



**MEETING of the Executive Committee of the
Clean Power Alliance of Southern California
Wednesday, February 20, 2019
1:30 p.m.**

555 West 5th Street, 35th Floor
Los Angeles, CA 90013

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact Jacquelyn Betha, at least two (2) working days before the meeting at jbetha@cleanpoweralliance.org or (213) 269-5870, ext.1001.

Notification in advance of the meeting will enable us to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

Members of the public may also participate in this meeting remotely at the following addresses:

Beverly Hills City Hall
4th Floor, Conference Room 4B
455 N. Rexford Drive, Beverly Hills, CA 90210

Ventura County Government Center
Channel Islands Conference Room, 4th Floor Hall of Administration
800 South Victoria Avenue, Ventura, CA 93009

I. WELCOME AND ROLL CALL

II. PUBLIC COMMENT

This item is reserved for persons wishing to address the Committee on any Clean Power Alliance-related matters not on today's agenda. Public comments on matters on today's

Clean Power Alliance Executive Committee Meeting
February 20, 2019

agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Committee are requested to complete a speaker's slip and provide it to Clean Power Alliance staff. If you have anything that you wish to be distributed to the Board and included in the official record, please hand it to a member of the staff who will distribute the information to the Committee members and staff. Speakers are customarily limited to three minutes, but is at the Chair's discretion.

III. CONSENT AGENDA

1. Approve Minutes from January 16, 2019 Executive Committee Meeting

IV. REGULAR AGENDA

2. Review Draft Agenda for March 7, 2019 Board of Directors Meeting
3. Discuss Option to Develop Policy on Public Comment
4. Discuss Vendor Communications

V. CLOSED SESSION

1. PUBLIC EMPLOYMENT
(Government Code Section 54957)
Executive Director Performance Evaluation Process

VI. COMMITTEE MEMBER COMMENTS

VII. ADJOURN

Public records that relate to any item on the open session agenda for a regular Committee Meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all, or a majority of, the members of the Committee. The Board of Directors has designated Clean Power Alliance, 555 W. 5th Street, 35th Floor, Los Angeles, CA 90013, for making those public records available for inspection. The documents are also available online at www.cleanpoweralliance.org.

REGULAR MEETING of the Executive Committee of the
 Clean Power Alliance of Southern California
 Wednesday, January 16, 2019, 1:30 p.m.

555 West 5th Street, 35th Floor
 Los Angeles, CA 90013

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 4th Floor, Conference Room 4B
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MINUTES

I. WELCOME AND ROLL CALL

Chair Diana Mahmud called the meeting to order. Board Secretary Jacquelyn C. Betha conducted roll call.

Roll Call			
Beverly Hills	Julian Gold	Committee Member	Remote
Hawthorne			Absent
Los Angeles County	Sheila Kuehl	Vice Chair	Present
Oxnard	Carmen Ramirez	Committee Member	Remote
Rolling Hills Estates	Steve Zuckerman	Committee Member	Present
South Pasadena	Diana Mahmud	Chair	Present
Ventura County	Linda Parks	Vice Chair	Remote
West Hollywood	Lindsey Horvath	Committee Member	Remote

II. PUBLIC COMMENT

The following member of the public made comments on items not on the agenda: Harvey Eder (Public Solar Power Coalition).

III. CONSENT AGENDA

1. Approved Minutes from December 5, 2018 Executive Committee Meeting

Motion: West Hollywood, Committee Member Horvath.

Second: Beverly Hills, Committee Member Gold.

Vote: Item 1 was approved by a unanimous roll call vote.

IV. REGULAR AGENDA

2. Reviewed Draft Agenda for February 7, 2019 Board of Directors Meeting

Ted Bardacke, Executive Director, highlighted that a budget increase for two contracts will be needed. The increases are necessary because of the ERRA and PCIA. Staff is working with MRW Associates on CPA's rate setting process. Additionally, the budget increase request for LevelTen is a result of the Long Term RFO shortlist selection process. Chair Mahmud suggested a discussion surrounding the authorization for the Executive Director to implement a budget amendment up to a certain amount, and not require Board authorization up to certain amount.

Nancy Whang, General Counsel, provided an overview of the amended draft Bylaws. Changes included language that would allow the Board to change the dates of the fiscal year through the JPA agreement, at its discretion. Staff clarified that should the Board pass the proposed Bylaws it will effectively add two additional at-large members to Executive Committee. Ms. Whang also clarified questions surrounding Director Indemnification, and informed the Committee that the JPA includes such language and takes precedence over the Bylaws. The Bylaws also

specify that the Executive Committee will only include Directors who are all elected to their positions. Finally, there cannot be more than one party represented on a Committee, and no alternates can be elected Chair on a standing Committee.

The Committee inquired about whether the JPA contained language that discuss the appointment or termination of the Executive Director. There is minimal verbiage in the JPA regarding the selection of the Executive Director and does not stipulate the hiring and firing of the Executive Director. However, the contract gives a comprehensive layout of the terms for the contract, including termination, once employed. It was noted that the selection process differs from the hiring process.

Mr. Bardacke briefly provided an update on the remaining Community Advisory Committee open seats. He noted that we have received applications for the two vacancies on the Committee. Staff is in the process of working with our County representative to fill those seats.

Finally, staff highlighted that the CPA will present the shortlist for Long-Term renewable energy at the next Board Meeting.

V. CLOSED SESSION

3. PUBLIC EMPLOYMENT
(Government Code Section 54957)
General Counsel Initial Performance Plan

4. PUBLIC EMPLOYMENT
(Government Code Section 54957)
Executive Director Performance Evaluation Process

Nancy Whang, General Counsel, reported that during Closed Session, direction was given, but no was action taken.

VI. COMMITTEE MEMBER COMMENTS

Committee Member Horvath stated that she was approached by members of labor who expressed firm interests in being part of the process of job creation as CPA evolves.

Chair Mahmud suggested that as more substantive events occur during the Committee meetings, standing Committee Chair reports should be included in the agendas at the end of the Board meetings.

VII. ADJOURN

Chair Mahmud adjourned the meeting.



Staff Report – Agenda Item 2

To: Clean Power Alliance (CPA) Executive Committee
From: Ted Bardacke, Executive Director
Subject: Review Draft Agenda for March 7, 2019 Board of Directors Meeting
Date: February 20, 2019

Staff will provide an overview of the proposed agenda items for the March 7, 2019 Board of Directors meeting for review and feedback from the Executive Committee. The Draft March 7, 2019 Board agenda and supporting materials are attached to this staff report, and a discussion of pertinent items for Board consideration on March 7 is provided below.

TOU RATE ADJUSTMENTS AND PHASE 4 RATES

Staff will bring rate changes to the Board on March 7, 2019. These rate changes are necessary due to structural changes to rates that SCE is making effective March 1, 2019. These structural changes involve shifting peak time of use (TOU) periods for all non-residential customers from the current 12pm to 6pm period to a new period, 4pm to 9pm. It is necessary for CPA to mimic these new TOU periods to ensure customers have consistent periods between the SCE and CPA portions of their bill. SCE is also implementing a small number of residential TOU rate changes for which CPA will need to adjust its rates as part of this March 7 item.

At the March 7, 2019 meeting, staff will also bring rates for Phase 4 (non-residential) customers to the Board. These Phase 4 rates will not be final but will provide illustrative rate schedules that Phase 4 customers will be able to reference during the pre-enrollment period. These rates will be updated and finalized when SCE implements complete 2019 rates, expected to be in early April.

FY 2018/19 BUDGET AMENDMENT

In June 2018 the Board approved CPA's FY 2018/19 Budget. At that time, staff indicated that the budget was likely to need at least one and possibly two amendments to accommodate changing market conditions and new enrollment phasing. Staff plans to present a proposed Amendment to the FY 2018/19 Budget to the Finance Committee for discussion and input on February 27, 2019, and to the Board on March 7, 2019. The proposed Amendment will include increases to both costs and revenues.

Cost increases in the proposed Amendment will be for energy costs, data manager and other budget line items arising from two main changes to CPA operating conditions.

1. Opt out rates are lower than those assumed in the preparation of the FY 2018/19 Budget.
2. The customer enrollment schedule is more aggressive than that which was assumed in the preparation of the FY 2018/2019 budget.

Both of the conditions mean CPA has had to acquire more energy this year than planned. In addition, quicker enrollment and lower opt out rates leads to higher data manager costs as those costs are incurred on a per account per month rate. There are also higher communications costs due to more pre- and post-enrollment notices being sent out during the current FY.

Staff are expecting higher revenues than those included in the FY 2018/19 Budget as a result of the current customer enrollment schedule. Budgeted revenues will also reflect rates that are expected to be proposed to the Board at special meeting in late March. The proposed Budget Amendment is expected to have neutral impact on the FY 2018/19 net position.

In addition, staff plans to divide costs currently budgeted under Professional Services into the following separate budget line items: Legal Services, Technical Services, and Other Professional Services. Legal Services will include outside legal counsel and related costs. Technical Services will include energy related technical services including scheduling coordination, rate setting and energy portfolio management consulting services. Other Professional Services will include professional services not included in the above noted

budget line items and will include accounting services. The purpose of dividing Professional Services into the above noted budget line items is to provide greater clarity on the use of funds.

FINANCIAL RESERVE POLICY

On February 7, 2019, staff presented a draft Reserve Policy to the Board for discussion and various Board members provided input. Staff plans to present a revised draft Reserve Policy to the Finance Committee on February 27 for discussion and input. Staff plans to incorporate Board and Finance Committee feedback and present a revised draft Reserve Policy to the Board for consideration on March 7.

BYLAWS ADOPTION & JPA AMENDMENT

On February 7, 2019, the Board approved CPA's Bylaws and directed staff to provide 30 days advance notice of the intent to adopt the Bylaws and amend the Joint Powers Agreement (JPA). Based on direction from the Board on February 7, CPA's General Counsel has revised the Bylaws and plans to present them for final Board adoption on March 7. A clean version of the revised Bylaws along with the proposed Resolution for Board adoption is attached to this staff report.

To reflect the Board's approved Bylaws, sections 4.10.1 and 5.1 of CPA's JPA must be amended. This will be Amendment No. 3 to the JPA and it will be presented to the Board for approval on March 7. The proposed JPA Amendment No. 3 is attached to this staff report. The redlined changes to these sections are provided below:

4.10.1 Percentage Vote. Each Director shall have one vote. Action of the Board on all matters shall require an affirmative vote of a majority of all Directors who are present at the subject meeting, except when a supermajority vote is expressly required by this Agreement and except as expressly specified for the election of Board Officers and At-Large members of the Executive Committee in the bylaws. When a supermajority vote is required under Section 4.11 (Special Voting), action of the Board shall require an affirmative vote of the specified supermajority of all Directors who are present at the subject meeting. All votes taken pursuant to this Section 4.10.1 shall be referred to as a percentage vote. Notwithstanding the foregoing, in the event of a tie in a percentage vote, the Board can break the tie and act upon an affirmative voting shares vote as described in section 4.10.2 (Voting Shares Vote).

