



**Board of Directors Meeting**  
**Agenda w/CAC Annotations**

Wednesday, June 17, 2020  
5:00pm

<https://us02web.zoom.us/j/87023071843>

Or Telephone:

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Webinar ID: 870 2307 1843

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*If you have anything that you wish to be distributed to the Committee, please email it to the clerk by 4:00 pm the day prior to the meeting.*

**1. Welcome & Roll Call**

**2. Pledge of Allegiance**

**3. Closed Session**

- A. Public Employee Performance Evaluation pursuant to Government Code § 54957. Title: Chief Executive Officer.
- B. Conference with Legal Counsel - Anticipated Litigation, pursuant to Government Code § 54956.9(b): (1 case)

**4. General Counsel Report Out of 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 and must complete an electronic [speaker slip](#). The Board Chair may increase or decrease the time allotted to each speaker.*

**CONSENT AGENDA**

**6. Approval of Minutes from May 20, 2020**

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

**8. Second Amendment to Agreement with TRC Engineers**

Adopt a Resolution authorizing the CEO to negotiate and execute the Second Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to add new scope and personnel, and allocate an additional \$20,000 to the Agreement, for a total amount not to exceed \$240,000.

**9. First Amendment to Consulting Services Agreement with Recurve Analytics**

Adopt a Resolution authorizing the CEO to execute a First Amendment to the Consulting Services Agreement with Recurve Analytics (“Recurve”) to extend the term, to add to the scope, and to increase the compensation by \$125,000, for a total amount not to exceed \$225,000.

**REGULAR AGENDA**

**10. CEO REPORT**

- A. Executive Committee;
- B. Finance, Administrative and Procurement Subcommittee;
- C. Marketing, Regulatory and Legislative Subcommittee; and
- D. Marketing and Account Services Update

**11. Community Advisory Committee Report**

**12. Consideration of a merit bonus for the Chief Executive Officer, Pursuant to the Employment Agreement Between the East Bay Community Energy Authority and Nicolas Chaset, Dated October 17, 2018, as Amended Effective December 16, 2019 (Action Item)**

*Public comment in CAC meeting raised concern about this item being out of step with the challenges facing our community, and suggesting that Board consider a salary freeze and/or 10% wage reduction for senior staff as a sign of solidarity with community.*

**13. Extension of Temporary Revision to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy (Action Item)**

Adopt a Resolution to Extend the Temporary Suspension of Certain Customer Terms and Conditions and Administrative Policies for an Additional Period of 90 Days During the COVID-19

Pandemic, and extend the suspension of the “Failure to Pay” section of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 90 days.

*CAC unanimously approved motion approving the extension.*

**14. Enrollment of New Communities: Pleasanton, Newark, and Tracy (Informational Item)**

Receive information report from staff on proposed enrollment of customers within the new member communities of Pleasanton, Newark, and Tracy during the month of April 2021.

**15. EBCE Resilience Program (Action Item)**

- A. Approve the selection of two vendors in response to the Distributed Resource Adequacy (RA) Request for Proposals to deliver RA in the form of Load Modification from behind-the-meter solar and storage installations delivering resilience to EBCE commercial and residential customers.
- B. Authorize the CEO or his designee to negotiate and execute a Load Modifying Agreement with Sunrun Inc. for Load Modification up to 5.75MW/23MWh through December 31, 2032.
- C. Authorize the CEO or his designee to negotiate and execute a Load Modifying Agreement with Enel X in substantially the same form as the Sunrun agreement for Load Modification up to 5MW/20MWh through December 31, 2032.

*While the CAC broadly supports this program, concern was raised over the limited weighting of local hire (e.g., limited to 10% of score, and only applicable to SOMA projects), and the low (relative to demographic representation) target of 20% for project implementation in low-income / disadvantaged communities. CAC unanimously approved a **motion** urging municipalities to take all available actions to increase participation of low-income communities (e.g., waiving permit and/or inspection fees, direct subsidies, etc.).*

**16. Update on 2020 Integrated Resource Plan (Informational Item)**

Receive the informational update on process and status of Integrated Resource Planning (IRP) analysis.

**17. Fiscal Year 2020-2021 Budget (Action Item)**

- A. Approve the presented budget for fiscal year 2020-2021
- B. Modify the Bright Choice Value Proposition to a 0.5% discount as compared to PG&E Rates, effective July 1, 2020.
- C. Modify the Brilliant 100 Value Proposition to a 2.5% premium as compared to PG&E Rates, effective September 1, 2020.
- D. Set a renewables procurement floor at the current year RPS, while maintaining 100% carbon-free content for Brilliant 100 for fiscal year 2020-2021

*CAC unanimously approved 2 motions:*

- 1) *CAC supports phase out of Brilliant 100, Bright Choice discount rate of 0.5%, and recommends including an equity impact analysis in the allocation of CALeVIP funds to address uneven benefits of EV infrastructure; furthermore, CAC recommends that nuclear option is not entertained as its potential to generate \$2M in savings is dubious, and accepting nuclear has already been rejected by the public.*
- 2) *CAC recommends that the board seek an additional \$1-2M of funding allocation (without the nuclear option) for the LDBP to increase equity in spending beyond the CALeVIP program, which does not reach Alameda County’s most vulnerable communities.*

**18. Legal Services Contracts Approval (Action Item)**

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute contracts with select legal firms in accordance with the legal budget, totaling \$970,000 for fiscal year 2020-2021.

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

**20. Adjournment - to Date: Wednesday, July 1, 2020 - Board Retreat  
Time: 5:00 pm**