



# Community Advisory Committee

Regular Meeting

March 11<sup>th</sup>, 2022



# Regular Meeting Agenda

1. Welcome
2. Roll Call
3. Public Comment for Items Not on the Agenda
4. Items to be Withdrawn, or Reordered on the Agenda
5. Receive Update on Community Power Plan and Extend the CAC Appointments to Join the CPP Project Team
6. Receive Brown Act Training Presentation from BB&K
7. Update on the Chief Executive Officer Recruitment Process
8. Receive Update on Phase 3 Mass Enrollment
9. Receive SDCP Regulatory and Legislative Training
10. Receive Update and Discuss SDCP's Draft Legislative Platform for 2022
11. Standing Item: Discussion of Potential Agenda Items for Board of Directors Meetings
12. Committee Member Announcements
13. Adjournment



# **Welcome!**

**Peter Andersen**

**Victoria Abrenica**

**Aida Castañeda**

**Lawrence Emerson**

## Item 5

**Receive Update on Community Power Plan and Extend the CAC Appointments to Join the CPP Project Team**

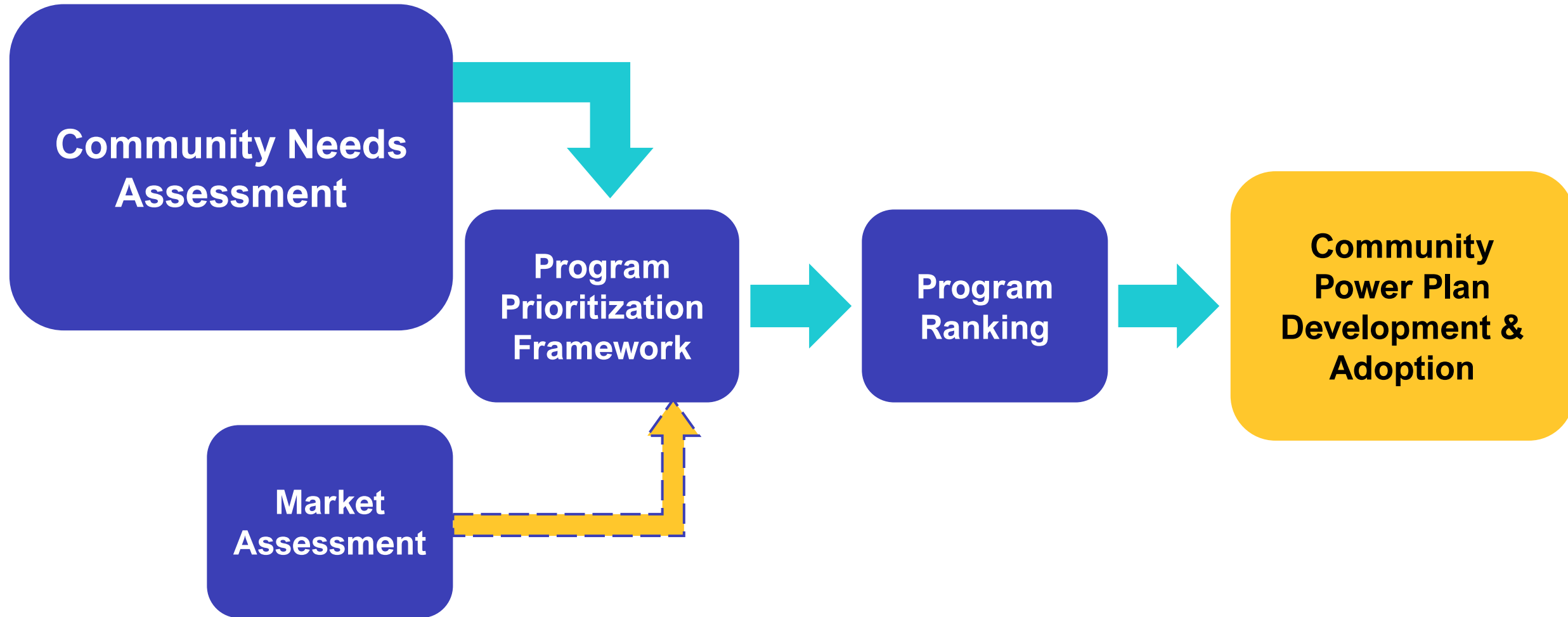
# Item 5 - Update on Community Power Plan and Extend the CAC Appointments

## Quick History

- In November 2021, Calpine Energy Solutions, on behalf of SDCP, issued an RFP for a Community Needs Assessment and Community Power Plan.
- In December 2021, Calpine received four RFP Responses.
- At the December 2021 meeting, the CAC appointed Committee members Carolyn Scofield and Matt Vasilakis to assist in the recruitment of the firm.
- Staff, along with CAC members, and Calpine reviewed the four responses and interviewed three firms.
- The team recommended moving forward with a firm and Staff has been working on finalizing the Scope of Work.
  - Unfortunately, cannot release the name due to Calpine being in active contract negotiations



# Community Power Plan Development



# Phase 1: Community Needs Assessment

## External & Internal Stakeholder Engagement

- Strategy Development, including Stakeholder Compensation
- 6 public listening sessions hosted by Community Based Organizations
- Interviews with interest-groups stakeholders already organized around populations of focus
- CCA Listening Session with Program Staff to get lessons learned
- Community Survey and attendance at 20 events
- 2 Community Goal Setting Workshops
- 2 Goal Setting Workshops for the CAC and Member Agency Staff
- 1 Goal Setting Workshop for the Board

## Program Prioritization Framework

- Develop a decision-making framework for prioritizing programs based on input from community



# Phase 2: Community Power Plan

## Program Market Assessment

- Policy and funding context & list of available funding and financing sources
- Assessment of existing programs
- Identify best practices in Program Delivery
- Gap assessment of existing to identify any misalignment with community priorities.

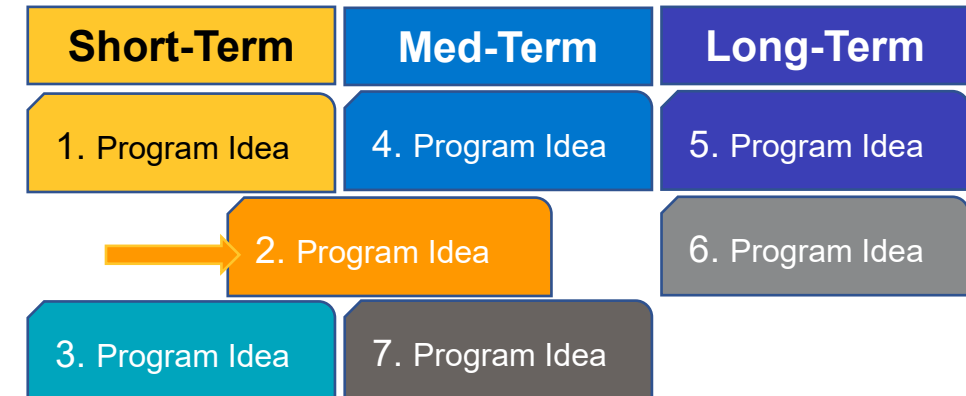




# Phase 2: Community Power Plan

## Program Ranking

- Qualitative prioritization of all potential programs to 20 that are most aligned with community needs and SDCP priorities.
- Establish a priority order for implementation in the short-, medium- and long-term horizon.
- Advise on ways to phase programs over the next five years to develop a well-rounded portfolio of programs & advising on program implementation



