

AMENDED IN SENATE JUNE 30, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MAY 7, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2227

Introduced by Assembly Member Quirk

February 20, 2014

An act to add and repeal Sections 26211, 26212, 26213, 26214, 26215, 26216, and 26217 of the Public Resources Code, relating to energy efficiency.

LEGISLATIVE COUNSEL’S DIGEST

AB 2227, as amended, Quirk. Citizens Oversight Board: implementation.

The California Clean Energy Jobs Act, an initiative approved by the voters at the November 6, 2012, statewide general election as Proposition 39, made changes to corporate incomes taxes and, except as specified, provides for the transfer of \$550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund for 5 fiscal years beginning with the 2013–14 fiscal year. Existing law provides for allocation of these funds to public school facilities, university and college facilities, other public buildings and facilities, as well as job training and workforce development, and public-private partnerships, for eligible projects, as specified. Existing law establishes the Citizens

Oversight Board and requires it to, among other things, annually review all expenditures from the Clean Energy Job Creation Fund.

This bill would, among other things, require members of the board to serve for a term of 4 years and authorize them to serve for up to 2 additional terms. The bill would provide for the appointment of a chair and vice chair of the board, establish the responsibilities of the chair and vice chair, and require the board to meet at least 4 times per year or as often as the chair or the board deems necessary to conduct its business. The bill would authorize the formation of committees and would require the board to prepare an annual report, as specified.

The bill's provisions would become inoperative on July 1, 2019, and would be repealed as of January 1, 2020.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26211 is added to the Public Resources
2 Code, to read:

3 26211. (a) Funding for the board shall be available, upon
4 appropriation by the Legislature, in the annual Budget Act.

5 (b) This section shall become inoperative on July 1, 2019, and,
6 as of January 1, 2020, is repealed, unless a later enacted statute,
7 that becomes operative on or before January 1, 2020, deletes or
8 extends the dates on which it becomes inoperative and is repealed.

9 SEC. 2. Section 26212 is added to the Public Resources Code,
10 to read:

11 26212. (a) Members of the board shall serve for a term of four
12 years and may be reappointed for up to two additional terms.

13 (b) A majority of board members shall constitute a quorum.

14 (c) The board's principal office shall be located in the State
15 Energy Resources Conservation and Development Commission's
16 office in Sacramento.

17 (d) Each board member shall be entitled to one vote. All votes
18 shall be recorded and reported in the minutes of the board.

19 (e) The board shall select from among its members a chair and
20 a vice chair, as provided in Section 26214.

21 (f) Members of the board shall not be compensated for their
22 service, but may be reimbursed for actual and necessary expenses
23 incurred in the performance of their duties.

1 (g) Requests for reimbursement for actual and necessary
2 expenses shall be submitted to the chair for approval and may be
3 paid in accordance with Section 26217.

4 (h) This section shall become inoperative on July 1, 2019, and,
5 as of January 1, 2020, is repealed, unless a later enacted statute,
6 that becomes operative on or before January 1, 2020, deletes or
7 extends the dates on which it becomes inoperative and is repealed.

8 SEC. 3. Section 26213 is added to the Public Resources Code,
9 to read:

10 26213. (a) The board shall meet at least four times per year
11 or as often as the chair or the board deems necessary to conduct
12 its business.

13 (b) The chair shall, with the assistance of staff, prepare the
14 agenda for each board meeting. Meeting agendas shall be prepared
15 in advance of each meeting based on input from board members,
16 staff, and the public.

17 (c) The board and any committees established by the board shall
18 comply with, and be subject to, the requirements of the
19 Bagley-Keene Open Meeting Act (Article 9 (commencing with
20 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
21 the Government Code).

22 ~~(d) Without limiting subdivision (c), the posting of the board's~~
23 ~~agenda and any committee agendas shall comply with Section~~
24 ~~11125 of the Government Code. Special meetings shall comply~~
25 ~~with Section 11125.4 of the Government Code. Closed session~~
26 ~~reports shall comply with Section 11126.3 of the Government~~
27 ~~Code.~~

28 *(d) The board shall comply with, and be subject to, the*
29 *requirements of the California Public Records Act (Chapter 3.5*
30 *(commencing with Section 6250) of Division 7 of Title 1 of the*
31 *Government Code).*

32 (e) This section shall become inoperative on July 1, 2019, and,
33 as of January 1, 2020, is repealed, unless a later enacted statute,
34 that becomes operative on or before January 1, 2020, deletes or
35 extends the dates on which it becomes inoperative and is repealed.

36 SEC. 4. Section 26214 is added to the Public Resources Code,
37 to read:

38 26214. (a) The first meeting of the board, at which a chair
39 shall be selected, may be held upon appointment of all nine

1 members of the board and shall be called jointly by the Treasurer,
2 the Controller, and the Attorney General.

3 (b) The board shall elect a chair and vice chair at the first
4 meeting of the board each year and each such individual shall hold
5 office for one year commencing on the following July 1 and ending
6 when his or her successor takes office. If there is a vacancy during
7 the year in the office of the chair or vice chair, a majority of the
8 active members of the board shall elect a replacement chair or vice
9 chair to serve the remainder of the year. If the interim vacancy is
10 in the office of the chair, then the vice chair shall perform the
11 duties of the chair until a successor is elected.

