



Jan. 3, 2022

Mayor Jung and Councilmembers  
City of Fullerton  
303 W. Commonwealth Ave.  
Fullerton, CA 92832

**RE: Fullerton must appoint OCPA primary and alternate directors who will change OCPA's leadership to ensure its survival**

Honorable Mayor Jung and Councilmembers,

Thank you for your support for climate action through the Orange County Power Authority (OCPA). Fullerton has been a key voice for OCPA's role in reducing emissions thanks to the leadership of OCPA Vice Chair Jung.

It has come to our attention that item 1 on tonight's council agenda, City Representation - Regional Advisory Bodies and Workgroups, does not discuss Fullerton's appointments to the OCPA board of directors and is missing key information regarding the agency and board membership. We provide that information below to inform your discussion.

**OCPA is at a crossroads that will determine if it survives and whether Fullerton communities will receive tens of millions of dollars in economic development and rate relief through the program during the next several years and meet its climate goals. We recommend that Fullerton appoint primary and alternate board members who will work to reform this critical agency so that it can provide these crucial community benefits, starting by replacing the CEO and general counsel, who have lost the trust and confidence of both the community and key electeds.**

**OCPA Needs New Leadership Now**

The County of Orange voted in December to withdraw from OCPA due in large part to the CEO and general counsel's failure to transparently cooperate with the county audit and follow well-established best practices for Community Choice Energy (CCE) programs. The City of Irvine voted last week to try to fix OCPA rather than withdraw immediately, but Irvine city council members have indicated they will withdraw from the

agency in six months if the CEO is not replaced. **Irvine's withdrawal would likely mean the death of OCPA.**

OCPA must succeed. Fullerton families have no access to policy decisions or revenue from investor-owned utilities. In contrast, CCE provides a proven, non-profit, community-led alternative to the investor-owned utilities that have enjoyed monopoly status in Orange County for more than a century.

OCPA is also the only path to reinvesting tens of millions of ratepayer dollars into Fullerton neighborhoods and offering rate relief instead of lining the pockets of shareholders and utility executives. We have seen CCE programs in San Diego, Los Angeles and elsewhere in California thrive, and Fullerton families deserve access to these same benefits.

Accordingly, we recommend that Fullerton appoint primary and alternate board members who will work to reform this critical agency, starting by replacing the CEO and general counsel, who have lost the trust of the community and key electeds.

### **OCPA Board Terms, Meeting Schedule and Public Membership**

The [Advisory Body Appointments Matrix](#) included in tonight's staff report does not include the OCPA Term, Meeting Schedule or whether a Public Member is Allowed to serve on the board. We provide that information below.

#### **OCPA BOARD TERMS**

On October 25, 2022, the OCPA board voted to amend board term provisions in the JPA agreement as follows:

1. Requires that a regular or alternate Director be a current elected member of the governing body of the Party;
2. Changes the terms of office for a regular and alternate Director to two (2) years;
3. Clarifies that a regular or alternate Director serves at the pleasure of the governing body that appointed the Director and can be removed at any time, with or without cause;
4. Change the terms of office for the Chair and Vice-Chair to one (1) year with annual elections thereafter beginning in December 2022; and
5. Changes the maximum vacancy period for a Director to forty-five (45) days.

[See the OCPA amended JPA board term provisions here.](#)

#### **MEETING SCHEDULE**

The following 2023 OCPA board meeting [schedule](#) was approved at the Dec. 13, 2022 OCPA board meeting:

Tuesday January 17, 2023

Tuesday February 14, 2023  
Tuesday March 7, 2023  
Tuesday April 4, 2023  
Tuesday May 2, 2023  
Tuesday June 20, 2023  
Tuesday July 11, 2023  
August 2023 No Meeting  
Tuesday September 5, 2023  
Tuesday October 3, 2023  
Tuesday November 14, 2023  
Tuesday December 12, 2023

#### PUBLIC MEMBERSHIP

The OCPA board term amendment specifies that OCPA board members must be current elected members of the governing body they represent.

Again, we recommend that Fullerton appoint primary and alternate board members who will work to reform this critical agency, starting by replacing the CEO and general counsel, who have lost the confidence and trust of both the community and key electeds.

Thank you for your careful attention to this critical issue and please let us know if you have any questions.

Sincerely,

**Ayn Craciun**

OC Policy Manager

Climate Action Campaign

949-400-9682

[ayn@climateactioncampaign.org](mailto:ayn@climateactioncampaign.org)

CC: Eric Levitt, City Manager  
Daisy Perez, Deputy City Manager  
Anissa Livas, Acting Senior Administrative Analyst  
Lucinda Williams, City Clerk