

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-4893
December 14, 2017**

R E S O L U T I O N

Resolution E-4893. Establishing the Disadvantaged Communities Advisory Group and implementing its charter, pursuant to Senate Bill 350: The Clean Energy and Pollution Reduction Act of 2015.

PROPOSED OUTCOME:

- Adopt Charter establishing the Disadvantaged Communities Advisory Group, and capturing roles and responsibilities of the Advisory Group as well as the California Public Utilities Commission (CPUC) and the California Energy Commission (Energy Commission)

SAFETY CONSIDERATIONS:

- There is no known impact on safety related to this resolution or the establishment of the Disadvantaged Communities Advisory Group

ESTIMATED COST:

- No additional costs at this time.

SUMMARY

This resolution establishes, and adopts the charter of, the Disadvantaged Communities Advisory Group (Advisory Group), as advisory to the California Public Utilities Commission (CPUC) and the California Energy Commission (Energy Commission) on the effects of clean energy programs and air pollution reduction programs established pursuant to Senate Bill (SB) 350 (De León, 2015). Appendix A to this Resolution contains the charter of the Advisory Group.

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BACKGROUND

Pursuant to SB 350, as codified in California Public Utilities (P.U.) Code section 400 (g), the CPUC and the Energy Commission are to establish an Advisory Group consisting of representatives from disadvantaged communities.¹ The Advisory Group shall review and provide advice on proposed clean energy and pollution reduction programs and determine whether those proposed programs will be effective and useful in disadvantaged communities.

On August 1, 2017, the CPUC and the Energy Commission jointly released a staff proposal (Joint Staff Proposal) to generate public interest and solicit feedback on the structure and responsibilities of the Advisory Group. The staff proposal provided recommendations on Advisory Group size, meeting frequency, general range of subjects to be covered, as well as expected responsibilities. The proposal addressed a number of questions to stakeholders to give more shape to membership and scope of the new body's work. The CPUC and Energy Commission received informal comments on the proposal through August 17, 2017.²

The CPUC and the Energy Commission posted a solicitation for Advisory Group membership on November 1, 2017 and expect to receive completed applications by December 22, 2017 for consideration by the two commissions.

NOTICE

CPUC-Draft Resolution E-4893 was mailed on November 1, 2017 and posted on the CPUC's Daily Calendar and served on the Service Lists for: R.16-02-007; R.14-07-002; R.15-03-010; R.13-11-005; A.17-01-020 et al.; R.15-02-020; R.12-11-005; A.14-11-007 et al. The Daily Calendar Notice, and Service List Notice provided that comments concerning the draft resolution should be filed by December 4, 2017.

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.

² Comments are available for review at <http://www.cpuc.ca.gov/discom/> and Energy Commission [Docket 16-OIR-06](#)

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The Energy Commission posted on its website on November 1, 2017, in Docket #16-OIR-06, a Notice of Adoption of the Charter Establishing the Disadvantaged Communities Advisory Group, providing public notice that the Energy Commission would consider adoption of the draft Charter on December 13, 2017, and establishing a 30-day public comment period on the draft Charter.

DISCUSSION

SB 350 established an ambitious goal to reduce greenhouse gas emissions (GHG) 40 percent from 1990 levels by 2030, in part by increasing procurement of electricity products from eligible renewable energy resources to 50 percent of retail sales and targeting a doubling of energy efficiency savings in electricity and natural gas end uses by 2030. Among the many objectives of SB 350, the legislation requires regulating agencies to address inequities with respect to access to clean energy programs by disadvantaged communities, as defined by Health and Safety Code section 39711.

The Joint Staff Proposal initiated the CPUC's and Energy Commission's development of the structure and framework for the Advisory Group that we adopt today. The Advisory Group Charter, found in Appendix A of this resolution, takes into consideration comments received on the Joint Staff Proposal and establishes a structure and framework for the Advisory Group.

This Advisory Group will provide an opportunity for representatives from disadvantaged communities to help shape programs that directly affect them. The Advisory group will review and advise the CPUC and Energy Commission on proposed programs established in compliance with SB 350. Specifically, the Advisory Group will provide advice on programs related to renewable energy, energy efficiency, transportation electrification, distributed generation and clean energy research and development programs and determine whether those proposed programs will be effective and useful in disadvantaged communities.

