

# San Diego Community Power Citizens Advisory Committee

## Briefing on Brown Act and Other Applicable Laws

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# Overview

- Purpose of the Brown Act
- Application of the Brown Act
- Serial Meetings
- Rules Governing Meetings
- Violations
- Brown Act and COVID-19 Response
- Public Records Act



# The Ralph M. Brown Act

- In 1951, S.F. Chronicle reporter Mike Harris spent six weeks looking into how local agencies conducted meetings
- State law had required business to be done in public, but Harris discovered secret meetings or caucuses were common
- Harris wrote a 10-part series on “Your Secret Government” that ran in 1952



# The Ralph M. Brown Act

- Out of the series came a push for new state open meeting laws
- Assemblymember Ralph M. Brown authored the law
- The “Brown Act” has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws



# Purpose of Brown Act

To ensure that almost all aspects of the decision-making process of legislative bodies of local agencies are conducted in public and open to public scrutiny.

*“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”*

(Gov. Code § 54950.)



# Application

*To whom does the act apply?*

- “Meetings” of legislative bodies of local agencies
  - Including persons elected to legislative bodies, even prior to assuming office



# Application

- *Local Agency*
  - A city, county, city and county, town, school district, special district political subdivision, or any board, commission or agency thereof, or other local public agency
  - Includes joint powers agencies, like SDCP
- *Legislative Body*
  1. Governing body
  2. Board, commission, committee created by formal action of the governing body (e.g., Citizens Advisory Committee)
  3. Private organizations (in limited circumstances)



# The Key to the Brown Act

- All meetings shall be open and public except when the Brown Act authorizes otherwise



# Application



- What is a meeting?
- When is a meeting not a meeting?



# Application

- *Meeting*

- Any gathering of a majority of the members at the same time and place (even electronically) to **hear, discuss or deliberate** upon any matter under their jurisdiction
- No action needs to be taken for a meeting to occur
- Conversations, sharing of comments/questions, collective exchange of facts, etc. between and among members of a legislative body about agency issues is sufficient



# Application

- *Not a Meeting*

- Individual contacts (less than a quorum)
- Conferences and seminars
- Community meetings
- Purely social or ceremonial occasions
- Attendance at standing committee meetings
- Meetings of other legislative bodies – majority of body may attend as long as they do not discuss among themselves issues related to the agency

# Serial Meetings

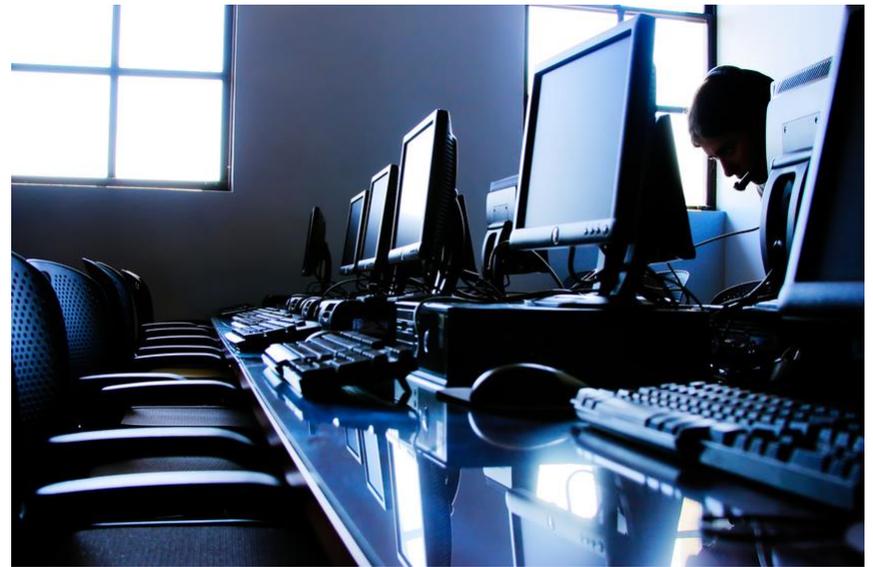
- *Serial Meetings – Expressly Prohibited*
  - “Use of direct communication, personal intermediaries, or technological devices employed by a majority of the legislative body members in order to develop a collective concurrence as to action to be taken on an item by the legislative body is prohibited.”



