

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING REVISIONS TO THE CHARTER OF THE
DISADVANTAGED COMMUNITIES ADVISORY GROUP

WHEREAS, Senate Bill 350 (SB 350) (de León, Chapter 547, Statutes of 2015), as codified in the California Public Utilities Code Section 400 (g), requires the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) (Commissions) to establish a Disadvantaged Communities Advisory Group (DACAG) consisting of representatives from disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code; and

WHEREAS, the DACAG will review and provide advice on proposed SB 350 clean energy and pollution reduction programs and determine whether those proposed programs will be effective and useful in disadvantaged communities; and

WHEREAS, the CEC approved the initial charter on December 13, 2017 and the CPUC approved the charter on December 14, 2017; and

WHEREAS, the DACAG held its first meeting on April 4, 2018 and has been meeting regularly since; and

WHEREAS, while implementing the initial charter since 2018, DACAG members and agency staff that assist the DACAG have found that revisions to the initial charter should be made to improve the functionality and administrative efficiency of the DACAG, such as: staggering the terms of the members for the purpose of maintaining continuity of the group, clarifying the appointment process, clarifying the qualifications of members, clarifying the resignation and removal process, clarifying the duties and responsibilities of members, and allowing per diem for any publicly-noticed DACAG meeting; and

WHEREAS, over a period of several months in 2019, agency staff proposed, reviewed, and incorporated revisions to the initial charter with DACAG members; and

WHEREAS, Commissioners Rechtschaffen and Guzman-Aceves from the CPUC and Vice Chair Scott and Commissioner Douglas from the CEC recommend the revisions to the initial charter; and

THEREFORE BE IT RESOLVED, the revised DACAG Charter, attached as Attachment A of this resolution, is adopted.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on March 11, 2020.

AYE:

NAY:

ABSENT:

ABSTAIN:

Cody Goldthrite
Secretariat

ATTACHMENT A
CHARTER OF THE
DISADVANTAGED COMMUNITIES ADVISORY GROUP

1. ARTICLE ONE: NAME

1.1 Name

The name of this advisory group shall be the Disadvantaged Communities Advisory Group (Advisory Group or DACAG).

2. ARTICLE TWO: PURPOSE

2.1 Purpose

The purpose of the DACAG pursuant to Pub. Util. Code § 400(g), is to advise the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) (Commissions) regarding the development, implementation, and impacts of proposed programs related to the Clean Energy and Pollution Reduction Act of 2015 (also known as Senate Bill 350) in disadvantaged communities.¹ In consideration of proposed programs, the DACAG may at times, also need to consider existing programs.

The Guiding Principles of the DACAG are the following:

1. Increase access to clean energy technologies for disadvantaged communities.
2. Maintain or enhance the affordability of energy service in disadvantaged communities, by considering potential rate impacts of any proposed program.
3. Increase the benefits of clean energy programs in disadvantaged communities (e.g., by supporting growth in local employment and small business development, as well as other non-energy benefits including reducing pollutants and health risks).

In consideration of these principles, the DACAG shall review and advise the

¹ “Disadvantaged Communities” in SB 350 are defined by Health and Safety Code 39711 as the most burdened census tracts in California. Burden scoring is determined by 20 pollution/health and socio-economic factors.

Commissions on policies and programs designed to benefit disadvantaged communities and effectively reach low-income households, small businesses, and hard-to-reach customers (including rural and tribal communities) within disadvantaged communities.

The DACAG will advise the Commissions on clean energy programs, including programs related to renewable energy, energy efficiency, and transportation electrification.

The Commissions intend to consider the advice provided by the DACAG in the development and implementation of clean energy and pollution reduction policies and programs.

3. ARTICLE THREE: MEMBERSHIP

3.1 Members. The DACAG shall be composed of 11 members from or representing disadvantaged communities. The Commissions will jointly choose and separately approve the selection of 10 members. The Governor's tribal liaison will choose one tribal representative. Members should represent the diverse nature of disadvantaged communities of the state and reflect the rural and urban, cultural and ethnic, and geographic regions of the state.

3.2 Selection of Members. In response to solicitations by the Commissions, individuals interested in participating in the DACAG shall submit a completed application and may provide letters of support from the constituencies they wish to represent. Names and affiliations of applicants will be posted on websites of the Commissions. The Commissions will jointly choose and separately approve the selection of up to 10 members. The Governor's tribal liaison will appoint the tribal representative.