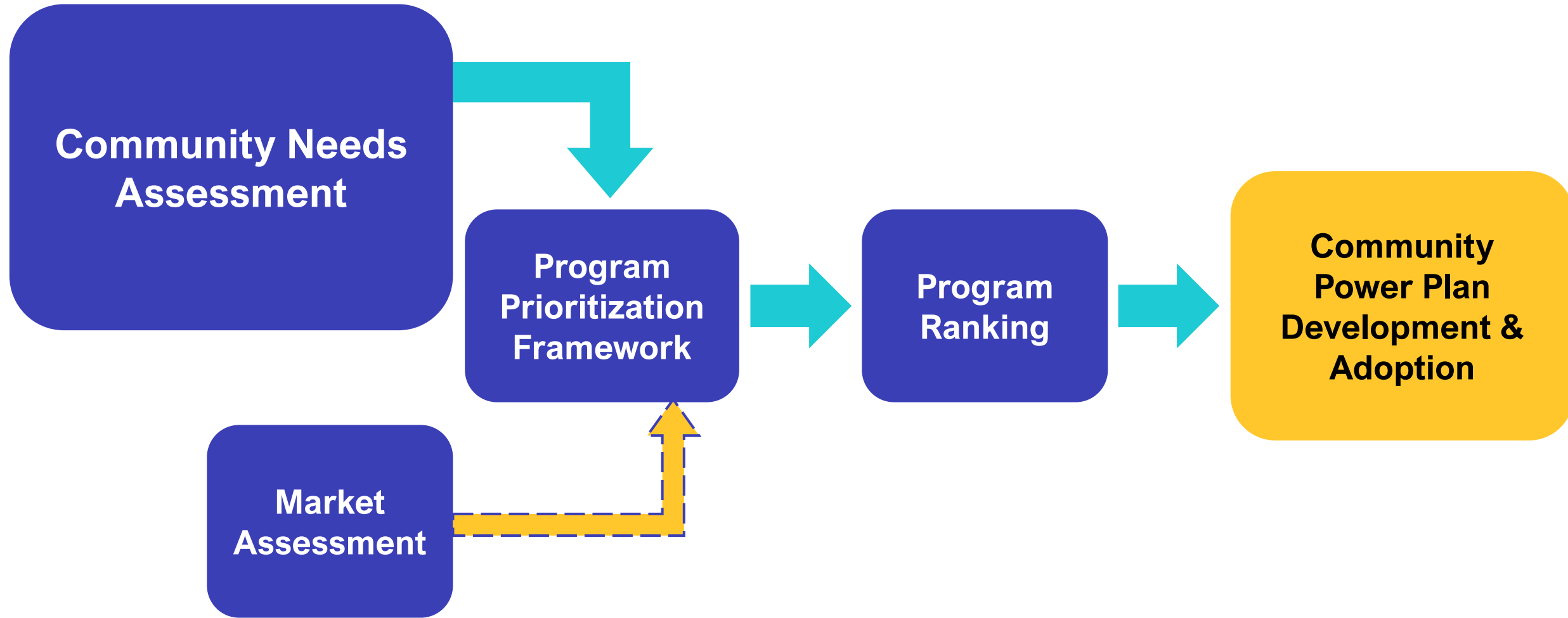
# Phase 2: Community Power Plan

## Community Power Plan Document & Adoption

- Develop a formal, public facing Community Power Plan for Board adoption.
- Lays out the opportunities to addressing community needs & priorities, partnerships, stakeholders, and an initial 5-yr program suite for implementation.
- First draft of the plan will be presented to engaged stakeholders, community members, and the CAC to solicit feedback and input
- Allow for a 30-day comment period for written feedback and input that will be incorporated into final plan.
- Plan will be translated into Spanish and Tagalog.



# Community Power Plan Development



# Item 5 - Update on Community Power Plan and Extend the CAC Appointments

**Action Item: Extend the CAC appointments to join the CPP project team**

- **Staff is requesting the Committee vote to extend the appointments of the two CAC appointments, Committee members Carolyn Scofield and Matt Vasilakis, to join the CPP Project Team**
- This would allow the appointments to:
  - Join bi-monthly (*every other week*), 1-hour long check-in calls with the selected Consultant;
  - Review key deliverables (*e.g., memo's, summaries, drafts, etc.*) and provide feedback as needed;
  - Meet with SDCP program staff to strategize and/or provide feedback regarding CPP-related topics or issues.
  - Report back to the CAC on progress of the CPP development, as needed.

## **Item 6**

**Receive Brown Act Training Presentation from  
Best Best & Krieger**



# San Diego Community Power Community Advisory Committee

Briefing on the Ralph M. Brown Act

Nicholaus W. Norvell  
Attorney, Best Best & Krieger LLP



# Overview

- Purpose of the Brown Act
- Application of the Brown Act
- Serial Meetings
- Rules Governing Meetings
- Violations
- Brown Act and COVID-19 Response



# The Ralph M. Brown Act

- In 1951, S.F. Chronicle reporter Mike Harris spent six weeks looking into how local agencies conducted meetings
- State law had required business to be done in public, but Harris discovered secret meetings or caucuses were common
- Harris wrote a 10-part series on “Your Secret Government” that ran in 1952



# The Ralph M. Brown Act

- Out of the series came a push for new state open meeting laws
- Assemblymember Ralph M. Brown authored the law
- The “Brown Act” has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws



# Purpose of Brown Act

To ensure that almost all aspects of the decision-making process of legislative bodies of local agencies are conducted in public and open to public scrutiny.

*“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”*

(Gov. Code § 54950.)





# Application

*To whom does the act apply?*

- “Meetings” of legislative bodies of local agencies
  - Including persons elected to legislative bodies, even prior to assuming office



# Application

- *Local Agency*
  - A city, county, city and county, town, school district, special district political subdivision, or any board, commission or agency thereof, or other local public agency
  - Includes joint powers agencies, like OCPA
- *Legislative Body*
  1. Governing body
  2. Board, commission, committee created by formal action of the governing body (e.g., Community Advisory Committee)
  3. Private organizations (in limited circumstances)



# The Key to the Brown Act

- All meetings shall be open and public except when the Brown Act authorizes otherwise



# Application



- What is a meeting?
- When is a meeting not a meeting?



