

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
AGENDA ID: 18151
ENERGY DIVISION **RESOLUTION E-5060**
March 12, 2020

R E S O L U T I O N

Resolution E-5060. Amending the Disadvantaged Communities Advisory Group Charter.

PROPOSED OUTCOME:

- Revise Disadvantaged Communities Advisory Group (DACAG) Charter, to clarify qualifications of DACAG members, establish staggered terms of appointments for members, and modify per diem eligibility for members.

SAFETY CONSIDERATIONS:

- There is no direct impact on safety.

ESTIMATED COST:

- Up to \$4,400 in additional per diem costs annually for DACAG meeting participation.

On the Commission's own motion.

SUMMARY

This resolution revises the charter of the Disadvantaged Communities Advisory Group (DACAG), an advisory body to the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) on the effects of clean energy programs and air pollution reduction programs established pursuant to Senate Bill 350 (De León, 2015). Revisions include both minor clarifying edits and more substantive edits, as discussed below. Appendix A to this Resolution contains the revised charter of the DACAG. Appendix B to this Resolution contains the red-lined version of the revised charter to aid in understanding the changes.

BACKGROUND

Pursuant to Senate Bill 350, as codified in California Public Utilities (P.U.) Code section 400 (g), the CPUC and the CEC established a DACAG consisting of representatives of or from disadvantaged communities. The DACAG acts in an advisory capacity to the Commissions. The DACAG provides advice on clean energy and pollution reduction programs, with focus on potential benefits and impacts to disadvantaged communities.

The CPUC and CEC jointly developed the initial DACAG Charter, a framework to guide the group's operation. Each agency approved the Charter through their respective regulatory processes. The CPUC approved the initial charter via Resolution E-4893, on December 14, 2017.

The DACAG consists of 11 members. On March 1, 2018, the CPUC appointed the first nominees to the Disadvantaged Communities Advisory Group; the California Energy Commission also approved the appointments, and the two commissions recognized the tribal representative appointed by the Governor's Tribal Liaison. The agencies have filled vacancies as they have arisen.

On April 4, 2018, the DACAG held its first meeting, and has been meeting regularly since. In 2018, the group met approximately quarterly. In 2019, the group continued to meet in person approximately quarterly; in addition, the group held teleconferences in some of the months in between the in-person meetings, for a total of nine public meetings.¹ As identified in SB 854, "Each member of the disadvantaged community advisory group shall receive per diem and shall be reimbursed for travel and other necessary expenses incurred in the performance of his or her duties under this section. The total amount of money expense pursuant to this paragraph shall not exceed one hundred thousand dollars (\$100,000) per year."² DACAG members are eligible for a \$100 per diem

¹ The DACAG meeting schedule and meeting materials are available at:

<https://www.cpuc.ca.gov/dacag/>.

²https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB854.

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and expense reimbursement.³ The per diem and travel reimbursements are funded equally from the CPUC and CEC.

CPUC and CEC staff assist the DACAG in planning and facilitating their activities. As Agency staff began thinking about the group's future, they became concerned that after the initial two year appointment period, there was a possibility that all 11 group members could leave at once, causing the DACAG to lose all historical knowledge that was gained over the prior two years. Agency staff considered various options to maintain continuity within the group and determined that Charter changes were necessary to manage the group more effectively. Over a period of several months in 2019, Agency staff reviewed the initial Charter to determine if any additional modifications were necessary to improve the functionality of the group in light of lessons learned over the first two years of operation. On October 31, 2019, Agency staff reviewed proposed revisions with a subset of DACAG members. After incorporating their feedback, Agency staff reviewed proposed revisions during the November 15, 2019 DACAG public meeting and requested feedback. The Charter revisions included here reflect feedback received.

DISCUSSION

In the implementation of the Charter over the past two years, Agency staff have found that minor revisions to the Charter should be made to improve administrative efficiency. Some minor clarifying edits have been made throughout the document to improve the readability of the document, and to incorporate lessons learned so far. The substantive revisions to the Charter clarify the qualifications of DACAG members, establish staggered terms of appointments for members, and modify per diem eligibility for members.

The following substantive changes were made to the Charter:

³ State of California travel reimbursement rates are available at <https://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx>.