5.1 **Chair and Vice Chair.** For each fiscal year, the Board shall elect a Chair and Vice Chair from among the Directors. The term of office of the Chair and Vice Chair shall continue for two ~~one~~ years, ~~but there shall be no limit on the number of terms held by either the Chair or Vice Chair.~~ The Chair shall be the presiding officer of all Board meetings, and the Vice Chair shall serve in the absence of the Chair. The Chair shall sign all contracts on behalf of the Authority, and shall perform such other duties as may be imposed by the Board. In the absence of the Chair, the Vice-Chair shall sign contracts and perform all of the Chair's duties. The office of the Chair or Vice Chair shall be declared vacant and a new selection shall be made if: (a) the person serving dies, resigns, or the Party that the person represents removes the person as its representative on the Board, or (b) the Party that he or she represents withdraws from the Authority pursuant to the provisions of this Agreement. Upon a vacancy, the position shall be filled at the next regular meeting of the Board held after such vacancy occurs or as specified in the bylaws ~~soon as practicable thereafter~~. Succeeding officers shall perform the duties normal to said offices.

NEM POLICY AMENDMENT

On February 7, 2019, the Board approved Policy No. 7 for CPA Net Energy Metering (NEM). Since then, CPA staff has received additional feedback that necessitates clarifications and updates to the NEM Policy. The revisions will clarify CPA's intent to allow customers to utilize energy credits they may have accrued during their twelve-month relevant period to offset the amount they paid during the same twelve-month period.

Most of SCE's residential NEM customers receive a yearly settlement of their bills that defers payment of any charges due until the end of their twelve-month relevant period. This can lead to large and unexpected annual bills for customers. CPA's NEM policy seeks to ameliorate this by having customers to pay for any energy charges that exceed energy credits on a monthly basis, and conversely allows customer to rollover excess credits on a monthly basis. There will be an annual true-up but it will be more manageable for customers who are net consumers of energy over the course of the year.

However, the CPA NEM Policy as currently written could require CPA customers to forfeit excess credits at the end of the year, even if they paid for energy charges earlier in their twelve-month cycle. This was not the intent of the policy. Therefore, staff will be proposing to the Board on March 7 an updated version of the policy that eliminates this possibility.

COMMUNITY ADVISORY COMMITTEE UPDATE

The Community Advisory Committee (CAC) held its first meeting on February 14, 2019. The CAC received general updates on CPA's ratemaking process, communications and outreach activities, and on the results of CPA's first Long-Term Renewables Request for Offers (RFO). The CAC also began providing feedback on the development of CPA's community college scholarship, which will provide \$150,000 in funding over four years and be administered in conjunction with the developer of the Voyager Wind Project Power Purchase Agreement (PPA), as part of the terms of that PPA. The CAC also initiated its process to elect a Committee Chair and Vice Chairs. Staff intends to provide regular updates to the Board on CAC activities.

- Attachments:**
- 1) Draft March 7, 2019 Board Agenda
 - 2) Draft Resolution and CPA Bylaws (Clean)
 - 3) Proposed JPA Amendment No. 3



**REGULAR MEETING of the Board of Directors of the
Clean Power Alliance of Southern California**

Thursday, March 7, 2019

2:00 p.m.

TBD

DRAFT

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Notification in advance of the meeting will enable us to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

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Calabasas City Hall – Council Conference Room
100 Civic Center Way, Calabasas, CA 91301

Ventura County Government Center
Channel Islands Conference Room, 4th Floor Hall of Administration
800 South Victoria Avenue, Ventura, CA 93009

Whittier City Hall – Admin Conference Room
13230 Penn Street, Whittier, CA 90602

I. WELCOME AND ROLL CALL**II. PUBLIC COMMENT**

This item is reserved for persons wishing to address the Board on any Clean Power Alliance-related matters not on today's agenda. Public comments on matters on today's agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Board are requested to complete a speaker's slip and provide it to Clean Power Alliance staff. If you have anything that you wish to be distributed to the Board and included in the official record, please hand it to a member of the staff who will distribute the information to the Board members and staff. Speakers are customarily limited to three minutes, but is at the discretion of the Chair.

III. CONSENT AGENDA

1. Approve Minutes from February 7, 2019 Board of Directors Meeting
2. Approve Amendment No. 3 to the Clean Power Alliance Joint Powers Agreement (Agreement) revising Sections 4.10.1, and 5.1 and authorize Chair to Execute Amendment No. 3.
3. Approve Resolution No. 19-03-002 Adopting the Clean Power Alliance Bylaws
4. Approve Revisions and Clarifications to Policy No. 7 for Net Energy Metering (NEM)
5. Approve Policy No. 8 for Financial Reserves
6. Receive and File Report from the Community Advisory Committee February 14, 2019 Meeting

IV. REGULAR AGENDA**Action Items**

7. Adopt Resolution 19-03-003 to Approve Adjustments to 2019 Time of Use Domestic Rate Schedules and Approve Preliminary 2019 Non-residential Rates (Phase 4)

8. Approve Budget Adjustment to Fiscal Year 2018/2019 Budget Rates (Phase 4)

V. EXECUTIVE COMMITTEE ELECTIONS

VI. MANAGEMENT UPDATE

VII. COMMITTEE CHAIR UPDATES

Director Lindsay Horvath, Chair Legislative & Regulatory Committee

Director Julian Gold, Chair, Finance Committee

Director Carmen Ramirez, Chair, Energy Planning & Resources Committee

Director Meaghan Sahli-Wells, Chair, Communications & Outreach Ad Hoc Committee

VIII. BOARD MEMBER COMMENTS

IX. REPORT FROM THE CHAIR

X. ADJOURN – TO SPECIAL MEETING ON MARCH X, 2019

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RESOLUTION NO. 19-03-002**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CLEAN POWER ALLIANCE OF SOUTHERN CALIFORNIA
TO ADOPT THE BYLAWS****THE BOARD OF DIRECTORS OF THE CLEAN POWER ALLIANCE OF SOUTHERN
CALIFORNIA DOES HEREBY FIND AND ADOPT AS FOLLOWS:**

WHEREAS, the Clean Power Alliance of Southern California (formerly known as Los Angeles Community Choice Energy Authority) ("Clean Power Alliance" or "CPA") was formed on June 27, 2017; and

WHEREAS, Sections 3.2.12 and 4.5.13 of the Joint Powers Agreement ("JPA) authorizes the Board to adopt bylaws that are necessary or desirable for the purposes of the CPA and for the governance of CPA's operations; and

WHEREAS, Section 4.11.1 requires CPA to provide the Board of Directors with 30 days advanced notice of its intent to adopt the Bylaws.

WHEREAS, on or before February 4, 2019, CPA Board of Directors received advanced notice of the adoption of the Bylaws and the amendment to the JPA; and

WHEREAS, on February 7, 2019, the CPA Board of Directors approved the Bylaws subject to three revisions as follows.

(1) Article II, Section 4.a.v. shall be revised as follows:

v. Has been convicted of a felony while serving as a Director;

(2) Article III, Section 2.c. shall be revised as follows:

c. The potential candidate must affirm that he/she intends to his/her elected term as a member of the governing body of a Party will not prevent the potential candidate from serving a full term as a Board Officer.

(3) Article V, Section 4.c. shall be revised as follows:

c. The potential candidate must affirm that he/she intends to his/her elected term as a member of the governing body of a Party will not prevent the potential candidate from serving a full term as an Executive Committee member or a Standing Committee Chair.

WHEREAS, on March 6, 2018, the CPA Board of Directors adopted a separate Closed Session Policy.

WHEREAS, the Bylaws approved by the CPA Board of Directors on February 7,

2019 contains a policy concerning closed sessions.

NOW THEREFORE, BE IT FOUND, BY THE BOARD OF DIRECTORS OF THE CLEAN POWER ALLIANCE OF SOUTHERN CALIFORNIA:

The Bylaws as approved on February 7, 2019 are hereby adopted and any policies that are in conflict with the Bylaws are hereby superseded.

ADOPTED this ____ day of _____ 2019.

Chair

ATTEST:

Secretary

DRAFT

**BYLAWS FOR
CLEAN POWER ALLIANCE
OF SOUTHERN CALIFORNIA**

PREAMBLE

The Clean Power Alliance of Southern California¹ (the “Alliance”) was established on June 27, 2017 pursuant to the execution of the Joint Powers Agreement (“JPA”). The members of the Alliance are referred to individually as “Party” or “Local Agency” or collectively, as “Parties” or “Local Agencies” in these Bylaws. The JPA and any Amendments to the JPA shall collectively be referred to as the “Agreement.”

ARTICLE I

PURPOSE AND DEFINITIONS

Section 1. Purpose of Bylaws. The Agreement authorizes the Board of Directors to develop Operating Policies and Procedures, including but not limited to Bylaws, to implement the affairs of the Alliance. By approving these Bylaws, the Board intends to provide additional definition concerning governance, internal organization, Board committees, and other matters addressed in these Bylaws.

Section 2. Definitions. Unless specifically defined in these Bylaws, all defined terms shall have the same meaning ascribed to them in the Agreement.

Section 3. Precedence. If any provision of these Bylaws conflicts with any provision of the Agreement, the Agreement shall prevail, and these Bylaws shall be amended to eliminate such conflict.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Board of Directors. The Alliance shall be governed by a Board of Directors composed of one representative of each of the Parties (“Board”).

Section 2. Appointment of Directors by Party. Consistent with Section 4.2 of the Agreement, the governing body of each Party shall appoint and designate in writing to the Alliance one regular Director (“Regular Director”) and up to two alternate Directors (“Alternate Director”) who may vote on matters when the Regular Director is absent for a Board meeting.

Section 3. Resignation. In addition to meeting a Party’s requirements concerning resignation, a Director may resign at any time by giving written notice to the Chair and the Board Secretary.

¹ The Alliance was originally established and known as The Los Angeles Community Choice Energy Authority (“LACCE”). LACCE’s name was changed in Amendment No. 2 to the original JPA on April 5, 2018.

Any resignation is effective upon receipt of the written notice or at a time designated in the written notice. A vacancy shall be filled as specified in Article IX.

Section 4. Removal for Cause.

- a. Grounds for Removal. A Director may be removed for cause. Cause shall be defined for the purposes of this section as follows:
 - i. Unexcused absences by a Regular Director from three (3) consecutive Board meetings except an “unexcused absence” shall not be applied against a Regular Director if any one of the Alternate Directors from a Party attends a Board meeting in place of that Regular Director. An unexcused absence shall not include an absence due to vacation, illness or medical appointment, family emergency, jury duty, religious observance, or some other unavoidable conflict, if the Regular Director notifies the Alliance of the conflict in writing;
 - ii. 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 Alliance;
 - iii. Willful violation of any of the Alliance’s Operating Policies and Procedures;
 - iv. Has been found by a final order or judgment of any court to be of unsound mind;
 - v. Has been convicted of a felony while serving as a Director; or,
 - vi. Fails or ceases to meet any required qualification that was in effect at the beginning of that Director’s current term of office.
- b. Process for Removal.
 - i. If a Director is considered to have met any of the Grounds for Removal specified in Article II, Section 4.a., above, the matter shall be referred to the Executive Committee for investigation and consideration of removal of such Director.
 - ii. Prior to considering the removal, the Executive Committee shall provide written notice to the Director proposed for removal and the governing body that appointed such Director at least thirty (30) days prior to the meeting at which the proposed removal will be considered by the Executive Committee. The notice shall state the grounds for removal, a brief summary of the supporting facts, and the date of the scheduled hearing on the removal (“Removal Notice”). The Director proposed for removal shall be given an opportunity to be heard and to submit any supporting oral or written evidence at the meeting. Upon consideration of the evidence presented, the Executive Committee shall issue a written recommendation to the Board concerning the removal of such Director within ten (10) business days after the removal matter is heard by the Executive Committee, unless the Chair determines that additional time is needed. A copy of the recommendation shall be sent to the Director proposed for

removal and the governing body that appointed such Director within three (3) business days of the issuance of the written recommendation.

