



**\*Draft Minutes\***

**Board of Directors Meeting**

Wednesday, June 19, 2019

6:00 pm

City of San Leandro

Council Chambers

835 E. 14<sup>th</sup> Street,

San Leandro, CA 94577

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*If you have anything that you wish to be distributed to the Board, please hand it to the clerk who will distribute the information to the Board members and other staff. Please bring at least 25 copies.*

**1. Welcome & Roll Call**

**Present:** Directors: Haggerty (Alameda County), Pilch (Albany), Arreguin (Berkeley), Mei (Fremont), Mendall (Hayward), Munro (Livermore), Rood (Piedmont), Hernandez (San Leandro), Dutra-Vernaci (Union City), Sutter (Community Advisory Committee), Vice-Chair Martinez (Emeryville) and Chair Kalb (Oakland)

**Excused:** Director Hernandez (Dublin)

**2. Pledge of Allegiance**

**3. Chairman's Clean Energy Champion Award (Presentation)**

Chair Haggerty presented the "Chairman's Clean energy Champion Awards" to Shawn Wilson, Alameda County District 1 staff, Anne Olivia Eldred, Community Advisory Committee Chair, and Jessica Tovar, East Bay Clean Power Alliance. Awardees were recognized for their efforts and contributions in the creation of East Bay Community Energy.

**4. 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 three minutes per speaker. The Board Chair may increase or decrease the time allotted to each speaker.*

**5. Chair and Vice-Chair Elections**

Director Arreguin motioned to nominate Vice-chair Kalb as Chair. Director Mendall seconded the motion.

Vice-chair Kalb accepted the nomination and the Motion passed 11/0; Excused; Director Hernandez (Dublin)

Director Arreguin motioned to nominate Director Martinez as Vice-Chair. Director Mendall seconded the motion.

Director Martinez accepted the nomination and the Motion passed 11/0; Excused; Director Hernandez (Dublin)

**CONSENT AGENDA**

**6. Approval of Minutes from June 5, 2019**  
Continue the minutes to July meeting

**7. Out of State Travel (Informational Item)**

**8. Contracts entered into (Informational Item)**

**9. Air District Control Grant**

Adopt a resolution authorizing the CEO to execute a Consulting Services Agreement with ARUP North America, LTD, to conduct services necessary to assist with completion of Bay Area Air Quality Management District Climate Grant Tasks and deliverables.

**R-2019-12**

**10. Revision to NEM tariff**

Approve a Resolution to amend the Electric Schedule NEM - Net Energy Metering Service so that it is aligned with both customer expectations and existing operations

**R-2019-13**

**11. EBCE Ticket policy**

Adopt a resolution to adopting a Complimentary Ticket Policy to guide the distribution of tickets EBCE receives, and a resolution adopting an Event Sponsorship Policy to guide EBCE in determining which events EBCE may sponsor.

**R-2019-14**

**R-2019-15**

**EBCE-P #11**

**EBCE-P #12**

**12. Amendment to Legal Services Agreement with Wilson Sonsini Goodrich Rosati**

Approve and delegate authority to the Chief Executive Officer to negotiate and execute an amendment to the Legal Services Agreement with Wilson Sonsini Goodrich Rosati (WSGR) for services related to power procurement. The amendment would increase the contract amount not to exceed \$250,000 and extend the contract term through June 30, 2020.

**R-2019-16**

**13. Energy Efficiency Data Sharing (Action Item)**

Approve staff recommendation to allow data sharing pilot program with energy efficiency Pay for Performance contractors to proceed.

**14. 2019-2020 Value Proposition - Public Comment Review**

Accept an update from staff on the 2019-2020 Value Proposition public comment staff actions taken and comments received

**Barbara Stebbins** - Requested additional information on **Consent Item 11 Ticket Policy** and thanked staff for the policy creation

**Tom Kelly** - Thanked Supervisor Haggerty for his leadership on the Alameda County Board of Supervisors, EBCE Board, and for finding a funding source to establish a CCA in Alameda County. Mr. Kelly also requested additional information on outreach being done in Pleasanton and Newark, recommending that it be noted the Board Chairs represent the largest and smallest cities in the agency and ease concerns of representation for smaller cities.

