

Energy Efficiency and Sustainable Energy Board
Statement of Governing Principles
As Adopted by the Board, February 21, 2014 and Amended November 18, 2022

A. Legal Authority and Responsibility

The Energy Efficiency and Sustainable Energy Board (the Board) was created in 2008, by RSA 125-O:5-a. The Board's central charge is "to promote and coordinate energy efficiency, demand response, and sustainable energy programs in the state." The responsibilities of the Board as specified in the statute include an annual report on December 1 on the activities of the Board to the Governor, the Speaker of the House of Representatives, the President of the Senate, the House Science, Technology and Energy Committee, the Senate Energy and Natural Resources Committee, the Department of Energy and the Public Utilities Commission.

B. Appointment of Members and Nonvoting Participants (pursuant to RSA 125-O:5-a)

The members of the board shall number 18, as follows:

- (a) The Chairman of the Public Utilities Commission, or designee;
- (b) The Commissioner of the Department of Energy, or designee;
- (c) The Consumer Advocate, or designee;
- (d) The Commissioner of the Department of Environmental Services, or designee;
- (e) The Commissioner of the Department of Business and Economic Affairs, or designee;
- (f) The President of the Business and Industry Association of New Hampshire, or designee;
- (g) The Executive Director of the New Hampshire Municipal Association, or designee;
- (h) The Executive Director of New Hampshire Legal Assistance, or designee;
- (i) The President of the Homebuilders & Remodelers Association of New Hampshire, or designee;
- (j) Two members of the House Science, Technology and Energy committee appointed by the Speaker of the House of Representatives;
- (k) One member of the Senate Energy and Natural Resources Committee¹, appointed by the President of the Senate;
- (l) Three representatives from not-for-profit groups representing energy, environmental, consumer, or public health issues and knowledgeable in energy conservation policies and programs, appointed by the Commissioner of the Department of Energy;
- (m) The Commissioner of the Department of Administrative Services, or designee;
- (n) The State Fire Marshal, or designee; and
- (o) The Executive Director of the New Hampshire Housing Finance Authority, or designee.

The Board shall include the following nonvoting participants:

- (a) One representative from each utility-administered electric and natural gas energy efficiency program appointed by the Commissioner of the Department of Energy;
- (b) A representative of energy services companies delivering energy efficiency services to residential and business customers, appointed by the Commissioner of the Department of Energy;

¹ Successor to the Senate Energy, Environment, and Economic Development Committee

- (c) A representative of a business or association of businesses selling or installing sustainable or renewable energy systems, appointed by the Commissioner of the Department of Energy; and
- (d) A representative from the investment community with expertise in efficiency investments and financing, appointed by the Commissioner of the Department of Energy.

C. Officers and Responsibilities

Chair: Effective January 2023, the Chair shall be elected annually by the Board from among the Members and non-voting participants and shall fulfill the following responsibilities:

- Prepare an agenda and provide for appropriate notice of meetings;
- Preside over the meetings of the Board;
- Assure compliance with RSA 91-A; and
- Guide the Board in its efforts to fulfill its statutory responsibilities.

Vice Chair: The Board will annually elect a Vice Chair from among the Members and non-voting participants. The duties of the Vice Chair are as follows.

- Assist the Chair in the fulfillment of his or her responsibilities; and
- Serve as Chair during his or her absence or during a transition if there is no Chair.

To help foster leadership development and the direct involvement of all members, it is the Board's objective that those elected to serve as Chair and Vice Chair should be expected to serve in those offices for a single term. The election of officers will be made at the Board's regular meeting in January of each year. If the Chair should become vacant, the Vice Chair will succeed the Chair for the remainder of that term. If the Vice Chair position should become vacant during their term the Board may elect an individual that complies with the qualifications immediately above to serve for the remainder of that term. There shall be no prohibition on an individual serving successive terms should they be elected by the Board to do so.

D. Member Responsibilities

Members and nonvoting participants are expected to attend all meetings of the Board to the extent feasible, and to participate with and assist the Board in fulfilling its responsibilities.

In compliance with RSA 125-O:5-a, "[n]o member of the Board shall vote on a matter in which the member, his or her spouse or dependent, or the organization or entity represented by or employing the member, has a private interest which may directly or indirectly affect or influence the performance of his or her duties." In addition, members are required to file a statement of financial interest in accordance with RSA 15-A.