- iii. If the Executive Committee recommends a Director's removal, this recommendation shall be considered by the full Board at the next Regular Meeting following the issuance of the Executive Committee's written recommendation. A copy of the Removal Notice and any evidence presented to the Executive Committee shall be provided to the Board. A Director shall not be removed for cause from the Board unless two-thirds of all present Directors (excluding the Director subject to removal) vote in favor of the removal.

ARTICLE III

INTERNAL ORGANIZATION

Section 1. Election of Board Officers. The Board shall elect from among themselves one Chair and two Vice-Chairs ("Board Officers"). One of the Vice-Chairs shall be a Director representing a Party located in the County of Los Angeles, and the other Vice-Chair shall be a Director representing a Party located in the County of Ventura. Vice-Chairs shall be elected by a vote of the Regular Directors of Parties located in their respective Counties. The candidate who receives the greatest number of votes from voting Regular Directors shall be elected. In the event of a tie, a roll call vote shall be held until a winner is selected.

Commencing in 2020, the current Chair shall announce the nomination period for Board Officer elections at a Regular Meeting. The election shall occur at the next Regular Meeting following the Chair's announcement.

Section 2: Eligibility Requirements for Board Officers. The following minimum eligibility requirements must be met in order for a Regular Director to be elected Chair or Vice-Chair of the Board.

- a. The potential candidate must be a Regular Director;
- b. The potential candidate must have attended at least 50% of the Alliance's Regular Meetings in the prior 12 months; and,
- c. The potential candidate must affirm that he/she intends to serve a full term as a Board Officer.

Section 3. Extension of Term of Office. If, for any reason, the election of a new Board Officer is not made, the then current officer shall continue to serve in his/her position until an election is held at a meeting of the Board.

Section 4. Term of Board Officers. Board Officers shall serve a two-year term commencing on the first day of the Fiscal Year (as defined in Section 7.1 of the Agreement) and ending on the last day of the following Fiscal Year two years later except that the term of office for current Board Officers shall end on March 31, 2020. Commencing in 2020, a Regular Director shall not serve in the same Board Officer position for more than two consecutive full two-year terms.

Section 5. Removal of Board Officers. The Board may remove any of the Board Officers, with or without cause, by a two-thirds vote of the present Directors of the Board at a Regular Meeting of the Board. If removal is being considered, three or more Directors must provide written notice of the proposed removal to the affected Director and to the Executive Director. Thirty (30) days after the receipt of the notice, the Executive Director shall place the removal vote on the agenda at the next Regular Meeting of the Board.

Section 6. Appointment of Treasurer. The Chief Financial Officer (“CFO”) of the Alliance shall act as the Treasurer of the Alliance. In the event of a vacancy, the Board Chair shall appoint a qualified person to act as the interim Treasurer within ninety (90) days of the date the position becomes vacant and the interim Treasurer shall remain in that role until a new CFO is named. The Treasurer shall:

- a. Possess the powers of, and shall perform any functions required by applicable law, including those duties described in the Government Code Section 6505.5 and the Agreement, and which may be prescribed by the Board or these Bylaws.
- b. Prepare, maintain, and update as needed reserve and investment policies governing the Alliance’s building of reserves and management of investments respectively.
- c. Prepare any other reports or policies that the Board or the Finance Committee requires.

Section 7. General Counsel. The General Counsel shall be the attorney for the Board and the Alliance and shall represent the Board and the Alliance in all actions, hearings, and proceedings for or against the Alliance, or when the Alliance may be legally interested. The General Counsel shall also be the legal advisor to the Board and by extension, to the Alliance’s officers and employees in their official capacity. When requested, the General Counsel shall give written legal advice or opinions to the Board or to any Alliance officer or employee.

The General Counsel may delegate her/his authority by designating other attorney(s) on a limited or temporary basis to assist in the performance of her/his duties.

ARTICLE IV

BOARD MEETINGS

Section 1. Regular Meetings. The regular meetings of the Board (“Regular Meeting”) shall be held on the first Thursday of each month at 2 PM, unless the Chair and the Executive Director agree that a Regular Meeting should be held on another day and time.

Section 3. Closed Session.

- a. Confidentiality. All information presented to the Board in closed session shall be confidential. No person attending a closed session may disclose any matter discussed in the session except as provided below.
- b. Discussions with Local Agency Governing Bodies and Local Agency Legal Counsel. A Director may disclose information obtained in a closed session that has direct financial or

liability implications for the Director's Local Agency, to the following individuals: i) Legal counsel of the Director's governing body for purposes of obtaining advice on whether the matter has direct financial or liability implications for that Local Agency; and ii) Other members of the governing body of the Local Agency present in a closed session of that Local Agency.

Prior to disclosing any information obtained in a closed session to legal counsel of the Director's Local Agency or other members of the legislative body of the Director's Local Agency, the Director shall notify the General Counsel of the intention to discuss the matter with their Local Agency's legal counsel or other members of the legislative body. This notification shall provide the General Counsel with an opportunity to discuss with the Local Agency's legal counsel whether the matter has direct financial or liability implications for the Director's Local Agency.

c. Procedure.

- i. The General Counsel and Executive Director shall designate staff members and others who shall remain in the closed session to assist the Board in its deliberations.
 - ii. Any Director who has not attended a closed session and wishes to be advised of the content of the session may inquire of any Director who attended the closed session. The person contacted may advise the inquiring Director of the content of the session. The advised Director shall not disclose the matter for which the session was held.
 - iii. The General Counsel shall be consulted before an item is placed on the Closed Session agenda.
- d. Alternate Directors Participation. Any designated Alternate Director of the legislative body of a Local Agency who is also a member of the legislative body of a Local Agency and who is attending a properly noticed meeting of the Alliance in lieu of a Local Agency Regular Director may participate in a closed session meeting of the Alliance.

ARTICLE V

RULES GOVERNING COMMITTEES

Section 1. Establishment of Committees. Section 5.9 of the Agreement establishes the Executive Committee, the Finance Committee, and the Community Advisory Committee, and authorizes the Board to establish additional policy committees. The Finance Committee and the policy committees identified in Article VII shall collectively be referred to as "Standing Committees." The duties and authority of all Committees shall be subject to the approval and direction of the Board.

Section 2. Committee Voting. Action by a Committee on matters shall require an affirmative vote of a majority of the Director members who are present at the meeting unless otherwise specified in these Bylaws.

Section 3. Ad Hoc Committees. The Board may create Ad Hoc Committees from time to time, to undertake special assignments on behalf of the Board. An Ad Hoc committee shall exist for a specified term or until its special assignments are completed, whichever comes first, but its existence may be extended for an added term or added assignments by action of the Board. The Board Chair shall appoint the Chair of any Ad Hoc Committee. Any Ad Hoc Committee membership shall be governed by Article VII, Section 2.

Section 4. Eligibility Requirements. The following minimum eligibility requirements must be met in order for a Director to be elected to as an At-Large member of the Executive Committee or appointed as a Standing Committee Chair.

- a. The potential candidate must be a Regular Director;
- b. The potential candidate must have attended at least 50% of the Alliance’s Regular Meetings in the prior 12 months; and,
- c. The potential candidate must affirm that he/she intends to serve a full term as an Executive Committee member or a Standing Committee Chair.

Section 5. Removal of a Committee Member. Except as otherwise provided in Article III, Section 5, the Board may remove any Committee member from office, including any At-Large member of the Executive Committee or a Standing Committee Chair, with or without cause, by a two-thirds vote of the present Directors of the Board at a Regular Meeting of the Board.

Section 6. Open Meeting Requirements. The meetings of the committees established by the Board shall be governed by the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.).

ARTICLE VI

EXECUTIVE COMMITTEE

Section 1. Executive Committee. The duties of the Executive Committee shall be to review and provide advice to the Executive Director and the entire Board on policy, operation, and organizational matters, and perform such other responsibilities, tasks, or activities as delegated to it by the Board.

The Executive Committee shall consist of the following ten (10) Regular Directors:

- a. The Chair of the Board, who shall serve as Chair of the Executive Committee;
- b. The two Vice-Chairs of the Board, who shall serve as the Vice-Chairs of the Executive Committee;
- c. The Chair from each of the Standing Committees;
- d. The immediate past Chair of the Board;

- e. Two (2) At-Large Directors, each of which represent a Party located in the County of Los Angeles; and,
- f. One (1) At-Large Director, who represents a Party located in the County of Ventura.

Section 2. Election of At-Large Executive Committee Members. The Regular Directors of Parties located in the County of Los Angeles shall elect from among themselves two At-Large members subsequent to the election of the Board Officers. The Regular Directors of Parties located in the County of Ventura shall elect from among themselves one At-Large member subsequent to the election of the Board Officers. The candidate who receives the greatest number of votes among voting Regular Directors, or in the event that two positions are being filled, the top two candidates with the greatest number of votes among voting Regular Directors shall be elected. In the event of a tie, a roll call vote shall be held until a winner is selected.

The Chair shall announce the nomination period for the At-Large members at a Regular Meeting. The election shall occur at the next Regular Meeting following the Chair's announcement.

Section 3. Term of At-Large Executive Committee Members and Immediate Past Chair. The At-Large Executive Committee members and when applicable, the immediate past Chair shall serve a two-year term, concurrent with the term of the Board Officers.

Section 4. Extension of Term of Executive Committee Members. If, for any reason, the election of new At-Large Directors is not made, the then current Directors shall continue to serve in his/her position until an election is held at a Regular Meeting of the Board.

Section 5. Alternate Directors in Executive Committee. Except as otherwise provided in Section 5.1 of the Agreement or Article IV, Section 3 of the Bylaws, in the event a Regular Director member of the Executive Committee is unavailable to attend a duly-noticed meeting of the Executive Committee, an Alternate Director representing the same Party may attend the Executive Committee meeting in place of that Regular Director provided that an Alternate Director shall not vote on any matter requiring Executive Committee action.

Section 6. Tie-Break in Executive Committee Vote. In the event of a tie vote of the Executive Committee, the matter shall be referred to the Board for a percentage vote in accordance with Section 4.10.1 of the Agreement.

ARTICLE VII

STANDING COMMITTEES

Section 1. Appointment and Term of Standing Committee Chairs. Commencing in 2020, the Board Chair shall appoint the Chairs of each Standing Committee after the Board Chair is elected. The Chairs of each Standing Committee shall be appointed to a two-year term concurrent with the term of the Board Officers. If, for any reason, the appointment of new Committee Chairs is not made, the then-current Committee Chair shall continue to serve in his/her position until an appointment is made by the Chair at a meeting of the Board.

Section 2. Standing Committee Membership. Any Director or Alternate Director who wishes to join a Standing Committee may become a member of that Committee. A Director or Alternate Director who wishes to join a Committee shall notify the Board Chair and the Board Secretary in writing of their intention to join. In no event shall the number of Directors in any one Standing Committee constitute a quorum of the Board and in no event shall a Party be represented on any one Standing Committee by more than one Director member.

