



San Gabriel Valley Council of Governments

AGENDA AND NOTICE

OF THE MEETING OF THE ENERGY, ENVIRONMENT AND NATURAL RESOURCES (EENR) COMMITTEE

Wednesday, January 18, 2017 – 12:30 PM

Upper San Gabriel Valley Municipal Water District (602 E. Huntington Dr; Monrovia, CA)

Chair
Denis Bertone
City of San Dimas

Vice Chair
Liz Reilly
City of Duarte

Members
Claremont
Duarte
Glendora
Rosemead
San Dimas
Sierra Madre
South Pasadena

Thank you for participating in today's meeting. The EENR Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the EENR Committee are held on the third Wednesday of each month at 12:30 PM at the Upper San Gabriel Valley Municipal Water District, 602 E. Huntington Drive, Monrovia, CA.* The EENR Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvkog.org. Copies are available via email upon request (sgv@sgvskog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all EENR Committee meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE EENR COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The EENR Committee may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the EENR Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the EENR Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*)
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting (*It is anticipated that the EENR Committee may take action on the following matters*)

CONSENT CALENDAR (*It is anticipated that the EENR Committee may take action on the following matters*)

5. EENR Meeting Minutes
Recommended Action: Approve.
6. Correspondence
Recommended Action: Receive and File.

PRESENTATIONS (*It is anticipated that the EENR Committee may take action on the following matters*)

7. Regional Organics Management Strategy – Jeff Duhamel, CEO, MuniEnvironmental
Recommended Action: For information only.
8. Mosquito and Vector Control Agency Resources for the SGV – Jason Farned, Public Information Officer, SGV Mosquito and Vector Control
Recommended Action: For information only.

DISCUSSION ITEMS (*It is anticipated that the EENR Committee may take action on the following matters*)

ACTION ITEMS (*It is anticipated that the EENR Committee may take action on the following matters*)

UPDATE ITEMS (*It is anticipated that the EENR Committee may take action on the following matters*)

9. Los Angeles Community Choice Energy JPA
Recommended Action: For information.
10. National Forest Foundation Community Collaborative
Recommended Action: For information.
11. SGVCOG Water Committee Update
Recommended Action: For information.
12. San Gabriel Valley Energy Wise Partnership
Recommended Action: For information.

COMMITTEE MEMBER ITEMS

STAFF ANNOUNCEMENTS

ANNOUNCEMENTS

ADJOURN



SGVCOG EENR Committee Unapproved Minutes

Date: November 16, 2016

Time: 12:30 PM

Location: USGVMWD (602 E. Huntington Drive, Monrovia)

PRELIMINARY BUSINESS

- 1. Call to Order
This meeting was called to order at 12:30 pm
- 2. Roll Call

Members Present

Duarte	L. Reilly
Glendora	J. Nelson
San Dimas	D. Bertone
South Pasadena	D. Mahmud
Sierra Madre	J. Capoccia

Absent

Claremont
Rosemead

COG Staff

Christian Cruz, Staff

- 3. Public Comment
No public comment.
- 4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting
There were no changes to the Agenda.

CONSENT CALENDAR

- 5. EENR Meeting Minutes
- 6. Correspondence
There was a motion to approve consent item 5-6. (M/S: L. Reilly / J. Nelson.)

[Motion Passed]

AYES:	Duarte, Glendora, San Dimas, South Pasadena, Sierra Madre
NOES:	
ABSTAIN:	
ABSENT:	Claremont, Rosemead

PRESENTATIONS (It is anticipated that the EENR Committee may take action on the following matters)

7. Emerald Necklace Draft Environmental Impact Report – Robert Romanek, Project Manager, Watershed Conservation Authority
There was a motion recommending that the Board submit a letter of support for the DEIR (M/S: D. Mahmud / L. Reilly).

[Motion Passed]

AYES:	Duarte, Glendora, San Dimas, South Pasadena, Sierra Madre
NOES:	
ABSTAIN:	
ABSENT:	Claremont, Rosemead

8. Climate Resolve, Advancing Climate Communications – Kristina Von Hoffman, Outreach Director, Climate Resolve
K. Von Hoffman reported on this item.