12 (c) The board shall establish rules of operation for the board
13 that are consistent with the rules and practices applicable to other
14 state boards.

15 (d) In the absence of the chair during a meeting, the vice chair
16 shall perform all of the functions of the chair.

17 (e) The chair shall oversee meetings, serve as an ex officio
18 member of all committees, work in partnership with staff to ensure
19 board resolutions are carried out, call special meetings if necessary,
20 appoint all committee chairs and recommend who will serve on
21 committees, prepare agendas for meetings, coordinate the hiring
22 and evaluations of staff and consultants, act as spokesperson for
23 the board, periodically consult with board members on their roles,
24 and ensure that the rules of procedure and decorum contained in
25 this chapter are observed and enforced.

26 (f) The vice chair shall carry out special assignments as
27 requested by the chair, understand the responsibilities of the chair,
28 and be able to perform the duties of the chair in the chair's absence.

29 (g) Board staff activities shall not be duplicative of ongoing
30 efforts by other state agencies, including, but not limited to, the
31 State Department of Education and the State Energy Resources
32 Conservation and Development Commission.

33 (h) This section shall become inoperative on July 1, 2019, and,
34 as of January 1, 2020, is repealed, unless a later enacted statute,
35 that becomes operative on or before January 1, 2020, deletes or
36 extends the dates on which it becomes inoperative and is repealed.

37 SEC. 5. Section 26215 is added to the Public Resources Code,
38 to read:

39 26215. (a) The board may establish committees as it deems
40 necessary and appropriate. The chair may, with board approval,

1 define and limit a committee's scope and authority, and establish
2 rules of operation for the committees.

3 (b) Each committee shall meet and shall make recommendations
4 and reports as deemed necessary or appropriate by the chair or the
5 board.

6 (c) In the absence of the committee chair, the vice chair shall
7 conduct routine business matters and meetings of the committee.

8 (d) The status, purpose, and authority of a committee shall be
9 determined by the chair and approved by the board at the time the
10 committee is established by the board. The board may modify a
11 committee's status, purpose, or authority at any time.

12 (e) A committee may act within its delegated authority without
13 further approval of the board. Committees and committee members
14 shall not make or issue policy statements, recommendations, or
15 media releases without prior approval of the board. A committee
16 activity that implies action by the board or is outside the
17 committee's delegated authority is prohibited without specific
18 board approval.

19 (f) This section shall become inoperative on July 1, 2019, and,
20 as of January 1, 2020, is repealed, unless a later enacted statute,
21 that becomes operative on or before January 1, 2020, deletes or
22 extends the dates on which it becomes inoperative and is repealed.

23 SEC. 6. Section 26216 is added to the Public Resources Code,
24 to read:

25 26216. (a) The board shall review and evaluate the progress
26 and status of projects and shall prepare, approve, and distribute
27 annual reports of its activities, findings, and recommendations to
28 the Governor, the Legislature, and the public, to the extent these
29 actions are consistent with subdivision (d) of Section 26210. Each
30 annual report shall concern the activities of the board and its
31 committees during the preceding calendar year and shall be
32 distributed within 90 days of the end of the calendar year to which
33 it pertains.

34 (b) The process for preparing, approving, and distributing the
35 annual reports shall be as follows:

36 (1) The chair shall be responsible for preparing a draft annual
37 report that shall be presented at a regularly scheduled meeting of
38 the board.

39 (2) The draft annual report shall be discussed and considered
40 by the board at the meeting and shall be approved as presented or

1 with amendments or changes following the opportunity for, and
2 receipt of, any public comment.

3 (3) After the meeting, the annual report shall be put into its final
4 approved form and shall be distributed and published on the board's
5 Internet Web site.

6 (c) The annual report distributed pursuant to this section shall
7 be submitted to the Legislature in accordance with Section 9795
8 of the Government Code.

9 (d) This section shall become inoperative on July 1, 2019, and,
10 as of January 1, 2020, is repealed, unless a later enacted statute,
11 that becomes operative on or before January 1, 2020, deletes or
12 extends the dates on which it becomes inoperative and is repealed.

13 SEC. 7. Section 26217 is added to the Public Resources Code,
14 to read:

15 26217. (a) Expenses of the board shall be accounted for and
16 paid in a manner that is consistent with the State Administrative
17 Manual and any related processes and procedures. The board may
18 delegate to the chair or staff the authority to approve expenses,
19 pay expenses, or both.

20 (b) Expenditure items exceeding the board's budget, or
21 expenditure items the chair deems worthy of further consideration,
22 shall be brought before the board for consideration at the next
23 meeting.

24 (c) The chair shall be responsible for tracking the board's budget
25 and regularly reporting to the board if expenditures are within the
26 amounts planned and what steps have been taken or are proposed
27 to be taken to ensure that the board has sufficient funds to
28 accomplish its annual mission.

29 (d) The chair may testify before a state authority and his or her
30 actual and necessary travel, meal, and lodging expenses shall be
31 reimbursed.

32 (e) The expenses of the board shall be published in the board's
33 annual report required by Section 26216.

34 (f) This section shall become inoperative on July 1, 2019, and,
35 as of January 1, 2020, is repealed, unless a later enacted statute,
36 that becomes operative on or before January 1, 2020, deletes or
37 extends the dates on which it becomes inoperative and is repealed.