



Board of Directors Meeting

Wednesday, June 20, 2018

6:00 pm

City of Hayward
Council Chambers
777 B Street,
Hayward, CA 94544

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) 736-4981 or Scabrera@ebce.org.

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

1. Welcome & Roll Call

Present: Directors: Pilch (Albany), Hahn (Berkeley), Hernandez (Dublin), Martinez (Emeryville), Bonacorssi (Fremont), Mendall (Hayward), Rood (Piedmont), Thomas (San Leandro), Singh (Union City), Eldred (Community Advisory), Vice-Chair Kalb (Oakland), and Chair Haggerty (Alameda County)

2. Pledge of Allegiance

Directors Arreguin and Rood arrived at 6:05 pm

3. Closed Session CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of California Government Code Section 54956.9 -- one case.

4. Report on action taken in Closed session

The Board took no reportable action in Closed Session

5. 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.

Audrey Ichinose - Spoke regarding AB 813 Regionalization and recommended that EBCE take a formal position opposing the bill.

CONSENT AGENDA

6. **Climate Corps Fellowships - Agreement between EBCE and Strategic Energy Innovations**
Approve the "Agreement for Placement of Climate Corps Program Fellows between The East Bay Community Energy Authority and Strategic Energy Innovations" for up to \$112,841 to fund up to two year-long fellows that will support community outreach as part of Phase 2 launch to residential customers
7. **Legal Services Agreements with Richards & Gershon and Troutman Sanders**
Recommendation
 - A. Approve an amendment to the Legal Services Agreement with Richards Watson & Gershon adding \$25,000 to the contract amount for a total contract amount of \$290,000 and extending the Legal Services Agreement to August 30, 2018.
 - B. Approve a resolution authorizing the CEO to negotiate and execute a legal services agreement with Troutman Sanders to provide legal services in connection with power procurement for an amount of \$150,000 for the period November 15, 2017 through August 31, 2018.

Director Rood motioned to approve the Consent Calendar. Director Pilch seconded the motion which carried 11/0; Excused: Director Kalb

Director Kalb arrived at 6:17pm

REGULAR AGENDA

8. **Approval of Minutes from May 16, 2018**
Director Pilch motioned to approve the May 16, 2018 minutes Director Mendall seconded the motion which carried 11/0/1; Abstained: Director Bacon
9. **Community Advisory Committee Report on Chair elections**
Director Eldred reported that she and Committee member Megan O'Neil were reappointed as Chair and Vice-Chair of the Community Advisory Committee.
10. **CEO REPORT**
 - A. Executive Committee Meeting;
 - B. Marketing;
 - C. Update on Opt-Outs; and
 - D. Local Development Business Plan

Presented

11. **Amendments to the Joint Powers Agreement (Action Item)**
Adopt a resolution amending the East Bay Community Energy Authority ("EBCE") Joint Powers Agreement ("JPA") to:
 - A. Allow a Board Member or alternate who is no longer on the governing body of a member agency to continue to serve on the EBCE Board of Directors until a new Director or alternate is appointed by the member agency;

- B. Provide for up to three alternates to serve on the Community Advisory Committee (“CAC”) in the event that regularly appointed committee members cannot attend;
- C. Appoint the Chair and Vice Chair of the EBCE Board in June to serve consistent with the EBCE fiscal year, which is July 1 to June 30; and
- D. Amend the timeline for preparation of the Local Development Business Plan (“LDBP”).

**Pilch motioned to approve amendments with the exception of item C.
Motion did not receive a second**

Director Arreguin motioned to approve the Amendments to the Joint Power Agreement. Director Mendall seconded the motion which carried 12/0

12. **Approval of Updates to the EBCE Rate Sheets (Action Item)**
Approve the updated rate sheets for the *Bright Choice*, *Brilliant 100*, and *Renewable 100* product services.

Director Mendall motioned to Approve the Updates to the EBCE Rate Sheets. Director Pilch seconded the motion which carried 12/0

13. **Approve Legislative Position on Senate Bill (SB) 64 Fossil-fuel generation units (Action Item)**
Approve EBCE taking a formal “Support” position on SB 64 (Wieckowski) Fossil-fuel generation units.

The Board requested additional information and provided direction on how EBCE’s Support of SB 64 (Wieckowski) will be communicated.