DISCUSSION ITEMS

ACTION ITEMS

UPDATE ITEMS

9. National Forest Foundation Community Collaborative
L. Reilly reported on this item.
10. SGVCOG Water Committee Update
D. Mahmud reported on this item.
11. San Gabriel Valley Energy Wise Partnership
No update given

COMMITTEE MEMBER ITEMS

STAFF ANNOUNCEMENTS

ANNOUNCEMENTS

C. Cruz announced next EENR Committee meeting will be January 18, 2017

ADJOURN

Meeting adjourned at 1:49 pm

How shoppers are adjusting to California's plastic, paper grocery bag ban

New law prohibits markets and large stores with pharmacies from providing free single-use plastic carryout bags

By Alejandra Molina, *The Press-Enterprise*

Friday, December 23, 2016



Teresa Gonzalez and her three sons walked out of a Southern California supermarket Thursday morning with a shopping cart filled with groceries tucked in tote bags.

It's taken some getting used to, but Gonzalez and her family seem to be adjusting well to California's new ban on single-use plastic grocery bags, which voters approved Nov. 8.

"You have to accept what the law is. It's a little tough, but you learn as you go along that this is what we need to do," Gonzalez said outside a Food 4 Less in Perris. "I think it's a good thing for the environment."

The law, which environmentalists say is crucial to reducing litter and ocean pollution, officially took effect Dec. 16 after the California Secretary of State certified the election, but many stores began charging right after the measure passed.

It prohibits supermarkets, stores that sell some groceries and large retail stores with pharmacies from providing free single-use carryout bags. And those merchants must charge customers at least 10 cents for a plastic or paper bag. Many stores charge 15 cents.

However, it does not affect plastic produce bags, bags to hold unwrapped food items, bags at hardware stores, dry cleaning bags, newspaper bags, or bags in restaurants and non-grocery retail stores such as Sears.

Proposition 67 ratified a law that Gov. Jerry Brown signed in 2014, SB 270, which banned plastic grocery bags statewide and required grocery stores to charge at least a dime for reusable grocery bags.

Prop. 67 also provided \$2 million to state plastic bag manufacturers to help them retain jobs and switch to making thicker, multiple-use bags out of recycled plastic.

The measure, which was placed on the ballot by companies that manufacture plastic bags to try to overturn SB 270, wound up passing with 53 percent of the vote.

The law, though, has confused some shoppers.

Luis Jimenez, for example, was unsure why the retail clothing and home decor store, dd's Discounts, still placed purchases in plastic bags.

"A plastic bag is a plastic bag," said Jimenez, after finishing his grocery shopping at the Food 4 Less in Perris.

The law details that the ban affects only certain grocery stores, large retail stores with a pharmacy, and food marts or liquor stores. However, retail establishments that are not included in the law can voluntarily comply

with the new requirements.

Jimenez isn't opposed to the new rules. He said it was a "shocker" at first, but he sees the new law as just something new to adapt to. He said he normally doesn't throw away plastic bags, anyway. He saves the bags and stashes them in his car for his next grocery trip.

Also, Jimenez receives public assistance benefits, so he didn't have to pay Thursday for his paper bags, which cost 15 cents at Food 4 Less.

The measure exempts consumers using a payment card or voucher issued by the California Special Supplemental Food Program from being charged for bags.

"You just got to go with the flow sometimes," Jimenez said.

Others are having a harder time adjusting to the new law.

Patricia Gutierrez, for example, recently moved from Wyoming to Southern California and never considered the possibility of having to pay for a plastic bag.

She said she forgets to bring a recyclable bag and has had to wrap her groceries using her jacket to avoid paying bag fees.

"They should do away with this law," said Gutierrez. "They should worry about other things like bringing down food prices instead of charging for a grocery bag."

Free bags banned

What types of stores are affected by the bag ban?

- Grocery stores: Stores with gross annual sales of at least \$2 million that sell dry groceries, canned goods or nonfood items, and some perishable items.
- Large retail stores with a pharmacy: Stores that have at least 10,000 square feet of retail space and a pharmacy and that generate sales or use tax.
- Convenience stores, food marts or liquor stores: Stores engaged in the retail sale of a limited line of goods, generally including milk, bread, soda and snack foods, and that hold a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.
- Volunteer stores: Retail establishments not included in this list that voluntarily agree to comply with the requirements of the statute.

