




## STAFF REPORT

**Date:** August 8, 2017  
**To:** Bryan H. Montgomery, City Manager  
**From:** Joshua McMurray, Planning Manager  
**SUBJECT:** APPOINTMENT OF A REPRESENTATIVE FROM THE CITY OF OAKLEY CITY COUNCIL TO SERVE ON THE MARIN CLEAN ENERGY BOARD OF DIRECTORS

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### Summary

On May 23, 2017, the City Council adopted Resolution No. 61-17, requesting membership in Marin Clean Energy (MCE), a community choice aggregation program. On July 20, 2017, the MCE Board of Directors voted to allow the City of Oakley, along with Concord, Danville, Martinez, Moraga, Pinole, Pittsburg, San Ramon, and unincorporated Contra Costa County, to formally join. MCE anticipates swearing in new Contra Costa appointees at their Board Retreat on September 22, 2017. Each Board appointee will also be scheduled for a New Board Member Orientation.

### Analysis

MCE is governed by a Board of Directors, comprised of one elected Councilmember or Supervisor from each member community. Each city, town or county appoints an elected official to represent its community. The Board of Directors generally meets on the third Thursday of the month at 7:00 p.m. at public meetings in San Rafael to determine policy and administrative decisions for Marin Clean Energy.

The City Council also has the option of consolidating representation with another Board member. This is what the five incorporated communities in Napa County have voted to do. This consolidation option is amendment 11 to MCE's Joint Powers Authority (attached). If the City Council takes this option, the process for un-consolidating is also described in that amendment.

It should be noted that the City of Concord has already designated a representative from their City Council to sit on the Board. Other cities and the County are expected to do the same.

### Recommendation

Staff recommends the City Council select both a Representative and an Alternate Representative to sit on the MCE Board of Directors.



May 19, 2016

TO: MCE Board of Directors

FROM: Dawn Weisz, CEO

RE: Resolution 2016-02 Approving Amendment 11 to the MCE Joint Powers Authority Agreement Authorizing Multi-Jurisdictional Board Representation (Agenda Item #09)

ATTACHMENTS: A. Resolution 2016-02 Approving Amendment 11 to the MCE Joint Powers Authority Agreement Authorizing Multi-Jurisdictional Board Representation  
B. Draft Amendment 11 to the MCE Joint Powers Authority Agreement

Dear Board Members:

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**SUMMARY:**

As the MCE service area and Board membership has grown in recent years there has been some discussion in regular Board meetings, committee meetings, and at the 2015 Board retreat about allowing some communities to combine Board representation into a shared representative for one or more communities. Some communities that have been approved for membership in MCE have expressed an interest in potentially providing one shared city representative to represent multiple cities within their county.

Because there is some benefit to the member communities and to MCE in allowing this approach for Board representation, an Amendment has been prepared for the MCE JPA Agreement, to accommodate this form of representation. The draft Amendment is attached as Amendment 11.

Amendment 11 provides that the 'designated Party' must be selected from within the same county as the Party making the designation; and also provides that in the case of multi-jurisdiction representation the designated Party shall have the combined votes and voting shares of the consolidated Parties and shall vote on behalf of the consolidated Parties.

**Fiscal Impact:** No fiscal impact.

**Recommendation:** Adopt Resolution 2016-02 Approving Amendment 11 to the MCE Joint Powers Authority Agreement Authorizing Multi-Jurisdictional Board Representation.

**AMENDMENT NO. 11 TO MARIN ENERGY AUTHORITY  
JOINT POWERS AUTHORITY AGREEMENT**

1. Section 4.2 of the Marin Energy Authority Joint Powers Authority Agreement (“Agreement”) referring to the “Appointment and Removal of Directors” is hereby amended to read:

**“4.2 Appointment and Removal of Directors.** The Directors shall be appointed and may be removed as follows:

**4.2.1** The governing body of each Party shall appoint and designate in writing one regular Director who shall be authorized to act for and on behalf of the Party on matters within the powers of the Authority. The governing body of each Party also shall appoint and designate in writing one alternate Director who may vote on matters when the regular Director is absent from a Board meeting. The person appointed and designated as the Director or the alternate Director shall be a member of the governing body of the Party. **As an alternative to appointing its own Director and alternate Director, the governing body of any Party may elect to designate another Party within the same county (the “designated Party”) to represent it on the Board with the Director and alternate Director from the designated Party (the “consolidated Parties”). Notwithstanding any provision in this Agreement to the contrary, in the case of such an election by one or more Parties in the same county, the designated Party shall have the combined votes and voting shares of the consolidated Parties and shall vote on behalf of the consolidated Parties. The governing body of a Party may revoke its designation of another Party to vote on its behalf at any time. Neither an election by a Party to designate another Party to vote on its behalf or a revocation of this election shall be effective unless provided in a written notice to the Authority.**

**4.2.2** The Operating Rules and Regulations, to be developed and approved by the Board in accordance with Section 2.5.11, shall specify the reasons for and process associated with the removal of an individual Director for cause. Notwithstanding the foregoing, no Party shall be deprived of its right to seat a Director on the Board and any such Party for which its Director and/or alternate Director has been removed may appoint a replacement.

This Amendment No. 11 to the Marin Energy Authority Joint Powers Authority Agreement was duly adopted by the Board of Directors in accordance with Article 8.4 of this Agreement on May 19, 2016.

RESOLUTION NO. \_\_-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
TO APPOINT \_\_\_\_\_ AS THE REPRESENTATIVE AND  
\_\_\_\_\_ AS THE ALTERNATE REPRESENTATIVE TO THE MCE  
BOARD OF DIRECTORS

BE IT RESOLVED by the City Council of the City of Oakley that \_\_\_\_\_  
is hereby appointed as the Representative and that \_\_\_\_\_ is hereby  
appointed as the Alternate Representative to the MCE Board of Directors.

The foregoing resolution was adopted at a regular meeting of the City  
Council of the City of Oakley held on the 8th day of August, 2017, by the  
following vote:

- AYES:
- NOES:
- ABSTENTION:
- ABSENT:

APPROVED:

\_\_\_\_\_  
Sue Higgins, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date