



## Staff Report Item 16

**TO:** East Bay Community Energy Board of Directors

**FROM:** Leah Goldberg, General Counsel

**SUBJECT:** Amendments to the Joint Powers Agreement (Action Item)

**DATE:** September 26, 2018

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### **Recommendation**

Discuss proposed amendments to the East Bay Community Energy Joint Powers Agreement (JPA) and Direct staff to bring back proposed language relating to proposed JPA amendments.

### **Background and Discussion**

On October 18, 2017, the EBCE Board adopted a process for considering policy and JPA amendments. The process obligates the Chief Executive Officer (CEO) to bring potential JPA amendments to the Board in March and September for discussion. A majority of the Board must indicate support for a policy amendment or JPA amendment for the proposed amendment to be noticed for Board action.

On March 21, 2018, the Board discussed proposed amendments to the JPA and directed staff to draft the proposed amendments and provide notice to member agencies as required by the JPA. These amendments were drafted and on May 17, 2018, the Clerk to the Board provided written notice to each member agency in compliance with the JPA. EBCE received no comments or concerns from any of the member agencies on the proposed JPA amendments. On June 20, 2018, the Board adopted JPA amendments as follows:

- (1) Allowing a Board Member or alternate who is no longer on the governing body of a member agency to continue to serve on the EBCE Board of Directors until a new Director or alternate is appointed by the member agency;
- (2) providing for up to three alternates to serve on the Community Advisory Committee (“CAC”) in the event that regularly appointed committee members cannot attend;

(3) appointing the Chair and Vice Chair of the EBCE Board in June to serve consistent with the EBCE fiscal year, which is July 1 to June 30; and

(4) amending the timeline for preparation of the Local Development Business Plan (“LDBP”).

EBCE staff has not identified any additional changes that need to be made to the EBCE JPA at this time.

**Fiscal Impact**

No impact.