



Board of Directors Meeting
Draft Minutes

Wednesday, September 19, 2019

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. Please bring at least 25 copies.

1. Welcome & Roll Call

Present: Haggerty (Alameda County), Pilch (Albany), Arreguin (Berkeley), Hernandez (Dublin), Bacon (Fremont), Mendall (Hayward), Munro (Livermore), Rood (Piedmont) Lopez (San Leandro), Vice-Chair Martinez (Emeryville), and Chair Kalb (Oakland)

Absent: Director Patino (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 three minutes per speaker. The Board Chair may increase or decrease the time allotted to each speaker.

Jessica Tovar - Spoke regarding meeting transparency and venue accessibility, the importance of diversity in community in CAC member selection, and thanked Director Haggerty for his work and leadership in creating EBCE.

Barbara Stebbins - Thanked Director Haggerty for his work in championing EBCE and bringing it to fruition.

4. Appoint Labor Negotiators (Action Item)

Appoint the following Board members as Labor Negotiators:

- A. Chair Kalb;
- B. Vice-Chair Martinez; and
- C. Director Mendall

No action taken

5. Closed Session

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset
- B. CONFERENCE WITH LABOR NEGOTIATORS under California Government Code section 54957.6, EBCE Designated Representatives: Dan Kalb, Diane Martinez, and Al Mendall Unrepresented Employee: Chief Executive Officer

6. General Counsel Report out of Closed Session

There were no reportable actions in closed session

CONSENT AGENDA

7. Approval of Minutes from July 17, 2019

8. Contracts entered into (Informational Item)

9. Out of State Travel (Informational Item)

10. Grant to Center for Climate Protection to Support Consideration of new CCAs in Central Valley

Approve a grant to the Center for Climate Protection for \$30,000 to support their Central Valley CCA project and delegate to the CEO to negotiate and execute a grant agreement

11. EBCE Rate Modifications (Informational Item)

Receive an update from staff regarding EBCE rate modifications

Jessica Tovar - Spoke in favor of the Community Grant for the central valley

Director Mendall motioned to approve the Consent Agenda with the exception of Item 10. Director Pilch seconded the motion which carried 11/0; Excused: Director Patino

Director Mendall motioned to approve Item 10. Vice Chair Martinez seconded the motion which carried 11/0; Excused: Director Patino

REGULAR AGENDA

12. CEO REPORT

- A. Executive Committee Meeting;
- B. Marketing, Regulatory and Legislative Sub-committee; and
- C. Local Development Business Plan Update

Presented

The Board discussed:

- Thoughts on including nuclear energy in EBCE portfolio
- Accelerating the increase of renewable content
- Creating a guide for Agency direction
- Requested Load goals and workforce development be included in LDBP discussions

13. Community Advisory Committee Report

Chair Sutter reported on the 9/16/19 CAC meeting where the committee discussed the CAC guide and appointment process; highlighting comments given for communication for applicants, defining diversity as more than location. The committee also discussed Board Item 18 Raceway North, LLC and Edwards Solar II, LLC Contract Approvals.

14. Legislative Update (Informational Item)

Receive update from staff regarding Legislative matters.

The Board requested staff draft and share a sample letter to oppose SB 520 with member cities and provide materials for member cities to support future EBCE positions.

15. Amendments to the Joint Powers Agreement (Action Item)

Discuss and recommend, if necessary, amendments to the East Bay Community Energy Joint Powers Agreement (JPA) and Direct staff to bring back proposed language relating to proposed JPA amendments.

Presented

There were no amendment recommendations at this time.

16. Inclusion of New Communities (Informational Item)

Receive report on including new jurisdictions within EBCE's service area.

The Board discussed:

- What is "Local" to Alameda County
- Alameda County residents and workforce locations
- Thanked Board members who assisted with new community outreach

Barbara Stebbins - Spoke in support of Pleasanton joining EBCE and spoke regarding concerns with extending EBCE outside of Alameda county.

Anne Olivia - Spoke in support of new community inclusion and requested that remote

meeting participation be considered.

17. Approve Non-Standard Pricing Rate Agreement Policy and Adopt a Resolution Authorizing CEO to Negotiate and Execute Non-Standard Pricing Rate Agreements (Action Item)

Approve the Non-Standard Pricing Rate Agreement Policy and delegate to Chief Executive Officer (CEO) the authority to negotiate and execute long-term, non-standard pricing rate agreements with customers in EBCE's service area that have:

1. one or more accounts on Direct Access and place those accounts on EBCE service, and/or
2. have been granted new or additional Direct Access allocation and remain on EBCE service for those accounts

In order to retain significant foundational baseline load and avoid potential increases in greenhouse gas emissions associated with the electric service to large users within member communities.

The Board discussed:

- Potential customers
- Reporting negotiated agreements back to the Board in a timely manner
- CAC concerns with authority to negotiate agreements without

Director Mendall motioned to approve the Non-Standard Pricing Rate Agreement and adopt a Resolution Authorizing the CEO to negotiate and Execute Non-Standard Pricing Rate Agreements. Director Arreguin seconded the motion which carried 11/0; Excused: Director Patino.

R-2019-20
Policy 13

18. Raceway North, LLC and Edwards Solar II, LLC Contract Approvals (Action Item)

A. Adopt two Resolutions authorizing the Chief Executive Officer to execute agreements with CA renewables Energy RFP awardees Raceway North, LLC and Edwards Solar II, LLC. Each agreement is expected to be operational in December 2022 and deliver all associated output, which includes energy, RECs and RA with nnode settled pricing:

1. 20-year 125MWac solar PV + 80MW/160MWh battery storage project based in Kern County with Raceway North, LLC, developed by sPower ("sPower Contract"); and
2. 15-year 100MWac solar PV + virtual storage project in Kern County with Edwards Solar II, LLC, developed by Terra-Gen ("Terra-Gen Contract").

B. Discuss a memorandum of understanding (MOU) signed with Brookfield Renewable Partners to further discussions regarding an 80MW wind project located in Alameda County. The project was proposed into Southern California Public Power Authority's (SCPPA) recent 2019 RFP as a competitive solicitation.

The Board Discussed:

- Brookfield project - is it approved in Alco?
- Difference between nnode and dlap projects
- In County local generation progress
- Developing policy for community benefit funds in support of the LDBP
- Different portfolio Scenarios considering RFP Respondents

- Altamont corridor
- Term of remote contracts
- Creating balance with local and remote projects
- Commended staff on working quickly to include the Brookfield projects
- Process to enable entering into similar Memorandums of Understanding
- Having a rolling RFP to prevent contracting delays

Barbara Stebbins - Spoke regarding concerns with selecting remote projects and requested to see what projects were local and

Director Mendall motioned to approve Adopt two Resolutions authorizing the Chief Executive Officer to execute agreements with CA renewables Energy RFP awardees Raceway North, LLC and Edwards Solar II, LLC. Director Arreguin seconded the motion Which carried 11/0; Excused: Director Patino

R-2019-23
R-2019-29

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

Staff informed the Board of a schedule conflict with the October 16, 2019 Board meeting and League of Cities meeting in Southern California. If a quorum of Board members is unavailable the October meeting will be canceled.

20. Adjourned