3.3 Qualifications of Members. Members must have interest, expertise, personal experience, or work history sufficient to effectively discuss environmental, health, and economic issues that arise in connection with advising the Commissions about clean energy programs. Members should demonstrate a leadership role within the community they represent. While members may be employed by or may represent particular organizations, as members they shall represent disadvantaged communities rather than specific interests of their employer or organization. In addition, consistent with the Disclosure and Conflict of Interest Policy, members shall be responsible for disclosing economic interests prior to joining the DACAG (see Section 4.2).

3.4 Term of Appointment. Five members shall serve in two-year terms running from April 1 to March 31 of even years. Five members, plus the Governor's tribal representative, shall serve two-year terms running from April 1 to March 31 of odd years. To facilitate this, the Commissions may, on a one-time basis, extend the length

of five member-terms by one year. If any member is unable to serve the full two years of his or her term, a replacement will be selected to fill the vacancy and complete the term using the process identified in Section 3.3. A member may be reappointed, but no member shall serve for more than three consecutive full terms. A partial term of one year or shorter shall not be counted as a full term. After serving three consecutive full terms, a member is ineligible to serve another term until that individual has been off the committee for two years. Notwithstanding the limits on the duration and number of terms set forth above, a departing member may serve up to three additional months if their replacement has not been appointed.

Any member eligible for and seeking reappointment shall inform the agency staff liaisons (see Section 4.3), in writing, of their desire to continue serving on the DACAG by January 1, prior to the end of their term to allow the Commissions sufficient time to act upon the request.

3.5 Removal. A member of the DACAG may be removed under one of the following circumstances:

- a) Two-thirds of the DACAG members present and voting may vote to recommend to the Commissions the removal of a member upon demonstration of reasonable cause, provided, however, that reasonable cause shall not include any policy position taken by the member in his or her capacity as a member of the DACAG. The Commissions may remove the member upon notice by the DACAG.
- b) The Commissions may remove a member upon demonstration of reasonable cause, provided, however, that reasonable cause shall not include any policy position taken by the member in his or her capacity as a member of the DACAG.

3.6 Resignation. Any member who wants to resign shall give written notice to the DACAG Chair and agency liaisons. The member's appointment shall terminate upon the receipt of the resignation by the DACAG Chair.

3.7 Indemnification. Members of the DACAG are uncompensated servants of the state of California within the meaning of Gov. Code § 810.2. Accordingly, the state will indemnify DACAG members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the DACAG, pursuant to Gov. Code §§ 815-825.6 and 995-996.6.

3.8 Expenses and Per Diem. Members of the DACAG who are not employees of the Commissions or who are not otherwise reimbursed by a governmental agency of the state of California or of any local government within the state of California shall be

entitled to reimbursement from the DACAG Fund for reasonable expenses and per diem incurred in connection with their service on the DACAG or subcommittees of the DACAG authorized by the Commissions, in accordance with Pub. Util. Code § 400(g)(2), subject to budget availability and approval. Per diem and expenses are authorized for DACAG members that attend either in-person or teleconference, publicly noticed meetings of the DACAG. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the DACAG, in conformance with state rules and regulations for state management employees, as outlined in Standard Form 262 or its successor.

DACAG members shall receive no per diem for preparation work. Eligible members must seek reimbursement of expenses and per diem through the state's Travel Expense Claim (TEC) process. Each member seeking reimbursement must submit a completed TEC to the designated administrative unit for review. Such claims are subject to review or audit by one or both Commissions.

DACAG members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the DACAG.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties. The DACAG shall have the following duties and responsibilities. While performing these duties and responsibilities, the DACAG shall act in an advisory capacity to the Commissions. The Commissions will have all policy and program decision-making authority. The DACAG will undertake the following actions and report to the Commissions:

- a) Identify priority clean energy programs or related subject areas which impact disadvantaged communities.
- b) Meet in a public setting, no less frequently than once per quarter.
- c) Advise the Commissions as needed on key issues related to the design, implementation, and effectiveness of clean energy and pollution reduction programs, with focus on potential benefits and impacts in disadvantaged communities.
- d) Apprise the Commissions of the activities of the DACAG, as needed.
- e) File an annual report with the Commissions, summarizing the advice and activities of the DACAG in the prior year.
- f) The DACAG Chair may designate members of the DACAG to monitor and provide

updates from other relevant agency advisory bodies, such as the Low Income Oversight Board (advisory to the CPUC) and the Environmental Justice Advisory Committee (advisory to the Air Resources Board).