# Application

- *Meeting*

- Any gathering of a majority of the members at the same time and place (even electronically) to **hear, discuss or deliberate** upon any matter under their jurisdiction
- No action needs to be taken for a meeting to occur
- Conversations, sharing of comments/questions, collective exchange of facts, etc. between and among members of a legislative body about agency issues is sufficient





# Application

- *Not a Meeting*
  - Individual contacts (less than a quorum)
  - Conferences and seminars
  - Community meetings
  - Purely social or ceremonial occasions
  - Attendance at standing committee meetings
  - Meetings of other legislative bodies – majority of body may attend as long as they do not discuss among themselves issues related to the agency



# Serial Meetings

- *Serial Meetings – Expressly Prohibited*
  - “Use of direct communication, personal intermediaries, or technological devices employed by a majority of the legislative body members in order to develop a collective concurrence as to action to be taken on an item by the legislative body is prohibited.”



# Serial Meetings

## *Ways Serial Meetings Can Happen*

- Personal Meeting
- Telephone
- E-mail (especially “reply all”)
- Written Correspondence
- Use of Intermediaries
- Social Networking Sites such as Facebook and Twitter



# Social Media

*SB 992 – Effective January 1, 2021*

- Members of a legislative body may not:
  - Discuss agency business with a majority of members of the same legislative body, including communicating, posting, sharing, commenting, or using digital icons (e.g., “likes,” emojis, etc.); or
  - Respond directly to another member’s communication, comment or post if the two are on the same legislative body and the topic concerns agency business.



# Serial Meetings

## *Elements of a Serial Meeting*

- Series of communications
- Between less than a quorum
- But taken as a whole involves the majority
- Concurrence
  - Advances or clarifies the understanding of an issue
  - Facilitates an agreement or compromise among members
  - Advances the ultimate resolution of an issue





# Serial Meetings

## *Two types of Serial Meetings*

### 1. Chain

- Member A speaks to Member B who speaks with Member C about a particular matter and in the process they all form a collective concurrence on a matter

### 2. Hub and Spoke

- An intermediary acts as the hub of a wheel with members relaying information back and forth to each other through the hub, and in the process a majority of the legislative body develops a collective concurrence



# Serial Meetings

## *Serial Meeting Exceptions*

- While the Brown Act prohibits serial meetings, it explicitly allows one-on-one communications by a non-member (i.e., staff) with members of the legislative body
- But does NOT allow sharing of views, comments, concerns, etc. of different members



# Serial Meetings



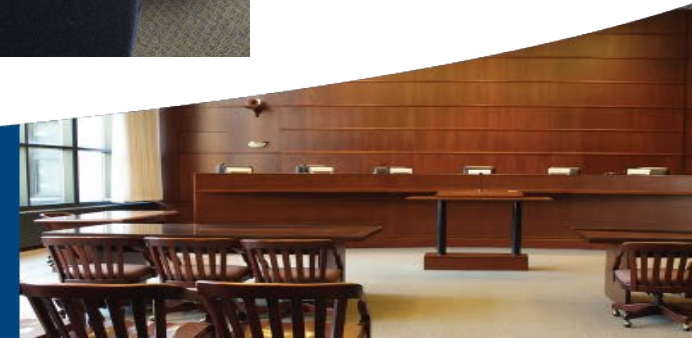
## E-mail Tips

- Refrain from “reply all” in e-mails
- Ensure that any individual e-mails do not become a serial meeting
- Take caution
- Ensure compliance with law



# Rules Governing Meetings

- Regular meeting
- Special meetings
- Public's right to comment



# Rules Governing Meetings

## *REGULAR MEETINGS - Agenda Requirements:*

- ⑩ Post 72 hours prior to the meeting
- ⑩ Must include the time and location of the meeting
- ⑩ Must contain a brief general description of each item to be discussed or addressed
- ⑩ Must provide opportunity for comment on non-agenda items



# Rules Governing Meetings

## *SPECIAL MEETINGS - Agenda Requirements:*

- Posted no later than 24 hours prior to the meeting
- Must include the time and location of the meeting
- Must contain a brief general description of each item to be discussed or addressed



# Rules Governing Meetings

## *Distribution of Agenda Packet to Public*

In addition to posting an agenda, local agency must also make the agenda packet available to the public when the materials are distributed to all or a majority of the legislative body, whichever is first





# Rules Governing Meetings

## *The Public's Right to Comment*

- ⑩ At every regular meeting, members of the public have the right to directly address the body on any item under the jurisdiction of the body
- ⑩ For agenda items, the public must be given an opportunity to comment before or during the body's consideration of the item
- ⑩ At special meetings, members of the public have the right to address the body about any item that is listed on the agenda



# Willful Interruptions

- Legislative body may remove persons from a meeting who willfully interrupt proceedings
- Ejection justified only when audience members *actually disrupt* the proceedings
  - Agency may not prohibit “insolent” remarks by members of the public absent actual disruption
  - If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. Legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance



# Rules Governing Meetings

## *Public Recording of Meetings*

- Public is allowed to audio or video tape a meeting unless the agency can make a reasonable finding that the recording would constitute a persistent disruption of the proceedings
- Recordings of public meetings by the agency are public records



# Rules Governing Meetings

*No action or discussion allowed for any item not listed on agenda except under rare circumstances:*

- ⑩ Emergency situations
- ⑩ Adding items by 2/3 vote because of need for “immediate action” that came to the agency’s attention after the agenda was posted



# Rules Governing Meetings

For items not on the agenda, the following are OK:

- Brief responses to statements or questions from public
- Questions to staff for clarification of matters based upon public comments
- Brief announcements or reports on member's or staff's activities
- Providing references or information to staff
- Asking staff to report back at a future meeting



# Remedies for Violations

- For violations, Court may:
  - Enjoin action
  - Invalidate action
  - Mandate correction
- Court costs & attorney fees are recoverable
- Individuals who intentionally violate may be guilty of a misdemeanor



# Brown Act Exceptions During Covid-19

- By executive orders issued in March 2020, the Governor suspended various parts of the Brown Act, including:
  - Meetings can be held telephonically or using videoconferencing without a physical meeting location
  - Information on how the public can observe the meeting and provide comments must be stated on the agenda
  - AB 361 continues remote participation if certain findings made every 30 days





# Questions?



# Item 7

## **Update on Chief Executive Officer Recruitment Process**

## Item 8

### **Receive Update on Phase 3 Mass Enrollment**

# Phase 3: Mass Enrollment So Far

## Imperial Beach/February NEM True Up Update:



- Phase 3 Enrollment for Imperial Beach is now complete. A total of **9,399** Non-NEM and **47** NEM active accounts were successfully added into SDCP's service in February.
- An additional **7,129** active NEM accounts with February true up month across all member cities were also added into SDCP's service in February along with **595** Non-NEM accounts.

