



Legislation Details (With Text)

**File #:** 22-722

**Type:** Consent Calendar                      **Status:** Passed

**File created:** 8/22/2022                      **In control:** City Council/Public Financing Authority

**On agenda:** 9/6/2022                      **Final action:** 9/6/2022

**Title:** Approve the City’s Responses to the Orange County Grand Jury Report: “Orange County Power Authority: Come Clean”

**Attachments:** 1. Att#1 OCPA Come Clean Grand Jury Report - June 2022, 2. Att#2 OCPA Come Clean Grand Jury Report - HB Response - June 2022, 3. Att#3 OCPA Grand Jury - Response to Mayor Delgleize 2022-08-01, 4. Att#4 City’s Draft Follow Up Response to Grand Jury Report (September 2022), 5. Att#5 20220826 Board Clerk Inquiry - HB

Date	Ver.	Action By	Action	Result
9/6/2022	1	City Council/Public Financing Authority	approved	Pass

**REQUEST FOR CITY COUNCIL ACTION**

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Al Zelinka, City Manager

**VIA:** Travis K. Hopkins, Assistant City Manager

**PREPARED BY:** Shannon Levin, Council Policy Analyst

**Subject:**

Approve the City’s Responses to the Orange County Grand Jury Report: “Orange County Power Authority: Come Clean”

**Statement of Issue:**

In June 2022, the Orange County Grand Jury (OCGJ) released its report, *Orange County Power Authority: Come Clean*, which contains an assessment of the Authority’s current operations and communications with the public (attachment 1). While the OCGJ endorsed Orange County Power Authority’s (OCPA) mission to serve as an alternative power provider that offers higher levels of renewable energy to customers, the OCGJ produced four recommended actions to improve OCPA’s operations and transparency, one of which the City of Huntington Beach is requested to respond.

**Financial Impact:**

Not applicable.

**Recommended Action:**

A) Receive and file the City’s initial response concurring with OCGJ’s Recommendation No. 4 in “Orange County Power Authority: Come Clean.”

B) Approve the City’s follow up response to the OCGJ, directing the City Council’s OCPA Board

Representative to request an action item from the OCPA, per the Grand Jury Report, to hire a qualified clerk to manage agendas and minutes for the OCPA Board and OCPA Community Advisory Committee; authorize the Mayor to sign and submit the letter to the Honorable Erick L. Larsh, Presiding Judge of the Superior Court of Orange County.

**Alternative Action(s):**

Do not approve one or more recommended actions, and direct staff accordingly.

**Analysis:**

In 2021-2022, the OCGJ prepared the report, *Orange County Power Authority: Come Clean*, which evaluates OCPA's current operations and communications with the public. Among their findings, the OCGJ determined that OCPA meetings and operations require more transparency and adherence to public meeting protocol.

The OCGJ's report offers several recommendations for these findings, of which the City of Huntington Beach is required to submit a response to Recommendation No. 4 that states the OCPA should utilize a member agency clerk or a qualified OCPA staff member to handle agendas and minutes for the OCPA Board and Community Advisory Committee. This recommendation may ensure that meetings will be prepared and posted in a timely, transparent, and consistent manner.

The City submitted an initial response in June 2022 that concurs with Recommendation No. 4 (attachment 2). The OCGJ returned a response in August 2022, requesting specific steps the City may take to ensure the Recommendation is implemented (attachment 3).

To that end, the City has drafted a follow up response for City Council consideration, stating that the City Council will direct its OCPA Board Representative to request an action item of the OCPA, per the OCGJ report, to hire a qualified clerk to manage agendas, minutes, and postings (attachment 4). If approved, staff will prepare the letter for the Mayor's signature and submit it to the Honorable Erick L. Larsh, Presiding Judge of the Superior Court of Orange County to satisfy the requirements of this Grand Jury report.

On August 26, OCPA sent a letter to the city exploring outsourcing the OCPA Board Clerk duties to one of the member jurisdictions. The letter provided duties, estimated time needed, and requirements. Due to the regular City Council agenda responsibilities and the current staffing levels the Huntington Beach City Clerk's Office is unable to absorb the additional OCPA responsibilities.

**Environmental Status:**

Not applicable.

**Strategic Plan Goal:**

Non Applicable - Administrative Item

**Attachment(s):**

1. Orange County Grand Jury Report: *Orange County Power Authority: Come Clean* (June 2022)
2. City's Initial Response to Grand Jury Report (June 2022)
3. Grand Jury's Response to City (August 2022)
4. City's Draft Follow Up Response to Grand Jury Report (September 2022)

5. OCPA Board Clerk Inquiry