# Serial Meetings

## *Ways Serial Meetings Can Happen*

- Personal Meeting
- Telephone
- E-mail (especially “reply all”)
- Written Correspondence
- Use of Intermediaries
- Social Networking Sites such as Facebook and Twitter



# Social Media

## *Beware of the Comments Section...*

- Engaging in discussions using social media, the comments section of article, etc. can qualify as a meeting
- Meeting does not have to be a physical meeting
- Example: A series of comments on a news article or Twitter or Facebook post may qualify as a meeting



# Serial Meetings

## *Elements of a Serial Meeting*

- Series of communications
- Between less than a quorum
- But taken as a whole involves the majority
- Concurrence
  - Advances or clarifies the understanding of an issue
  - Facilitates an agreement or compromise among members
  - Advances the ultimate resolution of an issue



# Serial Meetings

## *Two types of Serial Meetings*

### 1. Chain

- Member A speaks to Member B who speaks with Member C about a particular matter and in the process they all form a collective concurrence on a matter

### 2. Hub and Spoke

- An intermediary acts as the hub of a wheel with members relaying information back and forth to each other through the hub, and in the process a majority of the legislative body develops a collective concurrence



# Serial Meetings

## *Serial Meeting Exceptions*

- While the Brown Act prohibits serial meetings, it explicitly allows one-on-one communications by a non-member (i.e., staff) with members of the legislative body
- But does NOT allow sharing of views, comments, concerns, etc. of different members



# Serial Meetings

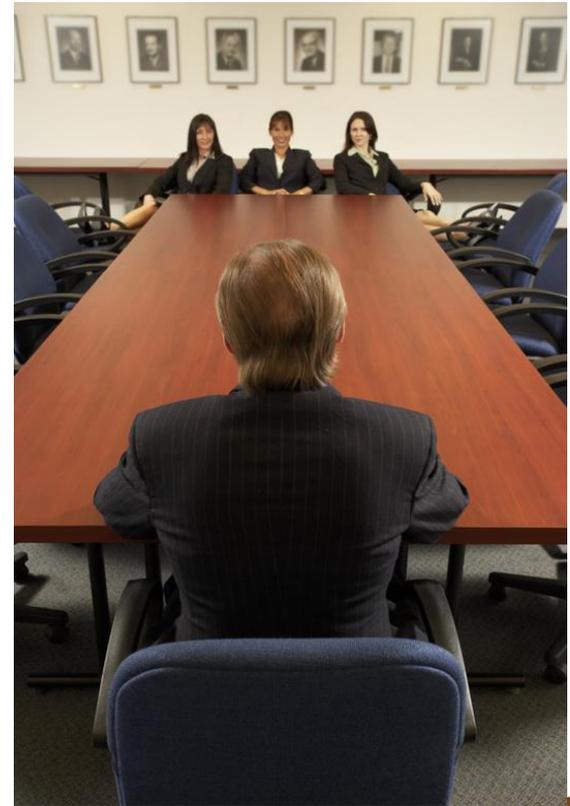
## E-mail Tips

- Refrain from “reply all” in e-mails
- Ensure that any individual e-mails do not become a serial meeting
- Take caution
- Ensure compliance with law



# Rules Governing Meetings

- Regular meeting
- Special meetings
- Public's right to comment



# Rules Governing Meetings

## *REGULAR MEETINGS - Agenda Requirements:*

- ⑩ Post 72 hours prior to the meeting
- ⑩ Must include the time and location of the meeting
- ⑩ Must contain a brief general description of each item to be discussed or addressed
- ⑩ Must provide opportunity for comment on non-agenda items



# Rules Governing Meetings

## *SPECIAL MEETINGS - Agenda Requirements:*

- Posted no later than 24 hours prior to the meeting
- Must include the time and location of the meeting
- Must contain a brief general description of each item to be discussed or addressed



# Rules Governing Meetings

## *Distribution of Agenda Packet to Public*

In addition to posting an agenda, local agency must also make the agenda packet available to the public when the materials are distributed to all or a majority of the legislative body, whichever is first



# Rules Governing Meetings

## *The Public's Right to Comment*

- ⑩ At every regular meeting, members of the public have the right to directly address the body on any item under the jurisdiction of the body
- ⑩ For agenda items, the public must be given an opportunity to comment before or during the body's consideration of the item
- ⑩ At special meetings, members of the public have the right to address the body about any item that is listed on the agenda