Guidance on abstention: "to disqualify, the personal pecuniary interest of the official must be immediate, definite, and capable of demonstration; not remote, uncertain, contingent, and speculative, that is, such that men of ordinary capacity and intelligence would not be influenced by it." Atherton v. Concord, 109 N.H. 164, 165 (1968).

Board members and nonvoting participants are not precluded from advocating or taking a public position on any matter on their own behalf or that of their employer, whether or not consistent with any official position taken or under consideration by the Board.

E. Meetings

The Board shall hold regular monthly meetings unless notice of a change, postponement or cancellation is issued by the Chair in advance. The Chair may also call for a special meeting should the need arise. No action may be taken at any meeting unless a quorum is present. A quorum is defined in RSA 125-O:5-a, IV as seven members. In accordance RSA 91-A, meeting notices will be physically posted at least 24 hours prior to the meeting in two appropriate places, one of which may be the public body's website. As a general rule, meeting notices should, at a minimum, be posted on the EESE Board's webpage (<https://www.energy.nh.gov/energy-efficiency-sustainable-energy-board>). Draft meeting minutes shall be available for inspection within five business days following the meeting.

The Board shall conduct its business in accordance with the following guidelines. These guidelines are intended to create an inclusive process that recognizes and seeks to integrate the range of member and non-member experience, expertise, and perspectives in order to provide the Governor, the Legislature or legislative committees, the Public Utilities Commission, and the Department of Energy with the most robust and comprehensive recommendations and advice possible.

- (a) **Commitment to Open Process:** The Board is committed to open communications and participation in the exercise of its responsibilities. All meetings shall be open to the public and publicly noticed. Meetings shall take place in a location that allows seating for members of the public wishing to attend. The Board shall provide an opportunity for public comment at every meeting and shall actively solicit input from interested parties to the extent practicable.
- (b) **Decision-making Procedures:** A decision by the Board must be initiated by a motion duly made and seconded by voting members. The Chair shall provide an opportunity for comment from members and nonvoting participants prior to holding a vote. Members are encouraged to work constructively and efficiently in the crafting and amending of motions to streamline the process. In order to pass, a motion must be voted in the affirmative by a majority of the voting members present, with the exception of policy recommendations which require a 2/3 majority (see (g) below). The meeting minutes shall be written to reflect majority and minority positions, as well as the views of nonvoting participants.
- (c) **Policy Recommendations:** The Board may make recommendations from time to time to the Governor, the Legislature or legislative committees, to the Public Utilities Commission, to the Department of Energy, or to other public bodies. All policy recommendations must be subject to a vote and be passed by a 2/3 majority of the voting members present. During the discussion of motions for policy recommendation the Board will seek consensus where

possible. At the request of a dissenting member, the statement of policy recommendation will note whether any member dissented, and the dissenting member(s) may provide a brief explanation for the dissent.

F. Committees

The Board, as a means to fulfill its responsibilities, may from time to time appoint Committees or Working Groups to serve in an advisory capacity to the Board. Such Committees or Working Groups will be established by vote of the Board. Committees shall be subject to the provisions of RSA 91-A specifically including public notice of each meeting and availability of draft minutes within five business days.

A motion authorizing a committee must indicate the purpose and duties of the Committee and the membership thereto, or a process for determining such membership, such as by appointment. Committee membership may be extended to individuals or organizations that are not members or nonvoting participants of the Board, if so indicated in the motion.

At the time a Committee is established by the Board, the Board shall determine whether the Committee Chair or co-Chairs shall be appointed by the Board Chair or elected by the members of the Committee, however the Chair, or at least one of the two co-Chairs, or at least two of the members must be a Board member or nonvoting participant.

Committees will be required to report to the Board on their activities on a regular basis as requested by the Chair.

G. Administrative Matters

The Board is administratively attached to the Department of Energy under RSA 125-O:5-a, V and RSA 21-G:10, and the Department of Energy provides the Board with administrative support to facilitate the work of the Board. The Department of Energy hosts a comprehensive Board webpage where all meeting materials and background information can be found: <https://www.energy.nh.gov/energy-efficiency-sustainable-energy-board>. This website also serves as an official Public Record of the Board.

H. Governance

The Board shall operate in accordance with its Statement of Governing Principles, which principles shall be reviewed at least once every two years or upon request of a member or nonvoting participant.