



June 29, 2016

Bruce Jensen, Senior Planner
Alameda County Community Development Agency
224 West Winton Avenue, Room 111
Hayward, CA 94544

Sent via email to: bruce.jensen@acgov.org

Dear Mr. Jensen:

Subject: Draft JPA Agreement for East Bay Community Energy

Thank you for arranging the presentation by Seth Baruch to the Hayward City Council on June 28, 2016. The City appreciates the opportunity to submit comments on the draft JPA. The City Council has the following comments:

1. Section 4.2.1 Board of Directors. The draft JPA states that Board members shall be "a member of the governing body of the Party", but allows a staff member or member of the public to be designated as an Alternate. Hayward had previously commented that Alternate Directors should be elected officials (not a "member of the public") as they may have greater access to the governing body and can therefore represent the entity's interests more knowledgeably. The City Council continues to believe that the Alternate members should be elected officials, not agency staff or members of the public.
2. Section 4.13 Chair & Vice Chair Term Limits. The draft JPA states that the term of office "shall continue for one year, but there shall be no limit on the number of terms". Hayward staff requested that the office of Chair and Vice Chair be limited to no more than two one-year terms, but the request has not been incorporated into the draft JPA. The City Council requests that Chair and Vice Chair terms be limited to no more than two continuous one-year terms, but that after a one year break in serving in one or both of these positions, incumbents be allowed to serve again as Chair or Vice Chair.
3. Section 7.3 Withdrawal Prior to Program Launch. The current draft of the JPA states that "Within 15 days after receiving this report, any Party may immediately withdraw its membership in the Authority by providing written notice of withdrawal to the Authority" if certain conditions exist. Hayward staff asked the County to change the 15-day period to 45 days, but the change has not been made in the current draft of the JPA. The important decision to withdraw membership will need to be discussed with and acted upon by the governing bodies in a public meeting, and in most cases, performing the necessary staff analysis and holding a meeting may not be possible within a 15-day period. For this reason, the City Council requests that the time to submit a membership withdrawal request after the report is available be increased to at least 30 days and ideally to 45 days.

UTILITIES & ENVIRONMENTAL SERVICES DEPARTMENT

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ATTACHMENT II

Thank you in advance for your consideration of the above comments.

Sincerely,



Alex Ameri,
Director of Utilities & Environmental Services

CC: Al Mendall, City Council Member and Steering Committee Representative
Greg Jones, City Council Member and Steering Committee Alternate
Fran David, City Manager
Kelly McAdoo, Assistant City Manager
Erik Pearson, Environmental Services Manager