# Willful Interruptions

- Legislative body may remove persons from a meeting who willfully interrupt proceedings
- Ejection justified only when audience members *actually disrupt* the proceedings
  - Agency may not prohibit “insolent” remarks by members of the public absent actual disruption
  - If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. Legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance



# Rules Governing Meetings

## *Public Recording of Meetings*

- Public is allowed to audio or video tape a meeting unless the agency can make a reasonable finding that the recording would constitute a persistent disruption of the proceedings
- Recordings of public meetings by the agency are public records



# Rules Governing Meetings

*No action or discussion allowed for any item not listed on agenda except under rare circumstances:*

- ⑩ Emergency situations
- ⑩ Adding items by 2/3 vote because of need for “immediate action” that came to the agency’s attention after the agenda was posted



# Rules Governing Meetings

- Brief responses to statements or questions from public
- Questions to staff for clarification of matters based upon public comments
- Brief announcements or reports on member's or staff's activities
- Providing references or information to staff
- Asking staff to report back at a future meeting



# Remedies for Violations

- For violations, Court may:
  - Enjoin action
  - Invalidate action
  - Mandate correction
- Court costs & attorney fees are recoverable
- Individuals who intentionally violate may be guilty of a misdemeanor



# Brown Act Exceptions During the Covid-19 Crisis

- By executive orders issued in March 2020, the Governor suspended various parts of the Brown Act, including:
  - Meetings can be held telephonically or using videoconferencing , without a physical meeting location
  - Information on how the public can observe the meeting and provide comments must be stated on the agenda



# California Public Records Act

- Every person has a right to inspect public records of any state or local agency
- What is a public record?
  - Any writing containing information related to the conduct of the public's business retained by a public agency



# California Public Records Act

Emails, social media and other communications on private devices and accounts:

“Here, we hold that when a city employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act.”

*(City of San Jose v. Superior Court (2017) 2 Cal.5th 608)*



# California Public Records Act

- Why the Court Ruled As It Did
  - “Access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state” under the Public Records Act and state constitution
  - Court would not permit public officials to conduct public business on private devices and place those communications beyond reach of the Public Records Act
  - Courts will carefully analyze whether record relates to conduct of the public’s business



# California Public Records Act Exemptions

- The Act exempts various records from disclosure:
  - Certain draft documents
  - Atty-client communications
  - Medical records
  - Certain personnel records
- Procedures:
  - If a request is received and you may have responsive records, SDCP will contact you to provide records
  - SDCP, in consultation with our office, will make a determination on whether records are disclosable



# Questions?



## Executive Summary

The City of San Diego is considering forming a Community Choice Aggregation (CCA) service. This Business Plan is not a commitment to move forward with formation, but rather provides a framework if the City chooses to move forward. This builds upon past work by the City to evaluate options to reach its 100% renewable energy goal by 2035 including a CCA feasibility study in 2017.

### CCA GOALS

A City of San Diego CCA (CSDCCA) would have two fundamental goals. The first goal is to offer rates that are competitive with those offered by the incumbent electric utility, San Diego Gas and Electric (SDG&E), while operating in a manner consistent with an investment-grade entity. The CCA would not move forward unless there is confidence that both rate competitiveness and financial stability can be achieved. Second, the CCA would contribute to meeting the City's Climate Action Plan goals (CAP). More specifically, the CCA allows for a clear path to achieving the goal of 100% renewable electricity by 2035.<sup>1</sup> Additionally, the CCA has the potential to meaningfully contribute to meeting other CAP goals by providing programs and strategies to increase of local renewable generation, the energy efficiency of City-owned and other publicly- and privately-owned buildings and promoting electrification of the transportation sector.

While maintaining rate competitiveness, financial stability, and contributing to the City's CAP are primary goals, a CSDCCA can serve as a vehicle pursue other goals that benefit the City, its residents and businesses. These include:

- **Economic development**, by offering reduced electricity rates, allowing additional dollars to flow into the local economy; and offering programs that allow households and businesses to reduce power consumption, such as energy efficiency and distributed energy resources.
- **Local jobs and employment**. Beyond the jobs that result from the economic stimulus of reduced power costs, the CCA can more directly incent and support local job creation through employing local workers in CCA administration, using local contractors for energy efficiency programs and distributed energy generation (e.g., rooftop solar installers/maintainers).