# Phase 3: Mass Enrollment So Far

## La Mesa/March NEM True Up Update:

- La Mesa Phase 3 enrollment is currently underway effective as of 3/1/2022. A total of **22,893** Non-NEM and **274** NEM accounts are expected to be enrolled.
- An additional **7,170** NEM accounts across all other member cities with March true up are also expected to be enrolled.



# Phase 3: Statutory Pre and Post Enrollment Notices Schedule

Notice #1 (Pre-Enrollment Notice #1)	Post card
Notice #2 (Pre-Enrollment Notice #2)	Letter
Notice #3 (Post Enrollment Notice #1)	Post card
Notice #4 (Post Enrollment Notice #2)	Post card

Transition  
Month

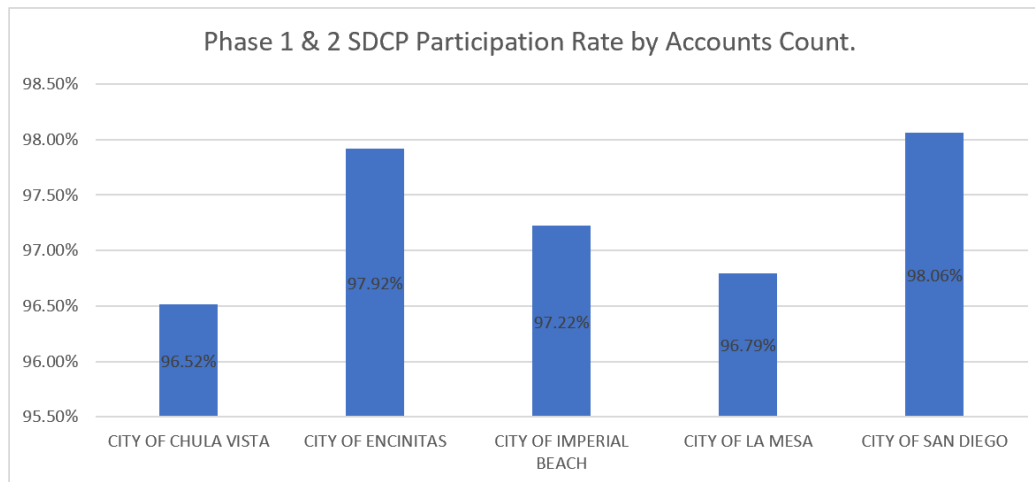
	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23
February - Imperial Beach				9,705											
February - NEM (Standard)				5,905											
February - NEM (Encinitas)				340											
March - La Mesa				22,920	22,920										
March - NEM (Standard)				7,108	7,108										
March - NEM (Encinitas)				373	373										
April - Encinitas				20,465	20,251	20,251									
April - NEM (Standard)				7,019	6,901	6,901									
April - NEM (Encinitas)				357	356	356									
May - San Diego/Chula Vista				552,565	552,565	552,565	552,565								
May - NEM (Standard)				7,348	7,348	7,348	7,348								
May - NEM (Encinitas)				391	391	391	391								
June - NEM (Standard)					7,613	7,613	7,613	7,613							
June - NEM (Encinitas)					399	399	399	399							
July - NEM (Standard)						7,347	7,469	7,469	7,469						
July - NEM (Encinitas)						380	380	380	380						
Aug - NEM (Standard)							8,977	9,097	9,097	9,097					
Aug - NEM (Encinitas)							430	430	430	430					
Sep - NEM (Standard)								8,970	7,983	7,983	7,983				
Sep - NEM (Encinitas)								409	409	409	409				
Oct - NEM (Standard)									8,657	7,000	7,000	7,000			
Oct - NEM (Encinitas)									443	443	443	443			
Nov - NEM (Standard)										9,135	7,769	7,769	7,769		
Nov - NEM (Encinitas)										474	474	474	474		
Dec - NEM (Standard)											9,154	8,684	8,684	8,684	
Dec - NEM (Encinitas)											522	522	522	522	
Jan - NEM (Standard)												6,811	6,904	6,904	6,904
Jan - NEM (Encinitas)												395	395	395	395
Total	16,137	46,909	74,192	634,496	626,225	603,551	585,572	34,767	34,868	34,971	33,754	32,098	24,748	16,505	7,299

# Phase 3: Participation Rate

- Opt outs and participation rates for Phase 1, 2 and 3 are currently tracking within our expected threshold of 5% or less.

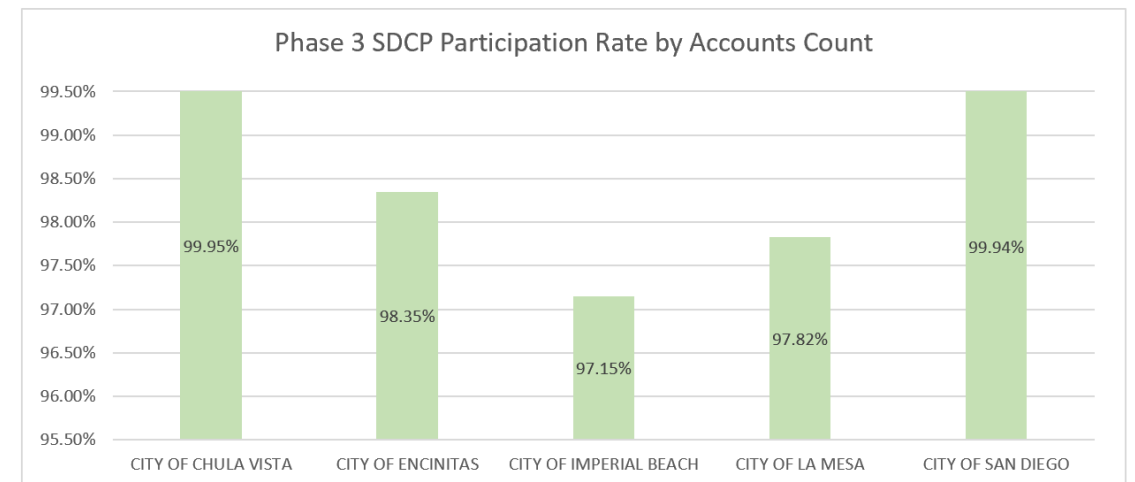
Phase 1 & 2

Member City	Active	Eligible	Total Opt Outs	SDCP Participation Rate
CITY OF CHULA VISTA	7451	7720	269	96.52%
CITY OF ENCINITAS	3105	3171	66	97.92%
CITY OF IMPERIAL BEACH	525	540	15	97.22%
CITY OF LA MESA	2596	2682	86	96.79%
CITY OF SAN DIEGO	56254	57368	1114	98.06%
<b>Grand Total</b>	<b>69931</b>	<b>71481</b>	<b>1550</b>	<b>97.83%</b>



