



## **Board of Directors Meeting**

Wednesday, October 18, 2017

6:00 pm

City of Hayward Council Chambers  
777 B Street, Hayward, CA

# **DRAFT**

## **Summary Minutes**

*Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the Clerk of the Board, at least 2 working days before the meeting at (510) 670-5400 or [Scabrera@ebce.org](mailto:Scabrera@ebce.org).*

*If you have anything that you wish to be distributed to the Board please hand it to a member of EBCE staff who will distribute the information to the Board members and other staff.*

### **1. Welcome & Roll Call**

**Present:** Directors: Pilch (Albany), Arreguin (Berkeley), Biddle (Dublin), Martinez (Emeryville), Bacon (Fremont), Mendall (Hayward), Carling (Livermore), Rood (Piedmont), Thomas (San Leandro), Eldred (Community Advisory Committee); Vice-Chair Kalb (Oakland) and Chair Haggerty (Alameda County)

**Excused:** Director Ellis (Union City)

### **2. Pledge of Allegiance**

### **3. Public Comment**

*This item is reserved for persons wishing to address the Board on any EBCE-related matters that are not otherwise on this meeting agenda. Public comments on matters listed on the agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Board are customarily limited to two minutes per speaker, but an extension can be provided at the discretion of the Chair.*

**Jennifer West** – Shared a discussion paper on energy efficiency programs in the east bay

**Members of the Public** spoke regarding the **Local Development Business plan**; requesting the document be shared with the public; having the opportunity to meet with consultants reviewing the LDBP and issues receiving notification of EBCE meetings.

### CONSENT AGENDA

#### 4. Approval of Minutes from September 20, 2017

**Director Arreguin motioned to approve the September 20, 2017, minutes as amended:**

• **Correct attendance to show Director Arreguin (Berkeley) was present**  
**Director Mendall seconded the motion which carried 11/0; Excused: Director Ellis**

### REGULAR AGENDA

#### 5. CEO Report

**Tom Kelly**- Spoke regarding the Power Charge Indifference Adjustment (PCIA) proceedings; questioned the hiring of Dallas Wright Tremaine and why EBCE is not seeking options to share counsel with CalCCA.

**Al Weinrub** – Requested information on EBCE’s position in the PCIA proceedings and would like the opportunity to provide input.

#### 6. Request for Appointment of Community Advisory Committee Alternates

(Action Item)

Approve the following recommendations:

- A. Adopt a provision to allow CAC members to have an alternate to represent their CAC seat in the event of an excused absence of a CAC member;
- B. Allow the CAC member to select his or her alternate for consideration and appointment by the Board for the term of his or her seat; and
- C. Revise and update the EBCE JPA Agreement and/or bylaws as required to permit the EBCE Board to make appointments of CAC member alternates

The Board discussed:

- Selection and appointment process for alternates
- Returning the item to the CAC for further committee discussion
- Appointment authority
- Process to amend JPA
- Identifying other potential amendments to the JPA
- Timing of amendments and review

**Barbara Stebbins** – Spoke in support of the CAC having alternates.

**Direction given to staff to identify potential amendments to the JPA and present to the Board for discussion in January.**

**7. Update on Billing/Data Management/Call Center Selection and Authorization for Chief Executive Officer to Execute Contract (Action Item)**

Recommendation:

Adopt a Resolution authorizing the Chief Executive Officer to execute a final contract with the Sacramento Municipal Utility District that includes each of the key terms outlined in the background and discussion section.

The CAC recommended:

- Selecting a vendor based on core principals;
- Reconvening the selection committee to evaluate the SMUD proposal; and
- EBCE define a RFP process for future contracts.

The Board discussed:

- RFP process
- Options to proceed with vendor selection
- Potential delays to program due to deferring selection
- Creation of local jobs and request for local hire preference

**Barbara Stebbins** – Spoke against RFP process and need for more interaction with CEO

**Tom Kelly** – Spoke against RFP process; provided information on SMUD energy portfolio and recommended continuing the discussion.