In determining the effectiveness and usefulness of those programs, the Advisory Group shall consider the extent to which proposed programs:

1. Increase access to clean energy technologies for disadvantaged communities.

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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 reducing pollutants and health risks).

The Advisory Group may hold meetings as often as quarterly and advise the CPUC and Energy Commission on key issues related to the design and implementation of clean energy programs, with respect to potential benefits and impacts in disadvantaged communities.

The Advisory Group shall be composed of 11 members from or representing disadvantaged communities. The CPUC and the Energy Commission will jointly choose and separately approve ten members, and one tribal representative will be chosen by the Governor's tribal liaison. Members shall represent the diverse nature of disadvantaged communities throughout the state, reflecting the different rural and urban, cultural and ethnic, and geographic regions.

The Advisory Group shall submit an annual report listing the SB 350 programs they have reviewed and providing written feedback to the CPUC and Energy Commission on the effectiveness and usefulness of those clean energy programs on disadvantaged communities. The Advisory Group may include recommendations to the CPUC and the Energy Commission in the annual report, which both Commissions will take into account when developing and reviewing their SB 350 clean energy programs. The Advisory Group will also report summaries of its meetings and may choose to provide written recommendations or advice to the CPUC and Energy Commission in addition to its annual report.

Comments Received on the Joint Staff Proposal

CPUC and Energy Commission received written comments from 18 different organizations and utilities through August 17, 2017.³ Stakeholders responded to

³ Comments were received from the following parties: BlueGreen Alliance, California Environmental Justice Alliance (CEJA), ChargePoint, Greenlining Institute, Marin Clean

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the questions included in the joint staff proposal as well as proposed goals/guiding principles and responsibilities of the Advisory Group. Comments addressed many issues, including: topics covered by the Advisory Group, membership composition and requisite knowledge and expertise, and proposed responsibilities of the Advisory Group. Key issues raised in comments are discussed below.

Meeting Frequency and Support

TURN, MCE, and NRDC, and others commented on the administration of the Advisory Group and the interface with the commissions and assistance for commission staff. For example, CEJA advocated for having meetings at a greater frequency than once per quarter, providing input to proceedings on an ongoing basis. SCPPA, SCE, and PG&E were concerned regarding a timely and transparent record.

The Charter includes a section on the minimum requirements for meeting frequency, meeting minutes, and an annual report. MCE asked for clarification regarding whether the Advisory Group would be decision-making or advisory. SB 350⁴ and the Charter specify that the Advisory Group “advises” the CPUC and the Energy Commission on clean energy programs and reducing pollutants in disadvantaged communities, as specified in PUC 400(g).

Energy (MCE), The Farm Worker Communities, Natural Resources Defense Council (NRDC), Pacific Gas and Electric (PG&E), Peninsula Clean Energy (PCE), Rising Sun Energy Center, Sacramento Metropolitan Utility District (SMUD), San Diego Gas and Electric (SDG&E), Southern California Edison (SCE), Southern California Gas (SoCalGas), Southern California Public Power Authority (SCPPA), The Utility Reform Network (TURN), Utility Consumers’ Action Network (UCAN), M-S-R Public Power Agency (MSR).

⁴ SB 350 provides, “The advisory group shall review and provide advice on programs proposed to achieve clean energy and pollution reduction and determine whether those proposed programs will be effective and useful in disadvantaged communities.” PUC 400(g).

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TURN and CEJA requested that staff of the commissions assist with reporting obligations.

The Advisory Group may hold meetings as often as quarterly. The Charter does not restrict the Advisory Group from advising the commissions on a more frequent basis. All meetings must be publicly noticed in accordance with open meetings rules.

The Charter (section 3.2.1) provides that staff and legal liaisons be available to members as appropriate. Reports and other Advisory Group documents will be posted on CPUC and Energy Commission websites.

Coordination With the Low Income Oversight Board (LIOB) and the Environmental Justice Advisory Committee (EJAC).

CEJA and TURN suggested that the Advisory Group hold regular meetings (at least once per year) with LIOB and/or EJAC. MSR and SCPPA suggested joint meetings when needs arise. PG&E and SoCalGas suggested that an Advisory Group seat be reserved for a member of the LIOB. SDG&E commented that updates from the LIOB and the EJAC should be provided at Advisory Group meetings.

