

**Sustainable Energy Utility Oversight Board Meeting  
May 5, 2008**

**Meeting Location: Buena Vista Conference Center**

**In attendance**

Senator Harris B. McDowell, III, Chair  
Dr. John Byrne, Co-chair  
Senator Patricia Blevins  
Senator Charles Copeland  
Senator Gary Simpson  
Charlie T. Smisson, Jr., Delaware Energy Office  
Keith Lake, People's Settlement Association

Attorney to the Board:  
Frank Murphy, Esquire

Task Force Staff:  
Sean Finnigan, Legislative Assistant, Delaware State Senate  
Eric Partyka, Delaware Senate Energy and Transit Committee Intern (CEEP, University of Delaware)

**Minutes**

The Board agreed to amend the March 6<sup>th</sup> minutes regarding number and category of Board members. The March 6<sup>th</sup> and 19<sup>th</sup> minutes were unanimously accepted.

**Conflict of Interest**

The Board was provided with Conflict of Interest (COI) forms from the University of Delaware, the Delaware Nature Conservancy, and the Clean Air Council. The Board agreed to review the documents in order to consider developing a COI form applicable to the SEU Oversight Board

## **Memorandum Regarding the Authority of the SEU Oversight Board**

A memorandum from the Board's Attorney regarding the authority of the SEU Oversight Board was provided to the Board. The memo concludes that the Board does not have the authority to select implementation contractors, to disburse funds to the SEU or other contractors, or to decide who does or does not receive funds from the SEU. The authority to select contractors lies with the Delaware Energy Office. The DEO selects the contract administrator.

One role of the SEU Oversight Board is to assist the Delaware Energy Office in the development of the RFP to search for a contract administrator. The Board is limited to setting targets for energy consumption reductions in the major program areas of the SEU (e.g) Green Buildings, or Sustainable Transportation but it does not control funding.

The memorandum containing a detailed legal analysis on these matters was unanimously accepted by the Board.

## **Report on Meeting with the League of Woman Voters and Delaware Nature Society**

Members of the SEU Board met with three board members of the League of Women Voters of Delaware (LWV-DE). It learned that a major distinction between the SEU and the LWV-DE is that the LWV-DE is a lobbying group and the SEU Oversight Board is not an advocacy group.

Members of the SEU Board also made a presentation to the advocacy committee of the Delaware Nature Society (DNS). The DNS offered advice on board selections.

The meetings with both the LWV-DE and DNS were positive and informative.

### **Appointing a Permanent Board**

In consultation with several organizations and public officials, a new proposal to select permanent Board members is being prepared. Policies of the Clean Air Council, the Delaware Nature Society and the Delaware chapter of the Nature Conservancy are under review, as are guidelines from federal and other sources

### **Report on the Green Energy Fund**

Charlie Smisson reported on the Green Energy Fund, a program designed to assist in the financing of customer sited renewable energy projects. The program is experiencing rapidly increasing demand and a shortage of Green Energy Fund monies relative to demand has recently occurred. Delaware is approaching 2.5MW worth of PV installed capacity.

### **Other**

Frank Murphy, the Board's Attorney, noted for the record that the SEU has been operating under the rules of the Freedom of Information Act (FOIA). He also noted that meeting minutes and the Board's bylaws are posted on the SEU website.

## **Public Comments and Questions**

John Flaherty – Recommended a review of the Delaware State Waste Authority and Delaware River and Bay Authority(DRBA) bylaws as well as their conflict of interest policies.

Lorraine Fleming, Delaware Nature Society – Made note of the public non-profit status of SEU.

Rep. Kowalko – He doesn't agree with a self-appointing board. Instead the Governor's office might appoint the new board.

Mark Turulski – Has an invention to make electricity at one-third of current cost with no emissions.

Lisa Pertzoff, League of Women Votes - Delaware – What is a public non-profit corporation (hybrid)?

Branch Hiller – He suggests that the SEU consider retrofitting existing homes. He also suggested open lines of communications with consumers.

Caroly Pryde – Raised a concern about the lack of an indication in the bylaws that FOIA is being observed. She believes the bylaws should also discuss how to remove Board members.

Dave Woodside – Asked the SEU Board to consider posting all questions on the website.

[It is noted that the SEU website is currently maintained by volunteers. When the SEU bond proceeds are secured, perhaps a budget for website maintenance can enable new capabilities.]