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<sup>1</sup> California as a whole is moving toward a similar carbon-free electricity policy. Senate Bill 100, which was signed into law by Governor Brown on September 17, 2018, increases the renewable power content requirement of all utilities (and other retail power providers, including CCAs) from 50% to 60% by 2030 and sets a policy that renewable and zero-carbon resources supply 100% of the electricity 2045. The net result is that the CAP would achieve carbon free power approximately ten years before the state's target date (2035 versus 2045).

- **Prioritization of renewable power development.** A CCA may put priority on distributed and locally-sited utility-scale renewable projects. As the CCA's portfolio is developed, subject to cost constraints, projects in the City would be given highest priority, followed by projects in the County, followed by projects in adjacent counties, and followed by projects located elsewhere.
- **Local citizen input and participation.** A key benefit of a CCA is to allow better reflections of community interests and values than can be achieved through an investor-owned utility. The CSDCCA will be committed to providing opportunities for citizens to provide input into its programs and policies.

## MANAGEMENT STRUCTURES

The City must decide between two primary governance options for the CCA: the City as the sole government agency responsible for the CCA's creation and operation; or, participation with other agencies in a joint-powers authority (JPA), wherein multiple agencies share these responsibilities. In a sole jurisdiction approach, the City maintains full flexibility—and responsibility—for developing policies and procedures. This means that policies and procedures can be tailored to and responsive to the City's stakeholders and constituents. With respect to the second option, a JPA is an independent agency that operates on behalf of the public agencies which are party to its creation. In this approach, the City effectively shares responsibility with the other agencies participating in the JPA and receives some benefit in financial separation of the City's general fund from the JPA's finances. The divisions of these responsibilities and the sharing of decision-making authority would be determined at the time the JPA is created.

The quantitative and pro forma analyses in this business plan assume the first option (a city-only CCA) only out of practicality and should not be seen as a recommendation. The City could quite reasonably team with other jurisdictions within SDG&E's service area to form a JPA. That path would require a longer start-up phase, as multiple political bodies would have to sign off on the JPA formation documents and basic policies. Furthermore, the total costs shown here are proportional to the CCA size; thus, joining with smaller cities would not appreciably change the average cost relative to a city-only CCA.

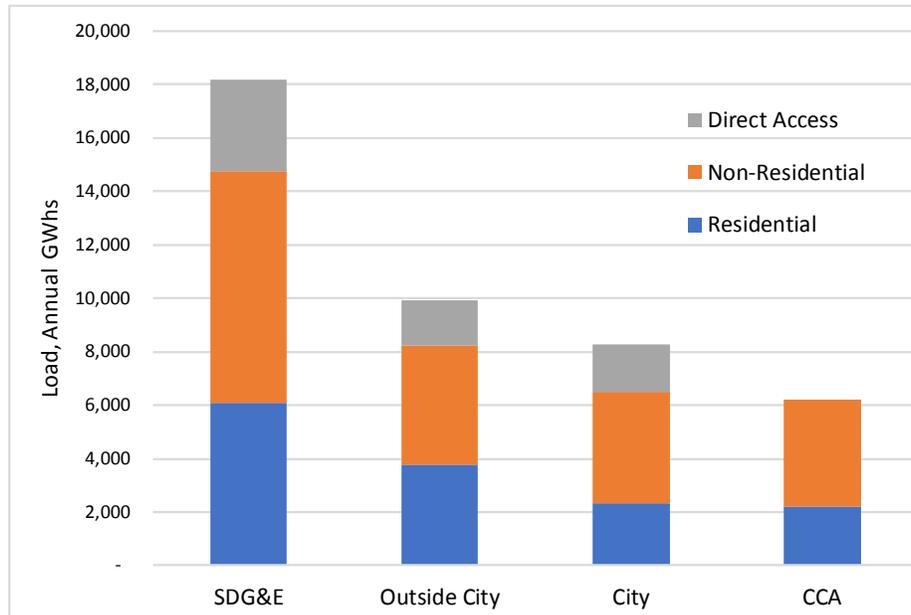
## LOAD TO BE SERVED

Figure ES-1 shows a simple breakdown of the annual electric load in GWhs (millions of kilowatt-hours) for SDG&E. The first column shows the total current load of SDG&E broken down into three categories: residential (homes and apartments), non-residential (commercial, industrial, street lighting, agriculture) served by SDG&E, and Direct Access (DA). DA consists of commercial and industrial customers that receive their power from third-party, non-SDG&E sources. Currently, about 33% of SDG&E's load is residential, 47% is non-residential served by SDG&E, and 20% is non-residential served by DA.