Phase 3

Member City	Active	Eligible	Total Opt Outs	SDCP Participation Rate
CITY OF CHULA VISTA	1243	75154	37	99.95%
CITY OF ENCINITAS	348	21222	351	98.35%
CITY OF IMPERIAL BEACH	9446	5859	167	97.15%
CITY OF LA MESA	284	23530	512	97.82%
CITY OF SAN DIEGO	5849	495296	305	99.94%
<b>Grand Total</b>	<b>17170</b>	<b>621061</b>	<b>1372</b>	<b>99.78%</b>

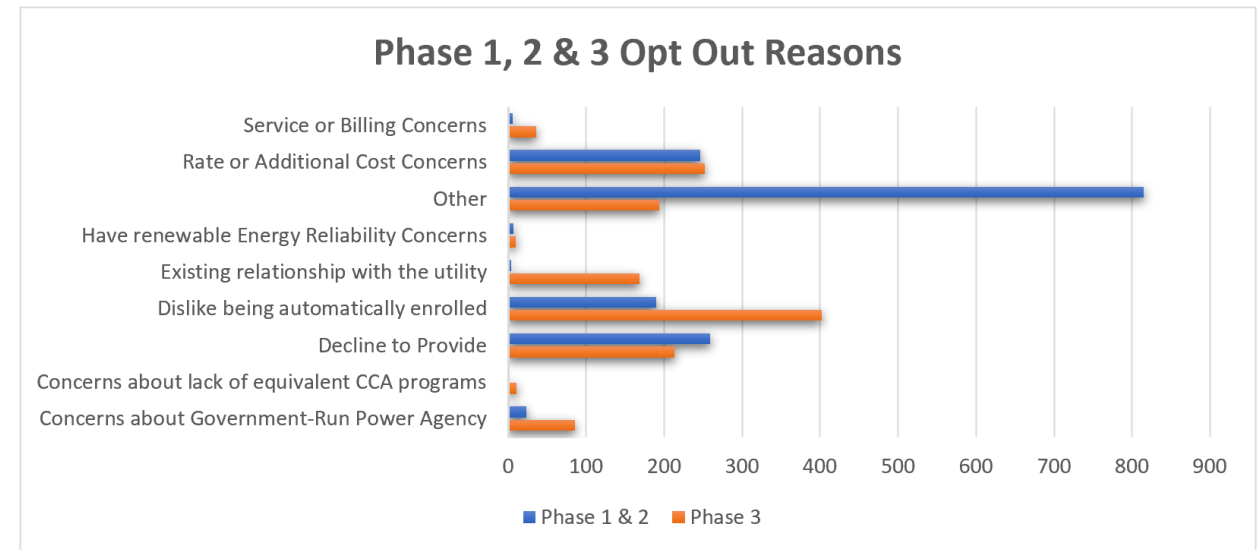




# Phase 3: Opt Outs Summary

- Opt outs and participation rates for Phase 1, 2 and 3 are currently tracking within our expected thresholds of 5% or less.

Opt Outs by Reason	Phase 1 & 2	Phase 3	Grand Total
Concerns about Government-Run Power Agency	23	86	109
Concerns about lack of equivalent CCA programs	0	11	11
Decline to Provide	259	213	472
Dislike being automatically enrolled	190	402	592
Existing relationship with the utility	4	168	172
Have renewable Energy Reliability Concerns	7	10	17
Other	815	194	1009
Rate or Additional Cost Concerns	246	252	498
Service or Billing Concerns	6	36	42
Grand Total	1550	1372	2922



