

Community Advisory Committee: Scope of Work



The East Bay Clean Power Alliance looks forward to East Bay Community Energy establishing a Community Advisory Committee in accordance with the language of the Joint Powers Agreement Committee¹. Active participation by Alameda’s diverse communities in the decision-making of the program as it takes shape and develops over time will be vital to ensuring a Community Choice program that works for the County’s residents and businesses.

On this basis, the Alliance takes strong objection to the Scope of Work proposed in [Staff Report Item 6](#), dated March 15, 2017 and in the [corresponding resolution](#).

The staff proposal for the proposed scope of work seems to be based on a misreading of the description of the function of the Community Advisory Committee as set forth in the JPA Agreement:

“The function of the Community Advisory Committee shall be to advise the Board of Directors on all subjects related to the operation of the CCA Program as set forth in a work plan adopted by the Board of Directors from time to time, with the exception of personnel and litigation decisions.”

The “work plan” refers to the work of the Board of Directors related to the operation of the CCA Program, not a work plan for the Community Advisory Committee.

The proposed Scope of work and corresponding resolution seek to limit and proscribe the function of the Community Advisory Committee to act only at the Boards “sole discretion” on “defined objectives as directed by the Board.”² These restrictions clearly contradict the broad language describing the function of the Committee in the JPA Agreement as to advise the Board *on all subjects related to the operation of the CCA Program*.

Such restrictions on the function of Community Advisory Committee undermine the purpose of the Committee to **represent the community**. That representation means the ability to propose to the Board any issues, programs, strategies, and actions that the community feels the Board should take up. The independence of the Community Advisory Committee to promote concerns of the community is essential to the value of such a committee. The function of the Community Advisory Committee set forth in the JPA Agreement is to be more than a sounding board for the Board—it is to advise and guide the Board on all subjects related to operation of the program, including those subjects that the Board is not aware of or has not thought of or has been shielded from by its contractors.

The Alliance therefore recommends that the proposed Scope of Work be withdrawn as counter to the basic purpose and function of the Community Advisory Committee as outlined in the JPA Agreement. Tying the hands of the Community Advisory Committee does not serve the interests of the community or the EBCE program.

¹ Section 4.9 of the Alameda County Community Choice Joint Power Authority Agreement, October 4, 2016 version:

Community Advisory Committee. The Board shall establish a Community Advisory Committee consisting of nine members, none of whom may be voting members of the Board. The function of the Community Advisory Committee shall be to advise the Board of Directors on all subjects related to the operation of the CCA Program as set forth in a work plan adopted by the Board of Directors from time to time, with the exception of personnel and litigation decisions. The Community Advisory Committee is advisory only, and shall not have decision-making authority, or receive any delegation of authority from the Board of Directors. The Board shall publicize the opportunity to serve on the Community Advisory Committee, and shall appoint members of the Community Advisory Committee from those individuals expressing interest in serving, and who represent a diverse cross-section of interests, skill sets and geographic regions. Members of the Community Advisory Committee shall serve staggered four-year terms (the first term of three of the members shall be two years, and four years thereafter), which may be renewed. A member of the Community Advisory Committee may be removed by the Board of Directors by majority vote. The Board of Directors shall determine whether the Community Advisory Committee members will receive a stipend and/or be entitled to reimbursement for expenses.

² Proposed Scope of Work in Staff Report Item 6

The CAC will, under the direction of the Board and EBCE Chief Executive Officer:

1. Work on defined objectives as directed by the Board.
2. Review and comment on EBCE budget and rates, policies and programs.
3. Help the Board to identify issues of concern and opportunities to educate community members about the EBCE.
4. Serve as an information-channel back to stakeholder groups, colleagues and EBCE communities.
5. Represent the diverse views of EBCE constituencies in their comments and recommendations.
6. Other duties or tasks, as the Board shall determine in its sole discretion.