Source: Cal Recycle

URL: <http://www.sgvtribune.com/government-and-politics/20161223/how-shoppers-are-adjusting-to-californias-plastic-paper-grocery-bag-ban>

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REPORT

DATE: January 18, 2017

TO: Energy, Environment and Natural Resources Committee
San Gabriel Valley COG Governing Board

FROM: Phil Hawkey, Executive Director

RE: **REGIONAL ORGANICS MANAGEMENT**

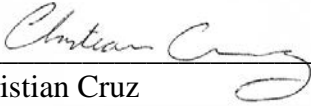
RECOMMENDED ACTION

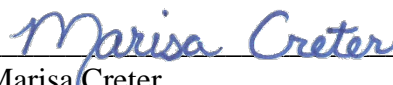
For information only.

BACKGROUND

Mandatory recycling of organic waste is considered to be the next step toward achieving California's aggressive recycling and greenhouse gas (GHG) emission goals. Currently, California disposes of approximately 30 million tons of waste in landfills each year, of which more than 30 % are organics. Organic waste, such as green materials, and food materials are recyclable through composting and mulching, and through anaerobic digestion, which can produce renewable energy and fuel. Decomposition of organic wastes in landfills have been identified as a significant source of GHG emissions. Reducing the amount of organic materials sent to landfills is part of a new California mandate established by AB 1826, which began requiring the state's commercial sector, including restaurants, supermarkets, large venues and food processors, to separate their food scraps and yard trimmings and arrange for organics recycling service.

The California Legislature has mandated ambitious levels for solid waste (trash) and organics diversion from landfills through recycling programs, new infrastructure, and cooperative coalitions within local jurisdictions. Jeff Duhamel, a solid waste and recycling consultant, with over 20 years' experience will present on strategies to comply with these California mandates (Attachment A).

Prepared by: 
Christian Cruz
Management Analyst

Approved by: 
Marisa Creter
Assistant Executive Director

ATTACHMENTS

Attachment A – Regional Organics Presentation

Organics Recycling

The Need for Cooperative Coalitions

Presented By: Jeff A. Duhamel
President
MuniEnvironmental, LLC

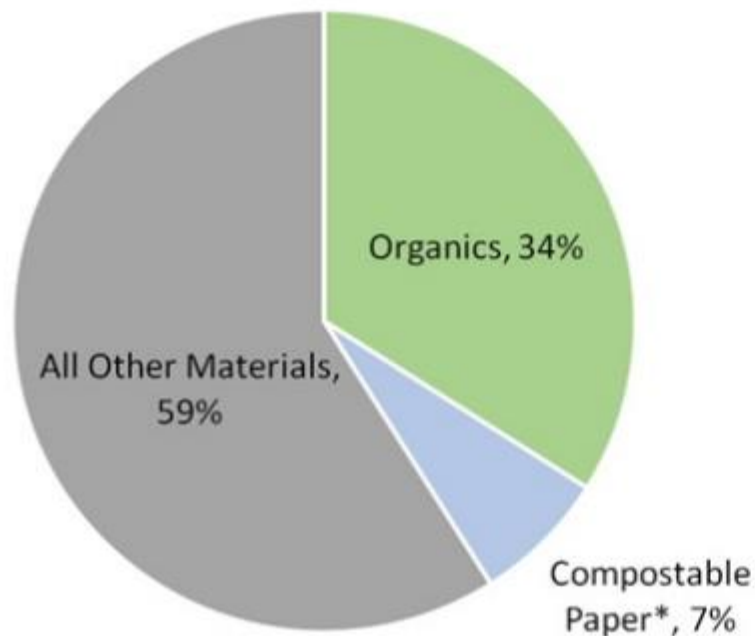
Item #7
Page 2 of 14

Background - Legislation

- ◆ AB 1826 – Mandatory Organics Recycling
 - ◆ 1/1/2016 - Program in place (outreach, collection & recycling)
 - ◆ 4/1/2016 - Recycling for **Organic** generators of 8 C.Y. or more
 - ◆ 1/1/2017 - Recycling for **Organic** generators of 4 C.Y. or more
 - ◆ 1/1/2019 - Recycling for **Trash** generators of 4 C.Y. or more
 - ◆ Summer/Fall 2021 - 50% of 2014 generation = 2 C.Y. **Trash**
- ◆ AB 1594 – Green Waste ADC no longer Recycling
 - ◆ 1/1/2020 (2014 ~ 3.4 million tons)