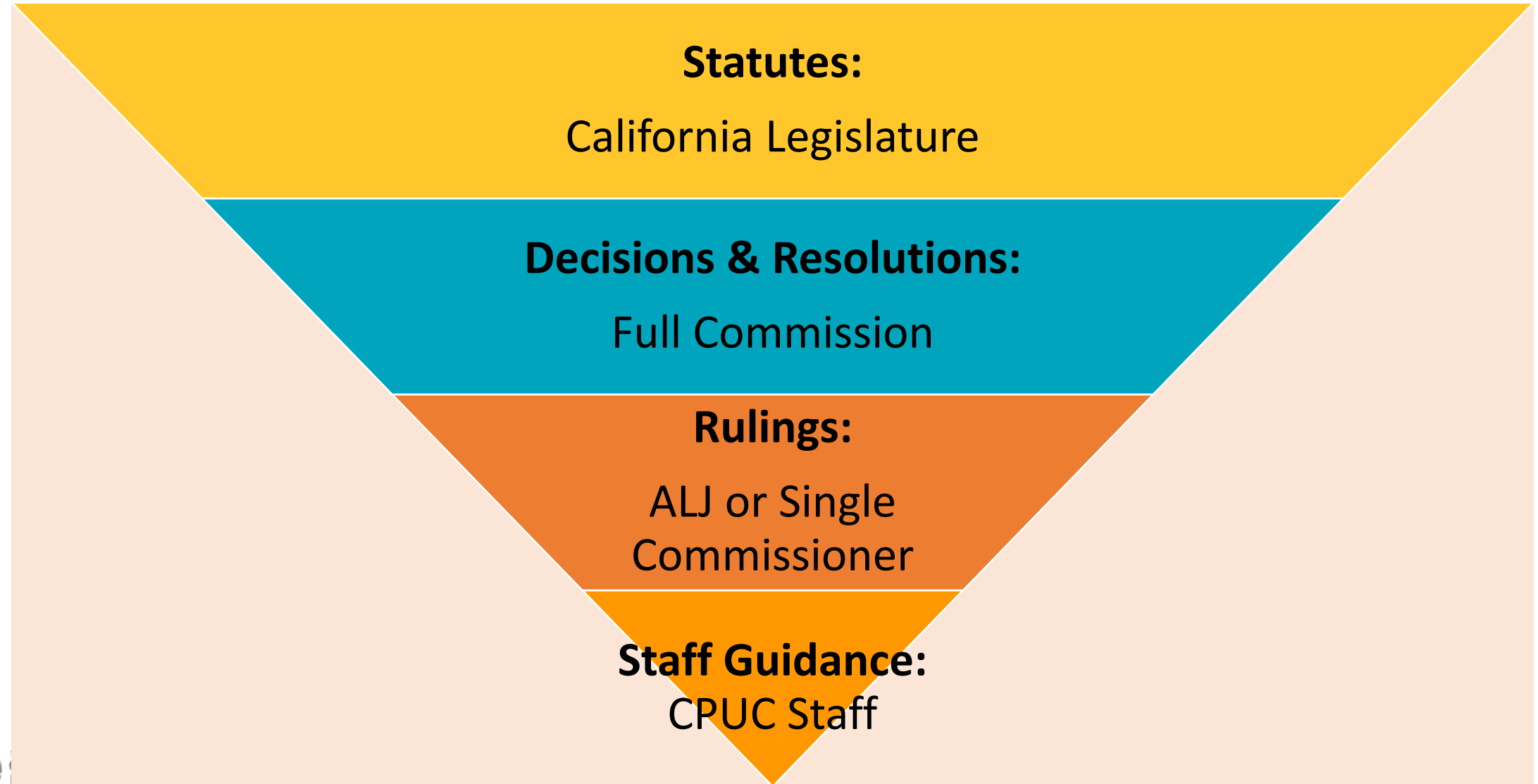
## Item 9

# Receive SDCP Regulatory and Legislative Training

# Regulatory and Legislative Training

# Legislature 101

# Hierarchy of Legal Authority

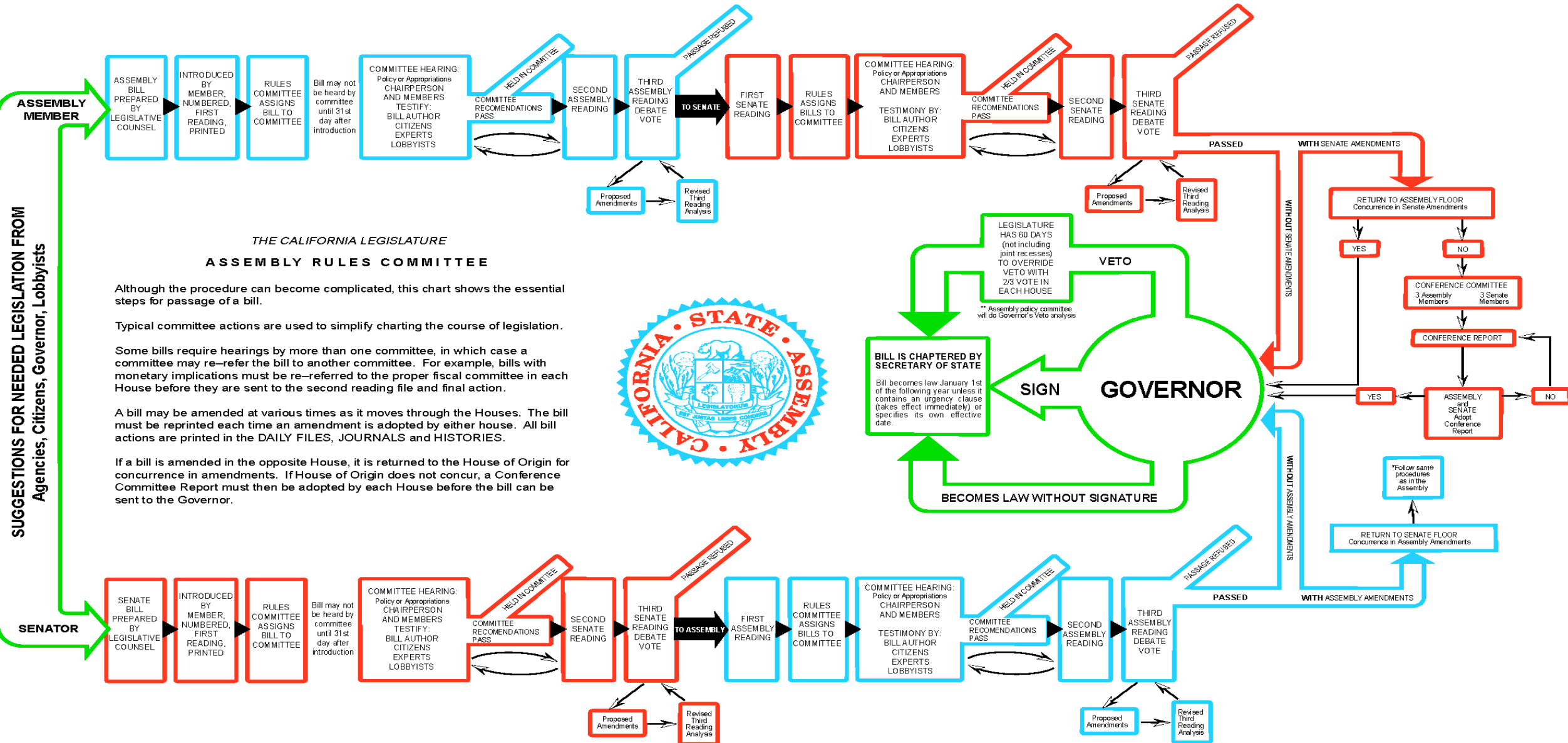


# California State Legislature

- Bicameral
- Assembly
- Senate
- Term Limits
- Every Californian is represented by one Assembly Member and one Senator