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DACAG Membership

Section 3.3 clarifies the qualifications required for DACAG membership. First, it clarifies that in addition to having “interest and expertise” to address environmental, health, and economic issues related to clean energy programs, “personal experience or work history” in these areas also qualify a person for membership. Some interested candidates might not feel like they are “experts” but have much personal experience working directly with communities that could make them valuable members of the DACAG. The section further clarifies that while DACAG members may bring their personal or work experience to the DACAG, but must represent disadvantaged communities, and not the specific interests of their employer or organization.

Term of Appointment

Section 3.4 establishes staggered terms of appointment for DACAG members. Per the initial Charter, all DACAG members were appointed for a two-year term, with all members having the same start and end date. The concern with the initial Charter was that in the instance that no member sought reappointment, the membership of the DACAG would turn over completely, requiring the onboarding of 11 new DACAG members ever two years, and creating a lack of consistent historical context in the group. To allow for the creation of the staggered terms, the revised Charter allows a one-time extension for half of the DACAG members’ terms to be extended one year, so that half of the members’ terms will end in even years, and half will in odd years. All terms run from April 1 to March 31.

To further clarify the appointment process, the revised Charter establishes a formal process for existing DACAG members to seek reappointment to provide clarity for both the DACAG members and the state agencies on how the process will work; any member seeking reappointment must inform Agency staff by January 1 prior to the end of their term to allow the Commissions to consider their requests.

The revised Charter also allows departing members to serve an additional three months if their replacement has not been appointed; this change will help prevent the potential of a lack of a quorum of DACAG members, which would prevent them from voting on any meeting agenda items.

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Per Diem

Section 3.8 was modified to better compensate and support DACAG member participation with an updated per diem policy. When the DACAG was first established, the Charter assumed the Group would meet quarterly, and the initial Charter authorized per diem and reasonable expenses⁴⁵ for quarterly meetings. However, the DACAG has more recently been meeting regularly on a monthly basis. The Charter has been modified to make any publicly-noticed DACAG meeting that a member attends in person or via teleconference eligible for the \$100 per diem.

To illustrate the maximum cost impact of this proposed change, we assume that all 11 DACAG members claim per diem for a potential maximum of 12 monthly meetings, totaling \$13,200 of per diem costs annually (Table 1, Scenario B). Without the charter changes, 11 DACAG members claiming per diem for 4 quarterly meetings would total \$4,400. In this scenario, the incremental cost of this charter revision is \$8,800, which would be reimbursed equally between the CPUC and CEC. Therefore, the maximum incremental cost to the CPUC of this change is \$4,400 per year.

Table 1: Annual cost estimate of Charter amendments

# Claiming per diem	Initial Charter	Amended Charter	Incremental Cost of Amendment	CPUC Share of Incremental Cost
11 members	\$4,400	\$13,200	\$8,800	\$4,400

⁴ Reasonable expenses 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.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review. Please note that comments are due 20 days from the mailing date of this resolution. Section 311(g)(2) provides that this 30-day review period and 20-day comment period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day review and 20-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today.

FINDINGS

1. California Public Utilities Code section 400(g) requires the CPUC to establish a Disadvantaged Communities Advisory Group consisting of representatives to or from disadvantaged communities, to advise the Commissions on key issues related to the design, implementation, and effectiveness of clean energy and pollution reduction programs, with a focus on the potential benefits and impacts to disadvantaged communities.
2. The DACAG has been implementing the framework set out by the first Charter over the last two years.
3. Agency staff found that revisions to the Charter need to clarify qualifications of DACAG members, establish staggered terms of appointments for members, and modify per diem eligibility for members.

THEREFORE IT IS ORDERED THAT:

1. The revised Disadvantaged Communities Advisory Group Charter, attached as Appendix A of this resolution, is adopted.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on March 12, 2020, the following Commissioners voting favorably thereon:

ALICE STEBBINS
Executive Director

Appendix A: Amended Charter

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.⁶ 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

⁶ “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.

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reducing pollutants and health risks).

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

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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.

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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.

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- 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. File an annual report with the Commissions, summarizing the advice and activities of the DACAG in the prior year.
- e) 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).
- f) 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

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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

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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)

Appendix B:

Charter with redline edits

CHARTER OF THE DISADVANTAGED COMMUNITIES ADVISORY GROUP

3. ARTICLE ONE: NAME

3.1 Name

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

Commented [A1]: Use of "DACAG" acronym after the first use, so there is less potential confusion with other "advisory groups" that exist (global change).

