



Draft Minutes

Board of Directors Meeting

Wednesday, September 16, 2020

5:00 pm

Please click the link below to join the webinar:

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If you have anything that you wish to be distributed to the Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.

1. Welcome & Roll Call

Present: Directors: Haggerty (Alameda County), Pilch (Albany), Arreguin (Berkeley) Hernandez (Dublin), Mendall (Hayward), Munro (Livermore), Hannon (Newark), Rood (Piedmont), Pentin (Pleasanton), Hernandez (San Leandro), Arriola (Tracy), Patino (Union City), Sutter (Community Advisory), Vice-chair Martinez (Emeryville), and Chair Kalb (Oakland)

Excused: Director Rood (Piedmont)

2. Pledge of Allegiance

3. Closed Session A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset.

4. General Counsel Report Out of Closed Session No 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.*

Blair Beekman spoke regarding the city of San Jose's Hummingbird Energy Storage project.

CONSENT AGENDA

6. Approval of Minutes from July 15, 2020

7. Contracts entered into (Informational Item)

8. Adopt a Resolution Limiting Overhead Costs and/or Indirect Expenses in Contracts and Grants with Universities

Adopt a Resolution limiting overhead costs and/or indirect expenses in contracts and grants with universities to 15 % of the contract or grant value.

R-2020-21

9. Adopt a Resolution Authorizing EBCE CEO to Negotiate and Execute an Agreement with Selected Vendor to Implement a Pay-for- Performance Energy Efficiency Program for EBCE's Residential Customers

Adopt a Resolution Authorizing the CEO to Negotiate and Execute a Consulting Services Agreement with Selected Vendor to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Residential Customers, for a total amount not to exceed \$250,000 through December 31, 2021.

R-2020-22

10. Portfolio, Risk, and Valuation Management Software with cQuant.IO, Inc.

Adopt a Resolution authorizing the CEO to negotiate and execute an EBCE Consulting Services Agreement with cQuant.IO, Inc. (" "), for portfolio, risk, and valuation management software services for a 3-year subscription term with annual payments not to exceed \$151,000 in year 1, \$162,000 in year 2, and \$173,000 in year 3 with a one-time configuration and implementation fee of \$75,000 split of two payments of \$35,000 at contract signing and \$40,000 in July 2021. The total contract amount is not to exceed \$561,000.

R-2020-23

11. Printing and Mailing Services

Approve a first amendment to a contract with FinalOption Corp, dba Pacific Printers, for printing and mailing services, for the period of October 1, 2020 - June 30, 2021, in an amount not to exceed \$305,000.

R-2020-24

Ceyda Dumas Dogan thanked the board for the local pay for performance efficiency projects and recommended prioritizing local vendors.

Director Haggerty motioned to approve the Consent Agenda. Director Mendall seconded the motion which carried 13/0; Excused: Directors: Rood (Piedmont) and Patino (Union City)

REGULAR AGENDA

12. CEO REPORT

- A. Executive Committee Meeting;
- B. Subcommittee Meetings;
- C. New Staff; and
- D. Marketing and Account Services update;

Presented

The Board Discussed

- Opt up rates
- Definition of transaction terms
- Marketing Materials - Distribution to member cities

13. Community Advisory Committee Report

The CAC would like to urge the exec comm to agenda the discussion of CAC guide update.

14. CEO Employment Agreement Amendment and Bonus Consideration (Action Item)

Vice-Chair Martinez motioned to approve the remaining 3.5% CEO merit bonus for a total of 7% in 2020. Director Haggerty seconded the motion which carried 13/0; Excused: Director Rood (Piedmont) and Chair Kalb (Oakland)

15. Brilliant 100 Options for 2021 (Informational Item)

Receive a presentation on Brilliant 100 options for 2021 and vote on the selected option at the October Board meeting.

Presented

The Board Discussed

- Power Content label
- Member city autonomy
- Future of Brilliant 100 product
- Other product options at parity
- Financial Impact of choices
- Reducing natural gas dependency
- CAC discussion

Igor Tregub spoke regarding concerns with cities requesting nuclear energy options after the Board decision to reject the allocation. I. Tregub also spoke regarding the importance of local energy creating local benefits.

Melissa Yu spoke in opposition of EBCE including nuclear in power content.

Jessica Tovar spoke in opposition to accepting nuclear energy

Barbara Stebbins spoke in opposition of including nuclear energy, highlighting concerns of making ratepayers opposed to nuclear, use the product.

Ceyda Durmaz Dogan spoke in opposition of including nuclear energy and mentioned other CCAs that reject the nuclear energy option.

Aleta Dupree spoke regarding difficulty joining meeting and against including nuclear in EBCE's power content.

Michael Eisenscher spoke in opposition of including nuclear energy.

16. Prepay Overview and Approval of Counsel (Action Item)

Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreements with the following firms for legal representation on EBCE's energy prepayment transaction:

- A. Orrick, Herrington & Sutcliffe - roles of Bond Counsel and Tax Counsel for an amount not to exceed \$400,000
- B. Chapman & Cutler LLP - roles of Disclosure Counsel and Issuer's Counsel for an amount not to exceed \$235,000

R-2020-25

Director Pilch motioned to adopt a resolution authorizing the CEO to negotiate and execute consulting agreements for legal representation. Director Munro seconded the motion which carried 12/0; Excused: Directors: Arreguin, Rood and Chair Kalb

17. August Heat Wave Summary (Informational Item)

Receive a presentation on the historic heat wave and state-wide rolling blackouts during August 14th and 15th 2020.

Presented

Aleta Dupree spoke regarding the importance of battery storage

18. Integrated Resource Plan Update (Informational Item)

Receive update on EBCE's Integrated Resource Plan (IRP) Compliance Filing.

Presented

Aleta Dupree spoke in support of the Integrated Resources Plan filing.

19. Resolution to adopt a Rate Stabilization GASB 62 Fund (Action Item)

Adopt a Resolution to create a Rate Stabilization GASB 62 Fund to create a more stable short-term financial position by allowing EBCE to defer revenue in years when financial results are strong.

The Board Discussed

- Resolution Language
- Account functions

R-2020-26

Director Hernandez motioned to adopt a resolution to create a Rate Stabilization GASB 62 Fund. Director Mendall seconded the motion which carried 13/0; Excused: Directors: Arreguin and Rood

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

Director Hernandez (Dublin) directed staff to seek programs to fund/support EBCE's deferral of delinquent customer accounts.

21. Adjourned

Key

Resolution	R
Contract	C
Policy	P