The City's total annual electric load is about 8,200 GWhs, or 45% of SDG&E's total load. The City's breakdown between residential, SDG&E-served non-residential and direct access is about

the same as the utility as a whole. Because the amount of DA service allowed in SDG&E’s service area is capped by law, this amount is not likely to markedly increase in the near term.<sup>2</sup> Furthermore, due to existing contracts with their ESPs, DA customers are not likely to join a CCA. Thus, the pool of possible CCA customers is limited to those currently served by SDG&E. Assuming that 5% of the customers who may join the CCA choose to opt out and remain on SDG&E service, the total load to be served by the San Diego CCA is a bit over 6,000 GWhs.

**Figure ES-1: SDG&E Load Breakdown**



**POWER SUPPLY**

Out of necessity, a CSDCCA would rely upon existing resources for its power supply in the first years of service. (As a new entity, a CCA cannot have new projects built prior to formation or the receipt of income; thus, all CCAs have begun service contracting with a power provider to serve the CCA’s immediate energy needs, followed by a ramp-up of procurement with new renewable power projects.) After establishment, the CCA would transition into directly contracting with specific power projects, whether they be new renewables or short-term contracts with already existing renewable or conventional resources. Whatever the specific process, the

<sup>2</sup> Senate Bill 237 (Hertzberg), signed into law on September 20, 2018, expanded the “cap” on direct access (DA) load by 16% (4,000 GWhs state-wide) and requires the California Public Utilities Commission to provide the legislature recommendations concerning further expansion of direct access. The impact of SB 237 is included in the business plan by assuming an incremental DA load would not be served by the CCA.

# Roadmap to 100 Percent Local Solar Build-Out by 2030 in the City of San Diego



May 2020

Prepared for:  
Protect Our Communities Foundation

Prepared by:  
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## I. EXECUTIVE SUMMARY

This roadmap outlines a strategy to maximize the use of solar energy and battery storage in the City of San Diego (City) to provide 100 percent clean electricity to all San Diegans by 2030. The City's Climate Action Plan sets a mandatory target of 100 percent clean electricity by 2035. Currently, the City has an electricity demand of 8,200 gigawatt-hours (GWh) per year.<sup>1</sup> About 45 percent of the grid power provided by San Diego Gas & Electric (SDG&E) is derived from remote renewable energy sources in Imperial County, the Central Valley, other Western states, and Mexico. But 55 percent of the grid power that the City uses comes from fossil-fuel power sources,<sup>2</sup> electricity sources that produce substantial greenhouse gas emissions and air pollution. The City can select a better, cleaner, local path.

The City can best deliver lower-cost electricity and provide local job growth by choosing local solar power paired with battery storage, complemented by smart energy efficiency (EE) and demand response (DR) programs,<sup>3</sup> to reach 100 percent clean energy. This roadmap applies the goals of the California *Long-Term Energy Efficiency Strategic Plan* to the specific case of the City as the strategy to achieve 100 percent clean energy. The roadmap also outlines how this approach can reduce the cost of electricity to City residents and provide income streams by aggregating and dispatching customer batteries.

The City should set a target of 2,100 MW<sub>AC</sub> of new local solar by 2030. The City would continue the current customer-sited solar installation rate of 100 MW<sub>AC</sub> per year over the next ten years, and add 110 MW<sub>AC</sub> per year of commercial feed-in-tariff (FIT) parking lot and warehouse solar over the same time frame. 250 MW<sub>AC</sub> of load reduction in the form of central air conditioner (A/C) cycling would also be added in the City by 2030. An EE target of 25 percent would be achieved by focusing EE upgrade efforts on customers using disproportionately high amounts of electricity. An opt-out program structure would be used to maximize the potential gains as fast

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<sup>1</sup> MRW, *City of San Diego CCA Business Plan*, prepared for the City of San Diego, October 22, 2018, p. 3. See: [https://www.sandiego.gov/sites/default/files/draft\\_final\\_cca\\_business\\_plan\\_city\\_of\\_san\\_diego\\_october\\_2018.pdf](https://www.sandiego.gov/sites/default/files/draft_final_cca_business_plan_city_of_san_diego_october_2018.pdf).

