



Commission Staff Report

Date: June 5, 2017

COMMISSION MEETING DATE: June 29, 2017

SUBJECT: Request to Adopt a Consent Agenda for Facilities Committee Meetings

AGENDA CATEGORY: Discussion/Action

FROM:	David Dockham Assistant General Manager, Power Management	METHOD OF SELECTION: N/A
Division:	Power Management	<i>If other, please describe:</i>
Department:	Power Management	

IMPACTED MEMBERS:		
All Members <input type="checkbox"/>	City of Lodi <input checked="" type="checkbox"/>	City of Ukiah <input checked="" type="checkbox"/>
Alameda Municipal Power <input checked="" type="checkbox"/>	City of Lompoc <input checked="" type="checkbox"/>	Plumas-Sierra REC <input checked="" type="checkbox"/>
Bay Area Rapid Transit <input checked="" type="checkbox"/>	City of Palo Alto <input checked="" type="checkbox"/>	Port of Oakland <input checked="" type="checkbox"/>
City of Biggs <input checked="" type="checkbox"/>	City of Redding <input type="checkbox"/>	Truckee Donner PUD <input type="checkbox"/>
City of Gridley <input checked="" type="checkbox"/>	City of Roseville <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
City of Healdsburg <input checked="" type="checkbox"/>	City of Santa Clara <input checked="" type="checkbox"/>	<i>If other, please specify.</i>

RECOMMENDATION:

[Assuming that after discussion the Facilities Committee wants to move forward with the request for a Consent Agenda]

Staff recommends that the Commission approve the use of a Consent Agenda for Facilities Committee meetings, to be implemented consistent with the discussion outlined under *Procedural Issues* in this staff report.

BACKGROUND:

Facilities Committee members have asked staff to investigate the possibility of creating a Consent Agenda for the Facilities Committee meetings in order that routine agenda items could be handled at the Facilities Committee in much the same way that routine items are handled on the Commission's Consent Agenda. As part of the investigation, staff was asked to consider legal, policy and procedural issues, and in particular, to ensure that the Commission was supportive of the adoption and use of a Consent Agenda for Facilities Committee meetings.

Legal Issues

Staff has consulted with General Counsel with regard to possible legal issues that would preclude the implementation of a Consent Agenda and has confirmed that there are no legal issues that would preclude the adoption of a consent calendar.

Policy Issues

Staff has reviewed the Facilities Agreement and agency policy documents and has found no basis for prohibiting the establishment of a Consent Agenda for the Facilities Committee.

Procedural Issues

In the event a Consent Agenda is established for the Facilities Committee, a process for abstaining from a vote on a particular agenda item would need to be implemented. If approved, staff would implement the same process that the Commission uses today, identifying in advance of the Consent Agenda vote, the members that want to abstain on any Consent Agenda item, and then subsequently voting on the entire consent agenda with the abstentions noted. Unlike the Commission, however, the Facilities Committee will sometimes be unable to establish a quorum, and in other instances, may establish a quorum for the purposes of holding a Facilities Committee meeting, but at the same time, not have sufficient project members in attendance to establish a quorum for project voting purposes. As such, staff will need to be diligent in assuring both Facilities Committee and project voting quorum criteria are met prior to taking any votes on the consent agenda. Additionally, where quorum criteria are not met, either for the Facilities Committee or a given project vote, staff will pull the Consent Agenda item for an informal tally of votes in order to report out to the Commission in accordance with section 5.6.4 of the Facilities Agreement (Lack of Quorum).

In order to decide which items are eligible for Consent Agenda status, staff would use its independent judgement¹ for deciding which items should be placed on the Facilities Committee Consent Agenda, as is currently the case for deciding which items should be placed on the Commission's Consent Agenda. ***[An alternative option would be to consult with the FC chairman or develop in consultation with the FC Chairman prior to finalizing the Consent***

¹ Independent judgement would generally take into consideration issues such as whether the item was routine, (e.g. using standardized contracts; occurring as a regular and recurring course of business; and not expected to be controversial in nature amongst any participants.

Agenda] And just as any Commission member that has any question or concern related to a Commission Consent Agenda item can request to have that item pulled for further discussion and comment, Facilities Committee members will have that same ability.

The one open procedural question is whether the Commission can be satisfied that sufficient oversight and review of all items falling within the Facilities Committee's purview and taken up via the Consent Agenda, are being reviewed with sufficient care and thoroughness, such that the Commission can continue to rely on the recommendations of the Facilities Committee, including recommendations voted out via the Consent Agenda.

The Commission has a long history of relying heavily on the recommendations of the working committees at NCPA. This reliance is based on an understanding that the working committees are thoroughly vetting NCPA staff requests/recommendations and are either fully supportive of the recommendations being made to the Commission, or have had any concerns with the recommendations communicated as part of the underlying recommendation. This approach has helped to improve the efficiency of Commission meetings and the potentially duplicative discussion related time impacts on Commissioner's busy schedules. The Facilities Committee has discussed this issue, and **[After discussion with Facilities Committee, insert process that Facilities Committee will use to ensure Commission that Consent Agenda items will continue to be thoroughly vetted]** possible language – *represents to the Commission that member staff will diligently review all NCPA staff reports, whether included on the Consent Agenda or not, and will remove items from the Consent Agenda, whenever needed to address questions and concerns of one or more members, such that the Commission can continue to rely on the recommendations of the Facilities Committee as having been thoroughly reviewed and being thoroughly supportive of the recommendations being advanced for Commission approval.*

FISCAL IMPACT:

There are no material costs associated with the implementation of this proposed change.

ENVIRONMENTAL ANALYSIS:

This activity would not result in a direct or reasonably foreseeable indirect change in the physical environment and is therefore not a "project" for purposes of Section 21065 the California Environmental Quality Act. No environmental review is necessary.

COMMITTEE REVIEW:

The recommendation was reviewed by the Facilities Committee on June 7, 2017 and was recommended for Commission approval. **[assuming the FC approves]**

For Facilities Committee meetings where a quorum was not present: No formal action was taken due to the lack of a quorum, however, the Project participants present at the meeting voiced their support for the recommendation below and no other meeting attendees had any objections.

[Note: If no quorum available, this item will be deferred until a quorum is present, but we can still begin discussing the item and make changes/additions where desired]

Respectfully submitted,

RANDY S. HOWARD
General Manager

Attachments:

DRAFT