Alameda County
Community Choice Aggregation Energy Program

October 27, 2016
What is a Joint Powers Authority? 

- Separate legal entity

- Member agencies assume no obligations, except in limited circumstances

- Board of Directors that consists of a representative from each agency

- Governed by Joint Powers Agreement

- Has been named the "East Bay Community Energy Authority"
Follow-up with July Meeting

Five Policy Considerations

1. Community Advisory Committee
2. Advisory Chair on JPA Board
3. “Voting Shares Vote”
4. Supermajority vote for amendments
5. Adding parties after program launch
Policy Consideration #1
Advisory Committee

Draft JPA:
Creation of a “Community Advisory Committee” consisting of 9 members who “represent a diverse cross-section of interests and skill sets” to advise the Board on all matters relating to the CCA.

- Did not specify how the committee members are selected
- Did not ensure equitable geographic representation
Policy Consideration #1
Advisory Committee

Final JPA:

Creation of a “Community Advisory Committee” consisting of 9 members who “represent a diverse cross-section of interests and skill sets to advise the Board on all matters relating to the CCA.

Does not specify how the committee members are selected

**DOES** ensure equitable geographic representation
Policy Consideration #2
Advisory Committee Chair
Serving as “Ex Officio Board Member”

Steering Committee requested:
1. Advisory Committee Chair to serve as an “Ex Officio Board Member.
2. Person will not have voting rights but would attend Board meetings and provide comments.

Council’s concern:
1. An advisory committee already exists.
2. Councilmembers are the elected stewards of public money - board should consist of only councilmembers.
Policy Consideration #2
Advisory Committee Chair
Serving as “Ex Officio Board Member”

Steering Committee requested:
1. Advisory Committee Chair to serve as an “Ex Officio Board Member.
2. Person will not have voting rights but would attend Board meetings and provide comments.

County’s response:
Disagreement amongst the cities. Other cities wanted to assuage the community groups, so this provision remains in the final JPA.
Policy Consideration #3
Voting Process

Draft JPA called for two types of voting

1. “Percentage Vote”
- Each Director receives one equal vote
- A simple majority is needed to pass
- Immediately after the “Percentage Vote” any two Directors could ask for a “Voting Shares Vote”

2. “Voting Shares Vote”
- Each Director’s vote is weighted based on energy consumption
Policy Consideration #3
Voting Process

Final JPA:
Keeps the same voting structure, however it requires:

- **Three** directors to call for a weighted vote instead of two

**Larger Cities**
- Oakland
- Hayward
- Fremont

Requested two (2) directors

**Smaller Cities**
- Pleasanton
- San Leandro
- Newark

Wanted a four director trigger and/or a super-majority weighted vote

County felt that a 3 director trigger is a fair compromise
### Policy Consideration #3

**Voting Process (continued)**

If each agency joins, then the voting shares would be weighted as follows:

<table>
<thead>
<tr>
<th>City</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oakland</td>
<td>24.88%</td>
</tr>
<tr>
<td>Fremont</td>
<td>16.18%</td>
</tr>
<tr>
<td>Hayward</td>
<td>10.11%</td>
</tr>
<tr>
<td>Berkeley</td>
<td>8.48%</td>
</tr>
<tr>
<td>Pleasanton</td>
<td>6.55%</td>
</tr>
<tr>
<td>San Leandro</td>
<td>6.40%</td>
</tr>
<tr>
<td>Unincorporated</td>
<td>6.37%</td>
</tr>
<tr>
<td>Livermore</td>
<td>6.17%</td>
</tr>
<tr>
<td>Union City</td>
<td>4.30%</td>
</tr>
<tr>
<td>Dublin</td>
<td>3.68%</td>
</tr>
<tr>
<td>Newark</td>
<td>3.20%</td>
</tr>
<tr>
<td>Emeryville</td>
<td>2.52%</td>
</tr>
<tr>
<td>Albany</td>
<td>0.71%</td>
</tr>
<tr>
<td>Piedmont</td>
<td>0.41%</td>
</tr>
</tbody>
</table>
Policy Consideration #4
Supermajority Votes

Draft JPA:
Authorized amendments by a 2/3 vote and any amendments to the voting provisions by a 3/4 vote.

Council’s concern:
- 3/4 supermajority vote is too high
- A 2/3 vote strikes appropriate balance between significant representation of member agencies and does not make it too difficult to amend voting provisions
No changes were made by county staff or board of supervisors.
Policy Consideration #5
Conditions to Join *After* Launch

If agency joins *after* launch, then:

1. Authority could charge a “membership fee”
2. Admission would be voted upon
3. Authority could impose “any condition”

Council’s concern:
- No ceiling for “membership fee”
- Ambiguity regarding “any condition”
Policy Consideration #5
Conditions to Join After Launch

If agency joins *after* launch, then:

1. Authority could charge a “membership fee”
2. Admission would be voted upon
3. Authority could impose “any condition”

County’s response:
- Language designed “membership fee” to capture future costs
- Authority against imposed “any condition”
Questions?
Recent Additions to the JPA

Business Plan requirement

Describe how CCA will foster local job creation and community energy programs

To be adopted within eight months

Govern first five years of operation
Recent Additions to the JPA

Business Plan requirement

Category 1
Eligible, renewable energy produced in California

Describe how to be adopted within eight months

Govern first five years of operation
Recent Additions to the JPA

Two clauses relating to labor

Authority shall remain neutral if employees or subcontractors wish to unionize

Ensure a “just transition” from workers in existing jobs to new jobs
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