

These public comments submitted to MCE are unaltered and have not been assessed for accuracy. Any opinions expressed are attributable solely to the authors. MCE welcomes engagement and appreciates written input from the public. All letters from the public are available on our website [here](#).



Agenda Item #9 - Resolution 2026-02, "Delegating Energy Procurement Authority"

From Alicia Minyen <aliciaminyen@comcast.net>

Date Thu 4/16/2026 3:32 AM

To liz.alessio@countyofnapa.org <liz.alessio@countyofnapa.org>; sandre@cityoflarkspur.org <sandre@cityoflarkspur.org>; ebeckman@cortemadera.org <ebeckman@cortemadera.org>; mbelotz@danville.ca.gov <mbelotz@danville.ca.gov>; kbirdseye@ci.benicia.ca.us <kbirdseye@ci.benicia.ca.us>; bcoler@townoffairfaxca.gov <bcoler@townoffairfaxca.gov>; mebrown@solanocounty.com <mebrown@solanocounty.com>; kjacobs@novato.org <kjacobs@novato.org>; bkircher@townofrossca.gov <bkircher@townofrossca.gov>; tkullaway@sananselmo.gov <tkullaway@sananselmo.gov>; maika@cityofsanrafael.org <maika@cityofsanrafael.org>; jmccormick@lovelafayette.org <jmccormick@lovelafayette.org>; meadows@ci.oakley.ca.us <meadows@ci.oakley.ca.us>; bpainter@cityofnapa.org <bpainter@cityofnapa.org>; Charles.Palmares@cityofvallejo.net <Charles.Palmares@cityofvallejo.net>; mperrey@cityofmillvalley.gov <mperrey@cityofmillvalley.gov>; gquinto@elcerrito.gov <gquinto@elcerrito.gov>; hollithiertiburontowncouncil@gmail.com <hollithiertiburontowncouncil@gmail.com>; Mary.Sackett@marincounty.gov <Mary.Sackett@marincounty.gov>; swilkinson@cityofbelvedere.org <swilkinson@cityofbelvedere.org>

You don't often get email from aliciaminyen@comcast.net. [Learn why this is important](#)

Dear MCE Board Members:

I'm writing to request that the Board should decline to adopt proposed Resolution 2026-02, "Delegating Energy Procurement Authority," in consideration of the following:

1) **Rescind Technical Committee's Vote to Approve Resolution 2026-02**

It appears that the Board of the Technical Committee voted to adopt Resolution 2026-02 based on materially inaccurate information. Specifically, MCE Staff made a presentation to the Technical Committee on April 3, 2026, where they discussed "*Key Elements of Resolution 2026-02*," which stated, in part, that "*the CEO and Tech Com chair jointly [are] authorized to approve contracts up to 10 years **and** \$100 million in notional value.*" Such language indicates that the CEO and Technical Committee Chair can only approve contracts up to 10 years and with a cap of \$100 million in notional value.

However, the language in the proposed Resolution 2026-02 is inconsistent with the aforementioned slide, which states, in part, under D.2., that the CEO and Technical Committee Chair, jointly, are authorized to approve and execute contracts for Energy Procurement with delivery periods up to or equal to 10 years (without regard to notional value) **or** with a notional value of less than or equal to \$100 million (without regard to cumulative delivery period).

*Consequently, the CEO and Technical Committee Chair have broad authority to approve contracts that can exceed \$100 million in notional value or can exceed a cumulative delivery period greater than 10 years.

Furthermore, the MCE Staff also inaccurately disclosed in the slide, "*Key Elements of Resolution 2026-02*," that the CEO is "*authorized to approve contracts up to 5 years and \$65 million in notional value.*"

The aforementioned language in the presentation also appears inconsistent with draft Resolution 2026-02 in that such Resolution under D.3. states that the CEO can authorize contracts "*of any amount with delivery periods having a cumulative total of less than or equal to 5 years.*" Resolution 2026-02 also allows the CEO to enter into contracts "*of any term with a notional value less than or equal to \$65 million.*"

*Consequently, the CEO, alone, can approve contracts over \$65 million or approve contracts that exceed a cumulative delivery period over 5 years.