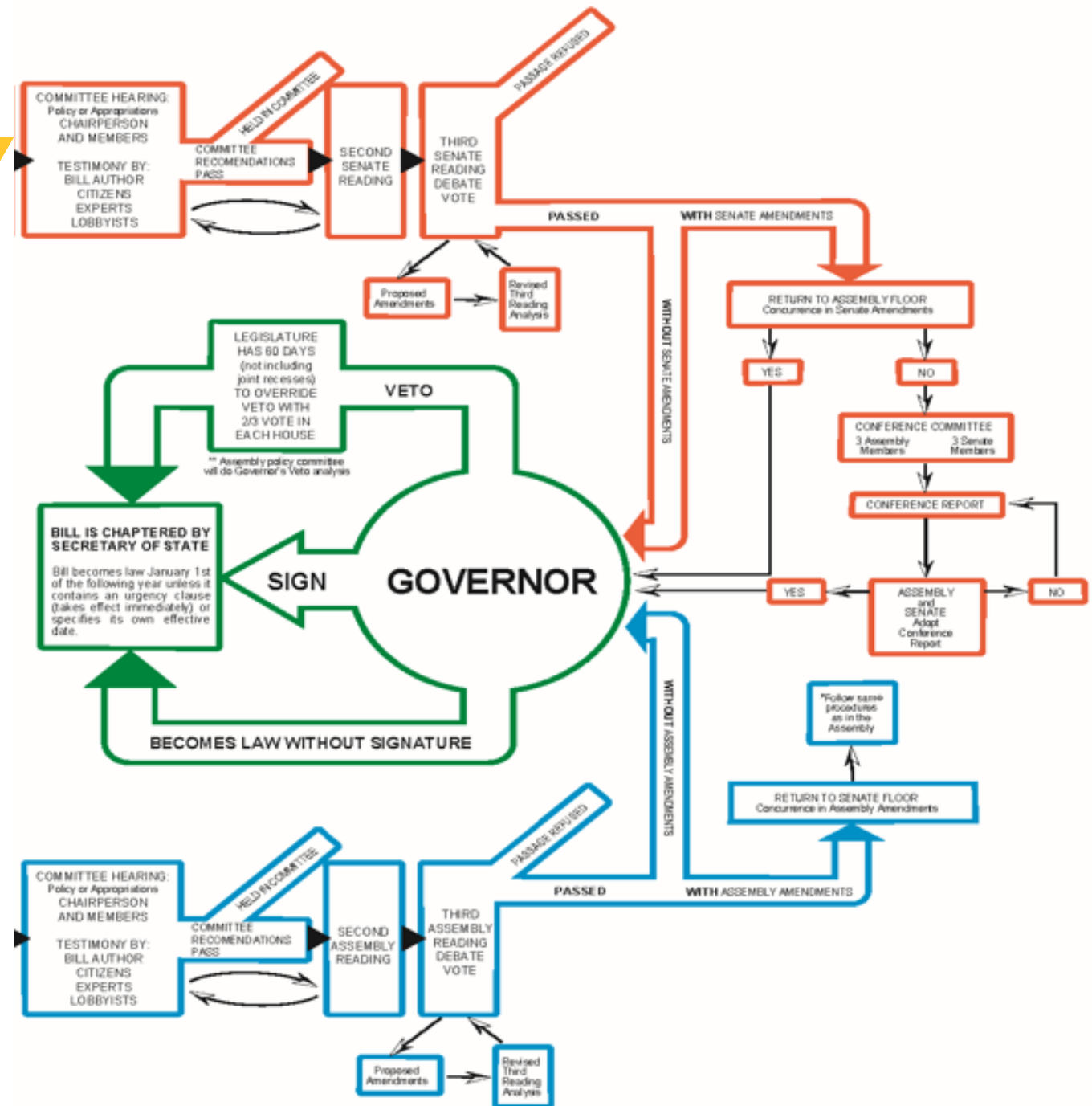


## *From Idea into Law*



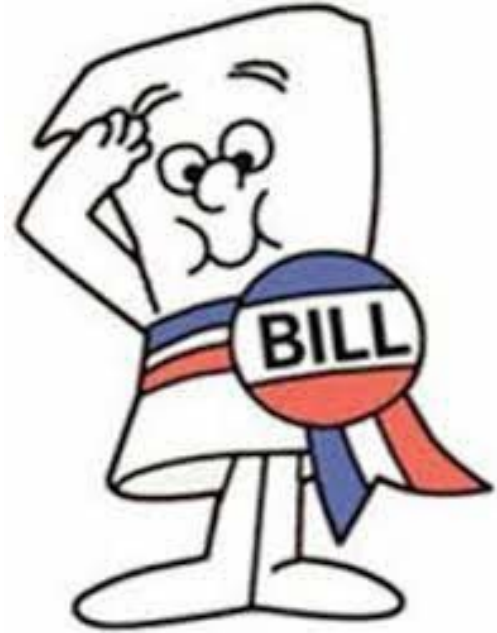


# Final Stretch Before the Governor's Office



# How to Take Action on a Proposed Bill?

- Legislative Priorities Platform
- CAC may recommend positions to be taken on bills
- CAC may act as a watchdog on bills that may be of interest to SDCP
- CalCCA positions on bills



# Calendar for this Legislative Cycle

- Feb 18 – last day for bills to be introduced
- **April 29** – Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year
- **May 6** – Last day for policy committees to hear and report to the floor **nonfiscal** bills
- **May 27** – Last day for each house to pass bills introduced in that house
- **Aug 31** – Last day for each house to pass bills
- **Sept 30** – Last day for Governor to sign or veto bills
- **Jan 1** – Statutes take effect

# Regulatory Participation

# Regulatory Agencies



# CPUC Commissioners



**Alice Busching Reynolds, President**

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**Clifford Rechtschaffen, Commissioner**

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**Genevieve Shiroma, Commissioner**

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**Darcie L. Houck, Commissioner**

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**John Reynolds, Commissioner**

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# CCA Jurisdiction

## Strategic Planning and Policies

### Procurement

- Long Term Planning
- Power Purchases
  - Feed-In Tariff Program

### Rates

- Ability to set own rates

### Customer Programming





# Commission Jurisdiction

## Monopoly Regulation & Competitive Neutrality

- Reasonable Rates for Safe, Reliable, Affordable Service
- Exit Fees and Non-Bypassable Charges
- Code of Conduct

## Procurement Standards

- Renewable Portfolio Standard (RPS)
- Resource Adequacy (RA)
- Emissions Performance Standard (EPS)
- Energy Storage

## Access to Public Purpose Program Funds

- Energy Efficiency
- DAC-GT/CSGT

## Smart Meter Data

# CPUC Process in a Nutshell



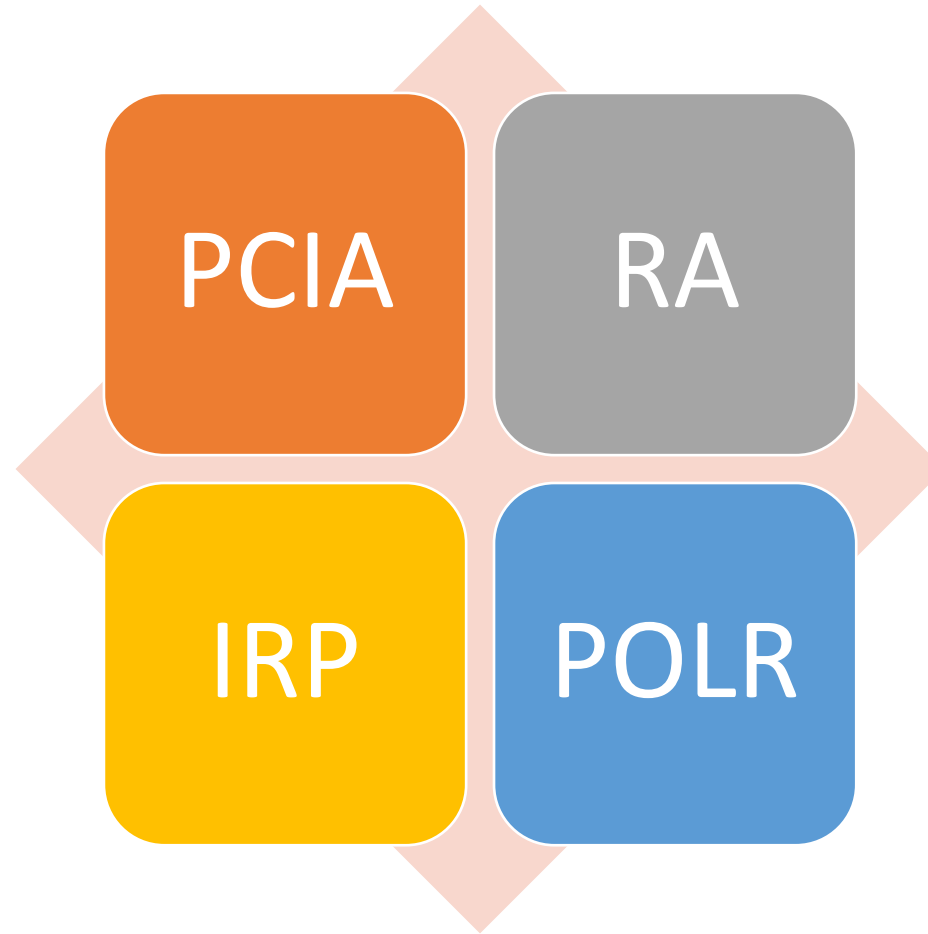
# High-Priority Proceedings

## PCIA:

- Power Charge Indifference Adjustment
- Exit Fee for Departing Load

## IRP:

- Integrated Resource Plan
- CCAs responsible for 90% of new procurement between now and 2030



## RA:

- Resource Adequacy
- Local procurement

## POLR:

- Provider of Last Resort
- What happens if the IOU gets out of generation business?