**Mark Hall** - Spoke in support of **Item 13 Energy Efficiency data sharing**. Highlighting the increased ability to meet community needs, support the LDBP and create local jobs.

**Director Dutra-Vernaci motioned to approve the consent calendar as amended:**

**A. Continue Item 5 Minutes**

**Director Arreguin seconded the motion which carried 11/0; Excused Director Hernandez (Dublin)**

**REGULAR AGENDA**

**15. CEO REPORT**

- A. Executive Committee Meeting;
- B. Marketing and Outreach update;
- C. Local Development Business Plan Update and
- D. Update on Opt-out

The CEO introduced new staff members Mike Susko, Power Resources Manager, Alex DiGiorgio, Public Engagement Manager, and Maggie Chang, Summer outreach intern.

The Board requested additional information on the public safety shut offs and how it affects EBCE operations. The Board also requested that member cities have staff contact EBCE Local Development and Electrification staff for critical shut off information.

**Tom Kelly** - spoke to regarding the Opt-out rates reporting on the local jurisdictions and the importance of sharing this information with member cities on a quarterly bases to encourage outreach and participation.

#### **16. Community Advisory Committee Report**

Vice-Chair Sutter provided feedback to the Board from the 6/17/19 CAC meeting where the CAC received a presentation from staff on the Local Development Business plan programs and look forward to working with staff on program development. The Advisory committee also requested clarity on where the Local Development Business Plan (LDBP) shows in the itemized budget and would like to know what metrics are being used to measure a successful program. Vice-Chair Sutter also informed staff that the committee would like to hear more about EBCE's legislative strategy and would like a staff presentation.

#### **17. Regulatory/Legislative update and Legislative Position on SB 155 (Action Item)**

Staff recommends that EBCE take an "oppose unless amended" position on SB 155 (Bradford).

**Al Weinrub** - Spoke regarding California Alliance for Community Energy's recommendations regarding EBCE procurement of its energy reiterating their stance on prioritizing local renewable energy creation to maximize program benefits. Mr. Weinrub also spoke regarding legislative bills with the potential to undermine CCA programs and requested additional information on the EBCE strategy

##### **The Board discussed:**

- SB155 Comments
- Potential State Senate motivations
- Reviewing bills identified by the community.
- Requesting member cities to support EBCE positions via city lobbyists.
- Current city activity to support EBCE positions

**Director Mendall motioned to take an "Opposed unless amended" position on SB 155 (Bradford). Director Pilch seconded the motion which carried 11/0; Excused: Director Hernandez (Dublin)**

#### **18. Community Innovation Grant Awards (Action Item)**

Approve the recommendation to award six \$40,000 grants for a total of \$240,000 in Community Innovation Grants

**Barbara Stebbins** - Spoke in support of the grant awardees, number of applicant and recommended using supporting additional grants through additional LDBP funding.

**Director Mendall motioned to award six \$40,000 grants. Director Hernandez (SL) seconded the motion which carried 11/0; Excused: Director Hernandez (Dublin)**

**Director Haggerty left the meeting**

**19. PG&E Time-Of-Use Rate Transition (Action Item)**

Receive report on planned PG&E Time-of-Use (TOU) rate transition, and approve resolution for EBCE participation in a transition of residential and non-residential customers to a default TOU rate in concert with the efforts of PG&E.

**Continued to Wednesday, 7/17/19**

**20. Salka and EDPR Contract Approvals (Action Item)**

Adopt two resolutions authorizing the CEO to execute a 20-year Power Purchase Agreement based on a 57.5Mwac local Alameda County Wind Project (“Alameda Wind PPA”) with Salka as the developer and a 20-year Power Purchase Agreement based on a 100MW solar PV + 30MW storage Project located in Fresno County (“Solar+Storage PPA”) with EDPR as the developer.

The Alameda Wind PPA is expected to begin to deliver all associated output, which includes energy, RECs, and RA in Dec 2020 for a period of 20 years and the Solar+Storage PPA is expected to begin to deliver all associated output in Dec 2022 for a period of 20 years. Both counterparties were awarded as part of a competitive solicitation, deemed the CA Renewable Energy RFP. We anticipate bringing forward additional projects for approval from this RFP in the future.