**Jessica Tovar** - Spoke regarding list of criteria recommended by East Bay Clean Power Alliance; against RFP process, and timing of agenda distribution.

**Victor Uno** – Acknowledged Collective Bargain Agreement with SMUD. Mr. Uno spoke in opposition of staff recommendation; Labor Council's opposition to the recommendation; need to follow defined RFP process, and in support of awarding contract to Calpine.

**Bruce Jensen** – Spoke in support of the recommendation and the need to complete vendor selection in order for program to maintain long term competitiveness.

**Ernie Pacheco** – Spoke in support of resolving vendor selection quickly; against RFP process and in support of contracting with GridX. Mr. Pacheco also recommended the Whole Sale Power Service RFP process be completed or change the process to a single source process

**Al Weinrub** - Spoke against including authorization to negotiate whole sale energy services and RFP process

**Audrey Ichinoche** – Spoke in opposition of staff recommendation; need to define RFP process; County diversity, and in support of a faster program phase-in.

**Angela Scott** – Spoke regarding need for defined RFP process and transparency.

**Meghan O’Neil** – Spoke regarding the need for a defined RFP process and CAC opposition to recommendation

**Tony Choi** – Spoke regarding RFP participation; in opposition of bid selection, and questioned rejection of Calpine bid.

**Colin Miller** – Spoke regarding need for transparent process, community involvement, recommended selection criteria and creation of local jobs.

**Chuck Rames** – Spoke against RFP process and recommended reviewing the LDBP and Data Management proposals for compatibility prior to making vendor selection.

**Cynthia Landry** – Spoke against staff recommendation; need for defined RFP process, and GridX call routing.

**Curry Stypyla** – Spoke in support of intent of bundling contracts; against current RFP process; and the Wholesale Energy Services RFP.

**Luiz Amezcua** – Recommended staff divide contract amongst original bid respondents.

**Jian Zhang** – Spoke regarding RFP process; GridX response to RFP 17-1; providing program assistance; company qualifications; and local job creation.

**Director Biddle motioned to authorize the CEO to execute a final contract with Sacramento Municipal Utility District. Director Rood seconded the motion.**

**Director Arreguin made a substitute motion to continue item to Wednesday 11/1/17 and reconvene the selection committee to review SMUD proposal. Motion passed 7/3/1; Ayes: Directors: Arreguin, Martinez, Bacon, Carling (alt), Thomas, Kalb and Haggerty; Noes: Directors: Biddle, Mendall and Rood; Abstained: Director Pilch; Excused: Director Ellis**

**8. Resolution Authorizing the Chief Executive Officer to Hire within IP Budget**  
(Action Item)

Recommendation:

Adopt a Resolution authorizing the Chief Executive Officer (CEO) to hire key executive positions identified in the CEO’s proposed organizational chart, at salaries within EBCE’s budget for personnel spending provided in the EBCE Implementation Plan.

**Director Arreguin motioned to authorize the Chief Executive Officer to hire within the Implementation Plan Budget. Director Rood seconded the motion which carried 12/0; Excused: Director Ellis**

**9. Community Choice Aggregator Service Agreement with PG&E (Action Item)**

**Recommendation:**

Adopt a Resolution authorizing the Chair to execute the Community Choice Aggregator Service Agreement with Pacific Gas & Electric Company.

**Director Rood motioned to authorize the Chair to execute the Community Aggregator Service Agreement. Director Arreguin seconded the motion which carried 11/0; Excused Director Ellis**

**R-2017-14**

**10. Board Member and Staff Announcements**

**Director Pilch requested report on the status of the LDBP at the 11/15/17 meeting.**

**Chair Haggerty directed staff research catastrophic insurance options for EBCE.**

**11. Adjournment – to Wednesday, November 1, 2017**