Organics in Landfill System

Organics in California's Overall Disposed Waste Stream, 2014



Organics are:

- Food
- Green - leaves, grass
- Landscaping - prunings, trimmings, branches, stumps
- Non-hazardous Wood Waste

* Compostable Paper includes food-soiled paper and other compostable paper

Data from CalRecycle's 2014 *Disposal-Facility-Based Characterization of Solid Waste in California*

Organics Materials Management & Climate Change

- ◆ CalRecycle has identified *3 Main Drivers*:
 - ◆ **Infrastructure** – Fostering a regulatory and permitting environment necessary for the 21st Century
 - ◆ Statewide EIR for Anaerobic Digestion
 - ◆ **Scientific Research and Technology Evaluation** – CalRecycle funds and support research to answer scientific questions pertaining to waste management and climate change
 - ◆ Landfills emit the majority of man-made methane
 - ◆ **Improve Economic Incentives for Organics and Markets for finished compost products**

Composting Infrastructure

- ◆ Approximately 160 compost facilities
 - ◆ 5.8 million TPY
- ◆ Approximately 150 “chip and grind” facilities
 - ◆ Green waste and construction demolition debris
- ◆ Not evenly distributed throughout the state
- ◆ Growth has plateaued
- ◆ Some unused capacity



In-Vessel Digestion Infrastructure (*Anaerobic Digestion*)



- ◆ 8 stand-alone facilities using urban organics on-line, at least 9 under construction or planning
 - ◆ Capacity ~ 1 million tons per year
- ◆ Some food waste also currently processed at wastewater treatment plants with digesters
 - ◆ Some additional capacity

Organic Infrastructure Facility Needs

Number of facilities to handle additional 10 million tons

- ◆ @ 300 TPD ~ 100 expansions or new
- ◆ @ 500 TPD ~ 55 expansions or new
 - ◆ Approximately 10% of existing facilities @ 500 + TPD
- ◆ @ 1000 TPD ~ 30 expansions or new

Organic Infrastructure Facility Costs

- ◆ CalRecycle estimates costs of mixed (Compost & In-Vessel) infrastructure ~ \$2-3 billion estimate does not include:
 - ◆ **Transfer Rates** to facilities
 - ◆ **Operational** costs of new facilities
 - ◆ **Land**
- ◆ Median L.F. posted tip fee California = \$45 (Neg. ~\$25)
- ◆ Organic processing rates expected to range from \$75 - \$120 per ton (*LACSD's current program \$85.00*)

The Simple Math

- ◆ Infrastructure \$2-\$3 billion
- ◆ 10 million tons per year of Organics processed
 - ◆ \$300 - \$750 million per year **increase** in tip fees
 - ◆ 61% L.F. disposal is in Southern California
- ◆ 3.4 million tons of ADC green waste
- ◆ 13 million tons of diversion will still be needed to meet 75% recycling goal by 2020

State of Disarray

- ◆ Fragmented Solid Waste Management System -
 - ◆ Franchise hauler based
 - ◆ Differing community programs, rates & services
 - ◆ Seldom do we see consistent agreements
- ◆ Many communities chooses a NIMBY solution
- ◆ Long haul to distant facilities –
 - ◆ **Enlarging our Carbon Footprint**
 - ◆ Increased Traffic



Coalition of Partnered Communities

- ◆ CalRecycle funding of \$50-\$100M/year would push investments
 - ◆ Mechanism: Tip fee generator revenue for incentive payments ~\$50 million per year for 5 years.
- ◆ Cities building competition and opportunity through cooperative coalitions:
 - ◆ Identify Host communities
 - ◆ Haulers/Developers/Technologies– Proposing to the coalitions
 - ◆ Pooling incentives to drive down infrastructure costs/lower tip fees
 - ◆ Clarity in pricing/infrastructure and operations



