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<td><strong>Project Title:</strong></td>
<td>Senate Bill 350 Disadvantaged Community Advisory Group</td>
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<td>Item 6 - Proposed Revisions to the DACAG Charter</td>
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<td><strong>Filer:</strong></td>
<td>Kristy Chew</td>
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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) 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. In consideration of future 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 businesses).

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

In consideration of these principles, the DACAGAdvisory 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 DACAGAdvisory 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 DACAGAdvisory Group in the development and implementation of clean energy and pollution reduction policies and programs.

3. ARTICLE THREE: MEMBERSHIP

3.1 Members. The DACAGAdvisory 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 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 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.

3.3.2 Selection of Members. In response to solicitations by the Commissions, individuals interested in participating in the DACAGAdvisory Group shall submit a
completed application and may provide letters of support from the organizations or constituencies they wish to represent. Names and affiliations of applicants will be posted on websites of the CPUC and CECEnergy Commissions. The CPUC and CECEnergy Commissions will jointly choose and separately approve the selection of up to ten members. The Governor’s Tribal Liaison will appoint the tribal representative.

3.4.3 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 DACAGAdvisory Group (see Section 4.2).

3.4 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.

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...
3.5 **Removal.** A member of the DACAGAdvisory Group may be removed under one of the following circumstances:

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

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 DACAGAdvisory Group.

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

3.6 **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.

3.7 **Indemnification.** Members of the DACAGAdvisory Group are uncompensated servants of the state of California within the meaning of Gov. Code § 810.2. Accordingly, the state will indemnify DACAGAdvisory 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 DACAGAdvisory 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 [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.

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

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

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

Commented [A15]: Neither CPUC nor CEC attorneys believe this language is needed any longer.
3.8 **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 service on the DACAG Advisory Group or subcommittees of the DACAG Advisory Group authorized by the 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 Commissions.


4. **ARTICLE FOUR: DUTIES AND RESPONSIBILITIES**

4.1 **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 Commissions will have all policy and program decision-making authority. The DACAG Advisory Group 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 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.

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

f) 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.

h) The DACAG Advisory Group Chair may designate one or two members of the DACAG Advisory Group to monitor and provide 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) 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 Commissions unless requested to do so by the Commissions.

4.2 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
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 DACAGAdvisory Group’s function, or that has plans to come before the DACAGAdvisory Group or either the CPUC or the Energy CommissionCEC to seek funds from the monies under the control of either Commission, or in a parent or subsidiary of such an entity. Each DACAGAdvisory 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, DACAGAdvisory Group members may from time to time encounter a situation that presents a potential conflict of interest for the DACAGAdvisory Group member. In such situations, the DACAGAdvisory Group or any member should consult with a legal liaison to the DACAGAdvisory 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 liaisons from their respective agencies. These liaisons will inform the DACAGAdvisory Group of relevant activities at their respective Commissions and may assist the DACAGAdvisory Group in preparation of the Annual Report and activities. In addition, both the CPUC’s Legal Division and the Energy CommissionCEC’s Chief Counsel’s Office will assign an attorney to serve as a legal liaison from each agency to the DACAGAdvisory Group.

5. ARTICLE SIX: OFFICERS

5.1 The Chair and Vice-Chair of the DACAGAdvisory Group Chair shall be members of the DACAGAdvisory Group. The DACAGAdvisory Group members shall elect the DACAGAdvisory 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.

5.2 Duties. The Chair shall be responsible for the general supervision and direction of the affairs of the DACAGAdvisory Group. The Chair shall preside at all meetings of the DACAGAdvisory 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 DACAGAdvisory Group may appoint a Chair.
5.6. ARTICLE FIVE: MEETINGS AND RECORDS

5.6.1 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 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.

5.2 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.

5.36.2 Quorum. A majority of the members currently appointed to the DACAG Advisory Group shall constitute a quorum for the transaction of business, provided that there are at least three members present (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.

5.46.3 **Proxies.** Members may not be represented by proxy at any meeting of the DACAGAdvisory Group.

5.56.4 **Public Participation.** The DACAGAdvisory Group shall provide an opportunity for members of the public to address the DACAGAdvisory Group directly on each agenda item before or during DACAGAdvisory Group’s discussion or consideration of the item.

5.66.5 **Records.** The Secretary shall take written minutes shall be taken for each meeting. Written minutes will: (a) identify the date, time, and place of the meeting; (b) identify the DACAGAdvisory 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.

5.76.6 DACAGAdvisory 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.

6.3. **ARTICLE SIX: OFFICERS**

7.03.1 **The Chair and Vice-Chair of the Advisory Group.** 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.

8.03.1 **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.

9.7. **ARTICLE SEVEN: EFFECTIVE DATE AND EXPIRATION**
DATEAMENDMENTS

9.17.1 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’s approval).

10. ARTICLE EIGHT: LIMITATION ON POWER AND AUTHORITY

10.1 Limitation 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.

(End)