



Contra
Costa
County

To: Board of Supervisors
From: Federal D. Glover, District V Supervisor
Date: August 1, 2017

Subject: BOARD OF SUPERVISORS APPOINTMENTS TO THE MARIN ENERGY AUTHORITY (MCE)
BOARD OF DIRECTORS

RECOMMENDATION(S):

1. ACKNOWLEDGE that the Board of Supervisors adopted a policy on Board Member Committee Assignments on March 21, 2000.
2. ACKNOWLEDGE that adoption of a new Master Resolution with a complete roster of all appointments is required by Board policy whenever terms expire or new appointments are made.
3. APPOINT Supervisor Federal D. Glover as the Board of Supervisors representative, and Supervisor John Gioia as the Board's alternate representative, to the Marin Energy Authority (MCE) Board of Directors for an initial term ending on December 31, 2019.
4. Thereafter, FIX the term for Board of Supervisors appointments to the MCE Board as two years, expiring on December 31 of each odd numbered year.
5. ADOPT Resolution No. 2017/225 appointing Board members and other individuals to serve on Board committees, special county committees, and regional boards/ committees/

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **08/01/2017** ☒ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 1, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea
925.335.1077

By: Stacey M. Boyd, Deputy

cc:

commissions for 2017, some of which include additional compensation in the form of stipend.

RECOMMENDATION(S): (CONT'D)

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6. INDICATE that this Resolution No. 2017/225 supersedes in its entirety Resolution No. 2017/1, which was adopted by the Board of Supervisors on January 10, 2017.

7. RESOLVE that Board Members as named are APPOINTED to serve on Board committees, special county committees and regional boards/ committees/ commissions as specified on Attachment II to Resolution No. 2017/225 as Internal Standing Committees (Type I), Other Internal Committees, (Type II), Regional Bodies (Type III), Special/Restricted Seats (Type IV), and Ad Hoc Committees (Type V).

8. DIRECT staff to update, if necessary, the County website a single Fair Political Practices Commission (FPPC) Form 806, which lists all the paid appointed positions on committees, boards, or commissions for members of the Board of Supervisors.

FISCAL IMPACT:

There is no fiscal impact to the County from this action.

BACKGROUND:

On June 6, 2017, the Board of Supervisors adopted an ordinance and resolution to join the Marin Energy Authority's (MCE) community choice energy/aggregation program (CCE). CCE involves cities, counties, or a joint powers authority composed of cities and/or counties, pooling ("aggregating") retail electricity customers for the purpose of procuring and selling electricity. MCE's formation document specifies that the Authority shall be governed by a Board of Directors composed of one representative of each of the member agencies. The governing body of each member agency will appoint from its governing body one Director and, also, one alternate who may vote on all matters when the regular Director is absent for a Board meeting. The County's Director and Alternate Director will serve at the pleasure of the Board of Supervisors.

The MCE formation document sets no seat terms for MCE board members. The County's appointments and their duration are completely within the discretion of the Board of Supervisors. These appointments should probably not be for an indefinite period.

However, similar to membership on the Retirement Board, the learning curve is such that making these appointments subject to annual reassignment might be disruptive.

Therefore, I recommend that the MCE appointments be reviewed during the Board of Supervisors' reorganization on every even-numbered year; so to begin, the initial appointments would expire on December 31, 2019 and the first review for possible reassignment would occur in January 2020, and then in 2022, 2024, etc.

Note that a Director may be removed by the MCE Board for cause:

- Unexcused absences from three consecutive Board meetings.
- Unauthorized disclosure of confidential information or documents from a closed

session or the unauthorized disclosure of information or documents provided to the Director on a confidential basis and whose public disclosure may be harmful to the interests of the Authority.

Written notice will be provided to the Director proposed for removal and the governing body that appointed such Director at least thirty days prior to the meeting at which the proposed removal will be considered by the MCE Board. The notice will state the grounds for removal, a brief summary of the supporting facts, and the date of the scheduled hearing on the removal. The Director proposed for removal will be given an opportunity to be heard at the removal hearing and to submit any supporting oral or written evidence. A Director will not be removed for cause from the Board unless two-thirds of all Directors (excluding the Director subject to removal) vote in favor of the removal.

A vacancy in either of the County's seats must be filled within 90 days.

FPPC Form 806

In April 2012, the Fair Political Practices Commission (FPPC) adopted Regulation § 18705.5, which permits a Supervisor to vote on his/her own appointment to a body or board paying a salary or stipend for service if all of the following conditions are met:

1. the appointment is to a committee, board, or commission of a public agency, a special district, a joint powers agency or authority, or a metropolitan planning organization; and
2. State law, a local ordinance, or a joint powers agreement requires the Board to appoint; and
3. the Board adopts and posts on its website, a list of each appointed position for which compensation is paid, the salary or stipend for the position, the name of the appointee, the name of the alternate, if any, and the term of the appointment.

Form 806 is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards, or commissions of a public agency, special district, and joint powers agency or authority. Each agency must post on its website a single Form 806, listing all of the paid appointed positions. When there is a change in compensation or a new appointment, the Form 806 is updated to reflect the change. The form must be updated promptly as changes occur.

Staff of the County Administrator's Office has prepared the Form 806 and has posted it to the County's website. Staff will update the form, if necessary, after the Board of Supervisors acts to adopt the revised Master List of Board Member Committee

Assignments for 2017.

CONSEQUENCE OF NEGATIVE ACTION:

Unless the Board of Supervisors acts to appoint members to the MCE Board, the County's interests will not be represented during MCE Board meetings.

ATTACHMENTS

Resolution No. 2017/225

Attachment I to Resolution No. 2017/225: BOS Committee Assignments for 2017