References

- ◆ CalRecycle. (2015, February). Landfilling Tipping Fees and California. Retrieved from <http://www.calrecycle.ca.gov/Publications/Documents/1520/20151520.pdf>
- ◆ Chesebro, A. (2014, March 21). AB-1826 Solid waste: organic waste. Retrieved from California Legislative Information: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1826
- ◆ CalRecycle. (2015). Meeting California's Waste and Climate Goals: How to Achieve and Manage a Safe and Sustainable Future. Retrieved from <http://www.calrecycle.ca.gov/Actions/Documents/118/20152015/1493/Meeting%20Californias%20Waste%20and%20Climate%20Goals%20-%20Presentation.pdf>
- ◆ Cascadia Consulting Group. (2015, October 6). 2014 Disposal-Facility-Based Characterization of Solid Waste in California. Retrieved from CalRecycle: <http://www.calrecycle.ca.gov/Publications/Documents/1546/20151546.pdf>
- ◆ Integrated Waste Management Consulting, LLC. (2010, August). Third Assessment of California's Composting and Mulch-Producing Infrastructure - Management Practices and Market Conditions. Nevada City, CA. Retrieved from CalRecycle: <http://www.calrecycle.ca.gov/Publications/Documents/Organics/2010007.pdf>
- ◆ Williams, A. (2014, September 24). California Legislative Information. Retrieved from AB-1594 Waste Management: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1594
- ◆ CalRecycle. (2013, July 17). *Climate Change and Solid Waste Management*. Retrieved from CalRecycle: <http://www.calrecycle.ca.gov/Climate/Organics/default.htm>

Contact Information

Jeff A. Duhamel – President

Email: Jeff@MuniEnvironmental.com

Website: MuniEnvironmental.com



REPORT

DATE: January 18, 2017

TO: Energy, Environment and Natural Resources Committee
San Gabriel Valley COG Governing Board

FROM: Phil Hawkey, Executive Director

RE: **MOSQUITO AND VECTOR AGENCY RESOURCES FOR THE SGV**

RECOMMENDED ACTION

For information only.

BACKGROUND

The San Gabriel Valley Mosquito and Vector Control District (SGVMVCD) has been a public health agency that manages populations of mosquitoes and other vectors so they are not nuisances, do not cause outbreaks of human disease, and do not interrupt the quality of life of SGV residents. A vector is any animal capable of transmitting the causative agent of human disease or capable of producing discomfort or injury. The SGVMVCD is an independent special district which serves 23 cities in the San Gabriel Valley and the unincorporated portions of Los Angeles County in the District (Attachment A). The SGVMVCD follows a comprehensive integrated vector management strategy that includes:

- **Disease Surveillance:** Vector populations are surveyed with a variety of sampling tools and laboratory techniques to determine whether vector-borne diseases are prevalent. The abundance of vectors like mosquitoes indicates the level of public health risk. Mosquitoes are tested routinely for evidence that West Nile (WNV), St Louis encephalitis (SLE), western equine encephalomyelitis (WEE) viruses are circulating. The risk for emerging diseases caused by chikungunya, dengue, and Zika viruses is also evaluated.
- **Prevention and Control:** Areas where vectors may rest, breed, or reproduce are identified and treated.
- **Public Education and Outreach:** information for residents and local agencies is provided at no cost through print literature, press releases, community fairs, classroom programs, social media, and local events.

The SGVMVCD employs 19 full time staff and are governed by a board of trustees that consists of 24 members. A trustee is appointed from each of the member cities and a representative from the County of Los Angeles.

