



**Agenda including Addendum
Board of Directors Meeting**

Wednesday, December 18, 2019

6:00 pm

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

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1. Welcome & Roll Call

Present: Directors: Albany, Berkeley, Emeryville, Oakland, Fremont, Livermore, Dublin, Hayward, San Leandro, Alameda County, Piedmont, Community Advisory, 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.

Tom Kelly - requested information on EBCE's IRP and when to expect it to be available to the public.

4. Closed Session

- A.** Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code section 54956.9(b): One case
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset

- C. CONFERENCE WITH LABOR NEGOTIATORS** under California Government Code section 54957.6, EBCE Designated Representatives: Jesse Arreguin, Scott Haggerty, Dan Kalb, Diane Martinez, and Al Mendall Unrepresented Employee: Chief Executive Officer

5. General Counsel Report out of Closed Session

No Reportable action was taken in Closed Session

CONSENT AGENDA

6. Approval of Minutes from November 20, 2019

7. Contracts entered into (Informational Item)

8. Amendment to Task Order 1 of Master Services Agreement with Sacramento Municipal Utility District and Amend Rate Setting Protocol

- A. Approve an amendment to Task Order 1 of the Master Services Agreement with Sacramento Municipal Utility District (SMUD),
- B. Authorize the Chief Executive Officer (CEO) to approve and sign amendments to Task Order 1 up to the total approved fiscal year budget for Data Manager, and
- C. Amend Rate Setting Protocol

R-2019-35

Tom Kelly - Question on 8 C the rate setting protocol Customers in 100% renewable should be receiving a discount

Director Bacon motioned to approve the Consent Calendar. Director Hernandez (Dublin) seconded the motion which carried 11/0 Excused: Union City

REGULAR AGENDA

9. CEO REPORT

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

Tom Kelly - Requested information on if LDBP and Marketing reports would be provided in this meeting.

10. Community Advisory Committee Report

The Chair reported on the CAC 12/16/19 meeting stating that CAC discussion will be mentioned under each item

11. Chief Executive Officer Employment Agreement Amendment (Action Item)

Director Munro motioned to approve the Chief Executive Officer Employment Agreement. Seconded by Director Bacon excused Alameda County

12. Amendment to Barclays Revolving Credit Agreement (Action Item)

Adopt a Resolution authorizing the Chief Executive Officer to execute an amendment to the Revolving Credit Agreement with Barclays Bank PLC to increase the cash borrowing capacity and increase the letter of credit capacity.

R-2019-36

Hernandez(sl)/ Mendall Excused Alameda County

Correction max draw of 80 mm for full life. LOC facility
Pilch - any plans to draw on funds? Out at 8:05

13. Extension of Accountant Contract (Action Item)

Authorize the CEO to extend the Maher Accountancy contract for an additional year through December 31, 2020 adding an amount of \$200,000 for services in 2020.

R-2019-37

Mendall/Hernandez sl excused: Livermore, Alameda County and Albany

14. Reserve Fund Allocations from 2018-19 Fiscal Year Net Revenues (Informational Item)

Approve the proposed contributions to the reserve funds.
Sutter - where can the total amount of the funds located.

15. Regulatory Update (Informational Item)

Receive Update on PCIA

Kalb - theory is longer term contracts signed already in progress - CCA customers take up slack.
Mendall - 6TW HR .005 centcap 30mm if no cap 60mm
Would it cause EBCE to re-evaluate rate structure

Sutter- f under collect pge can raise rate? - PCIA Rates

Choice to put 150mm to keep Diablo Canyon, why is it affecting PCIA? - Bndled with asset in 2018 decision

16. Carbon Free Allocation (Informational Item)

Receive an update regarding potential carbon free energy allocation and associated timeline

Mendall - Allocation is being considered from PGE no renewables, why are those not included?

Martinez - When will CPUC take action on the allocations.

Pilch - issue before board is if it provides a market for the nuclear. Are we encouraging a market?

Hernandez (SL) - is nuclear in unspecified mix that is part of our current products. Savings \$60mm can that be reinvested into cleaner energy.

Arreguin - Is the \$11mm already budgeted into allocations

Munro - Would like to see nuclear - not clean neither is natural gas, what are consequences of "dirty" energy and who is hurt by this. What are the costs of difference scenarios?

Mendall - hydro portion is acceptable. EBCE power mix is 15% natural gas - accept nuclear to clear out natural gas. Frame and look at it on our current mix. Choice is between

Bacon - Would disagree with natural gas / nuclear comparison, needs to be clean without including nuclear. Agrees with speakers, that this would be a disservice to the community.

CAC - Sutter - How were calculations made, how would the renewables mix be higher than PGE if we accept the allocation. Commercial customers -

Arreguin - thanked orgs for submitting comments. Would go contrary to the initiative approved by city, city calling for the closure of diablo valley
Accept hydro allocation - refuse nuclear

Martinez - 1. Staff to address allegations of extending DC life
Accepting carbon free, vs, enery, vs both
elaborate on impact of taking attributes from PGE

Munro - what I the definition of cleaner and greater? Concern that nuclear is presented benign.

Hernandez (Dublin) - needs more informaton before moving forward.

Hernandez (sl) - needs additional information and would like to work with the community for representation.

Kalb - Glad Diablo being decomissioned. What will it look like to custoers and potential opt-outs if allocation is accepted.

Would have to buy large hydro or less of other sources.

Haggerty out at 7:00

David - Spoke against accepting allocation

Rebecca A - Spoke against nuclear allocation

Dave Degasman - Against nuclear power included in EBCE mix

Jessica Tovar - EBCPA opposes the inclusion of nuclear energy in mix, Public relations to community, agency reputation if allocation is accepted.
Justification on Diablo Canyon staying open and PCIA.

Beth Weinberger - against nuclear, did not hear attempt associated with the risks of nuclear energy/waste and issues with nuclear plants. Risk of losing customers

Beth Kelly - Spoke against Nuclear power included in the EBCE mix. Steering committee rejected certain recs because of the energy mix.

Tom Kelly - electricity generated from nuclear power? Allocation of power from Diablo Canyon - taking an attribute with power. Sounds like Renewable energy credit (Rec) opposes Power from PGE doing so can delay creation of more renewable power. Move EBCE to 100% clean

David McCord - Welcomes carbon free energy, but only accept only the hydro power from PGE

Barbara Stebbins - Spoke against accepting nuclear allocation. Requested info on allocation mix was decided. Currently a motion from A4NR closed prior to 2025, costing customers over \$1b in above market costs for energy.

Chris Gilbert - Speaking as a customer. Against allocation and reminded board of Community aspect of program. Will cut off customers.

Benjamin Z. - Important to know I plan helps PGE or Diablo Canyon bottom line and does not support nuclear allocation

Melissa Yu - Spoke against nuclear energy and read Sierra Club letter. EBCE cannot compromise values, break customer trust

Ceyda D- Spoke against nuclear allocation and other or

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

18. Adjourned