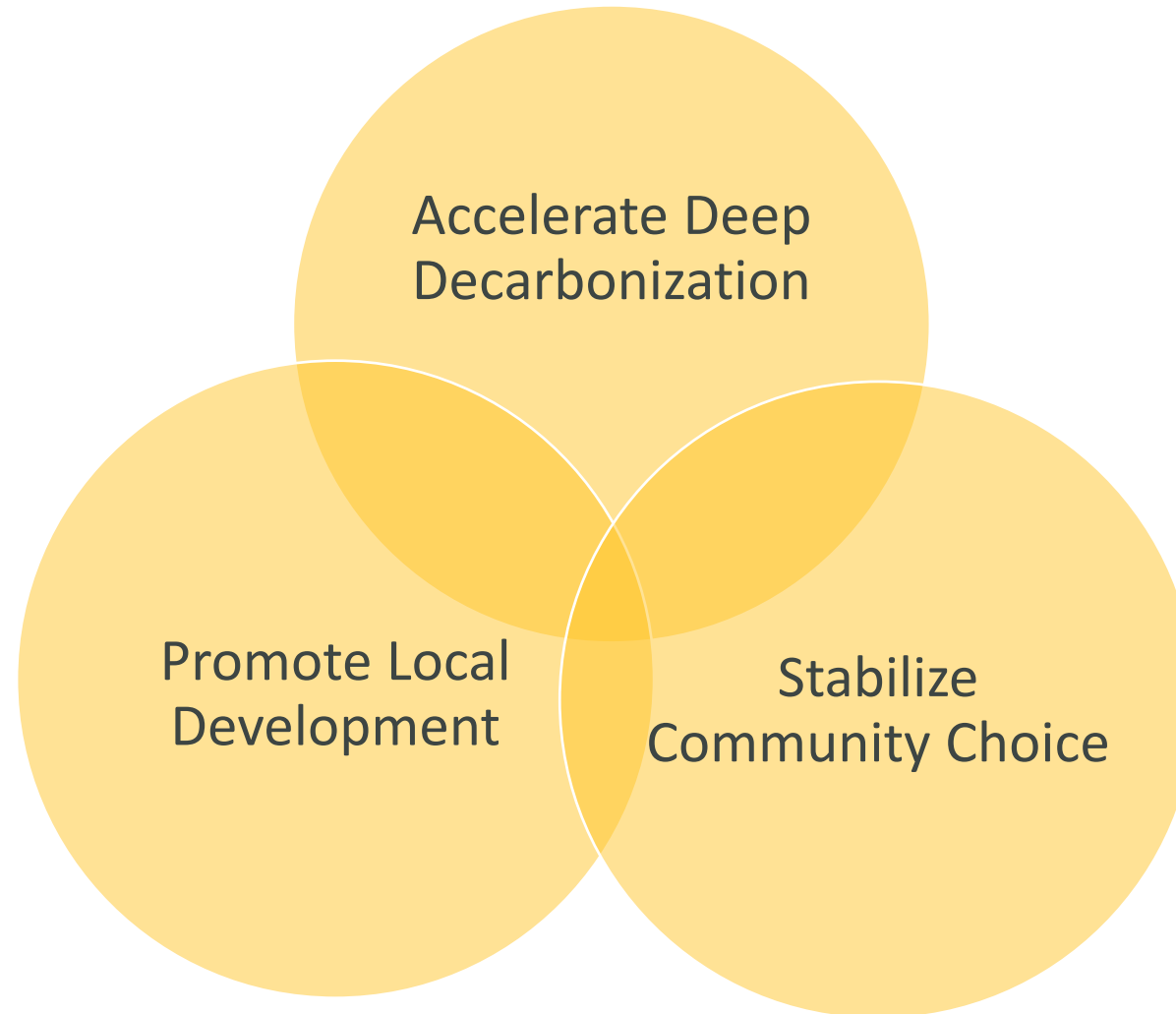
**How Can We Work Together?**

# Item 10

## **Receive Update and Discuss SDCP's Draft Legislative Platform for 2022**

# SDCP Proposed Legislative Platform

# Three Major Priorities





# Highlights of Proposed Public Policy Positions

# Governance and Authority

- Support legislation that makes it easier for other cities and counties to form or join a CCA
- Oppose legislation that limits the local decision-making authority for CCAs (e.g. rate-setting and procurement)



# Environmental Justice

## Support:

- legislation that enables communities of concern to have affordable, reliable and clean energy
- legislation that strengthens the resilience of vulnerable communities to the impacts of climate change.
- legislation that enables all communities to participate in deep decarbonization efforts.
- legislation that would reduce local air pollution, reduce other negative local impacts associated with energy production, and boost adoption of distributed energy resources within communities of concern.
- Oppose legislation and initiatives that have the potential to disproportionately and negatively impact communities of concern.

# Environmental Sustainability

## Support:

- legislation that increases funding for the creation of sustainable and stable energy
- legislation that encourage the conservation of energy resources as well as the development of dynamic load-shifting capabilities
- legislation and funding for renewable and advanced energy technology that increase efficient consumption
- legislation and funding for pilot energy and resource efficiency programs.



# Local Economic Development

## Support:

- legislation that is consistent with SDCP's commitment to an inclusive and sustainable workforce.
- legislation that enhances opportunities for CCAs to promote local economic development through locally designed programs.
- efforts to enhance development of local and regional sources of renewable energy.
- legislation that enables CCAs to collaborate with their member jurisdictions on local energy resources and projects to advance environmental objectives.



# Educational, Neighborhood and Social Services

- Support legislation that aids or helps to fund SDCP to provide energy support services, education, and opportunities for reducing energy costs to people who are low-income, seniors, veterans, and/or people with disabilities.
- Support legislation and initiatives that increase funding for energy efficiency, demand response, solar plus storage, and transportation electrification programs, and energy literacy services.



**Questions?**



# Item 11

## **Standing Item: Discussion of Potential Agenda Item for Board of Directors Meetings**

# **Regular Meeting Agenda**

**Committee Member  
Announcements**

**Adjournment**



# Community Advisory Committee

Next Meeting

March 11<sup>th</sup>, 2022

NATIONAL CITY  
AQUATIC CENTER

3300