1 GWh is equivalent to 1,000 megawatt-hours (MWh). Customers receiving electricity supply from SDG&E will become San Diego Community Power customers in 2021.

<sup>2</sup> SDG&E 2018 power content label totals 43% renewable, 29% natural gas, 27% unspecified power. See *SDG&E 2018 Power Content Label*, July 2019: [https://www.energy.ca.gov/sites/default/files/2020-01/2018\\_PCL\\_San\\_Diego\\_Gas\\_and\\_Electric.pdf](https://www.energy.ca.gov/sites/default/files/2020-01/2018_PCL_San_Diego_Gas_and_Electric.pdf). Unspecified power includes power from sources across the West, including coal, natural gas, large hydro, and renewables. The greenhouse gas emission factor (EF) for unspecified power (944 lb CO<sub>2</sub>/MWh) is higher than the EF for natural gas (838 lb CO<sub>2</sub>/MWh). See *Understanding Marin Clean Energy's GHG Emission Factors – Calendar Year 2015*, p. 5: [https://www.mcccleanenergy.org/wp-content/uploads/2018/01/Understanding\\_MCE\\_GHG\\_EmissionFactors\\_2015.pdf](https://www.mcccleanenergy.org/wp-content/uploads/2018/01/Understanding_MCE_GHG_EmissionFactors_2015.pdf).

<sup>3</sup> Demand response means reducing or shifting a customer's power needs to lower the amount of grid power needed during periods of peak demand. A common example involves cycling air conditioners off-and-on during heat waves to reduce power demand.

as they can be achieved. On-bill financing available to all customers would fund much of this local clean energy development.

This roadmap recommends the following actions:

- Protect the value of solar and battery storage on homes and businesses and maintain the current installation rate of 100 MW<sub>AC</sub> per year in San Diego through 2030. This rooftop solar is also known as “net energy metered” (NEM) solar, or “behind-the-meter” (BTM) solar.
- Expand on-bill financing to allow all customers, regardless of whether they are owners or renters, to benefit from solar power and battery storage.
- Add 25 MW of A/C cycling DR each year through 2030.
- Focus EE upgrades on “high users” in each customer class.
- Incorporate customer battery storage into virtual power plants to maximize the value to battery storage owners, the City, and SDCP.
- Maximize commercial parking lot and warehouse FIT solar and battery storage project development, achieving an installation rate of 110 MW<sub>AC</sub> per year through 2030.
- Maximize use of the opt-out program structure to assure rapid deployment of EE, DR, and customer solar and battery storage.
- Negotiate an equitable resolution of the PCIA exit fee.<sup>4</sup>
- Demand accurate accounting by the California Independent System Operator (CAISO) of the capacity value of solar power in San Diego.

The City is a founding member city of newly formed San Diego Community Power (SDCP), a community choice energy (CCE) power supplier that will begin operations in 2021, serving five cities in the San Diego area. Transmission and distribution (T&D) service will continue to be provided by SDG&E.<sup>5</sup> The City is the largest member city of SDCP. The targets described in this roadmap for the City may be proportionately expanded to address the larger customer base of SDCP.

The launch of SDCP offers a unique opportunity to reach 100 percent clean power the right way – locally. The City and its residents, as a part of SDCP, now have the authority to determine how the power serving the community is generated.<sup>6</sup> Building out locally means that the same

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<sup>4</sup> PCIA = Power Charge Indifference Adjustment.

<sup>5</sup> The City of San Diego electric and natural gas 50-year franchise agreements with SDG&E expire in 2021. It is not currently known if SDG&E will continue to operate the franchises following expiration of the current agreements.

<sup>6</sup> SDCP will be the power supplier for most – but not all – San Diego residents. Numerous commercial businesses, representing 25 percent of the City’s electricity demand and known as Direct Access customers, already procure

community paying for the power benefits economically from its development. Jobs – good jobs – stay in the community. Local financial institutions gain by investing in local projects. Local businesses benefit from the increased need for services of all kinds. Homeowners and building owners increase the value of their property. Renters gain direct access to clean power. San Diegans have been fighting for this kind of clean energy future for years. Now is the time to make it happen.

