

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 03/2019)

CALIFORNIA ENERGY COMMISSION

A) New Agreement MOU-19-001 (To be completed by CGL Office)

B) Division	Agreement Manager:	MS-	Phone
200 Human Resources and Support Services	Jack Bastida	19	916-654-4391

C) Contractor's Legal Name	Federal ID Number
Citizens Oversight Board	-

D) Title of Project
Memorandum of Understanding between California Energy Commission and the Citizens Oversight Board

E) Term and Amount	Start Date	End Date	Amount
	07 / 1 / 2019	6 / 31 / 2024	\$ 0

F) Business Meeting Information			
<input type="checkbox"/> Operational agreement (see CAM Manual for list) to be approved by Executive Director <input type="checkbox"/> ARFVTP agreements \$75K and under delegated to Executive Director.			
Proposed Business Meeting Date	6 / 12 / 2019	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter		Time Needed:	minutes
Please select one list serve. Efficiency			

Agenda Item Subject and Description
CITIZENS OVERSIGHT BOARD. Proposed resolution approving MOU-19-001 between the California Energy Commission and the Citizens Oversight Board. This memorandum of understanding is to affirm that the California Energy Commission will provide operational and administrative services to the Citizens Oversight Board to the extent feasible and allowed by law. This memorandum of understanding also details the Energy Commission's responsibility to hold and administer the funds for the Citizens Oversight Board with the Board maintaining discretion in how those funds are spent, including entering into and approving agreements with third parties. Contact: Jack Bastida

G) California Environmental Quality Act (CEQA) Compliance
1. Is Agreement considered a "Project" under CEQA? <input type="checkbox"/> Yes (skip to question 2) <input checked="" type="checkbox"/> No (complete the following (PRC 21065 and 14 CCR 15378)): Explain why Agreement is not considered a "Project": Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it is a memorandum of understanding.
2. If Agreement is considered a "Project" under CEQA: <input type="checkbox"/> a) Agreement <b>IS</b> exempt. (Attach draft NOE) <input type="checkbox"/> Statutory Exemption. List PRC and/or CCR section number: _____ <input type="checkbox"/> Categorical Exemption. List CCR section number: _____ <input type="checkbox"/> Common Sense Exemption. 14 CCR 15061 (b) (3) Explain reason why Agreement is exempt under the above section: _____
<input type="checkbox"/> b) Agreement <b>IS NOT</b> exempt. (Consult with the legal office to determine next steps.) Check all that apply <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Initial Study  <input type="checkbox"/> Negative Declaration  <input type="checkbox"/> Mitigated Negative Declaration         </div> <div> <input type="checkbox"/> Environmental Impact Report  <input type="checkbox"/> Statement of Overriding Considerations         </div> </div>

H) List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)				
Legal Company Name:	Budget	SB	MB	DVBE
	\$	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	\$ 0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	\$ 0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I) List all key partners: (attach additional sheets as necessary)
Legal Company Name:

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**J) Budget Information**

Funding Source	Funding Year of Appropriation	Budget List No.	Amount
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$
R&D Program Area:	Select Program Area	TOTAL:	\$ 0
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

**K) Contractor's Administrator/ Officer**

Name:	Adrienne Alvord, Chair	Name:	Jim Bartridge
Address:	1516 9th Street	Address:	1516 9th Street
City, State, Zip:	Sacramento, CA. 95814	City, State, Zip:	Sacramento, CA 95814
Phone:	916-654-4391	Fax:	- -
E-Mail:		E-Mail:	

**L) Selection Process Used** (For amendments, address amendment exemption or NCB, do not identify solicitation type of original agreement. )

☐ Solicitation Select Type Solicitation #: - - # of Bids: Low Bid? ☐ No ☐ Yes  
☐ Non Competitive Bid (Attach CEC 96)  
☒ Exempt MOU

**M) Contractor Entity Type**

☐ Private Company (including non-profits)  
☒ CA State Agency (including UC and CSU)  
☐ Government Entity (i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state)

**N) Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?**

☒ No ☐ Yes  
 If yes, check appropriate box: ☐ SB ☐ MB ☐ DVBE

**O) Civil Service Considerations**

☒ Not Applicable (Agreement is with a CA State Entity or a membership/co-sponsorship)  
☐ Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER)  
☐ The Services Contracted:  
☐ are not available within civil service  
☐ cannot be performed satisfactorily by civil service employees  
☐ are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system.  
☐ The Services are of such an:  
☐ urgent  
☐ temporary, or  
☐ occasional nature  
 that the delay to implement under civil service would frustrate their very purpose.

