



Draft Minutes

Board of Directors Meeting

Wednesday, October 21, 2020

5:00 pm

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

Join by phone:

Dial (for higher quality, dial a number based on your current location):

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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 Board, 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), Sutter (Community Advisory), Vice-chair Martinez (Emeryville), and Chair Kalb (Oakland)

Excused: 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 and must complete an electronic [speaker slip](#). The Board Chair may increase or decrease the time allotted to each speaker.

Ceyda Durmas Dorgan spoke regarding missing online meeting archives and specifically requested the April and September Board members.

Barbara Stebbins spoke regarding work that the California Alliance for Community energy is doing to call for legislation that sunsets the Power Charge Indifference Adjustment (PCIA).

Jessica Tovar spoke regarding the letter sent from East Bay Clean Power alliance making recommendations on how to remain nuclear free and options for the B100 Product.

Jing Jing He spoke regarding being an EBCE customer, the need for long term solutions to current issues and also remaining nuclear free.

Blair Beekman spoke regarding B100, the future of nuclear energy and balancing community needs.

Aleta Dupree spoke regarding Time of Use rates, electric delivery costs and future aspirations for EBCE.

CONSENT AGENDA

4. Approval of Minutes from September 16, 2020

5. Contracts entered into (Informational Item)

6. Adopt a Resolution Authorizing EBCE CEO to Negotiate and Execute a Third Amendment to the Agreement with Recurve Analytics to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Commercial Customers

Adopt a Resolution Authorizing EBCE CEO to Negotiate and Execute n Third Amendment to the Agreement with Recurve Analytics to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Commercial Customers, for a total amount not to exceed \$275,000 through December 31, 2021.

R-2020-27

7. Approve Second Amendment with Frontier Energy to Update Scope and Add to Budget for Technical Support on Development and Filing of Energy Efficiency Funding Request

Adopt a Resolution Authorizing CEO to Execute Second Amendment with Frontier Energy to add additional services to the scope and an additional \$109,948 to the budget for Technical Support on Development and Filing of Energy Efficiency Funding Request.

R-2020-28

8. Adopt a Resolution to Amend the Conflict of Interest Code to Add Four New Positions and Update the Code Reviewing Body

Adopt a Resolution Amending the Authority's Conflict of Interest Code to add four new positions, update the code reviewing body, and other items.

R-2020-29

9. Municipal Advisor for Prepay Transaction

Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreement with PFM Financial Advisors, LLC to serve as the Municipal Financial Advisor on EBCE's energy prepayment transaction.

R-2020-30

10. Approve IRP Agreement Amendment

Adopt a Resolution approving Amended Agreement with Ascend Analytics for IRP consulting services

R-2020-31

11. Extension of Brilliant 100 product to January 31, 2021

Adopt a Resolution that extends the product offering of Brilliant 100 at 100% carbon free content and cost parity with PG&E standard rate until January 31, 2021

R-2020-32

12. Extension of Temporary Revision to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy

Given the on-going public health emergency caused by COVID-19 and the associated financial strain to many households and businesses, EBCE staff recommends that the Board adopt the Resolution to Extend the Temporary Suspension of Certain Customer Terms and Conditions and Administrative Policies 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 91 days until January 20, 2021.

R-2020-33

13. Fiscal Year 2019-20 Budget to Actuals

Receive report comparing EBCE's final audited financial actuals to the approved budget for the 2019-2020 fiscal year.

Blair Beekman spoke regarding ease of meeting participation, B100 and the City of San Jose's Hummingbird project.

Barbara Stebbins requested clarification of section one in the Item 11 resolution.

Director Mendall Motioned to approve the Consent Agenda. Director Arreguin seconded the motion which carried 13/0; Excused: Directors Arriola (Tracy) and Patino (Union City)

REGULAR AGENDA

14. CEO REPORT

- A. Executive Committee Meeting;
- B. Finance, Administration and Procurement Subcommittee Meeting;
- C. Marketing, Regulatory and Legislative Subcommittee Meeting;
- D. COVID-19 Community Grant Fund Update and
- E. Marketing and Account Services Update

The Board spoke regarding the power content label postcard and requested copies once they were available.

Blair Beekman spoke regarding the missing information on the website.