Section 3. Alternate Directors in Standing Committees. Except as otherwise provided in Article IV, Section 3 of the Bylaws, in the event a Director member of a Standing Committee is unavailable to attend a duly-noticed meeting of that Committee, an alternate Director representing the same Party as the absent Director may attend and if applicable, vote in the Committee meeting in place of the absent Director.

Section 4. Finance Committee. The Standing Finance Committee's duties shall include but not be limited to reviewing and recommending to the Executive Director and the Board:

- a. Fiscal year budgets;
- b. Financial policies and procedures including a reserve and investment policy; and,
- c. Other measures ensuring the sound financial management of the Alliance or as similarly directed by the Board.

The Finance Committee shall select an Independent Auditor who shall perform a financial audit of accounts of the Alliance on an annual basis. The Independent Auditor shall be accredited in the State of California and provide independent, accurate, and timely assessments of the Alliance's financial activities in compliance with generally accepted government auditing standards.

The Finance Committee shall recommend to the Board an Internal Auditor. The Internal Auditor may assess compliance with the Alliance's financial policies and procedures; review the Alliance's internal processes or the adequacy of financial controls; make recommendations for improvement; and any similar duties as the Board may direct.

Section 5. Energy Planning & Resources Committee ("Energy Committee"). There shall be a Standing Energy Committee whose duties shall be to review and provide advice to the Executive Director, the Executive Committee, and the Board on policy, operation and organizational matters related to the Alliance's procurement and development of electric power supplies; the identification and quantification of risk within the energy market; promotion of renewable energy projects and programs; and any similar duties as the Board may direct.

Section 6. Legislative and Regulatory Committee. There shall be a Standing Legislative and Regulatory Committee whose duties shall be to review and provide advice to the Executive Director and the Board on policy, operation and organizational matters related to the Alliance's legislative and regulatory principles, priorities, and strategies; to promote the Alliance's interests by protecting local control and autonomy; to ensure fair treatment of the Alliance's customers by regulatory bodies; and any similar duties as the Board may direct.

ARTICLE VIII

COMMUNITY ADVISORY COMMITTEE (“CAC”)

Section 1. Purpose. Pursuant to Section 5.9.1(c) of the Agreement, the CAC shall be an advisory committee formed to advise the Board on community outreach and engagement issues; to outreach to key stakeholder communities; and to undertake any assignments as directed by the Board. The CAC is not a Standing Committee.

Section 2. CAC Member Selection Process. On an ongoing basis, the Alliance’s staff shall accept and solicit applications from customers that reside or work within the Alliance’s territory to become a member of the CAC. Commencing in 2020, a list of all CAC member applicants by geography, skills and association, along with copies of all completed applications, shall be provided to the Board and the Board shall select CAC members from this list of CAC applicants.

Section 3. CAC Membership. The CAC shall be comprised of a total of 15 members representing customers or key stakeholders residing or working in the seven (7) geographical regions, as follows:

- a. Three (3) members from the East Ventura/West Los Angeles County Region.
- b. Two (2) members from the West/Unincorporated Ventura County.
- c. Two (2) members from the Westside region in Los Angeles County.
- d. Two (2) member from the South Bay region in Los Angeles County.
- e. Two (2) member from the Gateway Cities region in Los Angeles County.
- f. Two (2) member from the San Gabriel Valley region in Los Angeles County.
- g. Two (2) member from the Unincorporated Los Angeles County.

Section 4. CAC Officers. The CAC shall appoint from among themselves by majority vote one Chair and two Vice-Chairs. At least one of the Vice Chairs shall be a member residing in the jurisdiction of a Party located in the County of Ventura. The CAC may establish Bylaws of the CAC (“CAC Bylaws”) governing the operation of the CAC. Any CAC Bylaws shall be drafted by the seated CAC members. Prior to becoming effective, any CAC Bylaws, including any amendments thereto, must be approved by a majority of the seated CAC members who are present at a meeting. The CAC Chair, or designee, shall be the liaison between the Board and the CAC and to the extent requested by each Board subject to the limits of the Agreement and applicable law.

Section 5. CAC Term. The initial term of service for current CAC members shall expire at the Board Meeting in April 2020. Thereafter, the term of service of each CAC member will be two years commencing at the Board Meeting in May and expiring in April two years later. There shall be no limit to the number of terms a CAC member may serve.

Section 6. CAC Quorum and Voting. Fifty percent (50%) of the seated CAC members shall constitute a quorum for the transaction of business. Action of the CAC on all matters shall require an affirmative vote of a majority of all members who are present at the subject meeting.

Section 7. CAC Member Removal. A CAC member may be removed by a majority vote of the Board, with or without cause.

Section 8. CAC Vacancies.

- a. Whenever a vacancy occurs among the CAC Officers during that officer's term of office, the CAC shall hold an election to fill such vacancy within 90 days of the date of the vacancy if there are 90 days or more in the term at the time the vacancy occurs.
- b. Whenever a vacancy occurs for a CAC member during that member's term of office, the Board shall fill such vacancy.

Section 9. Reimbursements. CAC members may seek reimbursement of expenses incurred to attend a duly-noticed CAC meeting or a Board authorized meeting in compliance with "CPA Reimbursements for Board of Directors" policy, Policy No. CPA2018-05.

ARTICLE IX

DIRECTOR VACANCIES

Section 1. Vacancy Definition. A vacancy shall exist in the case of death; resignation; expiration of term; termination or withdrawal of membership from the Alliance; removal of a Director by the governing body of a Party that designated and appointed the member Director; removal of a Director by the Board; or when a Director, who is an elected member of a Party, ceases to be an elected member, including term limits.

Section 2. Vacancy of a Director. Whenever a vacancy occurs for a Regular Director or Alternate Director representing a Party, the affected Party shall comply with Section 4.3 of the Agreement and the appointment and designation shall occur in a manner consistent with each Party's rules, regulations, bylaws, policies, or procedures. In addition, the affected Party shall notify the Executive Director in writing no later than five (5) business days after a replacement Director is appointed or elected by the governing body.

Section 3. Vacancy of a Regular Director serving as a Board Officer. Whenever a vacancy occurs of a Regular Director serving as a Board Officer during that officer's term of office, the Board shall hold an election to fill such vacancy within 90 days of the date of the vacancy if there are 90 days or more in the term at the time the vacancy occurs. The election of a Board Officer shall be consistent with Article III, Section 1.

Section 4. Vacancy of At-Large Executive Committee Member. Whenever a vacancy occurs for an At-Large Executive Committee member, during that member's term of office, the Board shall hold an election to fill such vacancy within 90 days of the date of the vacancy if there are 90 days or more in the term at the time the vacancy occurs. The election of an At-Large Executive

Committee Member shall be consistent with Article VI, Sections 1.e and f., and Article VI, Section 2.

Section 5. Vacancy of Standing Committee Chairs. Whenever a vacancy occurs for a Standing Committee Chair, during that Standing Committee Chair's term of office, the Board Chair shall fill such vacancy within 90 days of the date of the vacancy if there are 90 days or more in the term at the time the vacancy occurs.

Section 6. Remaining Term. Any Director appointed or elected to fill a vacancy before the expiration of the term for which her or his predecessor was appointed shall serve for the remainder of such term.

ARTICLE X

VOTING

Voting on Alliance matters shall be held in accordance with the requirements of Sections 4.10 and 4.11 of the Agreement and these Bylaws.

**AMENDMENT NUMBER THREE TO
CLEAN POWER ALLIANCE OF SOUTHERN CALIFORNIA
JOINT POWERS AGREEMENT**

This Amendment Number Three to Joint Powers Agreement for the Clean Power Alliance of Southern California, formerly known as the Los Angeles Community Choice Energy Authority, (“Amendment Number Three”) is made and entered into by and between those certain public agencies, hereinafter designated individually as the “Member Agency,” which have duly executed, pursuant to resolution or ordinance, the Joint Powers Agreement for the Clean Power Alliance of Southern California, as follows:

RECITALS

1. The Clean Power Alliance of Southern California (the “Alliance”) Agreement was executed on June 27, 2017 between the County and the City of Rolling Hills Estates in order to collectively study, promote, develop, conduct, operate, and manage energy programs.
2. Each of the Member Agencies presently has a representative on the Board of Directors of the Alliance.
3. On December 7, 2017, the Alliance’s Board of Directors (“Board”) voted and approved Amendment Number One to the Agreement which made explicit the Alliance’s obligation to use its best efforts to sell a member’s pro rata share of energy and obligation of the departing member to pay any marginal difference between the purchase and sale price for such power, if any.
4. On April 5, 2018, the Alliance’s Board voted and approved Amendment Number Two which changed the name from the Los Angeles Community Choice Energy Authority to the “Clean Power Alliance of Southern California.” The Joint Powers Agreement and the aforementioned amendments shall be collectively referred to as the “Agreement.”
5. On February 7, 2019, the Alliance voted and approved the Bylaws for the Alliance, which specified that Board Officers and At-Large members of the Executive Committee shall be elected by a plurality of votes, for the establishment of a two-year term and term limits for Board Officers, and for a process in the event of vacancies.
6. On March 7, 2019, the Alliance voted and approved Amendment Number Three amending section 4.10.1 which authorizes a plurality vote to elect Board Officers and At-Large members of the Executive Committee; and section 5.1 which establishes a two-year term, and term limits for Board Officers, and adopts the process in the event of vacancies.
7. The Agreement may be amended in the manner set forth in 4.11.

NOW THEREFORE, it is mutually agreed by and between the parties hereto to amend the Joint Powers Agreement, as follows:

1. Section 4.10.1 shall be deleted in its entirety and shall read as follows:

4.10.1 **Percentage Vote.** Each Director shall have one vote. Action of the Board on all matters shall require an affirmative vote of a majority of all Directors who are present at the subject meeting, except when a supermajority vote is expressly required by this Agreement and except as expressly specified for the election of Board Officers and At-Large members of the Executive Committee in the bylaws. When a supermajority vote is required under Section 4.11 (Special Voting), action of the Board shall require an affirmative vote of the specified supermajority of all Directors who are present at the subject meeting. All votes taken pursuant to this Section 4.10.1 shall be referred to as a percentage vote. Notwithstanding the foregoing, in the event of a tie in a percentage vote, the Board can break the tie and act upon an affirmative voting shares vote as described in section 4.10.2 (Voting Shares Vote).

2. Section 5.1 shall be deleted in its entirety and shall read as follows

5.1 **Chair and Vice Chair.** For each fiscal year, the Board shall elect a Chair and Vice Chair from among the Directors. The term of office of the Chair and Vice Chair shall continue for two years. The Chair shall be the presiding officer of all Board meetings, and the Vice Chair shall serve in the absence of the Chair. The Chair shall sign all contracts on behalf of the Authority, and shall perform such other duties as may be imposed by the Board. In the absence of the Chair, the Vice-Chair shall sign contracts and perform all of the Chair's duties. The office of the Chair or Vice Chair shall be declared vacant and a new selection shall be made if: (a) the person serving dies, resigns, or the Party that the person represents removes the person as its representative on the Board, or (b) the Party that he or she represents withdraws from the Authority pursuant to the provisions of this Agreement. Upon a vacancy, the position shall be filled at the next regular meeting of the Board held after such vacancy occurs or as specified in the bylaws. Succeeding officers shall perform the duties normal to said offices.

3. Except as specifically amended hereby, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment Three to be executed as of the date first above written.

