



**CALIFORNIA
ENERGY COMMISSION**



**California Energy Commission
January 24, 2024, Business Meeting Backup
Materials for Agenda Item No 03f:
Delegation of Authority to Executive Director**

The following backup materials for the above-referenced agenda item are available in this PDF packet as listed below:

1. Proposed Resolution

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION DELEGATING CERTAIN ADDITIONAL ACTIVITIES TO THE
EXECUTIVE DIRECTOR**

I. Purpose of Resolution

The Warren-Alquist State Energy Resources Conservation and Development Act (Act), Public Resources Code section 25000 et seq, provides that the commission shall prescribe the duties of the executive director and direct them in the performance of these duties in conformance with the policies and guidelines established by the commission. (Public Resources Code, §§ 25217(a), 25217.5.) Any power or duty of the commission shall be liberally construed in order to carry out the objectives of the Act and the commission may take any action it deems reasonable and necessary to carry out the Act. (Public Resources Code, §§ 25218, 25218.5.) The commission has previously resolved “[t]hat it is the policy of this commission that the executive director shall be the top administrative executive of this agency and shall exercise authority in managerial decisions in accordance with policies and guidelines adopted by this commission, pursuant to Public Resources Code section 25217.5.” (Resolution No. 76-512-10(j).) Additionally, Government Code section 11415.60 grants discretion to agency heads to delegate power to approve settlement agreements. Furthermore, Public Resources Code section 25373(d) authorizes the commission to delegate to the executive director the authority to prescribe the duties, organization, and schedule of meetings of the Independent Consumer Fuels Advisory Committee.

The commission engages in a significant amount of work on a daily basis. To ensure that this work is performed in a timely manner, it is necessary to clarify the responsibilities delegated to the Executive Director for the day-to-day administration of commission programs. The commission continues to retain general policymaking power to determine the terms and conditions of the Executive Director’s exercise of authority and will exercise continued oversight and control of the Executive Director’s activities as delegated duties are performed.

This resolution incorporates by reference and does not supersede all preceding delegations of authority to the Executive Director including without limitation: Resolutions 20-0812-1a; 18-0221-7; 16-0614-1a; 76-512-10(j); 75-1112-15; 75-86-11; 75-317-6; and Orders 16-0614-1a; 15-0225-01g; 12-0711-6; 11-0810-3.

II. Responsibilities Delegated to the Executive Director

In addition to the authority to make managerial decisions previously delegated, the commission hereby clarifies that the following specific responsibilities are delegated to the Executive Director, or their designee, to be carried out in conformance with all applicable laws and commission policies and guidelines and subject to continued review, oversight, and direction by the commission.

- A. Authority to approve federal funding applications, negotiate and execute federal funding awards, and take other related actions necessary for the CEC to obtain federal funding under the Infrastructure Investment and Jobs Act (IIJA, also referred to as the Bipartisan Infrastructure Law) and the Inflation Reduction Act (IRA).
- B. Authority to execute and take other related actions necessary to effectuate federal pass-through awards, including a pass-through federal award to the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) for funds received by the CEC pursuant to the Energy efficiency revolving loan fund capitalization grant program.
- C. Authority to approve settlement agreements assessing administrative civil penalties in powerplant enforcement cases in accordance with Public Resources Code section 25534(b). In determining the appropriate settlement amount, the Executive Director shall take into consideration the factors identified in Public Resources Code section 25534.1(e).
- D. Authority to prescribe the duties, organization, and schedule of the Independent Consumer Fuels Advisory Committee in accordance with Public Resources Code section 25373(d).

The Executive Director may, at any time, choose not to exercise any delegated responsibility and instead may agendize the pertinent matter for commission consideration at a business meeting, as the Executive Director deems appropriate.

III. Report

The Executive Director shall periodically report to the commission at a business meeting information related to the exercise of responsibility delegated pursuant to this resolution.

IT IS SO RESOLVED.

CERTIFICATION

The undersigned Secretariat to the CEC 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 MM DD, YYYY.

AYE:

NAY:

ABSENT:
ABSTAIN:

Dated:

Kristine Banaag
Secretariat