



PENINSULA CLEAN ENERGY
JPA Board Correspondence

DATE: June 17, 2016
BOARD MEETING DATE: June 23, 2016
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority Present

TO: Honorable Peninsula Clean Energy Joint Powers Board
FROM: Jim Eggemeyer, Director, Office of Sustainability
SUBJECT: Limited delegation of authority to Chief Executive Officer to take action to support or oppose legislation or other initiatives

RECOMMENDATION:

Receive information from Staff regarding Policy 1, the limited delegation of authority to Chief Executive Officer (CEO) to take action to support or oppose legislation or other initiatives.

BACKGROUND:

On occasion, the Chief Executive Officer (CEO) may be approached with a request to take action in support of or opposition to legislation or other initiatives related to Peninsula Clean Energy's mission. This policy is intended to delegate authority to the CEO of Peninsula Clean Energy to take necessary action on such legislation or other initiatives when certain conditions are met.

DISCUSSION:

There are several bills currently in discussion in the State legislature that directly affect Community Choice Energy programs. At times, the CEO must make a decision to support or oppose a bill that, if passed, may have an effect on Peninsula Clean Energy customers. These instances are often time-sensitive in nature and the CEO may need to act before getting direction from the Peninsula Clean Energy Board of Directors. For this reason, staff recommends authorizing the CEO of Peninsula Clean Energy to sign documents or take a stance on legislative items on behalf of Peninsula Clean Energy when all of the following conditions are met:

- The legislation or other initiative is directly related to, and consistent with, Peninsula Clean Energy's mission.

- Bringing the matter to the Board of Directors at its next scheduled meeting is not practical due to time constraints.
- Calling a special meeting to address the matter is neither practical nor appropriate under the circumstances.
- The CEO has investigated the positions of (1) other California CCEs; (2) state and federal legislators representing San Mateo County and its cities; and (3) the County of San Mateo and its cities and the CEO understands the range of opinions on the legislation or initiative and has considered those opinions in determining whether and how to take a position.
- The CEO has conferred with the Chair of the Board of Directors (Chair) and both the Chief Executive Officer and the Chair agree that: (a) the position that the CEO intends to take is consistent with the mission of Peninsula Clean Energy; (b) bringing the matter to the Board of Directors at its next scheduled meeting or at a special meeting is not practical or appropriate under the circumstances; and (c) taking the position without a vote of the Board of Directors is appropriate under the circumstances.
- The CEO reports any position taken pursuant to this policy at the next regularly scheduled Board of Directors meeting as part of the Chief Executive Officer Report.

FISCAL IMPACT:

There is no fiscal impact currently associated with this report.

Subject: Delegation of authority to Chief Executive Officer to take action to support or oppose legislation or other initiatives

Purpose: On occasion, the Chief Executive Officer is approached with a time-sensitive request to sign a letter of support for (or opposition to) legislation or other initiatives related to Peninsula Clean Energy's mission. This policy is intended to delegate authority to the Chief Executive Officer to take necessary action to provide that support (or opposition) consistent with the Peninsula Clean Energy mission when certain conditions are met.

Policy: Peninsula Clean Energy hereby delegates its authority to the Chief Executive Officer to sign documents or other materials on behalf of Peninsula Clean Energy, when all of the following conditions are met:

- 1) The legislation or other initiative is directly related to, and consistent with Peninsula Clean Energy's mission.
- 2) Because of time constraints, bringing the matter to the Board of Directors at its next scheduled meeting is not practical.
- 3) Calling a special meeting to address the matter is neither practical nor appropriate under the circumstances.
- 4) The Chief Executive Officer has investigated the positions of (1) other California CCAs; (2) state and federal legislators representing San Mateo County and its cities; and (3) the County of San Mateo and its cities, understands the range of opinions on the legislation or initiative and has considered those opinions in determining whether and how to take a position.
- 5) The Chief Executive Officer has conferred with the Chair of the Board of Directors and both the Chief Executive Officer and the Chair agree that: (a) the position that the Chief Executive Officer intends to take is consistent with the mission of Peninsula Clean Energy; (b) bringing the matter to the Commission at its next scheduled meeting or at a special meeting is not practical or appropriate under the circumstances; and (c) taking the position without a vote of the Commission is appropriate under the circumstances.
- 6) The Chief Executive Officer reports any position taken pursuant to this policy at the next regularly scheduled Board of Directors meeting as part of the Chief Executive Officer Report.