IN WITNESS WHEREOF, the Chair of the Clean Power Alliance of the Southern California, authorized by the Board on March 7, 2019, has executed this Amendment Number Three of the Agreement on behalf of the Alliance.

CLEAN POWER ALLIANCE OF SOUTHERN CALIFORNIA

By _____ Date _____
Chair

APPROVED AS TO FORM:

NANCY WHANG

By _____
General Counsel

DRAFT



Staff Report – Agenda Item 3

To: Clean Power Alliance (CPA) Executive Committee
From: Nancy Whang, General Counsel
Approved By: Ted Bardacke, Executive Director
Subject: Discuss Option to Develop Policy on Public Comment
Date: February 20, 2019

CPA staff was asked to survey policies concerning public comments in order to determine how CPA can enhance public participation in an efficient and effective manner.

CPA staff identified and reviewed formal policies (i.e., rules and resolutions) and informal guidelines regarding public comment from the County of Los Angeles, the County of Ventura, the City of Los Angeles, the City of Ventura, the City of West Hollywood, and the City of Santa Monica.

There is a diversity of approaches among these entities. Some entities have policies, which are rather broad (e.g., City of West Hollywood Rules, see Attachment 5A at Section 6), however their agendas provide more specificity and discretion to the Chair (compare with West Hollywood agenda, see Attachment 5B. Others (e.g., City of Los Angeles, see Attachment 3, at Chapter II, Section 7) provide detail in the policy and give little specificity in the agenda and less discretion to the Chair.

Staff believes that added specificity on the agenda may be the most appropriate approach in this phase of organizational development.

The relevant portions of these policies or guidelines are attached.

- Attachments:**
- 1) County of Los Angeles Policy
 - 2) A-County of Ventura Policy and B-Agenda Guidelines
 - 3) City of Los Angeles Policy
 - 4) City of Ventura Policy
 - 5) A-City of West Hollywood Policy and B-Agenda Guidelines
 - 6) City of Santa Monica Policy

Excerpt from: County of Los Angeles - Rules of the Board of Supervisors

direct the activities of a department or district. Each department or district head shall keep all members of the Board fully and equally apprised of any issues affecting his/her department or district and shall be equally responsive to each member of the Board without regard to which Supervisor may be assigned as the Mayor/Chair responsible for that department or district.

CHAPTER VIII ORDINANCES AND RESOLUTIONS

Section 29. COPIES OF ORDINANCES AND RESOLUTIONS. An original and five copies of each ordinance and each resolution to come before the Board shall be presented. The original shall be presented to the Executive Officer-Clerk of the Board and one copy shall be presented to each member.

Section 30. COUNTY COUNSEL APPROVAL OF ORDINANCES. No ordinance shall be adopted until it has been approved as to form by the County Counsel.

CHAPTER IX MISCELLANEOUS PROVISIONS

Section 31. ADMITTANCE INSIDE RAILING. Subject to the direction of the Mayor/Chair, no persons other than Board members, County and district officials, and recognized representatives of the news media shall be admitted inside the railing to the floor of the Board Room. Other persons may be admitted upon the request of a member and the consent of the Mayor/Chair or of a majority of the Board.

Section 32. SIGNS. Except with prior authorization of the Mayor/Chair, no placards, signs, posters or packages, bundles, suitcases or other large objects shall be brought into the Board Room.

Section 33. SEATING. Unless addressing the Board or entering or leaving the Board Room, all persons in the audience shall remain sitting in the seats provided. No person shall stand or sit in the aisles or along the walls nor shall the doorways be blocked.

Section 34. DISRUPTIONS. All demonstrations, including cheering, yelling, whistling, hand clapping and foot stomping are prohibited.

Section 35. DISTRIBUTION OF LITERATURE. Except with prior authorization of the Mayor/Chair, the distribution of literature, of whatever nature or kind, is prohibited.

Section 36. SMOKING. Smoking is prohibited in the Board's Hearing Room.

Section 37. REQUESTS TO ADDRESS THE BOARD ON AN AGENDA ITEMS. A person requesting to address the Board will be allowed a total of three (3) minutes per meeting. Requests to be heard must be submitted to the Executive Officer-Clerk of the Board before the item is called. Any individual found to have engaged in disruptive conduct, as defined in Section 10 of these Rules, may be prohibited from addressing the Board at future meetings as set forth in Section 10 (e).

Section 38. ADDRESSING THE BOARD. No person shall address the Board until he/she has first been recognized by the Mayor/Chair. The decision of the Mayor/Chair to recognize or not recognize a person may be changed by order of the Board. All persons addressing the Board shall give their names and addresses for the purpose of the record. The Mayor/Chair

may, in the interest of facilitating the business of the Board, limit the amount of time which a person may use in addressing the Board. A person addressing the Board on a matter under the supervision of the Department of Children and Family Services shall not disclose any case identifying information which is made confidential under the provisions of Welfare and Institutions Code Sections 827 and 10850. Such person is advised that such matter is not within the subject matter jurisdiction of the Board, that it is not within the power of the Board to alter the outcome of a court matter and that because of confidentiality laws, the Board may not comment on any such matter. Therefore, the Mayor/Chair of the Board shall request that the person's comments which relate to confidential case identifying information be put into writing and forwarded to the Director of the Children and Family Services Department. The Mayor/Chair or any member of the Board may request the Director to provide the Board with a confidential report on the case.

Section 38.1. USE OF CELL PHONES AND PAGERS DURING BOARD MEETINGS. All pagers and cell phones belonging to the public, press or County personnel must be placed on vibrate mode or be turned off while a Board meeting is in session.

Section 39. PUBLIC COMMENT - NON-AGENDA ITEMS. Notwithstanding any other provision of these rules, members of the public shall have the right to address the Board on items of interest which are within the subject matter jurisdiction of the Board. A person requesting to address the Board on a non-agenda item will be allowed up to three(3) minutes per meeting. A person addressing the Board shall avoid personalities on an agenda or non-agenda item. Any individual found to exhibit disruptive conduct, as defined in Section 10 of these Rules, may be prohibited from addressing the Board on agenda items and during public comment at future meetings as set forth in Section 10 (e).

Section 40. ROBERT'S RULES OF ORDER. The proceedings of the Board shall be governed by the provisions of law applicable thereto and, except as herein otherwise provided, by Robert's Rules of Order, newly revised. Provided, further, that the failure to follow the Rules of Order or these rules shall not invalidate any action taken. The County Counsel shall act as parliamentarian and, on request of the Mayor/Chair, shall give parliamentary advice.

Section 41. CHIEF EXECUTIVE OFFICER AND COUNTY COUNSEL TO ATTEND MEETINGS. The Chief Executive Officer and the County Counsel, or a representative designated by each such officer, shall attend all regular, adjourned regular and special meetings of the Board.

Section 42. DEPARTMENTAL REPRESENTATIVE. Each County or district officer having any matter on the agenda for consideration by the Board shall either be present at the Board meeting or shall hold himself in readiness for the purpose of furnishing information to the Board. Each County or district officer may designate a deputy to perform this duty.

Section 43. DELETED²

Section 44. SUSPENSION OF RULES. Except as otherwise provided by law, these rules or any one thereof may be suspended by order of the Board when regularly entered in its minutes.



CHIEF ADMINISTRATIVE OFFICE
JOHN F. JOHNSTON
Chief Administrative Officer

September 11, 2001

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: AMENDMENT TO RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS ESTABLISHING RULES RELATING TO ORAL PRESENTATIONS BY MEMBERS OF THE PUBLIC

RECOMMENDATIONS:

It is recommended that your Board:

1. Approve the "Amended Resolution Establishing Rules Relating to Oral Presentations by Members of the Public" including modifications to:
 - Rename the Resolution to "Resolution of the Ventura County Board of Supervisors Stating Rules on Procedures and Presentations by Members of the Public."
 - Increase the time allowed for "Public Comments" from 30 minutes to 90 minutes for Board of Supervisors' meetings held in remote locations, and
 - State that "Public Comments", if interrupted by time-certain items, will be resumed before non-time certain items.
2. Consider any other modifications to the Resolution the Board deems necessary.

FISCAL/MANDATES IMPACT:

Minimal staff costs associated with the recommended actions.

BACKGROUND:

The Board of Supervisors adopted the "Amended Resolution of the Ventura County Board of Supervisors Establishing Rules Relating to Oral Presentations by Members of the Public" in September 2000. The Resolution does not limit the inherent power and general legal authority of the Board; any of the rules may be waived by the presiding officer or by a

majority vote of the Board members. The Resolution also provides procedures for the Board meetings in general but does not specifically address procedures for off-site Board meetings.

On February 6, 2001, your Board approved a pilot program for off-site Board meetings and scheduled holding two meetings at remote locations (Thousand Oaks and Fillmore). The purpose of the relocated meetings was to increase the opportunity for people in outlying areas to attend the meetings and to provide outreach and opportunity for increased public awareness of County programs. Staff was directed to evaluate the pilot program after the second meeting and report back on the off-site meeting cost/benefit.

On May 1, 2001, the Board held its first relocated meeting. Many Thousand Oaks area residents seized the opportunity to speak on local issues. Due to the 30-minute limit placed on the "Public Comment" segment of the agenda (as per the Amended Resolution) and due to the large number of people who wished to speak during that period, many people were caused to wait several hours before they could address the Board.

At the May 8 Board meeting, the Board reviewed the "Amended Resolution of the Ventura County Board of Supervisors Establishing Rules Relating to Oral Presentations by Members of the Public" and discussed two proposed modifications:

- Increasing the "Public Comment" segment time limitation from 30 minutes to 90 minutes for remote Board meetings. This change would allow additional members of the public to speak prior to the consent and the time-certain agenda items.
- Stating that if for some reason "Public Comment" must be interrupted in order to open a time-certain agenda item or for any other pressing reason, that "Public Comment" be resumed before non-time-certain items are taken up. This change would allow the Board to hear from the public of the local area before staff are heard on non-time certain items.

The Board approved the modifications in concept and directed staff to 1) return to the Board with a modified Resolution incorporating the recommendations prior to the next remote meeting and 2) to address issues brought up by Supervisors and bring them back to the Board for consideration.

On June 5, 2001, the Board approved conducting the second off-site meeting in Fillmore on September 18, 2001 as an evening meeting at 6:30 p.m. rather than as a day meeting as originally approved.

DISCUSSION:

The draft amended Resolution is attached. Modifications are identified with overstrike for deleted items and underline for added items. The Resolution has also been edited for

Board of Supervisors
September 11, 2001
Page 3 of 4

format. If the amended Resolution is adopted, the Public Comment segment would be increased to 90 minutes and the public comments would be interrupted only for time-certain agenda items or other pressing matters.

The next (second) remote Board meeting is scheduled for Tuesday, September 18, 2001 in Fillmore at 6:30 p.m. According to the discretion afforded the Board Chair as outlined in the Resolution, the Chair has directed the Clerk of the Board to schedule only consent agenda items and non-time-certain items for this meeting; no time-certain items are to be placed on the agenda. This will allow the Chair to coordinate public comments for 90 minutes or more if there are no other pressing matters.

These and other off-site meeting issues may be addressed in the pilot program analysis report to be presented to your Board no later than Tuesday, November 6, 2001.

At the May 8 Board meeting, there were several other comments and suggestions made by Board members not specifically included in the recommendations. Your Board directed staff to address the remote-meeting issues and bring them back for Board consideration. These are listed below and are being addressed as appropriate.