4. ARTICLE TWO: PURPOSE

4.1 Purpose

The purpose of the Advisory Group DACAG pursuant to Pub. Util. Code § 400(g), is to advise the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC Energy Commission) (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.⁷ In consideration of future-proposed programs, the DACAG Advisory Group may at times, also need to consider existing programs.

Commented [A2]: The Energy Commission is now ok with reference to itself as "CEC" (global change).

The Guiding Principles of the DACAG Advisory Group are the following:

4. Increase *access* to clean energy technologies for disadvantaged communities.
5. Maintain or enhance the affordability of energy service in disadvantaged communities, by considering potential rate impacts of any proposed program.
6. Increase the benefits of clean energy programs in disadvantaged communities (e.g., by supporting growth in local employment and small

⁷ "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.

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business development, as well as other non-energy benefits including reducing pollutants and health risks).

In consideration of these principles, the ~~DACAG Advisory Group~~ shall review and advise the Commissions ~~so that 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 Advisory Group~~ will advise the ~~CPUC and the Energy~~ 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 Advisory Group in the development and implementation of clean energy and pollution reduction policies and programs.

8. **ARTICLE THREE: MEMBERSHIP**

8.1 Members. The ~~DACAG Advisory Group~~ shall be composed of 11 members from or representing disadvantaged communities. The ~~CPUC and Energy~~ Commissions will jointly choose and separately approve the selection of ~~ten~~ 10 members. The Governor's tribal liaison will choose one tribal representative. Members s 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.

8.2 ~~Non-voting Liaisons.~~ ~~The non-voting liaisons will be as follows:~~

3.2.1 ~~Agency Staff Liaisons.~~ ~~The CPUC and the Energy Commission will each assign a liaison from their respective agencies. These liaisons will inform the Advisory Group of relevant activities at their respective commissions, and may assist the Advisory Group in preparation of the Annual Report and activities. In addition, both the CPUC's Legal Division and the Energy Commission's Chief~~

~~Counsel's Office will assign an attorney to serve as a legal liaison from each agency to the Advisory Group.~~

Commented [A3]: Deleted because it didn't seem necessary to define.

Commented [A4]: Moved this section to the Duties section below.

8.38.2 Selection of Members. In response to solicitations by the Commissions, individuals interested in participating in the ~~DACAG Advisory Group~~ shall submit a completed application and may provide letters of support from the ~~organizations or~~

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constituencies they wish to represent. Names and affiliations of applicants will be posted on websites of the ~~commissions~~ Commissions. The ~~CPUC and CEC~~ Energy Commissions will jointly choose and separately approve the selection of ~~up to ten~~ 10 members. The Governor's ~~Tribal Liaison~~ will appoint the tribal representative.

Commented [A5]: Modified to make consistent with 3.1.

8.4.3 Qualifications of Members. Members must have interest, ~~or expertise, personal experience, or work history~~ sufficient to effectively discuss environmental, health, and economic issues that arise in connection with advising the CPUC and the Energy Commissions about clean energy programs. Members should also be able to demonstrate a leadership role within the community they represent, and must hold regular meetings (apart from the Advisory Group meetings) to keep constituents apprised of Advisory Group developments and solicit input to bring to Advisory Group discussions. ~~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 Advisory Group (see Section 4.2).

Commented [A6]: Language modified per 11/15/19 DACAG mtg discussion.

Commented [A7]: Suggested deletions b/c not necessary, plus hard to enforce such a requirement.

Commented [A8]: Added for clarification.

8.4 Term of Appointment. ~~Of the 10 members appointed by the Commissions, five members shall serve in two-year terms running from April 1 to March 31 of even years, and 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. Each Advisory Group member will serve a term of two years.~~ 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 in using the process noted identified in Section 3.3. A member may be reappointed, but no member shall serve for more than two-three consecutive full terms. A partial term of one year or shorter shall not be counted as a full term. After serving two-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.

Commented [A9]: Added to create staggered terms and maintain some continuity for the DACAG.

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.

Commented [A10]: Added the concept of additional months to help prevent the potential of a lack of a quorum.

8.5 Removal. A member of the DACAG Advisory Group may be removed under one of the following circumstances:

Commented [A11]: Added in response to the suggestion/request made at 11/15/19 DACAG meeting that if members would like to be reappointed, then they don't need to submit a new application.

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a) Two-thirds of the DACAG Advisory Group 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 Advisory Group. The Commissions may remove the member upon notice by the DACAG Advisory Group.

a)b) The Commissions may remove a member upon demonstration of good 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 Advisory Group.