While there may be some overlap in populations served by the different advisory bodies, and there could be valuable information to share, the Charter does not require or prohibit joint meetings between groups. Instead of reserving a seat for a member of a different advisory body, such as the LIOB, the Charter requires the Chair to appoint a member or two to serve as a liaison between the LIOB and the EJAC and coordinate on cross-cutting issues as needed.

Advisory Group Composition

Greenlining and SCPPA commented that members should reside in or represent disadvantaged communities. Greenlining specified that an organization wanting representation should be located in, as well as serve, a disadvantaged community. NRDC commented that the majority of members should live in a

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disadvantaged community, others could be from representative Environmental Justice and equity organizations.

The Charter expressly states that the Advisory Group should represent the diversity of disadvantaged communities in California. However, it does not specify what proportion of membership should be residents or employees located in the census tracts identified as disadvantaged communities. Instead, the Charter states that members may reside in disadvantaged communities or represent organizations that serve disadvantaged communities.

Member Knowledge and Expertise

There was a range of opinions regarding the required level of experience and knowledge of Advisory Group members. SDG&E and others commented that members should be knowledgeable regarding state energy policy, the utility industry and/or state energy programs. SoCalGas stated it was important to be knowledgeable about goods movement and low-carbon fuels.

NRDC disagreed that general state policy knowledge should be required. NRDC opined that each member should be knowledgeable about the specific areas listed in the Joint Staff Proposal, including: clean energy technologies, such as distributed generation; energy efficiency; renewables; transportation electrification; electric or natural gas resource planning; local economics (including job and training potential) with respect to clean energy development; air quality and related health impacts; or greenhouse gas and/or air pollutant controls. More importantly, however, members should know their disadvantaged communities' perspectives on such topics.

CEJA, SMUD, TURN, and UCAN urged that members have knowledge of disadvantaged communities. CEJA commented that lack of technical expertise should not preclude membership on the Advisory Group. SCPA noted that requiring expertise was reasonable, but that candidates should be considered on a case-by-case basis.

The expectation of the CPUC and the Energy Commission is that Advisory Group members will have a background that will allow them to meaningfully

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engage on clean energy issues and provide actionable input. Members should also have an understanding of the health, economic, and environmental conditions that burden the disadvantaged communities they represent. Members will need to be capable of transmitting information to their respective communities and communicate the needs and impacts of clean energy programs on their communities to the CPUC and the Energy Commission.

Candidates will be considered based on the knowledge, interest, and experience they can offer.

Disadvantaged Communities Advisory Group Scope

Commenters also offered a range of ideas regarding issues that should be covered by the Advisory Group. For example, CEJA stated the Advisory Group should consider an ample range of state programs, including Distributed Energy Resources Planning, transportation electrification and procurement. CEJA, Blue-Green Alliance, Rising Sun and Greenlining emphasized that jobs and/or workforce training should be an area covered by the Advisory Group. Greenlining, in addition to listing, many of the programs listed by CEJA, wanted to include Integrated Resource Planning, the Electric Program Investment Charge (EPIC) research and development program, the Energy Savings Assistance Program, the San Joaquin Valley Proceeding⁵, and clean energy financing. PG&E commented that the Advisory Group should look at any program or policy area related to SB 350. SMUD stated that a strong focus should be reduction of greenhouse gases. SoCalGas was interested in the Advisory Group considering renewable gas and lower emission gas fuels. Pursuant to PU Code 400 (g), the Charter directs the Advisory Group to review proposed clean energy programs initiated in response to SB 350. This would include proposed programs, such as transportation electrification, energy efficiency, and distributed generation in disadvantaged communities.

⁵ Proceeding seeks to analyze options for affordable energy for communities identified in Public Utilities Code Section 783.5 (AB 2672 Perea)

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Advisory Group Responsibilities

MCE asked for clarification regarding whether the Advisory Group would be advisory or make binding decisions. CEJA asserts that the Advisory Group is to make determinations and this responsibility is more than advisory. CEJA, Rising Sun, SDG&E, and others remarked on the manner by which advice is communicated to the commissions and transparency of the Advisory Group's efforts.