- Supervisor Long suggested all off-site meetings be held in the evening hours. This request was implemented at the June 5 Board meeting. After the Fillmore meeting, the pilot program evaluation will address this issue based on the two evening meetings.
- Supervisor Schillo suggested we have fewer time-certain items at remote meetings. This suggestion has been addressed at the Board Chair's discretion with the decision to eliminate time-certain items.
- Supervisor Mikels commented that the off-site agendas should focus on County business related to the local area with fewer ceremonial matters. The CEO will advise Department/Agency Heads of this request.
- Supervisor Mikels also suggested the Clerk of the Board add to the Board agenda "All personal communication systems will be turned off or put in a non-audible mode during Board of Supervisors meetings." In response the Clerk of the Board has suggested a sign be posted at the off-site meeting agenda table as is done at the on-site meetings. Such a sign will be posted at the Fillmore meeting.
- Supervisor Mikels suggested the rules be modified to state that the Board has a policy to listen to both sides of the argument without any audible or emotional display from the audience; clapping, booing, hissing and cheering is to be discouraged so that the environment for the general public interested in making comments to the Board is less intimidating. This change was not made in the attached amended resolution because it was not clear whether this was a

recommendation the Board adopted. However at this time, should the Board concur, the following language may be incorporated into the Resolution.

IX. MEETING ENVIRONMENT

In order to maintain a public meeting environment conducive to receiving public testimony, on all sides of any issue, it is the Board of Supervisors policy that the audience will be discouraged from engaging in audible or emotional displays of support or opposition to testimony provided. Behaviors such as clapping, booing, hissing and cheering can create an intimidating environment for people interested in giving public testimony and consequently these behaviors are to be discouraged.

If you have any questions regarding these issues, please contact Susan Van Abel at 654-2871.

Sincerely,



JOHN F. JOHNSTON
County Executive Officer

Attachment

c: Marty Robinson
Susan Van Abel

**AMENDED RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS
ESTABLISHING STATING RULES RELATING TO PROCEDURES AND ORAL
PRESENTATIONS BY MEMBERS OF THE PUBLIC**

AMENDMENT 2

BE IT RESOLVED by the Ventura County Board of Supervisors that the rules relating to oral presentations by members of the public at Board of Supervisors meetings are hereby formally adopted as follows:

I. Authority of the Board

- A. The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Board, or its presiding officer, to govern the conduct of Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the County.
- B. Any of the following rules may be waived by the presiding officer or by a majority vote of the Board members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

II. Addressing the Board of Supervisors – General

- A. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Board should fill out a speaker card and submit it to the Clerk.
- B. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.
- C. All remarks should be addressed to the Board as a whole, not to individual members thereof.
- D. Questions, if any, should be directed to the Chair of the Board who will determine whether, or in what manner, an answer will be provided.

III. “Public Comment” - General

- A. “Public Comment” is that period of time set aside at Board of Supervisors meetings for members of the public to address the Board on items of County business that either do not appear on the agenda or appear only as Consent Agenda items.
- B. “Public Comment” is generally permitted just prior to consideration of the Board’s Consent Agenda.

- C. When Board meetings are held in locations other than the Government Center, if "Public Comment" must be temporarily interrupted, "Public Comment" shall be resumed at the earliest opportunity and certainly before any non time-certain agenda items are heard.
- D. Presentations under "Public Comment" are limited to items within the subject matter jurisdiction of the County, and are limited to no more than five (5) minutes and are subject to the cumulative time limits as set forth in Section IV.
- E. The "Public Comment" portion of the Board of Supervisors meetings shall be deemed to constitute the opportunity for members of the public to address the Board in compliance with Government Code section 54954.3.

IV. "Public Comment" – Time Limits

- A. The Public Comment period shall be limited to no more than thirty (30) minutes total for all speakers, with each speaker given no more than five (5) minutes. If there are more than six (6) speakers, each speaker's time shall be reduced from five (5) minutes so that all speakers have an equal time to speak but the total is thirty (30) minutes. ~~Persons wishing to speak under "Public Comment" must submit a speaker card in a timely fashion (see paragraph 3).~~
- B. When general Board meetings are held in locations other than the Government Center, the above rule is modified to extend total "Public Comment" time to ninety (90) minutes with each speaker limited to no more than five (5) minutes.
- C. Members of the public making oral presentations to the Board in connection with one or more agenda or non-agenda items at a single meeting are limited to a cumulative total of not to exceed five (5) minutes for all of their oral presentations at such meeting unless otherwise provided.

V. Oral Presentations – Agenda Items

- A. Any member of the public wishing to address the Board of Supervisors orally on County business matters appearing on the Board's non-consent agenda including public hearings, may do so when that item is taken up by the Board, or as otherwise specified by the Board or its presiding officer. Oral presentations must be germane to the agenda items and may not exceed five (5) minutes unless otherwise provided. Depending upon the volume of business and the number of individuals who indicate an interest in addressing any one agenda item the Board's presiding officer may establish a total combined time limit for all speakers on a particular agenda item and the time for individual speakers will be reduced accordingly. Individuals making oral presentations are subject to the cumulative total set forth in Section IV - C.
- B. A project applicant, appellant or other person or entity with a substantial direct property interest in a noticed public hearing item, or any duly designated representative of such a person or entity, shall have such time for oral

presentation or testimony in connection with the noticed public hearing item to which their oral presentation or testimony relates as may be specified by the Board or its presiding officer for the specific hearing involved based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard and like considerations as determined in the sound discretion of the Board or its presiding officer. Oral presentations are limited to five (5) minutes unless otherwise provided. If a time greater than five (5) minutes is permitted pursuant to this paragraph, such time shall constitute, as well, the cumulative time limit under Section IV-C.

- C. Persons who anticipate oral presentations exceeding five (5) minutes are encouraged to submit comments in writing, in advance, in care of the Clerk of the Board for prior distribution to the Board and other interested parties, whenever possible, by the Thursday preceding the scheduled Board meeting relating to the matter or, if that is not possible, at the earliest feasible time prior to the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations, which may not be permitted.

VI. Consent Agenda Items

- A. The Consent Agenda items will generally be heard prior to the non-consent agenda items and scheduled public hearings. Comments from the public on consent items will be heard during "Public Comment"; however, the Board or its presiding officer may decide to move an item from the consent agenda to the end of the regular agenda and may take public testimony on such item at the time it is heard. Individuals providing oral presentations in regard to these items are subject to cumulative time limits as forth in Section IV-C.

Oral Presentations Public Comment Cumulative Limit

Paragraph moved to Section IV-C.

VII. Comments in Writing Encouraged

- A. Members of the public may submit, and are encouraged to submit, comments in writing to the Board relating to any items of County business, whether on the Board agenda or otherwise. Such written comments will be distributed to members of the Board and considered and acted upon, or not acted upon, as the Board in its judgment may deem appropriate.

VIII. Repetitions or Dilatory Comments Prohibited

- A. Speakers shall not present the same or substantially the same items or arguments to the Board repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Board, whether the Board has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the

County of Ventura - Board of Supervisors Rules for Public Comments

Board in writing for such action or non-action as the Board, in its discretion, may deem appropriate.

- B. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group and, in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the Board. A specific time limit may also be set for the total presentation.

On the motion by Supervisor Dennett,

seconded by Supervisor Long,

the foregoing resolution was passed and adopted on September 18, 2001.

John Schell
 CHAIR, BOARD OF SUPERVISORS

ATTEST:

Richard D. Dean, County Clerk,
County of Ventura, State of
California, and ex officio Clerk
of the Board of Supervisors thereof.



Paula Placencia
 Deputy Clerk

**AMENDED RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS
ESTABLISHING STATING RULES RELATING TO PROCEDURES AND ORAL
PRESENTATIONS BY MEMBERS OF THE PUBLIC**

AMENDMENT 2

BE IT RESOLVED by the Ventura County Board of Supervisors that the rules relating to oral presentations by members of the public at Board of Supervisors meetings are hereby formally adopted as follows:

I. Authority of the Board

- A. The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Board, or its presiding officer, to govern the conduct of Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the County.
- B. Any of the following rules may be waived by the presiding officer or by a majority vote of the Board members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

II. Addressing the Board of Supervisors – General

- A. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Board should fill out a speaker card and submit it to the Clerk.
- B. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.
- C. All remarks should be addressed to the Board as a whole, not to individual members thereof.
- D. Questions, if any, should be directed to the Chair of the Board who will determine whether, or in what manner, an answer will be provided.

III. “Public Comment” - General

- A. “Public Comment” is that period of time set aside at Board of Supervisors meetings for members of the public to address the Board on items of County business that either do not appear on the agenda or appear only as Consent Agenda items.
- B. “Public Comment” is generally permitted just prior to consideration of the Board’s Consent Agenda.

- C. When Board meetings are held in locations other than the Government Center, if "Public Comment" must be temporarily interrupted, "Public Comment" shall be resumed at the earliest opportunity and certainly before any non time-certain agenda items are heard.
- D. Presentations under "Public Comment" are limited to items within the subject matter jurisdiction of the County, and are limited to no more than five (5) minutes and are subject to the ~~cumulative~~ time limits as set forth in Section IV.
- E. The "Public Comment" portion of the Board of Supervisors meetings shall be deemed to constitute the opportunity for members of the public to address the Board in compliance with Government Code section 54954.3.

IV. "Public Comment" – Time Limits

- A. The Public Comment period shall be limited to no more than thirty (30) minutes total for all speakers, with each speaker given no more than five (5) minutes. If there are more than six (6) speakers, each speaker's time shall be reduced from five (5) minutes so that all speakers have an equal time to speak but the total is thirty (30) minutes. ~~Persons wishing to speak under "Public Comment" must submit a speaker card in a timely fashion (see paragraph 3).~~
- B. When general Board meetings are held in locations other than the Government Center, the above rule is modified to extend total "Public Comment" time to ninety (90) minutes with each speaker limited to no more than five (5) minutes.
- C. Members of the public making oral presentations to the Board in connection with one or more agenda or non-agenda items at a single meeting are limited to a cumulative total of not to exceed five (5) minutes for all of their oral presentations at such meeting unless otherwise provided.

V. Oral Presentations – Agenda Items

- A. Any member of the public wishing to address the Board of Supervisors orally on County business matters appearing on the Board's non-consent agenda including public hearings, may do so when that item is taken up by the Board, or as otherwise specified by the Board or its presiding officer. Oral presentations must be germane to the agenda items and may not exceed five (5) minutes unless otherwise provided. Depending upon the volume of business and the number of individuals who indicate an interest in addressing any one agenda item the Board's presiding officer may establish a total combined time limit for all speakers on a particular agenda item and the time for individual speakers will be reduced accordingly. Individuals making oral presentations are subject to the cumulative total set forth in Section IV - C.
- B. A project applicant, appellant or other person or entity with a substantial direct property interest in a noticed public hearing item, or any duly designated representative of such a person or entity, shall have such time for oral

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presentation or testimony in connection with the noticed public hearing item to which their oral presentation or testimony relates as may be specified by the Board or its presiding officer for the specific hearing involved based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard and like considerations as determined in the sound discretion of the Board or its presiding officer. Oral presentations are limited to five (5) minutes unless otherwise provided. If a time greater than five (5) minutes is permitted pursuant to this paragraph, such time shall constitute, as well, the cumulative time limit under Section IV-C.