Prepared by: _____



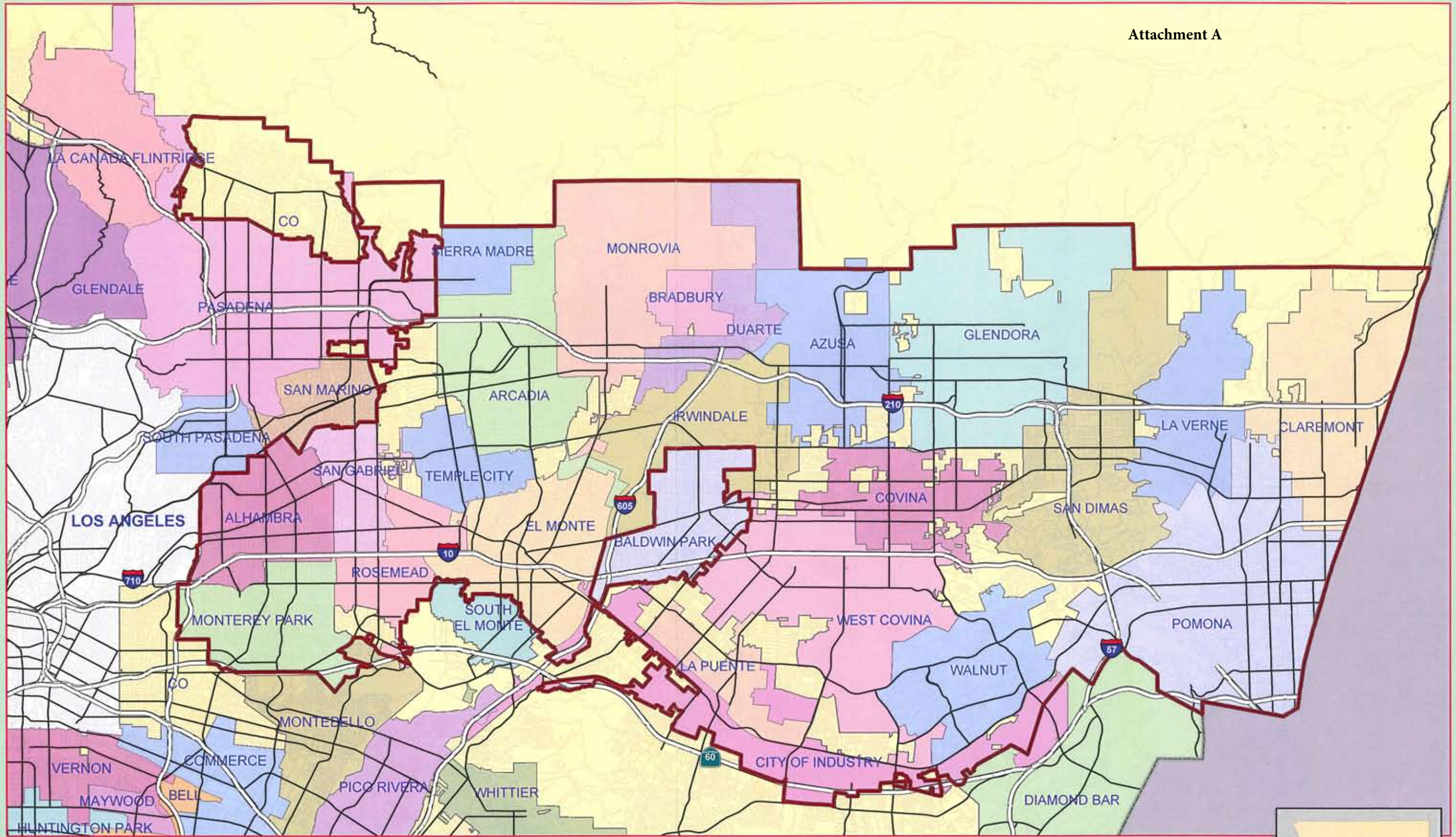
Christian Cruz
Management Analyst

REPORT



Approved by: Marisa Creter
Marisa Creter
Assistant Executive Director

ATTACHMENTS

Attachment A – SGVMVCD Map

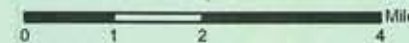


Legend

-  Roads, Thomas Bros.
-  San Gabriel Valley Mosquito & Vector Control District (Sphere of Influence, Coterminous)

