

**SAN DIEGO COMMUNITY POWER**  
**Staff Report – Item 6**

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To: San Diego Community Power Board of Directors

From: Cody Hooven, SDCP Interim Executive Officer  
Director/Chief Sustainability Officer, City of San Diego

Subject: Discussion of Amendments to SDCP Joint Powers Authority (JPA) Agreement

Date: January 30, 2020

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**Recommendation**

1. Discuss potential amendments to San Diego Community Power (SDCP) Joint Powers Authority (JPA) Agreement.
2. Direct staff to amend the JPA Agreement, if necessary.

**Background**

At the December 9, 2019 SDCP Board meeting, Board Member Padilla requested an agenda item to allow for the Board to provide direction to staff on potential revisions to the JPA Agreement per public comments made by the International Brotherhood of Electrical Workers (IBEW) and the Sierra Club.

Prior to the official formation of San Diego Community Power (SDCP) on October 1, 2019, extensive engagement and negotiations occurred amongst potential member cities, stakeholders, and the five respective City Councils that ultimately adopted the JPA Agreement.

**Analysis and Discussion**

Three sections of the JPA agreement are relevant to this discussion.

The first is item 6 (a) through (o) of the Recitals which reflect the Agency's overall commitment to a variety of principles ranging from 100% renewable energy to local workforce development and inclusion of communities of concern.

The second section of interest is section 4.6, Specific Responsibilities of the Board. In this section, specific policies are called for such as the development of a workforce policy that promotes a local, sustainable, and inclusive workforce; and development of a Strategic Plan to guide the development, procurement, and integration of renewable energy resources consistent with the intent and priorities identified in the JPA Agreement.

The third has to do with voting requirements for JPA Amendments. The relevant sub sections of Section 4.12, Special Voting are below:

- 4.12.1 Except as provided below, matters that require Special Voting as described in this section shall require 72 hours prior notice to any Brown Act meeting or special meeting.
- 4.12.2 Two-thirds vote (or such greater vote as required by state law) of the appointed Directors shall be required to take any action on the following: (a) Issue bonds or other forms of debt; (b) Adding or removing Parties; (c) Amend or terminate this Agreement or adopt or amend the bylaws of the Authority. At least 30 days advance notice shall be provided for such actions. The Authority shall also provide prompt written notice to all Parties of the action taken and enclose the adopted or modified documents;
- 4.12.4 Matters requiring Special Voting under the terms of this Section shall not be subject to Voting Shares Voting pursuant to Section 4.11.2 above [Voting Shares Vote].

Finally, if the Board has additional issues or principles they would like to address, there are two primary avenues to do so: (1) amend the JPA Agreement with strategic revisions and/or (2) include them in Agency bylaws, operational procedures, or policies that direct decision-making moving forward.

#### **Fiscal Impact**

There is no fiscal impact associated with this item. Minimal filing fees may be incurred if a JPA amendment is directed.

#### **Attachment:**

Please see [https://www.sandiego.gov/sites/default/files/sdrcea\\_jpa\\_agreement\\_signed\\_0.pdf](https://www.sandiego.gov/sites/default/files/sdrcea_jpa_agreement_signed_0.pdf) to review the JPA Agreement.