- C. Persons who anticipate oral presentations exceeding five (5) minutes are encouraged to submit comments in writing, in advance, in care of the Clerk of the Board for prior distribution to the Board and other interested parties, whenever possible, by the Thursday preceding the scheduled Board meeting relating to the matter or, if that is not possible, at the earliest feasible time prior to the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations, which may not be permitted.

VI. Consent Agenda Items

- A. The Consent Agenda items will generally be heard prior to the non-consent agenda items and scheduled public hearings. Comments from the public on consent items will be heard during "Public Comment"; however, the Board or its presiding officer may decide to move an item from the consent agenda to the end of the regular agenda and may take public testimony on such item at the time it is heard. Individuals providing oral presentations in regard to these items are subject to cumulative time limits as forth in Section IV-C.

Oral Presentations – Public Comment – Cumulative Limit

Paragraph moved to Section IV-C.

VII. Comments in Writing Encouraged

- A. Members of the public may submit, and are encouraged to submit, comments in writing to the Board relating to any items of County business, whether on the Board agenda or otherwise. Such written comments will be distributed to members of the Board and considered and acted upon, or not acted upon, as the Board in its judgment may deem appropriate.

VIII. Repetitions or Dilatory Comments Prohibited

- A. Speakers shall not present the same or substantially the same items or arguments to the Board repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Board, whether the Board has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the

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Board in writing for such action or non-action as the Board, in its discretion, may deem appropriate.

- B. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group and, in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the Board. A specific time limit may also be set for the total presentation.

On the motion by Supervisor Bennett,

seconded by Supervisor Long,

the foregoing resolution was passed and adopted on September 18, 2001.

Frank Schick

CHAIR, BOARD OF SUPERVISORS

ATTEST:

Richard D. Dean, County Clerk,
County of Ventura, State of
California, and ex officio Clerk
of the Board of Supervisors thereof.



By Karen L. Placencia
Deputy Clerk

LEGAL NOTICES

There will be no regular meetings of the Board of Supervisors on Tuesday, February 19, 2019.

Welcome to the Meeting of the Board of Supervisors of the County of Ventura, also sitting as the Governing Board of the County Service Areas, Fire Protection District, Lake Sherwood Community Services District, Watershed Protection District, Ventura County In-Home Supportive Services Public Authority, Ventura County Library, Ventura County Public Financing Authority, and the Waterworks Districts.

The following information is provided to help you understand, follow, and participate in the Board meeting:

Pursuant to California Government Code Section 54953 (a) et. al., time is set aside for citizen presentations regarding County related matters. Those wishing to speak must fill out a speaker card and submit it to the Clerk. Speaker cards for issues not on the agenda must be submitted to the Clerk prior to the beginning of the public comment period. Speaker cards for Agenda items must be submitted before the item is taken up for consideration. The Clerk may not accept any additional speaker cards once an item commences.

Items on the Consent Agenda, Regular Agenda, Closed Session Agenda, and Correspondence Agenda will be heard at the Board's discretion. Time Certain Items, Presentations, and Hearings will be heard as close to the listed time as possible, but no sooner than the listed time.

Correspondence Agenda matters are being presented to the Board for information. These items require no action or are not ready for Board consideration. The Clerk of the Board may refer these matters to the County Departments and Agencies for acknowledgement, investigation and report back, direct action or response as appropriate. Report back to the Board may appear on Agenda for action by the Board of Supervisors or for informational purposes upon dates indicated below as appropriate.

Members of the public making oral presentations to the Board in connection with one or more agenda or non-agenda items at a single meeting are limited to a cumulative total of time not to exceed five (5) minutes for all of their oral presentations at such meeting unless otherwise provided. The entire public comment period is limited to no more than thirty (30) minutes total for all speakers.

NOTE TIME LIMITATIONS ON DURATION OF SPEAKERS: The Chair may limit the number or duration of speakers on a matter pursuant to amended Resolution #205 of the Board of Supervisors establishing rules relating to oral presentations by members of the public dated September 18, 2001. If more than six (6) persons wish to speak during the public comment period, or on particular agenda items, the Chair may reduce the time each speaker is allowed to three (3) minutes or any other period of time less than five (5) minutes.

Members of the public who desire to augment their comments with visual or audio presentations using County equipment must submit their materials to the Clerk of the Board and the Chair for review before use of County equipment will be allowed. The review will be conducted to determine only whether the materials are on matters within the jurisdiction of the Board, would be disruptive of the meeting, or would foster illegality, such as identity theft. If it is determined the materials are about matters not within the Board's jurisdiction, or would be disruptive of the meeting, or would foster illegality, use of County equipment will not be allowed.

COUNCIL RULES

CHAPTER II

**PUBLIC NOTICE, ATTENDANCE
AND COMMENT**

- *6. The agenda for each regular meeting of the Council shall be posted pursuant to state law at least 72 hours before the meeting. It shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

*7. General Public Comment

During each regular meeting, the Council shall provide a member of the public the opportunity to address the Council on any issue within the subject matter jurisdiction of the Council. This shall be referred to as "General Public Comment," which generally shall be taken up at or near the beginning of each regular meeting. Unlike most governing bodies which meet once a week or less often, the Council has regular meetings three times each week which afford members of the public frequent opportunity to address the Council. Therefore, each speaker shall be limited to one minute of general public comment each regular meeting. The Council shall not discuss or take action relative to any general public comment unless authorized by Section 54954.2(b) of the Government Code. The Council has determined that a cumulative total of ten minutes is a reasonable minimum amount of time for the General Public Comment segment of each regular meeting.

Agenda Item Public Comment

The Council shall provide an opportunity for the public to address the Council on each agenda item before or during Council's consideration of the item, unless the opportunity for public comment on the item previously was provided by a Council Committee and the item has not changed substantially since that Committee's consideration of the item. A member of the public wishing to speak on only one agenda item that is eligible for public comment shall be given an opportunity to speak for up to one minute when that item is considered by Council, or, at the discretion of the Presiding Officer, before consideration of the item.

A member of the public wishing to speak on more than one agenda item at a single meeting shall combine and present his or her comments addressing the agenda items at or near the beginning of the meeting during a segment called "Multiple Agenda Item Comment." A member of the public speaking on more than one agenda item shall be allowed to speak for up to one minute per item up to a total of three minutes per meeting. This will be the only opportunity to speak, other than during General Public Comment, for those members of the public who have submitted speaker cards on more than one agenda item. The Council has determined that a cumulative total of 20 minutes is a reasonable minimum amount of time for the Multiple Agenda Item segment of each regular meeting. On each meeting agenda, the Clerk shall designate any agenda items that are linked by a common specific issue. The Presiding Officer may allow members of the public who submit speaker cards on linked agenda items to make their public comment when the items are considered by Council.

- e. **Materials for Public Record** – All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the Clerk's record of the hearing, unless otherwise directed.
 - f. **Germane Comments** – No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed to the entire Council.
5. **Communications and Petitions** – Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any member of the Council.
 6. **Admissible Evidence** – Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

VI. ADDRESSING THE COUNCIL

1. **Staff Presentations** – Staff presentations will be limited to ten (10) minutes. Longer staff presentations must be approved by the City Manager prior to the Council Meeting.
2. **Oral Presentations by Members of the Public** – Oral presentations by members of the public at Council meetings are as follows:
 - a. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Council should fill out a speaker card and submit it to the City Clerk. Speaker cards will be accepted until the time discussion is closed and Council begins deliberation.

- b. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.
 - c. All remarks should be addressed to the Council as a whole, not to individual members thereof.
 - d. Questions, if any, should be directed to the Mayor who will determine whether, or in what manner, an answer will be provided.
3. **Public Communications** – In compliance with Government Code Section 54954.3, Public Communications is that portion of Council meetings set aside for members of the public to address the Council on items of any City business other than scheduled agenda items.
- a. **Timing** – Public Communications are generally permitted at the end of a Council meeting just prior to adjournment, as specified on the Council agenda.

At the first regular Council meeting of each month, Public Communications are permitted just prior to the Council's consent items. This portion of the meeting is limited to no more than thirty (30) minutes total for all speakers, with each speaker given no more than three (3) minutes. If there are more than ten (10) Public Communications speakers at this first regular Council meeting, each speaker's time shall be reduced from three (3) minutes so that all speakers have an equal time to speak at the start of the meeting but the total is thirty (30) minutes. (*Resolution 2010-015, 06/07/2010*)

- b. **Speaker Cards** – Persons wishing to speak under Public Communications should submit a speaker card in a timely fashion. Persons wishing to remain anonymous shall submit a speaker card with one portion of the speaker ticket attached to the card, maintaining the second portion of the ticket as reference. Speaker tickets are available in the Chambers. Speaker cards will not be accepted after the beginning of the

public communications in order to allow for fair allocation of time amongst the known speakers. (*Resolution 2015-054, 10/05/2015*)

- c. **City Business** – Presentations under Public Communications are limited to items within the subject matter jurisdiction of the City and are limited to no more than three (3) minutes. (*Resolution 2010-015, 06/07/2010*)
- d. **Council Deliberations Prohibited** – In compliance with the Brown Act, the Council may not discuss, deliberate or vote on any matter raised in Public Communications. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the entire Council or the public at large. To insure compliance with the Brown Act, Councilmember requests for policy consideration or reconsideration should be made through the Council's Request for Policy Consideration process. The Brown Act specifically limits the Council's options in response to new matters as follows:

“No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.”

- e. **Council Interaction with Public** – If a Councilmember believes that a material misstatement of fact has been made by a person during the public comment portion of the agenda, the Councilmember may ask the City Manager or City Attorney to

correct or otherwise clarify the matter or the Councilmember may provide a direct response at that time. If a spontaneous response is not possible, correction or clarification will be provided at the next regular meeting of the Council.

4. **Agenda Item Oral Presentations** – Any member of the public wishing to address the Council orally on City business matters appearing on the Council agenda may do so before or during consideration of the item by the Council.

a. **Time Limit** – Oral presentations may not exceed three (3) minutes unless otherwise provided. (*Resolution 2010-015, 06/07/2010*)

b. **Public Hearing Project Applicant or Appellant** – The project applicant or appellant shall have a total of fifteen (15) minutes for their presentations. The initial comments or presentation shall be limited to ten (10) minutes and the rebuttal or concluding comments shall be limited to five (5) minutes. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for rebuttal or concluding comments. The applicant or appellant shall allocate its time allocation among its entire team of representatives, if there is more than one. The “team of representatives” shall be deemed to include anyone who has or will receive compensation in connection with the matter.

All other persons wishing to speak on the matter shall be limited to three (3) minutes unless changed by Council action. Speaker time limits are inclusive of oral and visual presentations and shall constitute the cumulative 5-minute time limit for each speaker for the meeting.