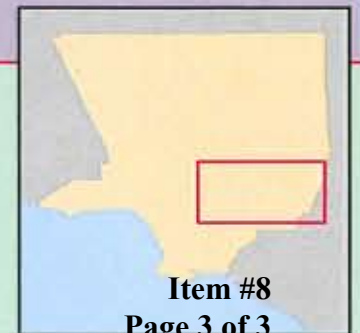
San Gabriel Valley Mosquito & Vector Control District

1:136,776



LAFCO

September 15, 2003



REPORT

DATE: January 18, 2017

TO: Energy, Environment and Natural Resources Committee
San Gabriel Valley COG Governing Board

FROM: Phil Hawkey, Executive Director

RE: **LOS ANGELES COUNTY COMMUNITY ENERGY JPA**

RECOMMENDED ACTION

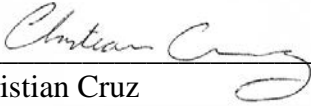
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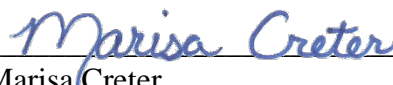
BACKGROUND

Los Angeles Community Choice Energy (LACCE) is the regional Community Choice Aggregation program in Los Angeles County. Community Choice Energy (CCE) allows local governments to purchase and sell electricity to customers in their jurisdictions as an alternative to traditional investor owned utilities (IOU).

The County of Los Angeles, at the direction of the Board of Supervisors, initiated a technical feasibility study to determine if the County can meet the electricity load requirements for 82 eligible cities and County unincorporated areas with rates that are competitive with the local IOU, such as Southern California Edison. This feasibility study culminated in a Business Plan. This Business Plan concluded that the formation of a CCE in Los Angeles County is financially feasible and would yield considerable benefits for all participating County residents and businesses.

Starting on January 10, 2017, Los Angeles County initiated a series of meetings to begin negotiating the Joint Powers Agreement (JPA) for the LACCE (Attachment A). Meetings are scheduled to be held every two weeks moving forward. The goal is to have the JPA ready for cities to consider adoption by April 2017.

Prepared by: 
Christian Cruz
Management Analyst

Approved by: 
Marisa Creter
Assistant Executive Director

ATTACHMENTS

Attachment A – JPA Primer

Los Angeles Community Choice Energy

Joint Powers Agreement - Negotiating Topics

#1 - Recitals

TOPIC OF NEGOTIATION

Whether or not to include unique language in the Recitals, and what that language will be.

Common Language

The Recitals in all existing California CCA Joint Powers Agreements share certain common language pertaining to: State laws that enable local jurisdictions to form CCA programs and Joint Powers Agreements; State laws that mandate specific sustainability and environmental goals; and the general purpose for forming the CCA Program Joint Powers Agreement. As this language is shared among California CCA JPAs, and is nearly identical to all, we do not anticipate this to be a point of negotiation.

Unique Language

While all CCA JPAs share common recital language, some contain language that is unique. An example of this can be found in the JPA formed in Alameda County, which was approved by their Board of Supervisors on October 4, 2016.

This language is much more robust in terms of the JPA's aspirations for local economic and local workforce development. Examples include:

“Demonstrate quantifiable economic benefits to the region (e.g. union and prevailing wage jobs, local workforce development, new energy programs, and increased local energy investments);”

“Recognize the value of workers in existing jobs that support the energy infrastructure of Alameda County and Northern California. The Authority, as a leader in the shift to a clean energy, commits to ensuring it will take steps to minimize any adverse impacts to these workers to ensure a “just transition” to the new clean energy economy.”

#2 - Committees - Required or Permissive

TOPIC OF NEGOTIATION

The method of committee formation.

Committee formation in the JPA is done differently among existing CCA JPAs. Some require specific committees that are explicitly prescribed in the JPA document (Required).

Other JPAs contain language that allow the governing board to establish committees at their discretion (Permissive).

Some JPAs provide both required language for specific committees then also provide permissive language allowing the formation of additional committees as may be deemed necessary.

It should be noted that the Boards governed by permissive JPAs have all formed committees. An important element of these committees is that it could allow all JPA members, regardless of their JPA Governing Board status or Voting Share status, to have significant contributory roles in determining the functions of and decisions made by each committee.