15. Community Advisory Committee Report

The CAC continued to receive comment on nuclear energy from the public and CAC members. The CAC received SEIU1021 submitted a letter opposing the inclusion of nuclear energy in EBCE's portfolio and requested input from the Board on the topic to help guide the CAC discussions. The Chair also thanked the CEO for his prompt response to the committee questions.

Blair Beekman spoke regarding concerns with natural gas fracking, addressing nuclear and the B100 product.

16. CEO Employment Agreement Amendment (Action Item)

Director Mendall motioned to approve the CEO Employment Agreement Amendment. Vice-chair Martinez seconded the motion which carried 14/0; Excused: Director Patino (Union City)

Blair Beekman spoke regarding the importance of funding bill debt forgiveness.

Vice-chair Martinez motioned to reconsider CEO vote to correct a typo the CEO agreement. Director Bacon seconded the motion which carried 14/0; Excused: Director Patino (Union City)

Vice-Chair Martinez motioned to approve the CEO Employment Agreement Amendment as amended: To remove language regarding matching. EBCE retirement contributions will be up to 10%

Director Haggerty seconded the motion which carried 14/0; Excused: Director Patino (Union City)

17. Treasurer's Report (Informational Item)

Presented

18. Accept Final Audited Financial Statements for 2019-2020 Fiscal Year (Action Item)

Presentation of the finalized audited financial statements for the fiscal year ending June 30, 2020.

Director Hernandez (San Leandro) motioned to accept the Audited Financial Statements for 2019-2020 Fiscal Year. Director Bacon seconded the motion which carried 14/0; Excused: Director Patino (Union City)

19. IRP Results (Informational Item)

Informational Update on the result of the completed IRP analysis

Presented

Vaugh Wolfe requested additional information on long term battery storage and associated costs.

Blair Beekman spoke regarding need to collaborate with PG&E, requested additional clarification on infographics presented and thanked EBCE for the opportunity to discuss.

Aleta Dupree spoke regarding battery storage and reducing natural gas consumption

20. EBCE's Participation in the CPUC-approved Arrearage Management Program (Action Item)

Adopt a Resolution to allow EBCE to participate in the California Public Utilities Commission approved Arrearage Management Program, provided that the CPUC approves a cost recovery approach that uses the Public Purpose Program Charge or similar socialized charge levied on the distribution portion of customers' bills, and to inform PG&E of EBCE's conditional participation.

R-2020-34

The Board requested additional information on customer participation and qualification for program.

Blair Beekman thanked staff for bringing this program forward.

Jessica Tovar spoke regarding concerns with program not supporting all customers equitably.

Cynthia Landry supports the program but also seconded previous comments regarding difficulties for customers to make additional payments. C. Landry also requested that staff seek other ways to assist customers.

Director Mendall motioned to adopt a Resolution to allow EBCE to participate in the CPUC Approved Arrearage Management program. Director Pentin seconded the motion which carried 14/0; Excused: Director Patino (Union City)

21. Aramis Solar & Storage Project (Informational Item)

Receive a presentation on the background of Intersect Power, an infrastructure development company, and Aramis, a local solar & storage project.

Presented

21 members of the public spoke regarding:

- Concerns with land use
- Environmental Impact Report (EIR)
- Battery storage
- In Support and Opposition of the project
- Alameda County Open Space
- Importance of Renewable Energy
- Job creation
- Social Justice
- Delaying contract discussions

Directors Haggerty and Bacon recused themselves prior to the item presentation and left the call.

22. Community Advisory Committee Guide and Appointment Process Updates (Action Item)

Adopt a Resolution to amend the Community Advisory Committee (CAC) Guide and Appointment Process to:

- A. Include new EBCE service areas;
- B. Assign seats based on planning areas (see chart below);
- C. Expand the committee to 12 seats (10 seats based on planning areas and two at-large seats);
- D. Appoint one alternate for each planning area;
- E. Shorten appointment terms to 2-years, maintaining the appointment maximum of 8 years (4 full 2-year terms or combination thereof); and
- F. Request the Mayors' Conference to appoint the two at-large seats.

R-2020-35

The Board discussed:

- Outreach
- Engaging the Mayors' Conference
- CAC seat numbers

Director Haggerty motioned to adopt a Resolution to amend the CAC Guide and Appointment process. Director Mendall seconded the motion which carried 14/0; Excused: Director Patino (Union City)

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

24. Adjourned

Key: R - Resolution C- Contract P - Policy