The Mayor, with the concurrence of the Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item. (*Resolution 2010-015, 06/07/2010*)

c. **Presentations Submitted in Writing** – Persons who anticipate oral presentations exceeding three (3) minutes are encouraged

to submit comments in writing at the earliest possible time for distribution to the Council and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting. Written submissions delivered to the Council at a Council meeting, or later than five (5) days before a Council meeting shall not be sufficient to exhaust administrative remedies and may be disregarded by the City Council. (*Resolution 2010-015, 06/07/2010; Resolution 2013-040, 09/30/2013*)

5. **Power Point Presentations** – Members of the public may present a Power Point software presentation to the Council utilizing the City’s audio/visual equipment.
 - a. All Power Point presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.
 - b. Each slide of the Power Point presentation must identify that this is the “Personal Comments of Private Citizen first and last name.”
 - c. All Power Point presentations must be submitted on suitable media already formatted in Power Point and must be submitted to the City Clerk no later than noon on the day of the Council meeting to allow for checks for viruses and compatibility with City equipment. (*Resolution 2010-015, 06/07/2010*)
 - d. Any disks or other media submitted that are thought to contain viruses or unable to be scanned for viruses by City equipment will not be permitted to be used. (*Resolution 2010-015, 06/07/2010*)
 - e. If compatibility or viruses are at issue, a member of the public may provide a printed hard copy of the Power Point presentation during their presentation. (*Resolution 2010-015, 06/07/2010*)
6. **Agenda Item Oral Presentations and Public Communications Cumulative Time Limit** – Members of the public making oral presentations to the Council in connection with one or more agenda

items at a single meeting are limited to three (3) minutes on any agenda item with a cumulative total of five (5) minutes for all agenda items at such meeting unless otherwise provided. Members of the public making oral presentations to the Council in connection with one or more agenda items and as a part of Public Communications at a single meeting are limited to three (3) minutes on any agenda item and three (3) minutes on Public Communications with a cumulative total of five (5) minutes for all agenda items at such a meeting unless otherwise provided. (*Motion Passed 12/18/2006; Resolution 2010-015, 06/07/2010*)

7. **Comments in Writing Encouraged** – Members of the public may submit, and are encouraged to submit, comments in writing to the Council relating to any items of City business, whether on the Council agenda or otherwise. Such written comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as the Council in its judgment may deem appropriate.
8. **Comment Cards** – Comment cards may be used by members of the public who do not wish to or cannot verbally address the Council during a meeting. A person may indicate their comments and their opposition or support for an agenda item on a comment card.

During the public testimony of the item, the Mayor indicates that the Council has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue. The minutes will reflect the Council's receipt of comment cards in opposition and support of the project or issue.

9. **Repetitious or Dilatory Comments Prohibited**
 - a. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

SECTION 5. ORDER OF BUSINESS

5.1 In the event that the posted agenda calls for a closed session, the Mayor or the City Attorney shall announce the intention of the City Council to recess into a closed session and shall state the basis therefor.

At the time set for each regular meeting, the Council members, City Manager, and as appropriate, City Attorney and City Clerk shall take their regular places in the Council Chamber. The Mayor shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth in the posted agenda.

The order of business at meetings of the City Council shall be placed on the agenda substantially according to the agenda template (See Attachment A).

SECTION 6. PUBLIC COMMENT

6.1 Public Comment. During the first Public Comments section of the agenda, any member of the public may address the City Council on items appearing on the Consent Calendar. Comments concerning other items on the agenda will be heard at the time the item is considered during the course of the meeting; however, they may be offered at this time if the member of the public cannot be in attendance later in the evening.

Members of the public may also comment upon any other item of interest that are within the subject matter jurisdiction of the City Council at this time or later in the meeting under the second Public Comments heading. Any Council member may request that matters addressed under Public Comments or Council member's comments be placed for action on a subsequent agenda; however, no action shall be taken on items not appropriately placed on the agenda except in a situation as described in Section 4.2.

Speakers may only speak once on any agenda item. Donating public comment time to others is prohibited.

Abusive, derogatory and slanderous language is inappropriate.

Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.

Speakers and any other members of the public will not approach the dais at any time without prior consent from the Mayor of the meeting.

6.2 Limitations. Meeting attendees are afforded a specific amount of time to speak on any agenda item during public comment as designated in the

legislative body's bylaws; the time limit for the City Council is two minutes. The time limit may be adjusted by the Mayor when fairness or other circumstances make it appropriate. Applicants and appellants in land use hearings are accorded more time to make their presentations.

6.3 Procedure.

a. To be allowed time to address the City Council, each speaker must fill out a Speaker Request slip before discussion on the agenda item begins. This slip shall contain the name and city of residence of the speaker, the subject or subjects upon which the speaker wishes to address the City Council and shall be signed by the speaker.

b. Upon addressing the City Council, each speaker must first state his or her name and city of residence and then identify the subject or subjects upon which she intends to speak.

6.4 Written Communications to Council. Persons who wish to address an issue on the agenda for the official record may submit written material to the Council in lieu of or in addition to speaking under the Public Hearings or Public Comments sections of the meeting. Such written correspondence should be forwarded so as to be received by the City Clerk by noon of the Friday before the regular Council meeting. The City Clerk will ensure that the correspondence is photocopied and distributed to all Councilmembers prior to the Council meeting, and that a note indicating the author and subject of such receipt of said correspondence is reflected in the meeting minutes.

SECTION 7. COUNCIL MEMBERS' COMMENTS

In addition to receiving comment from the public, there are two specific items on the agenda for receiving general comments, announcements, and requests of staff and/or other issues of concern from members of the City Council. These matters may not be discussed, and if they do not concern an item on the agenda, shall be handled by the Mayor according to the same procedures set out for Public Comment in Section 6.1. No action may be taken on such matters without their first being properly placed on a subsequent agenda.

SECTION 8. PUBLIC HEARINGS

Matters which are required to be heard in a noticed Public Hearing shall be conducted in the following manner:

8.1 Time for consideration. Matters noticed to be heard by the City council shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

States of America and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

ROLL CALL:

REPORT OF CLOSED SESSION AGENDA:

CLOSED SESSION 

APPROVAL OF AGENDA:

ADJOURNMENT MOTIONS:

PRESENTATIONS:

1. **PUBLIC COMMENT: The City Council values your comments; however, pursuant to the Brown Act, Council cannot take action on items not listed on the posted agenda. The public comment period is limited to 20 minutes, with 2 minutes allotted for each speaker. This public comment period is to address the City Council on Consent Calendar items, other agenda items (if the member of the public cannot be present at the time the item is considered) or items of general interest within the jurisdiction of the City Council. Another period is also reserved for general comment later in the meeting for those that could not be heard at this time. Public Hearing testimony will only be taken at the time of the hearing.**

1.A. PUBLIC COMMENTS ON CONSENT CALENDAR ITEMS WHICH HAVE NOT BEEN REMOVED FROM THE CONSENT CALENDAR:

1.B. PUBLIC COMMENTS, GENERAL INTEREST:

COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS: This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the City Council.

City Manager's Report

FISCAL IMPACT ON CONSENT CALENDAR:

STAFF REPORT 

2. **CONSENT CALENDAR: The following routine matters can be acted upon by one motion. Individual items may be removed by the Council for separate discussion. Items removed for separate discussion will be heard following New Business Items. The title is**

Any Councilmember shall have the right to have the reasons for his or her opposition to any action of the City Council entered in the Minutes. Such opposition shall be made in the following manner: "I would like the Minutes to reflect that I opposed this action for the following reasons..."

RULE 14. PUBLIC TESTIMONY.

(a) Pursuant to the Brown Act, public testimony is permitted on all agenda items, except ordinances for second reading, and the public shall have an opportunity to comment on any matter which is not on the Agenda but is within the Council's jurisdiction. However, members of the public do not have the right to give testimony outside the scope of or unrelated to the agenda item under consideration. Additionally, members of the public should strive to avoid unduly reiterating their own or others' testimony.

(b) Registration. Any member of the public wishing to address the City Council regarding any item on the Agenda for public discussion shall register with the City Clerk prior to the start of the meeting, if possible, but no later than prior to the public hearing on that item. Any request received after the start of the hearing shall be considered late and may only be heard with Council approval.

(c) Manner of Addressing the City Council. After being recognized by the Presiding Officer, each member of the public addressing the City Council shall go to the podium, state his or her name and whom he or she is representing, if he or she represents an organization or other person. Each member of the public is encouraged, but not required, to also state his or her address, neighborhood, or city of residence. All remarks shall be addressed to the City Council as a whole and not to any individual member thereof. After a public hearing has been closed, no member of the public shall address the City Council on the matter under consideration without first securing Council approval.

(d) Time Limits. Except on Written Communication, members of the public shall limit their remarks to three minutes per agenda item unless the City Council grants additional time by majority vote. For purposes of these Rules, the consent calendar shall be considered one item. Persons speaking on another's written communication and persons submitting late chits, who receive permission to speak shall be limited to one minute. On Written Communication, those speaking on another's item may speak only if the person raising the matter appears and testifies. Additionally, total time for each item listed under Written Communication shall be six minutes. If the person who raises the item does not appear and testify, the matter shall be received and filed and persons wishing to speak on the matter may give their testimony during Public Input. A member of the public wishing to speak on more than one item shall limit his or her remarks to a total of six minutes per meeting unless the Council grants additional time by majority vote. A member of the public may allocate time between items in one minute increments up to three minutes. Testimony given as an applicant or appellant does not count toward the six minute maximum. A Board or Commission member reporting to the City Council on behalf of a Board or Commission shall not be subject to these rules on time limits; however, Council may limit the duration of such reports.

Excerpt from: City of Santa Monica - Rules of Order for the City Council

(e) Special Time Limits for Lengthy Meetings. If fifteen or more members of the public wish to speak on one item or if forty or more members of the public wish to speak on any combination of items each speakers remarks on any Agenda item shall be limited to no more than two minutes.

(f) Special Time Limits for Applicants and Appellants. Applicants and appellants on administrative items shall limit their remarks to ten minutes and may reserve some of their time for use for rebuttal at the conclusion of the public hearing. The appellant shall have the opportunity to address the City Council first and last.

RULE 15. RULES OF CONDUCT AND SAFETY.

When the City Council is in session, all persons present must preserve safety and order. Members of the public should sit in the seats provided, unless addressing the Council or entering or leaving the Council Chambers, should not block the aisles with personal belongings and should not bring audible equipment into the Council Chambers including cellular telephones or pagers.

Any person who disrupts the meeting shall be called to order by the Presiding Officer. If such conduct continues, the Presiding Officer may request the Sergeant at Arms to remove the person from Council chambers.

The Chief of Police or such member or members of the Police Department as he or she may designate, shall be Sergeant At Arms of the City Council and shall carry out all orders given by the Presiding Officer through the City Manager for the purpose of maintaining order at City Council meetings. Any Councilmember may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the City Council shall require him or her to do so.

RULE 16. SEATING ORDER.

After each municipal election, the City Clerk shall determine City Council member seating order by drawing lots.

RULE 17. ENTITLEMENT TO VOTE AND FAILURE TO VOTE.

Every Councilmember is entitled to vote unless disqualified by reason of a conflict of interest. A Councilmember who abstains from voting consents to the decision made by the voting Councilmembers.

RULE 18. VOTING PROCEDURE.

Any vote of the City Council, including a roll call vote, may be registered by the members answering "Yes" for an affirmative vote or "No" for a negative vote upon his or her name being called by the City Clerk. Voting order shall be based on seating order with each roll call vote beginning at alternating ends of the dais and the Mayor voting last.



Staff Report – Agenda Item 4

To: Clean Power Alliance (CPA) Executive Committee
From: Ted Bardacke, Executive Director
Subject: Discuss Vendor Communications
Date: February 20, 2019

At the request of some members of our Board of Directors, CPA staff is seeking discussion and input from the Executive Committee on protocols and/or guidance for communicating with vendors and other entities that currently, or may potentially, contract with CPA for energy procurement and other services.