As noted above, the Advisory Group is, by statute and the attached Charter, an advisory body and not a decision maker. The Advisory Group will discuss clean energy program impacts on disadvantaged communities at public meetings and provide recommendations and other advice to the CPUC and the Energy Commission on programs covered by SB 350. The CPUC and Energy Commission will consider advice and recommendations of the Disadvantaged Communities Advisory Group in their development and implementation of SB 350 clean energy programs.

COMMENTS

Consistent with practice set forth in Public Utilities Code section 311(g)(1), this resolution must be provided to all interested stakeholders and subject to at least 30 days public review and comment prior to a vote of the commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all interested stakeholders.

The 30-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft Resolution was mailed November 1, 2017 for public comment by December 4, 2017. The CPUC received two responses to the draft Resolution. One was submitted on behalf of the Interstate Renewable Energy Council, Inc. (IREC), and the other was from Pacific Gas and Electric Company (PG&E). The Energy Commission did not receive comments. IREC generally supports the draft Charter, and emphasizes the importance of Advisory Group diversity (as described in the Charter) as well as selecting community leaders who will facilitate the flow of information to and from their represented communities on a regular basis.

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PG&E recommends the CPUC's Energy Division provide training to Advisory Group members "so that they understand utility opportunities, obligations, and constraints in Senate Bill (SB) 350 programs." The CPUC and Energy Commission agree the Advisory Group should receive training to prepare members for their responsibilities. Training and supporting advisory bodies is standard practice for the CPUC, and will be provided to members of the Disadvantaged Communities Advisory Group.

PG&E also states that the "Guiding Principles" of Charter Section 2.1 should be prioritized with clean energy access and affordability listed as the first and second priorities. The CPUC and the Energy Commission agree with the recommended prioritization of the Guiding Principles, and the Resolution and Charter have been changed accordingly.

FINDINGS

1. California Public Utilities (P.U.) Code section 400(g) requires the CPUC to establish an Advisory Group consisting of representatives from disadvantaged communities, to review and provide advice on proposed clean energy and pollution reduction programs and determine whether those proposed programs will be effective and useful in disadvantaged communities.
2. On August 1, 2017, the CPUC and the Energy Commission released a joint staff proposal to attract interest and solicit feedback on a proposed structure for a Disadvantaged Communities Advisory Group. Comments to the staff proposal were received through August 17, 2017.
3. The Disadvantaged Communities Advisory Group shall provide advice and recommendations on proposed programs established in compliance with SB 350.
4. The CPUC and Energy Commission will consider advice and recommendations of the Disadvantaged Communities Advisory Group in their development and implementation of SB 350 clean energy programs.
5. The Disadvantaged Communities Advisory Group Charter, found in Appendix A of this resolution, should be adopted.

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THEREFORE, IT IS ORDERED THAT:

1. The Disadvantaged Communities Advisory Group, whose purpose is to advise the California Public Utilities Commission and the California Energy Commission on proposed clean energy and pollution reduction programs initiated in response to the Clean Energy and Pollution Reduction Act of 2015, and make determinations on whether those programs will be effective and useful in disadvantaged communities is established.
2. The Disadvantaged Communities Advisory Group structure and framework, described herein and in the 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 December 14, 2017; the following Commissioners voting favorably thereon:

/s/TIMOTHY J. SULLIVAN

TIMOTHY J. SULLIVAN

Executive Director

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners

APPENDIX A

(Resolution E-4893)

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).

2. ARTICLE TWO: PURPOSE

2.1 Purpose

The purpose of the Advisory Group pursuant to Pub. Util. Code § 400(g), is to advise the California Public Utilities Commission (CPUC) and the California Energy Commission (Energy Commission) 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.¹ In consideration of future programs, the Advisory Group may at times, also need to consider existing programs.

The Guiding Principles of the Advisory Group are the following:

1. Increase *access* to clean energy technologies for disadvantaged communities.

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.

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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 reducing pollutants and health risks).

In consideration of these principles, the Advisory Group shall review and advise the Commissions so that programs designed to benefit disadvantaged communities effectively reach low-income households, small businesses, and hard-to-reach customers (including rural and tribal communities) within disadvantaged communities.

The Advisory Group will advise the CPUC and the Energy Commission on clean energy programs, including programs related to renewable energy, energy efficiency and transportation electrification.