Commented [A12]: Changes suggested to clarify the process.

8.5.8.6 Resignation. Any member who wants to resign should shall give 30 days' written notice to the DACAG Advisory Group Chair and agency liaisons. The member's appointment shall terminate upon the receipt of the resignation by the DACAG Advisory Group Chair expiration of the thirty 30-day notification period.

Commented [A13]: Changes suggested to clarify the process.

8.6 Vacancies. An individual may nominate him or herself to fill a vacancy. After the initial seating of the full 11 member Advisory Group, subsequent members will be jointly chosen and then appointed by either commission. The Governor's Tribal Liaison will appoint a new tribal representative, as needed. Expired term vacancies will be filled with full term appointments; un-expired term vacancies will be filled for the remainder of the term, except as provided in Section 3.5.

Commented [A14]: With the suggested changes to Section 3.3 and 3.5, this section became redundant.

8.7 Indemnification. Members of the DACAG Advisory Group are uncompensated servants of the state of California within the meaning of Gov. Code § 810.2. Accordingly, the state will indemnify DACAG Advisory Group 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 Advisory Group, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The Advisory Group budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Advisory Group members for acts done within the scope of services performed for the Advisory Group, to the extent that such activities are held not to be indemnified by the state under Gov. Code §§ 810.2, 825-825.6 or 995-996.6.

Commented [A15]: Neither CPUC nor CEC attorneys believe this language is needed any longer.

8.8 Expenses and Per Diem. Members of the DACAG Advisory Group 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 Advisory Group Fund for reasonable expenses and per diem incurred in connection with their

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service on the ~~DACAG Advisory Group~~ or subcommittees of the ~~DACAG Advisory Group~~ authorized by the ~~e~~Commissions, in accordance with Pub. Util. Code § 400(g)(2), subject to budget availability and approval. ~~Members shall receive a full day per diem rate or partial day per diem rate if the meeting lasts for less than two hours, subject to budget availability and approval.~~ Per diem and expenses are authorized for quarterly meetings for ~~DACAG Advisory Group~~ members that attend ~~either in-person or teleconference, publicly noticed meetings of the DACAG Advisory Group.~~

Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the ~~DACAG Advisory Group~~, in conformance with state rules and regulations for state management employees, as outlined in Standard Form 262 or its successor.

~~DACAG Advisory Group~~ 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 ~~C~~eommissions.

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

Commented [A16]: Changes made to better compensate and support member participation.

9. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

9.1 Duties. The ~~DACAG Advisory Group~~ shall have the following duties and responsibilities. While performing these duties and responsibilities, the ~~DACAG Advisory Group~~ shall act in an advisory capacity to the ~~CPUC and the Energy~~ Commissions. The ~~e~~Commissions will have all policy and program decision-making authority. The ~~DACAG Advisory Group~~ will undertake the following actions and report to the ~~e~~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 ~~C~~eommissions as needed on key issues related to the design, ~~and~~ implementation, ~~and effectiveness~~ of ~~C~~clean ~~E~~energy ~~and pollution reduction~~ programs, with ~~respect to~~ focus on potential benefits and impacts in disadvantaged communities.

d) ~~Provide advice regarding the design of evaluations to measure program effectiveness with respect to goals for disadvantaged communities. Apprise the Commissions of the activities of the DACAG Advisory Group, as needed.~~

Commented [A17]: Simplified by incorporating this concept into "c."

e) ~~Allow participation by new members after the commissions approve them and determine that they have no conflicts of interest.~~

Commented [A18]: Seems unnecessary to state as a "duty."

f) ~~d) File an annual report with the Commissions, summarizing the advice and activities of the DACAG Advisory Group in the prior year.~~

g) ~~Provide advice to the commissions on a more frequent basis, if determined appropriate by the Advisory Group.~~

Commented [A19]: Simplified by incorporating this concept into "a."

h) ~~e) The DACAG Advisory Group Chair may shall designate one or two members of the DACAG Advisory Group to monitor and provide obtain an updates from other relevant agency advisory bodies, such as the Environmental Justice Advisory Committee (advisory to the Air Resources Board) and another from the Low Income Oversight Board (advisory to the CPUC) and the Environmental Justice Advisory Committee (advisory to the Air Resources Board), for delivery at each meeting.~~

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

9.2 Conflict of Interest Policy. Although DACAG committee 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 Advisory Group, 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 Advisory Group's function, or that has plans to come before the DACAG Advisory Group or either the CPUC or the Energy Commission CEC to seek funds from the monies under the control of either Commission, or in a parent or subsidiary of such an entity. Each

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DACAG Advisory Group member will maintain his or her own Form 700, and the CPUC and the Energy 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 Advisory Group members may from time to time encounter a situation that presents a potential conflict of interest for the DACAG Advisory Group member. In such situations, the DACAG Advisory Group or any member should consult with a legal liaison to the DACAG Advisory Group to obtain advice on how to proceed.

