



Jessica Tovar
c/o East Bay Clean Power Alliance
436 14th St Suite 1216 Oakland, CA 94110
jessica@localcleanenergy.org (415) 766-7766

Subject: EBCPA Response to JPA Language on Community Advisory Committee

June 20, 2016

Dear Bruce Jensen,

Please see the response, below, of the East Bay Clean Power Alliance to the May 19 City Attorney Distribution version of the proposed JPA agreement, which was discussed at the June 1 Alameda County Community Choice Steering Committee meeting.

Regarding this version of the JPA agreement, specifically Section 4.7.1, concerning a community advisory committee, we want to offer the following comments and changes to the proposed language:

1. We appreciate that this version of JPA agreement recognizes that community representatives should be involved in governance of a Community Choice program.
2. Including an advisory committee is a valuable addition to the JPA agreement, but falls short of direct involvement of the community in the governance and decision-making of the Community Choice program.
3. The purview of the proposed advisory committee should be made explicit: the advisory committee should be consulted by the JPA board regarding the design of the Community Choice program, its procurement strategy, its local energy resource development plan, its integrated resource plan, the implementation of the Community Choice program, its policies, budget, rate design, and all other aspects that impact our community.
4. Selection of the advisory committee by the JPA board should be in accordance with the principles of diversity EBCPA has previously called for and through a procedure that we proposed on April 26 for community representation:

The advisory committee should consist of between 11 and 13 members each representing a community interest sector, such as healthy environments, social justice (inclusiveness and racial equity), building trades, non-building trades unions, local renewable energy advocates, local energy businesses, sustainable economy practitioners, small/diverse business

The JPA board should elect community representatives from a pool of applicants. Applicants would identify the community sector they would represent and be endorsed by letters from three organizations in that sector. Applicants must disclose any conflict of interest and only one representative of any organization can serve on the committee.

5. For the reasons outlined in the attached June 1 memo regarding the advantages of direct community representation on the JPA board, five members of the advisory committee should serve directly on the JPA board as non-voting community liaison members.

Please distribute a copy of this document to all members of the Steering Committee prior to the next Steering Committee meeting, in addition to the public record.

Jessica Tovar

On behalf of the East Bay Clean Power Alliance



The case for community representation on East Bay Community Energy JPA governing board

1. Tap community wisdom

The East Bay is fortunate to have a robust clean tech sector and a strong network of community-based organizations dedicated to social and environmental justice and sustainable economic development. Having community representatives on the board will facilitate the bubbling up of much-needed creative ideas and energy grounded in the socio-economic, technological and landscape characteristics of our county.

2. Efficacy

Direct representation on the Board involves community in the deliberations of the Board--bringing the voice of the community into the design, planning, and decision making of the Board and avoids creating strife within the community over decisions made without their input.

Having community representatives work directly with the Board avoids the misunderstandings that can arise from indirect communication between two different groups. The back and forth in discussion can facilitate appreciation of both possibilities and limitations.

Having access to a community board member meets people's need to be heard without the burden of attending board meetings. It should also decrease the need for the JPA board to hear from disgruntled community members during public comment.

If community representatives serve on a separate advisory committee there is additional effort and cost incurred to administer the committee.

3. Fairness

Direct representation recognizes that our communities have the greatest stake in the Community Choice program. Relegating community representatives to a separate committee implies that the concerns of the JPA board are different and separate from the concerns of the communities being served.

4. Democracy

The purpose of Community Choice energy is to transition from monopoly-controlled energy to energy democracy. The program should be guided by the needs and priorities of the local community. Having community representatives on the governing board puts the "community" in Community Choice.

5. Precedent

There is precedent (such as the 5 examples in EBCPA's April 26 proposal) for other JPA's and public governing bodies including, in addition to mandated voting members, ex-officio representatives of the public on the Board.

Sonoma Clean Power established two community advisory committees in their JPA agreement. However, a recent attempt by the Sonoma JPA board to eliminate these committees indicates a degree of dissatisfaction with how they have functioned.