**Justification:****P) Payment Method**

☐ A. Reimbursement in arrears based on:  
☐ Itemized Monthly ☐ Itemized Quarterly ☐ Flat Rate ☐ One-time  
☐ B. Advanced Payment  
☒ C. Other, explain: N/A

**Q) Retention**

1. Is Agreement subject to retention? ☒ No ☐ Yes  
 If Yes, Will retention be released prior to Agreement termination? ☐ No ☐ Yes



Date \_\_\_\_\_

# **MEMORANDUM OF UNDERSTANDING**

Between the  
**Citizens Oversight Board**  
and  
**The California Energy Commission**

## **I. Parties**

This Memorandum of Understanding (MOU) is between the State Energy Resources Conservation and Development Commission (Energy Commission) and the Citizens Oversight Board (Board), both of which are state entities within the California Natural Resources Agency. Hereafter, the Energy Commission and Board are collectively referred to as “the Parties,” and individually, as appropriate, as “a Party.”

## **II. Background**

The Energy Commission was established in 1974 by the Warren-Alquist State Energy Resources Conservation and Development Act, Public Resources Code section 25000 et seq. The Board was created in 2013 by the California Clean Energy Jobs Act, Public Resources Code section 26200 et seq.

The Clean Energy Jobs Act allocates funds to California’s K-12 schools and community colleges for eligible energy projects, such as energy efficiency upgrades and clean energy generation at schools. The Energy Commission is the lead agency for the K-12 projects. The Board is tasked to ensure accountability of the Clean Energy Jobs Act funds by taking actions that include reviewing all expenditures of the Clean Energy Job Creation Fund, commissioning and reviewing an annual independent audit of the Clean Energy Job Creation Fund and a selection of completed projects, and publishing a complete accounting of its expenditures each year.

The Clean Energy Jobs Act specifies that the Board’s principal office shall be located in the Energy Commission’s Sacramento office. (Pub. Resources Code, § 26212, subd. (c).) The Board was, and may in the future be, allocated funding in the State’s budget for purposes of implementing its statutory mandates, which funds were appropriated to the Energy Commission, for administrative efficiency. The Energy Commission was also authorized to provide full-time staff to the Board who will work on the Board’s behalf under the direction and supervision of the Board Chair.

## **III. Purpose and Agreement**

The purpose of this MOU is to affirm that the Energy Commission, an entity separate and distinct from the Board, will provide operational and administrative services to the Board to the extent feasible and allowed by law, as a result of the Board and Energy Commission sharing the same office location and, the Energy Commission’s responsibility to hold and administer Board

funds. For the purposes of this MOU, “operational and administrative services” means property, equipment, or services that facilitate Board operations including, but not limited to, Energy Commission providing meeting space, hosting and maintaining a website URL for the Board, processing expense reimbursements approved by the Board for payment, providing administrative support for Board contracts with third parties, and preparing budget change proposals. In addition to providing operation and administrative services to the Board, the Energy Commission will hold and make available to the Board, the Board’s budget allocation from funding appropriated annually by the Legislature and, will designate an Energy Commission employee (or employees) to work for, on behalf, and at the sole direction of the Board as long as the Legislature provides an allocation therefor.

Although the Legislature has appropriated Board-related funds to Energy Commission on the Board’s behalf, which may create general, oversight fiduciary duties for the Commission, the Board has discretion in how these funds shall be spent in furtherance of its statutory mandates. Appropriately, the Board may enter into and approve agreements that encumber these funds, without obtaining prior or subsequent approval of the Energy Commission, or having to have any subcommittee or other approval by the Energy Commission.

#### **IV. Duration**

This MOU may be modified by mutual consent of authorized officials from the COB and the CEC. This MOU shall become effective upon signature by the authorized officials from the COB and the CEC, and will remain in effect until modified or terminated by mutual consent. In the absence of mutual agreement by the authorized officials from COB and the CEC for this MOU to terminate sooner than July 1, 2024, this MOU shall end on July 1, 2024.

#### **Contact Information**

Adrienne Alvord  
Chair, Citizens Oversight Board  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814  
916-654-4391

Drew Bohan  
Executive Director, California Energy Commission  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814  
916-654-4996

\_\_\_\_\_ Date:

Adrienne Alvord  
Chair, Citizens Oversight Board

\_\_\_\_\_ Date:

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION - RE: CITIZENS OVERSIGHT BOARD**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (Energy Commission) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the Energy Commission approves MOU-19-001 between the California Energy Commission and the Citizens Oversight Board. This memorandum of understanding is to affirm that the California Energy Commission will provide operational and administrative services to the Citizens Oversight Board to the extent feasible and allowed by law. This memorandum of understanding also details the Energy Commission's responsibility to hold and administer the funds for the Citizens Oversight Board with the Board maintaining discretion in how those funds are spent, including entering into and approving agreements with third parties; and

**FURTHER BE IT RESOLVED**, that the Executive Director or his/her designee shall execute the same on behalf of the Energy Commission.

**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 California Energy Commission held on June 12, 2019.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

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Cody Goldthrite,  
Secretariat