## II. INTRODUCTION

The City will be responsible for power supply procurement, as a member of the SDCP, beginning in 2021. SDCP will be credited with 45 percent green power at its inception.<sup>7</sup> The October 2018 CCE business plan prepared by the City prioritizes development of local solar power within the City limits.<sup>8</sup>

State policy prioritizes clean energy solutions at the customer’s point-of-use, including rooftop solar – also known as NEM solar or BTM solar.<sup>9</sup> California prioritizes BTM clean power solutions because they avoid building new T&D infrastructure and power plants, which would need to be built to keep the lights on if San Diegans did not generate electricity themselves through onsite solutions. The elimination of these conventional and costly capital expenditures reduces costs to all customers, including those without BTM solar and battery power.

The City leads the state’s major metro areas in the quantity of installed BTM solar,<sup>10</sup> with about 90,000 rooftop solar installations – capable of generating about 600 megawatts (MW<sub>AC</sub>) of electricity – as of January 31, 2020.<sup>11</sup> San Diego’s installed rooftop solar production represents about 14 percent of the City’s electricity demand.<sup>12</sup> Currently, the City adds about 100 MW<sub>AC</sub> of

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their own electricity supplies. Also, a small percentage of the City’s residents are expected to “opt-out” of enrollment in SDCP and continue to rely on SDG&E for power supply as well as T&D service.

<sup>7</sup> In 2020, the SDG&E power supply mix includes about 45 percent renewable power, primarily remote, large-scale, long-term solar and wind power contracts. See SDG&E webpage, *Our Renewable Energy Goals*, accessed April 27, 2020: <https://www.sdge.com/more-information/environment/about-our-initiatives/renewable-goals>.

<sup>8</sup> The *San Diego CCA Business Plan* refers to “rooftop solar” at p. 1. This roadmap treats the term “rooftop solar” as inclusive of battery storage. The State treats battery storage as a preferred clean technology.

<sup>9</sup> California’s Energy Action Plan “Loading Order” prioritizes clean BTM electricity provision.

<sup>10</sup> priceonomics.com, *The Most Solar Places in America*, October 31, 2019. See: <https://priceonomics.com/the-most-solar-places-in-america/>.

<sup>11</sup> See California Distributed Generation Statistics database: <https://www.californiadgstats.ca.gov/charts/>. Total installed NEM solar capacity in SDG&E territory, January 31, 2020 = 1,260 MW; total number of installations = 176,038. The City of San Diego is approximately 50 percent of SDG&E load. Assuming the capacity and number of NEM solar installations are proportional to percentage of SDG&E load, there exists about 600 MW of NEM solar capacity, and 90,000 NEM solar installations, in the City as of January 31, 2020.

<sup>12</sup> The *San Diego CCA Business Plan* identifies “total City demand,” including Direct Access (DA) customers, as 8,200 GWh per year (p. 2). 600 MW of BTM solar will generate about 1,140 GWh/yr at an assumed solar production rate of 1,900 kilowatt-hours (kWh) per kilowatt<sub>AC</sub> (kW<sub>AC</sub>) of capacity per year. Therefore, BTM solar currently meets about 14 percent of the City’s annual electricity demand (1,140 GWh/yr ÷ 8,200 GWh/yr = 0.139).

# Community Advisory Committee

## Standard Operating Procedures

The purpose of the San Diego Community Power (SDCP) Community Advisory Committee is to advise the SDCP Board of Directors on the operation of its Community Choice Aggregation program, as stated in section 5.10.3 of the SDCP Joint Powers Authority (JPA) Agreement.

This document serves as a guide to the Community Advisory Committee (CAC) on how the CAC operates and interacts with SDCP staff and the Board. The following procedures are included:

- Running CAC meetings
- Interacting with SDCP Staff
- Interacting with SCDP Board of Directors
- Interacting with the Media
- Adding Agenda Items to Board of Directors Meetings
- Creating Ad-Hoc or Subcommittees
- Updating the CAC Work Plan

### Running CAC Meetings

Due to the stay-at-home order, meetings will be via Zoom until further notice.

