

ENERGY & ENVIRONMENT, Tuesday, Nov 8, 2011 9am, Item 3.

11-0452-S5 MOTION

In Mid-August 2011, the members of the Office of Public Accountability (OPA) Citizens Committee were appointed by the Office of the Mayor, Council President and the Chair of the Council's Energy and Environment Committee. The purpose of the Citizens Committee is to select the Executive Director of the OPA which is tasked with providing independent reviews of the Department of Water and Power (DWP) actions.

Under the Charter Amendment that establishes the OPA, the Executive Director will have full control of its administration and affairs. In order for this position to function in this capacity, it is vital that the Citizens Committee initiate efforts to select a viable Executive Director candidate. **[OPACC already has]**

To this end, the Citizens Committee should: meet **[OPACC already has]**, initiate a search process, with the assistance of the Personnel Department **[OPACC already has]**, and report to the Council on the status of its search **[OPACC hasn't]**.

In this manner, the Executive Director may be in place within a reasonable time frame and effectuate the objectives of the OPA – ensuring and protecting the interests of the DWP ratepayers.

I THEREFORE MOVE that the Office of Public Accountability (OPA) Citizens Committee be urged to initiate efforts to select an Executive Director for the OPA by conducting an effective search process with the assistance of the Personnel Department.

I FURTHER MOVE that the OPA Citizens Committee report to the Council within 15 to 30 days as to the status of its search process for the Executive Director position.

TW Comments

- 1. Meetings have been arbitrarily conducted, without transparency, without appropriate public participation, and NOT in compliance with the Brown Act;**
- 2. Committee approved the consultant for the search for the Executive Director (ExDir) without hearing to requested public comment for Item 4.a.**
- 3. Meeting Minutes with erroneous description of considerations/vote for assignment of the consultant to conduct the search for the ExDir position and did not include Public Comment Cards from the public which would have substantiated the errors and non-compliance with Brown Act;**
- 4. Meeting Public Comments process have been arbitrarily changed to minimize the public's comment and to obstruct meaningful Public Comments;**
- 5. Agenda Items have been stated with insufficient descriptions and without timely provision of supporting documents;**
- 6. Committee has accepted consultant presentations of descriptions and other materials regarding the ExDir which would effectively minimize the ExDir's ability to conduct the OPA office and the reviews of DWP rates proposals;**

The Committee's actions may not be in compliance with the Brown Act and could subject the entire process to judicial review.