- g) The DACAG will specify those members or other designees authorized to represent the views of the DACAG in public on a case-by-case basis. Members must clearly designate whether they represent the views of the DACAG, the views of their community, or their own individual views. The DACAG members who appear publicly must state that they do not represent the views of the Commissions unless requested to do so by the Commissions.

4.2 Conflict of Interest Policy. Although DACAG members are not considered to be public officials under the Political Reform Act, to identify potential conflicts of interest and any appearance of impropriety committee members shall complete a Statement of Economic Interests (Form 700) prior to taking a seat on the DACAG, annually, and upon the conclusion of the member's term. Each member shall disclose on his or her Form 700 each economic interest, as defined, in any entity seeking to provide any product or service related to the DACAG's function, or that has plans to come before the DACAG or either the CPUC or the CEC to seek funds from the monies under the control of either Commission, or in a parent or subsidiary of such an entity. Each DACAG member will maintain his or her own Form 700, and the Commissions will also maintain a copy of the Form 700s for all members. The Form 700 for any member will be provided to any person upon request within a reasonable period.

In addition, DACAG members may from time to time encounter a situation that presents a potential conflict of interest for the DACAG member. In such situations, the DACAG or any member should consult with a legal liaison to the DACAG to obtain advice on how to proceed.

4.3 Agency Liaisons. The Commissions will each assign liaisons from their respective agencies. These liaisons will inform the DACAG of relevant activities at their respective Commissions and may assist the DACAG in preparation of the Annual Report and activities. In addition, both the CPUC's Legal Division and the CEC's Chief Counsel's Office will assign an attorney to serve as a legal liaison from each agency to the DACAG.

5. ARTICLE SIX: OFFICERS

5.1 The Chair and Vice-Chair of the DACAG shall be members of the DACAG. The DACAG members shall elect the DACAG officers to serve a term of one year, and they may be re-elected to one or more successive terms. An officer shall continue to hold office until a successor has been elected and assumes office.

5.2 Duties. The Chair shall be responsible for the general supervision and direction of the affairs of the DACAG. The Chair shall preside at all meetings of the DACAG. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the DACAG may appoint a Chair Pro-Tem for that meeting. The officers shall perform such other duties as the DACAG may from time to time prescribe.

6. ARTICLE FIVE: MEETINGS AND RECORDS

6.1 General. The DACAG shall act only in the course of a duly noticed meeting. With concurrence of the Commissions, the DACAG shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than once per quarter. All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act (Gov. Code §§ 11120 et seq.). The place, time, and location of each meeting shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act and in the Commissions' Daily Calendars (or equivalent) at least 10 calendar days in advance of the meeting. The notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief general description of the business to be transacted and shall highlight important pending actions, including those to be sent to the Commissions. The agenda, once published, shall not be revised 10 days prior to the meeting. The DACAG may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

6.2 Quorum. A majority of the members of the DACAG shall constitute a quorum for the transaction of business (six of eleven). No action shall be taken at any meeting unless a quorum is present. Each voting member shall have one vote, and the DACAG may take action by vote of a majority of the members present and voting at a meeting at which a quorum is present. A majority of the members present at a meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

6.3 Proxies. Members may not be represented by proxy at any meeting of the DACAG.

6.4 Public Participation. The DACAG shall provide an opportunity for members of the public to address the DACAG directly on each agenda item before or during DACAG's discussion or consideration of the item.

6.5 Records. The Secretary shall take written minutes for each meeting. Written

minutes will: (a) identify the date, time, and place of the meeting; (b) identify the DACAG members and agency staff liaisons in attendance; and (c) contain a summary of actions taken. Draft minutes will be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes will be provided upon request. If the Secretary is unavailable, the Chair may assign responsibility to another member.

6.6 DACAG records are public documents under the California Public Records Act, §§ 6250 et seq. of the California Government Code, subject to any exceptions set forth therein.

7. ARTICLE SEVEN: EFFECTIVE DATE AND AMENDMENTS

7.1 Effective Date and Amendments. This Charter and any amendments shall become effective on the date it is approved by both Commissions (or the date of the second Commission's approval).

(End)