

VALLEY CLEAN ENERGY ALLIANCE

Staff Report – Item 5

TO: Valley Clean Energy Alliance Board of Directors

FROM: Chad Rinde, Asst. Chief Financial Officer, Yolo County
Mitch Sears, Interim General Manager, VCEA
Shawn Marshall, LEAN Energy US

SUBJECT: Delegation of authority to VCEA General Manager and his designee(s) to take positions and action on regulatory and legislative items impacting VCEA

DATE: February 8, 2018

RECOMMENDATIONS:

1. Adopt a resolution delegating certain authority to VCEA General Manager and his designee(s) to take positions and action on regulatory and legislative items impacting VCEA.

BACKGROUND & DISCUSSION:

On occasion, the General Manager will be approached with a time-sensitive request to submit a letter of support (or opposition) regarding regulatory, legislative, or other initiatives impacting Valley Clean Energy's mission and operations. This policy is intended to delegate authority to the General Manager and/or his relevant designee(s) to take necessary action in various regulatory and legislative items on behalf of VCEA when certain conditions are met.

With this policy the Board would delegate authority to the General Manager and his/her relevant designees to sign letters, e mails, correspondence, join in petitions and similar actions with regard to regulatory and legislative items on behalf of VCEA, when the following conditions are met:

1. The regulatory, legislative, or related item or proposed action is directly related to and consistent with or will adversely impact VCEA's mission and operations.
2. Because of time constraints, bringing the matter to the Board of Directors at a special meeting or its next scheduled meeting is not practical.
3. The General Manager has investigated and is aware of the positions, if any, of (1) other California CCAs and its trade association Cal-CCA; (2) state and federal legislators representing Yolo County and its cities and (3) VCEA's member agencies.

4. The General Manager has conferred with the Chair of the Board (or Vice Chair in the Chair's absence) and both the General Manager and the Chair/Vice Chair agree that: (a) the position that the General Manager intends to take is consistent with the mission of VCEA; (b) bringing the matter to the Board at its next scheduled meeting or at a special meeting is not practical or appropriate under the circumstances; and (c) taking the position without a vote of the Board is appropriate under the circumstances.
5. The General Manager will report positions taken pursuant to this policy at the next regularly scheduled Board of Directors meeting as part of the General Manager's Report or Regulatory/Legislative Report.

Attachments:

1. Resolution (Policy included as Resolution Exhibit A)

VALLEY CLEAN ENERGY ALLIANCE

RESOLUTION NO. 2018- _____

A RESOLUTION OF THE VALLEY CLEAN ENERGY ALLIANCE APPROVING POLICY # _____ PROVIDING LIMITED DELEGATION OF AUTHORITY TO THE GENERAL MANAGER TO TAKE POSITIONS ON CERTAIN REGULATORY AND LEGISLATIVE ACTIONS

WHEREAS, the Valley Clean Energy Alliance (“VCEA”) is a joint powers agency established under the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 et seq.) (“Act”), and pursuant to a Joint Exercise of Powers Agreement Relating to and Creating the Valley Clean Energy Alliance between the County of Yolo (“County”), the City of Davis (“Davis”), and the City of Woodland (“City”) (the “JPA Agreement”), to collectively study, promote, develop, conduct, operate, and manage energy programs; and

WHEREAS, VCEA, from time to time, is approached with time-sensitive requests to take positions in support or opposition of regulatory, legislative or other initiatives that could impact VCEA’s mission and operations: and

WHEREAS, VCEA desires to provide express authority for its General Manager to act on behalf of VCEA on these time-sensitive matters, as set forth in the enclosed Policy;

NOW, THEREFORE, the Board of Directors of the Valley Clean Energy Alliance resolves as follows:

1. The Board of Directors hereby approves Policy # ____ providing a limited delegation of authority to the General Manager to take positions on certain regulatory, and legislative actions. A copy of the Policy is attached hereto as Exhibit A and incorporated herein.

ADOPTED, this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson

Secretary

EXHIBIT A

POLICY # _____

(“Limited Delegation of Authority to General Manager Regarding Regulatory and Legislative Actions”)

VCEA POLICY #_____

Policies and Procedures Related to: Delegation of Authority to General Manager to take positions on Certain Regulatory and Legislative Items

Subject: Delegation of authority to VCEA General Manager and his designee(s) to take positions and action on regulatory and legislative items impacting VCEA.

Purpose: On occasion, the General Manager will be approached with a time-sensitive request to submit a letter of support (or opposition) regarding regulatory, legislative, or other initiatives impacting Valley Clean Energy's mission and operations. This policy is intended to delegate authority to the General Manager and/or his relevant designee(s) to take necessary action in various regulatory and legislative items on behalf of VCEA when certain conditions are met.

Policy: Valley Clean Energy Alliance hereby delegates authority to the General Manager and his/her relevant designees to sign letters, e mails, correspondence, join in petitions and similar actions with regard to regulatory and legislative items on behalf of VCEA, when the following conditions are met:

1. The regulatory, legislative, or related item or proposed action is directly related to and consistent with or will adversely impact VCEA's mission and operations.
2. Because of time constraints, bringing the matter to the Board of Directors at a special meeting or its next scheduled meeting is not practical.
3. The General Manager has investigated and is aware of the positions, if any, of (1) other California CCAs and its trade association Cal-CCA; (2) state and federal legislators representing Yolo County and its cities and (3) VCEA's member agencies.
4. The General Manager has conferred with the Chair of the Board (or Vice Chair in the Chair's absence) and both the General Manager and the Chair/Vice Chair agree that: (a) the position that the General Manager intends to take is consistent with the mission of VCEA; (b) bringing the matter to the Board at its next scheduled meeting or at a special meeting is not practical or appropriate under the circumstances; and (c) taking the position without a vote of the Board is appropriate under the circumstances.
5. The General Manager will report positions taken pursuant to this policy at the next regularly scheduled Board of Directors meeting as part of the General Manager's Report or Regulatory/Legislative Report.