3. ARTICLE THREE: MEMBERSHIP

3.1 Members. The Advisory Group shall be composed of 11 members from or representing disadvantaged communities. The CPUC and Energy Commission 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

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

3.3 Selection of Members. Individuals interested in participating in the Advisory 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 commissions. The CPUC and Energy Commission will jointly choose and separately approve the selection of ten members. The Governor's Tribal Liaison will appoint the tribal representative.

3.4 Qualifications of Members. Members must have interest or expertise sufficient to effectively discuss environmental, health, and economic issues that arise in connection with advising the CPUC and the Energy Commission 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. In addition, consistent with the Disclosure and Conflict of Interest Policy, members shall be responsible for disclosing economic interests prior to joining the Advisory Group (see Section 4.2).

3.5 Term of Appointment. 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 the process noted in Section 3.3. A member may be reappointed, but no member shall serve for more than two consecutive full terms. A partial term of one year or shorter shall not be counted as a full term. After serving two consecutive full terms, a member is ineligible to serve another term until that individual has been off the committee for two years.

3.6 Removal. Two-thirds of the Advisory Group members present and voting may vote to recommend removal of a member upon demonstration of reasonable cause, provided, however, that reasonable cause shall not include any policy

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position taken by the member in his or her capacity as a member of the Advisory Group.

3.7 Resignation. Any member who wants to resign should give 30 days' written notice to the Advisory Group Chair. The member's appointment shall terminate upon the expiration of the thirty 30-day notification period.

3.8 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.

3.9 Indemnification. Members of the Advisory Group are uncompensated servants of the state of California within the meaning of Gov. Code § 810.2. Accordingly, the state will indemnify 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 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.

3.10 Expenses and Per Diem. Members of the 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 Advisory Group Fund for reasonable expenses and per diem incurred in connection with their service on the Advisory Group or subcommittees of the Advisory Group authorized by the commissions, in accordance with Pub. Util. Code § 400(g), subject to budget availability and approval. Members shall receive a full day per

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

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.

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

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties. The Advisory Group shall have the following duties and responsibilities. While performing these duties and responsibilities, the Advisory Group shall act in an advisory capacity to the CPUC and the Energy Commission. The commissions will have all policy and program decision-making authority. The 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 on key issues related to the design and implementation of Clean Energy programs, with respect to potential benefits and impacts in disadvantaged communities.

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- d) Provide advice regarding the design of evaluations to measure program effectiveness with respect to goals for disadvantaged communities.
- 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.
- g) Provide advice to the commissions on a more frequent basis, if determined appropriate by the Advisory Group.
- h) The Chair shall designate one or two members of the Advisory Group to obtain an update from the Environmental Justice Advisory Committee (advisory to the Air Resources Board) and another from the Low Income Oversight Board (advisory to the CPUC), for delivery at each meeting.
- i) The Advisory Group will specify those members or other designees authorized to represent the views of the Advisory Group in public on a case-by-case basis. Members must clearly designate whether they represent the views of the Advisory Group, the views of their community, or their own individual views. The 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 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 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 Advisory Group's function, or that has plans to come before the Advisory Group or either the CPUC or the Energy Commission to seek funds from the monies under the control of either Commission, or in a parent or subsidiary of such an

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

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General. The Advisory Group shall act only in the course of a duly noticed meeting. With CPUC and Energy Commission concurrence, the 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. 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 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.

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All meetings shall be conducted pursuant to Robert's Rules of Order, 10th Edition (Year 2000) and in accordance with Government Code Sections 1120.

5.3 Quorum. A majority of the members of the 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 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.

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

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

5.6 Records. Written minutes shall be taken for each meeting. Written minutes will: (a) identify the date, time, and place of the meeting; (b) identify the Advisory Group members and non-voting liaisons in attendance, and (c) contain a summary. 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.

5.7 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.

6. ARTICLE SIX: OFFICERS

6.1 The Chair and Vice-Chair of the Advisory Group Chair 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

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more successive terms. An officer shall continue to hold office until a successor has been elected and assumes office.

6.2 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.

7. ARTICLE SEVEN: EFFECTIVE DATE AND EXPIRATION DATE

7.1 Effective Date and Expiration Date. This Charter shall become effective on the date it is approved by both Commissions (or the date of the second commission approval).

8. ARTICLE EIGHT: LIMITATION ON POWER AND AUTHORITY

8.1 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 of Appendix A)