

## VALLEY CLEAN ENERGY ALLIANCE

### Staff Report Item - 6

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**TO:** VCEA Board of Directors

**FROM:** Mitch Sears, Interim General Manager

**SUBJECT:** Adoption of Legislative/Regulatory Review and Action Policy

**DATE:** February 8, 2018

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#### **Recommendation**

Adopt a resolution approving a Legislative/Regulatory Review and Action Policy

#### **Background and Analysis**

Legislative and regulatory actions at the State level can have significant impacts on the success of CCA programs. Valley Clean Energy (VCE) would benefit from a policy that directed the timely and effective response to legislative and regulatory matters. The attached policy provides direction for how VCE would adopt positions on proposed legislation and regulations, including the role of the VCE Board, staff and Community Advisory Committee (CAC). The policy was drafted by the CAC in consultation with Staff and was recommended for approval by the CAC on December 4, 2017.

This policy works in conjunction with the related policy delegating certain authority to the General Manager to take action on behalf of VCE on time sensitive legislative and regulatory matters. The related delegation policy is included as agenda item 5.

#### **Attachment**

1. Resolution (Policy included as Resolution Exhibit A)

VALLEY CLEAN ENERGY ALLIANCE

RESOLUTION NO. 2018- \_\_\_\_\_

A RESOLUTION OF THE VALLEY CLEAN ENERGY ALLIANCE ADOPTING  
A LEGISLATIVE AND REGULATORY ACTION POLICY

WHEREAS, the Valley Clean Energy Alliance (“VCEA”) is a joint powers agency established under the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 et seq.) (“Act”), and pursuant to a Joint Exercise of Powers Agreement Relating to and Creating the Valley Clean Energy Alliance between the County of Yolo (“County”), the City of Davis (“Davis”), and the City of Woodland (“City”) (the “JPA Agreement”), to collectively study, promote, develop, conduct, operate, and manage energy programs; and

WHEREAS, in order to achieve its strategic goals, VCEA must monitor and respond to legislative and regulatory matters in a timely and effective manner.

NOW, THEREFORE, the Board of Directors of the Valley Clean Energy Alliance hereby adopts a Legislative and Regulatory Action Policy (Exhibit A).

ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

Approved as to form:

\_\_\_\_\_  
Interim VCEA Counsel

EXHIBIT A - Legislative and Regulatory Action Policy

EXHIBIT A

Legislative and Regulatory Action Policy

**VCEA POLICY # \_\_\_\_\_**

**POLICY AND PROCEDURES RELATED TO VCEA POSITIONS ON  
PROPOSED LEGISLATION AND REGULATIONS**

**Subject:** Policy and Proceedure to identify and recommend positions on proposed legislation and regulatory matters

**Purpose:** The charge to the VCEA Community Advisory Committee (CAC) from the VCEA board states that the CAC should “Collaborate with VCEA staff with monitoring legislative and regulatory activities related to Community Choice Energy issues.”

This policy and procedure is designed to implement the Board’s direction by establishing a procedure for identifying the need for VCEA positions and for taking positions on identified proposed legislation and regulatory matters. This procedure is designed to enable VCEA to be nimble and to respond to requests for legislative or regulatory action in a timely manner, especially throughout the legislative session.

This policy and procedure is intended to work in conjunction with other polices allowing VCEA to respond to legislative and regulatory matters in an expedited manner .

**Policy:**

1. The CAC Legislative Task Group will monitor proposed regulatory and legislative actions to identify those on which a VCEA position is needed by reviewing the proposed legislation and regulations followed by CalCCA. The Task Group will also review positions recommended by CalCCA on those issues. If the CAC Task Group disagrees with a position recommended by CalCCA, the Task Group will forward its alternative recommendation, along with CalCCA’s recommended position for comparison, as well as the positions recommended by CalCCA on the remaining issues, to the CAC. The CAC will review the Task Group’s recommendations and forward its recommendations to the VCEA board. (VCEA is a member of CalCCA, a statewide trade-association representing CCAs throughout California, with a professional staff and legislative/regulatory expertise.)
2. The procedure outlined in Section 1 may be updated in the future (such as six months after launch of VCEA) to consider whether it would be beneficial to VCEA also to track and consider positions on proposed legislation and regulatory issues not included in the issues tracked by CalCCA, and if so, how VCEA would monitor the legislative and regulatory arenas to identify such issues.
3. The VCEA Board will designate two VCEA Board Members and the General Manager as having the authority to take action on proposed legislation and regulations, in consideration

of the recommendations of the CAC and CalCCA, consistent with the policy adopted in Section 1 above.

4. The CAC legislative Task Group will review the materials provided by CalCCA and LEAN Energy throughout the year and will identify 2-4 high priority issues that VCEA may want to emphasize in its legislative and regulatory outreach efforts. The CAC will recommend criteria to explain why a bill or proposed regulation is considered a priority and will propose these criteria to the Board.