#### Responsibilities:

- Chair:
  - Serve as the primary liaison and spokesperson for the CAC
  - Support SDCP Staff with setting the CAC agenda
  - Guide the CAC in developing an annual workplan consistent with the CAC Scope and supported by the Board of Directors
  - Determine if meetings are required or if a meeting should be canceled
  - Run CAC meetings (ensure that all CAC members and community are heard, work to keep meetings to allotted time, as well as manage public comment submissions)
  - Determine which specific agenda items from the upcoming Board of Directors meeting will be prioritized during the CAC meeting
  - Work with staff to gain access to Zoom in hosting the CAC meetings. In the event that stay-at-home orders are lifted and an in-person meeting is necessary, the Chair will work with staff to determine a suitable meeting location
  - Represent the CAC to the Board to provide updates, submit information, or respond to Board requests
  - Represent the CAC to other organizations or at events, as appropriate

- Vice-Chair: Take over the CAC Chair responsibilities in the event the Chair is not available
- Secretary:
  - Take attendance and meeting notes
  - Work with SDCP staff to ensure meeting agendas are finalized and posted online
- Members:
  - Attend each meeting or inform SDCP staff and the CAC Chair if they will be late or absent
  - Review any information provided in advance and come to the meeting prepared
  - If requested and where feasible, participate in sub- or ad-hoc work groups that may be established to cover specific topics
  - Represent the interests of their communities at the CAC and share information about the CAC with their communities
- SDCP Staff:
  - Create a draft agenda for each meeting and finalize with CAC Chair
  - Notice CAC meeting according to Brown Act requirements
  - Support Secretary in posting the CAC meeting agenda at least 72 hours before a regular CAC meeting or 24 hours before a special meeting
  - Provide general support and respond to questions during CAC meetings as needed
  - Communicate any CAC recommendations to the Board so they have a chance to review prior to Board of Directors meetings

The CAC will seek consensus where possible. Where consensus is not reached, the Chair will seek to communicate diverging views in delivery of the recommendation to the Board.

### **Election of Officers**

Officers may be nominated or self-nominated and elected at the first meeting of a calendar year by a simple majority vote of the CAC. The terms will be for each calendar year, with the option for officers to be re-elected for up to three terms.

### **Interacting with SDCP Staff**

The CAC Chair is the primary liaison to SDCP staff for all matters related to the CAC.

### **Interacting with SDCP Board of Directors**

The CAC Chair is the primary liaison to SDCP staff and the Board for all matters related to the CAC. It should also be noted that the CAC Chair may also be called upon by the Board Chair to speak on various matters.

## Interacting with the Media

Any media inquiries that CAC members receive shall be redirected to SDCP Staff.

## Adding Agenda Items to Board of Directors Meetings

There are two ways that the CAC may bring items forward to the Board meeting:

1. **Standing Board Agenda Item:** CAC Report. The CAC report may be a standing item on the Board agenda, in which the CAC Chair or CEO reports on updates related to a recent CAC meeting.
2. **Suggesting Board Agenda Items:** The CAC may suggest agenda items for a Board of Directors meeting agenda. These must have prior approval of SDCP staff and the Chair of the Board of Directors to be added onto the agenda. If approval is provided, staff must be given at least 5 days before the date of the Board meeting to work with the CAC to draft any memos and materials necessary.

## Creating Ad-Hoc or Subcommittees

The CAC may create ad-hoc committees or subcommittees to address issues more in depth outside of CAC meetings and bring findings or recommendations back to the full CAC.

Ad-Hoc committees are temporary committees appointed for a specific purpose, such as updating the work plan. Ad-hoc committee meetings do not require public notice and thus must have fewer than a majority of members of the CAC to avoid violations of the Brown Act. Ad-hoc committees and committee meetings can include non-CAC community members.

The CAC Chair will seek volunteers during a CAC meeting to form an ad-hoc or subcommittee. The CAC Chair will work to ensure all CAC members have a chance to participate on various groups as formed throughout the year.

Standing subcommittees are permanent subcommittees created to review long-term issues, such as rates or budget. These meetings must be publicly noticed and agendaized consistent with the Brown Act.

## Creating and Updating the Work Plan

The CAC will adopt a Work Plan that aligns with the CAC scope provided by the Board of Directors. This shall be updated annually from the date that the first version is adopted.