Director Arreguin motioned to approve taking a formal “Support” position on SB 64 (Wieckowski). Director Rood seconded the motion which carried 12/0

14. **Delegation of Authority to EBCE Executive Committee (Action Item)**
Adopt a resolution delegating authority to the Executive Committee to:
- A. Authorize the Chief Executive Officer (“CEO”) to submit responses to requests for proposals;
 - B. Authorize the CEO to prepare letters of support for grants submitted by other agencies and nonprofit organizations;
 - C. Provide direction to staff related to supporting or opposing legislation or regulatory rulemaking; and
 - D. Review operating policies and procedures and submit a recommendation to the full Board

The Board Discussed:

- Executive Committee Scope
- Presenting action taken to Full Board if unable to consult full Board prior to taking action
- Creating a list of legislative matters of interest - Present progress reports on EBCE actions

**Director Mendall motioned to Delegation of Authority to EBCE Executive Committee.
Director Rood seconded the motion which carried 12/0**

15. East Bay Community Energy 2018 - 2019 Budget (Action Item)

Approve the proposed Fiscal Year 2018-2019 Budget, which includes projections for Revenues, Expenses, Financial Reserves, and Local Development.

The Board Discussed:

- PG &E Energy Source filing - potential effect on EBCE budget
- Mid-year Budget review - workshop opportunities.

Jessica Tovar on behalf of East Bay Clean Power Alliance (EBCPA) - Spoke regarding EBCPA's appreciation of staff recommendation to set aside \$2mm of revenues for local development. EBCPA would like to request the contributions to the LDBP be raised to \$4mm

Mendall motioned to approve the recommendation as amended to

A. Section 5 the first budget update shall be in early Q1 2019

Director Bacon seconded the motion which carried 12/0

16. East Bay Community Energy Financial Reserves Policy (Action Item)

Approve a Financial Reserves Policy for EBCE providing for four separate funds including:

- Operating/Credit Reserve for the purpose of supporting agency credit;
- Rate Discount Reserve to help ensure that EBCE can maintain rate parity with PG&E;
- Collateral Reserve to allow the posting of collateral for energy and related purchases;
and
- Local Development Reserve that allows multi-year local program funding commitment

The Board discussed:

- Reserve fund process - Clarification of process and order in which each account will receive funding
- Fund thresholds - ability to adjust at a later time

Director Mendall motioned to approve the financial reserves policy as amended:

A. Section 8 of resolution amend to include "the minimum thresholds follow the financial reserves policy"; and

B. Table 1 in financial reserves policy reflect minimum annual contributions as described in policy

Director Spedowski seconded the motion which carried 12/0

17. JPA Member Election to Default Phase 2 Customers onto Brilliant 100 or Renewable 100 (Action Item)

Adopt a resolution directing staff to make the necessary arrangements to adjust the default service for the Phase 2 enrollment to be *Brilliant 100* or *Renewable 100* for certain residential customers in Piedmont, Albany and Hayward.

The Board discussed Albany and Piedmont efforts to educate residents on options and gain community support to opt-up the default product.

Jessica Tovar on behalf of EBCPA - Spoke in support of not displacing CARE, FERA and Medical Baseline customers and concerns regarding defaulting communities instead of using the opportunity to educate residents on the opt-up options.

Director Rood motioned to approve JPA Member Election to Default Phase 2 Customers onto Brilliant 100 or Renewable 100. Director Mendall seconded the motion which carried 12/0

18. East Bay Community Energy Integrated Resource Plan (IRP) Scenarios (Informational Item)

Discuss EBCE's Integrated Resource Plan Filing (IRP):

- A. Receive briefing on CPUC IRP Guidelines and compliance requirements; and
- B. Discuss EBCE's approach to developing CPUC IRP.

Jessica Tovar on behalf of EBCPA - Spoke regarding the opportunity for the public to weigh in on the draft IRP and have a week comment period when submitting the detailed IRP plan.

19. CAC Appointment Recommendations (Action Item)

Appoint the following applicant to the Community Advisory Council:

- A. Brinda Thomas, Fremont

Director Bacon motioned to Appoint Brinda Thomas to the Community Advisory Committee. Director Kalb seconded the motion which carried 12/0

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

Director Mendall impressed with the quality of work that is coming out of EBCE.

21. Adjourned