Please see the "Key Elements of Resolution 2026-02" on page 32 of 33 of the following presentation:

https://mcecleanenergy.org/wp-content/uploads/2026/03/MCE-Technical_Committee-Packet-April_2026.pdf

2) Resolution 2026-02 Appears Legally Defective and Should Be Rewritten

The language under Section D.2. and D.3, of Resolution 2026-02 is not clearly written and appears to overlap. Specifically, the language under D.2. allows the CEO and Technical Committee Chair to approve contracts that can exceed \$100 million in notional value or approve contracts that can exceed a cumulative delivery period greater than 10 years.

However, the language under Section D.3. authorizes the CEO, alone, to approve contracts over \$65 million or approve contracts that exceed a cumulative delivery period over 5 years.

Given the overlap, Resolution 2026-02, should be rewritten so that there is no overlap in delivery period or notional value with respect to when the CEO, alone, versus the CEO jointly with the Technical Committee Chair, can approve contracts.

3) Rescinding Resolution 2020-04 Goes Against CalCCA's Model Practices Guide

In 2021, certain CalCCA members, including MCE's former CFO, Garth Salisbury, and Michael Callahan, MCE's former Associate General Counsel, helped develop the "Model Practices Guide," for CCAs to, among other things, "*establish model practices to guide responsible governance, sustained financial strength, and transparency.*"

The importance of good governance and having policies and guidelines are addressed in the Model Practices Guide, which "*is intended*" to be applied by a CCA member in a manner "*that best supports its operations in light of its scale, community interests, and other unique circumstances.*"

In this regard, Section 6.5, "Policies and Guidelines," of the Model Practices Guide states that a CCA's guidelines, practices, should address "*Delegation of authority identifying responsibilities, include contract authority, delegated from the governing board to a committee of the governing board or to staff, including directly to the CEO or other qualified officers or staff.*"

Notably, the prior Resolution 2020-04, was in effect while MCE's former CFO and former Associate General Counsel helped develop the Model Practices Guide. Consequently, Resolution 2026-02, which eliminates long established internal controls over contract authority goes against Model Practices Guide, which MCE's former staff helped create.

An example of a long established internal control being eliminated by Resolution 2026-02, includes the provision (which has been in place since February 16, 2017) that the CEO, jointly, with the Technical Committee chair, has authority, after consultation with the Committee of the Board, to approve and execute contracts for terms of less than or equal to five years.

See the Model Practices Guide below.

<https://cal-cca.org/wp-content/uploads/2023/01/CalCCA-Model-Practices-Guide.pdf>

4) **Unclear Whether Resolution 2026-02 improves MCE's Bilateral Negotiations**

The Staff Report for Resolution 2026-02 under "*Financial, Operational, and Compliance Impacts*," appears to indicate the reason for establishing Resolution 2026-02 was to ensure MCE can continue to "*buy and sell both capacity and energy at the speeds required by counterparties in California's bilateral power markets.*"

Please explain how Resolution 2020-04 has negatively impacted the ability to engage in bilateral power markets. In addition, please explain how often MCE engages in the bilateral power markets especially in light of the fact that MCE's *2022-2032 Operating Integrated Resource Plan*, states that MCE typically, uses competitive solicitations, such as its Open Season solicitation, or standard offer contracts like FIT.

See page 37 at the link below:

[MCE-Operational-Integrated-Resource-Plan_2023.pdf](#)

5) **Dereliction of Duty**

It's important to note that MCE's primary purpose is to procure renewable energy, and considering its size and complexity, MCE should ensure that it has established robust policies and procedures addressing procurement and contract authority, as suggested in CalCCA's Module Practice Guide.

Approving Resolution 2026-02 would be operating adverse to your respective member jurisdictions and ratepayers given that 2026-02 does not impose any meaningful controls. Consequently, approval of Resolution 2026-02 could be considered a dereliction of duty in light of all the serious issues raised by experts and the press over the last several months.

Given the aforementioned, please do not adopt Resolution 2026-02.

With appreciation,

Alicia Minyen, CPA and CFE
MCE Customer and Concerned Citizen
415-722-9211