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 Items to be Withdrawn, or Reordered on the Agenda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

- Community Needs Assessment
- Program Prioritization Framework
- Program Ranking
- Community Power Plan Development & Adoption
- Market Assessment
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.
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

- Community Needs Assessment
- Market Assessment
- Program Prioritization Framework
- Program Ranking
- Community Power Plan Development & Adoption
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.)
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:

- Post 72 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
- 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

- 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.
- For agenda items, the public must be given an opportunity to comment before or during the body’s consideration of the item.
- 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

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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

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<th>Member City</th>
<th>Active</th>
<th>Eligible</th>
<th>Total Opt Outs</th>
<th>SDCP Participation Rate</th>
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<tr>
<td>Grand Total</td>
<td>69931</td>
<td>71481</td>
<td>1950</td>
<td>97.83%</td>
</tr>
</tbody>
</table>

### Phase 3

<table>
<thead>
<tr>
<th>Member City</th>
<th>Active</th>
<th>Eligible</th>
<th>Total Opt Outs</th>
<th>SDCP Participation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY OF CHULA VISTA</td>
<td>1243</td>
<td>75154</td>
<td>37</td>
<td>99.95%</td>
</tr>
<tr>
<td>CITY OF ENCINITAS</td>
<td>348</td>
<td>21222</td>
<td>351</td>
<td>98.35%</td>
</tr>
<tr>
<td>CITY OF IMPERIAL BEACH</td>
<td>9446</td>
<td>5859</td>
<td>267</td>
<td>97.15%</td>
</tr>
<tr>
<td>CITY OF LA MESA</td>
<td>284</td>
<td>23530</td>
<td>512</td>
<td>97.82%</td>
</tr>
<tr>
<td>CITY OF SAN DIEGO</td>
<td>5849</td>
<td>495296</td>
<td>305</td>
<td>99.94%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>17170</td>
<td>621061</td>
<td>1372</td>
<td>99.78%</td>
</tr>
</tbody>
</table>
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.

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

Phase 1, 2 & 3 Opt Out Reasons

- Service or Billing Concerns
- Rate or Additional Cost Concerns
- Other
- Have renewable Energy Reliability Concerns
- Existing relationship with the utility
- Dislike being automatically enrolled
- Decline to Provide
- Concerns about lack of equivalent CCA programs
- Concerns about Government-Run Power Agency
Item 9

Receive SDCP Regulatory and Legislative Training
Regulatory and Legislative Training
Legislature 101
Hierarchy of Legal Authority

- **Statutes:**
  - California Legislature

- **Decisions & Resolutions:**
  - Full Commission

- **Rulings:**
  - ALJ or Single Commissioner

- **Staff Guidance:**
  - CPUC Staff
California State Legislature

- Bicameral
- Assembly
- Senate
- Term Limits
- Every Californian is represented by one Assembly Member and one Senator
THE LIFE CYCLE OF LEGISLATION
From Idea into Law

THE CALIFORNIA LEGISLATURE
ASSEMBLY RULES COMMITTEE

Although the procedure can become complicated, this chart shows the essential steps for passage of a bill. Typical committee actions are used to simply chart the course of legislation.

Some bills require hearings by more than one committee, in which case a committee may re-refer the bill to another committee. For example, bills with monetary implications must be re-referred to the proper fiscal committee in each House before they are sent to the second reading file and final action.

A bill may be amended at various times as it moves through the Houses. The bill must be reprinted each time an amendment is adopted by either house. All bill actions are printed in the DAILY FILES, JOURNALS and HISTORIES.

If a bill is amended in the opposite House, it is returned to the House of Origin for concurrence in amendments. If House of Origin does not concur, a Conference Committee Report must then be adopted by each House before the bill can be sent to the Governor.
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
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

1. FOUNDATION
   - application / rulemaking
   - protest / response
   - reply to protest / response

2. POLICY
   - scoping memo
   - comments / reply
   - workshops

3. FACT
   - testimony
   - rebuttal testimony
   - hearings

4. LAW
   - briefs
   - reply briefs
   - oral arguments

5. PROPOSED DECISION
   - comments / reply
   - revised proposed decision
   - alternate proposed decision

6. FINAL DECISION

7. IMPLEMENTATION AND/OR APPEAL
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

- Accelerate Deep Decarbonization
- Promote Local Development
- Stabilize Community Choice
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
Committee Member Announcements

Adjournment
Community Advisory Committee

Next Meeting
March 11th, 2022