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Public Comment Letter MCE April 16, 2026 BOD Meeting

1) 2–3 Minute Oral Version

- Approval of Resolution 2026-02 would **strip this Board of its statutory oversight** and hand it to individuals acting outside any legislative body—**undermining the Brown Act.**
- The proposal allows the CEO and a single Board officer to approve:
 - Contracts up to **10 years**
 - Up to **\$110 million**
 - Based on a **staff consultation that could be up to a year old**
- Staff is explicit: these individuals act on **“individual knowledge, not on behalf of a committee or board.”**
 - That is **not governance.**
 - That is a **deliberate workaround to avoid public oversight.**
- Ask the obvious question:
 - What standard allows **decade-long, nine-figure contracts** to be approved this way?
- The “consultation” with individual board member requirement is meaningless:
 - It can be **stale information**
 - It need not be **used**
 - It need not be **accurate**
 - Yet it is used to claim “independent knowledge”
- That is not oversight. It **fails your fiduciary duty.**
- This proposal is worse than Resolution 2020-04, which already required **Technical Committee involvement**—and even that was **largely ignored.**
- CST’s Public Records Act request shows:
 - **Widespread non-compliance**
 - **Minimal documentation of required approvals**
 - All during a period of **major overruns and operating losses**
- Since November 2025:
 - Only a **handful of heavily redacted contracts** have been produced
 - Despite **dozens per year**
 - Many have now matured—so **“market sensitivity” no longer applies**
- Instead of fixing this, staff proposes:
 - **Less oversight**
 - **Fewer decision-makers**
 - **Bigger contracts**

- **Weaker standards**
- Just weeks ago, the Board approved a **Contracts Committee**—then abandoned it.
 - Now this: an **even broader effort to avoid scrutiny**
- If markets move quickly, how can **year-old consultations justify decisions today?**
- And let's be clear:
 - **MCE is a small player in the energy market**
 - These contracts are **unlikely to move markets**
- Finally:
 - There are **no real guardrails**
 - Not even the budget—given a **\$200 million overrun without Board approval**
- This resolution does not increase transparency.
 - **It eliminates it.**