy Alliance

Sierra Club SF Bay Chapter

Tri-Valley Progressives

Clean Energy & Jobs Oakland Campaign of the Oakland Climate Action Coalition

Community Choice Working Group of the Berkeley Climate Action Coalition

Wellstone Democratic Renewal Club

Hayward Demos Democratic Club

Berkeley Climate Action Coalition

* The East Bay Clean Power Alliance advocates for Community Choice energy programs in the East Bay that serve to spur equitable economic development and family-sustaining clean energy jobs, reduce greenhouse gas emissions, stabilize or lower the cost of electricity, improve community health and social equity, and provide other community benefits. We see the development of local renewable energy resources (including reduced consumption) as key to securing these benefits.

We also see engagement of the East Bay community, broadly and equitably, as central to achieving such goals, both in establishing the Community Choice program and in the governance structure of the program once it is set up.