4.3 3.2.1 Agency Staff Liaisons. The CPUC and the Energy Commissions will each assign a liaisons from their respective agencies. These liaisons will inform the DACAG Advisory Group of relevant activities at their respective Commissions, and commissions and may assist the DACAG Advisory Group in preparation of the Annual Report and activities. In addition, both the CPUC's Legal Division and the Energy Commission CEC's Chief Counsel's Office will assign an attorney to serve as a legal liaison from each agency to the DACAG Advisory Group.

10. ARTICLE SIX: OFFICERS

10.1 The Chair and Vice-Chair of the DACAG Advisory Group Chair shall be members of the DACAG Advisory Group. The DACAG Advisory Group members shall elect the DACAG Advisory Group 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.

10.2 Duties. The Chair shall be responsible for the general supervision and direction of the affairs of the DACAG Advisory Group. The Chair shall preside at all meetings of the DACAG Advisory Group. 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 Advisory Group may appoint a Chair Pro-Tem for that meeting. The officers shall perform such other duties as the DACAG Advisory Group may from time to time prescribe.

Commented [A20]: Moved from below for a more logical flow.

10.11. ARTICLE FIVE: MEETINGS AND RECORDS

10.11.1 General. The DACAG Advisory Group shall act only in the course of a duly noticed meeting. With CPUC and Energy Commission concurrence of the Commissions, the DACAG Advisory Group shall hold such meetings as it shall decide

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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 (~~Gov. Code §§ 11120 et seq.~~) and in the Commissions' Daily Calendars (or equivalent) at least ~~ten~~ (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 ~~ten~~ (10) days prior to the meeting. The DACAG Advisory Group 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.

10.2 Open Meetings. All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act. A copy of the Act shall be given to all existing and new members of the Advisory Group. All meetings shall be conducted pursuant to Robert's Rules of Order, 10th Edition (Year 2000) and in accordance with Government Code Sections 1120.

Commented [A21]: Open Mtgs Act language was moved to above paragraph.

Commented [A22]: Group doesn't currently follow RRoO and probably doesn't need to.

10.311.2 Quorum. A majority of the members of the DACAG Advisory Group 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 Advisory Group 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.

10.411.3 Proxies. Members may not be represented by proxy at any meeting of the DACAG Advisory Group.

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

10.611.5 Records. The Secretary shall take wWritten minutes shall be taken for

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each meeting. Written minutes will: (a) identify the date, time, and place of the meeting; (b) identify the ~~DACAG~~Advisory Group members and ~~non-voting 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.

Commented [A23]: Changes made for clarity and consistency.

10.711.6 DACAG~~Advisory Group~~ 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.

11.3. ARTICLE SIX: OFFICERS

11.13.1 ~~The Chair and Vice Chair of the Advisory Group shall be members of the Advisory Group. The Advisory Group members shall elect the Advisory Group 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.~~

11.23.1 Duties. The Chair shall be responsible for the general supervision and direction of the affairs of the Advisory Group. The Chair shall preside at all meetings of the Advisory Group. 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 Advisory Group may appoint a Chair Pro Tem for that meeting. The officers shall perform such other duties as the Advisory Group may from time to time prescribe.

Commented [A24]: Moved after Section 4, Duties for better logical flow.

12. ARTICLE SEVEN: EFFECTIVE DATE AND EXPIRATION DATE AMENDMENTS

12.1 Effective Date and Expiration Date 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~~Commission's approvalCommission's approval).

Commented [A25]: Language added to address amendments; expiration was deleted as there is no expiration date.

13. ARTICLE EIGHT: LIMITATION ON POWER AND AUTHORITY

13.1Limitation on Power and Authority. The members of the Advisory Group in the performance of their duties and in the actions the Advisory Group takes shall at all times be subject to the direction, control and approval of the commissions.

Commented [A26]: This article seems unnecessary.

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DRAFT

March 12, 2020

(End)