**The Board Discussed:**

- Legality allowing the Board to review PPAs
- Requested additional information of PPA viewing limitations from General Counsel
- Explanation of the Risk Curve
- Cost Differentials
- Thanked staff for pace of growth in first year
- Cost Parity
- Battery storage and future applications

**Jessica Tovar**- Spoke regarding the Local Development Business Plan Goals and importance of prioritizing projects in the area and in the state.

**Barbara Stebbins** - EBCPA supports the Salka project and urged the board to reject the second contract due to the location of the project.

**Tom Kelly** - Spoke regarding concerns of the contract terms but spoke in support of the projects and their locations due to the potential impact on the local economies.

**Director Hernandez** away from dais

**Director Mendall** motioned to adopt two resolutions authorizing the CEO to execute a 20-year agreement with Salk and a 20- Year agreement with EDPR. **Director Arreguin** seconded the motion which carried 9/0/1; **Abstained: Director Hernandez (SL); Excused: Directors: Haggerty and Hernandez (Dublin)**

R-2019-18

R-2018-19

**21. FY 2020 Budget and Value Proposition (Action Item)**

- A. Approve East Bay Community Energy's Fiscal Year 2020 Budget; and
- B. Approve Staff proposal to make no change to East Bay Community Energy's customer value proposition of a 1.5% discount on Bright Choice, price parity with PG&E for Brilliant 100 and \$0.01/kWh premium for Renewable 100

**Director Hernandez (SL) returned to the dais**

**The Board Discussed:**

- Ability to increase LDBP Budget
- Energy Procurement Expenditures
- Creating a roadmap to guide future budget setting
- Long term product offerings
- Budget for Technical consultants
- Including FY18-19 unused funds in the FY19-20 budget
- High visibility projects to increase LDBP support

**Moriah Losalde** - with Youth Versus the Apocalypse spoke in support of East Bay Clean Power Alliance's recommendation to increase the LDBP budget and spoke in support of environmental justice.

**Romari Ashe**- with Youth Versus the Apocalypse spoke regarding the benefits of clean energy, environmental justice and creating green jobs in low income communities. Mr. Ashe also thanked EBCE for encouraging fuel switching and would like to see the LDBP budget increased to support more growth.

**14 Members of the public spoke retarding:**

- Increasing LDBP Budget;
- Importance of a strong LDBP;
- Known and potential benefits to the community;
- Job creating;
- Community and Agency collaboration;
- Vehicle electrification;
- City emissions and power mix requirements to meet goals;
- Energy Procurement costs
- Increasing staffing to support programs; and
- Thanked the Board for supporting a "Green New Deal" in Alameda County through its efforts.

**Francis O'Brian** - Read "Hieroglyphic Stairway" a poem by Drew Dellinger

**Director Hernandez (SL) motioned to approve the FY 2020 Budget and Value Proposition as amended to:**

- A. Increase budget by \$1.5mm (carry over from FY18-19)

**Director Mei seconded the motion.**

**Director Arreguin made a friendly amendment to indicate the \$1.5mm will be unallocated within LDBP and direct staff to create spending plan.**

**Amendment was accepted and the motion passed 10/0; Excused: Directors Haggerty and Hernandez (Dublin)**

**22. Selection of Auditor (Action Item)**

Seek Board approval to delegate authority to the Chief Executive Officer to negotiate and execute a contract with Pimenti & Brinker LLP for a three (3) year term of service plus two (2) optional years as EBCE's financial auditor.

The Board requested clarification of the two year option ensuring the decision is made by the Board.

**Director Pilch motioned to delegate authority to the Chief Executive Officer to negotiate and execute a contract with Pimenti & Brinker LLP. Director Rood seconded the motion which carried 10/0; Excused: Directors Haggerty and Hernandez (Dublin)**

R-2019-21

**23. Community Advisory Committee Appointments.**

**Director Arreguin motioned to appoint the following persons to the CAC:**

- A. Anne Olivia Eldred; and
- B. Ernesto Pacheco

**24. Board Member and Staff Announcements including requests to place items on future Board Agendas**

**25. Adjourned**