Examples of committees are:

- Executive Committee
- Technical Committee (e.g.; wholesale power portfolio, retail ratemaking, retail programs, integrated resource planning, etc.)
- Rate Payer Advisory Committee
- Community Advisory Committee
- Legislative and Regulatory Affairs Committee
- Financial Affairs Committee
- Legal Affairs Committee

#3 - Special Voting Requirements

TOPIC OF NEGOTIATION

What actions require special voting requirements, and what the special voting requirements for those items will be.

Existing CCA JPAs typically require a majority vote for most actions. However, most also have special voting requirements for the governing Board to approve more significant or controversial actions including financial actions. Depending on the action, the requirement is either an affirmative vote of two-thirds or three-quarters of the governing board. Examples from existing JPAs of actions that necessitate special voting requirements are:

- The exercise of eminent domain
- Amendments to the JPA
- The removal of members from the JPA

#4 – Appointment of Non-Elected Officials as Board Directors

TOPIC OF NEGOTIATION

Whether or not to allow participating agencies to appoint non-elected Directors.

Typically, an elected official from each member serves on the Board of the JPA that is established.

However, an option would be to allow participating agencies to appoint Directors to represent them on the Board *who are not elected officials*.

The precedent for this is found in the governing boards of the JPA of southern California municipal utilities, the Southern California Public Power Authority, and individual municipal utilities such as Pasadena Water and Power.

In this model, appointed Directors are typically subject matter experts and are either employees of the member agency or outside experts.

#5 - Alternates for Board Directors

TOPIC OF NEGOTIATION

Whether or not to allow Directors to appoint alternates; if alternates allowed, who is allowed to serve as an alternate.

In existing JPAs, alternates are approached in different ways:

- Alternates are prohibited
- Alternates are allowed but must be on the same governing board of the agency as the Director
- Alternates are allowed and may be staff of the agency that the Director represents.

#6 - Board Structure and Distribution of Voting Shares

TOPIC OF NEGOTIATION

The composition of the Board of Directors, and the distribution of voting shares among Directors.

Common to all JPAs with respect to distribution of voting shares is the acknowledgement of the difference in electricity loads of the members. This follows from the fact that the essential functions of the Board are to approve contracts for power procurement and approve design of electricity rates.

Most CCA JPAs approach this issue in a similar manner: items for approval require a simple majority of Directors to vote in the affirmative, ***unless one or more members demand that item require the affirmative vote of a majority of the members with voting shares determined by electricity load.***

In this situation, voting shares of members are equal to their respective electricity load divided by the total electricity load of all members (*a so-called 'weighted vote'*). Furthermore, ***if this demand is made, items require both an affirmative vote of a majority of the Directors, in addition to the affirmative vote of a weighted majority of the Directors with the weighted vote shares determined by the electricity load.***

In some instances, any single member can call for a weighted vote and in other JPAs it requires two or even three members to request a weighted vote.

The CCA in Marin County, Marin Clean Energy, approaches this issue in a unique way: half of the directors' vote shares is based on 1 Director, 1 Vote; the other half is determined by electricity load. This model is illustrated in the attached table.

Marin Clean Energy Voting Model

Party	kWh (2010*)	Section 4.9.2.1	Section 4.9.2.2	Voting Share
City of Belvedere	10,530,351	4.17%	0.39%	4.56%
Town of Corte Madera	70,257,595	4.17%	2.62%	6.79%
Town of Fairfax	24,666,792	4.17%	0.92%	5.09%
City of Larkspur	58,436,742	4.17%	2.18%	6.35%
City of Mill Valley	66,468,964	4.17%	2.48%	6.65%
City of Novato	301,500,000	4.17%	11.26%	15.42%
Town of Ross	13,099,820	4.17%	0.49%	4.66%
Town of San Anselmo	46,057,182	4.17%	1.72%	5.89%
City of San Rafael	321,000,000	4.17%	11.98%	16.15%
City of Sausalito	53,366,151	4.17%	1.99%	6.16%
Town of Tiburon	42,392,525	4.17%	1.58%	5.75%
County of Marin	331,400,000	4.17%	12.37%	16.54%
	1,339,176,122	50.00%	50.00%	100.00%

*Data Provided by PG&E