



Board of Directors Meeting

Draft Minutes

Wednesday, March 17, 2021

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: Valle (Alameda County), Tiedemann (Albany), Harrison (Berkeley), Hernandez (Dublin), Marquez (Hayward), Kiick (Livermore), Hannon (Newark), Narum (Pleasanton), Lopez (San Leandro), Arriola (Tracy), Patino (Union City), Sutter (Community Advisory), Vice-Chair Martinez (Emeryville), and Chair Kalb (Oakland)

Excused: Directors: Mei (Fremont) and King (Piedmont)

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.

Jessica Tovar thanked staff for the Special Board Retreat about the Local Development Business Plan. Jessica Tovar also spoke about the Community Advisory Committee appointment process timeline, stating her hope that the Local Development Business

Plan can be shared with the new members of the Community Advisory Committee before next year's budget items are presented to the Board.

Jessica West thanked staff for the Special Board Retreat about the Local Development Business Plan and for the Resilient Home program.

CONSENT AGENDA

4. Approval of Minutes from February 17, 2021

5. Contracts entered into (Informational Item)

6. Unaudited Financial Statements for Q2 FY 2020/2021 Financial Statements for Q2 in FY 2020/2021

7. Amendment of Consulting Services Agreement with NewGen Strategies and Solutions, LLC

Adopt a Resolution to approve amendment of Consulting Services Agreement (CSA) with NewGen Strategies and Solutions, LLC (NewGen) to:

1. Amend the scope of work to cover this year's annual Power Charge Indifference Adjustment (PCIA)-filings from Pacific Gas & Electric Company (PG&E) at the California Public Utilities Commission (CPUC), and the upcoming PG&E general rate case (GRC),
2. Extend the contract through the next fiscal year for all proceedings, and through calendar year 2023 for the GRC, and
3. Add \$60,000 to the not-to-exceed amount to cover the amended scope of work.

R-2021-5

8. CLEAResult Contract 2nd Amendment

Approve a Resolution authorizing EBCE CEO to negotiate and execute an Amendment to the Consulting Services Agreement ("Agreement") with CLEAResult Consulting ("CLEAResult") dated October __, 2020, to implement an Electric Vehicle Charging Technical Assistance program that will facilitate deployment of infrastructure at affordable multi-family properties, and to increase the compensation by \$320,000, for a total amount not to exceed \$570,000 through December 31, 2021.

R-2021-6

9. Third Amendment to Contract with TRC Engineers

Adopt a Resolution authorizing the CEO to negotiate and execute the Third Amendment to the Consulting Services Agreement with TRC Engineers, Inc. ("TRC") dated March 21, 2019, to add new scope and personnel, extend the term, and allocate an additional \$50,000 to the Agreement, for total compensation not to exceed \$290,000.

R-2021-7

Director Hannon (Newark) motioned to approve the Consent Agenda. Director Narum (Pleasanton) seconded the motion which carried 13/0; Excused: Directors Mei (Fremont) and King (Piedmont)

REGULAR AGENDA

10. CEO REPORT

- A. Executive Committee Meeting;
- B. Finance, Administration and Procurement Subcommittee Meeting
- C. Marketing, Regulatory and Legislative Subcommittee Update
- D. Special Board Retreat Meeting
- E. Marketing and Account Services

The Committee discussed:

- Summary of NEM customer messaging

Vaughn asked about how to receive notifications for upcoming events.

11. Community Advisory Committee Report

Chair Sutter spoke regarding a CAC member who is working on her Masters' project and plans to survey CCAs in California (both board members and CAC members) to ask them about useful information for boards and CAC members. Chair Sutter stated that Board members may receive an email request for this survey in the near future. Chair Sutter stated that this project encompasses not just EBCE but is state-wide.

Chair Sutter also spoke about the CAC appointment schedule, stating that two CAC members are scheduled for re-appointment.

12. Approval of Legislative Positions (Action Item)

Update on EBCE's Legislative Program, bill tracker, and recommended bill positions.

Note: Director Valle (Alameda County) left the meeting at 6pm and Director Cox (Fremont) joined the meeting at 6:07pm.

The Committee discussed:

- How Board members can bolster support for staff recommendations of legislative positions
- Request to communicate future position on legislative items through CEO report
- Unfunded mandates notification request
- Position of CAC on Legislative Program
- EBCE's status as a "local government" per Ting's (Bill #TBD) budget bill
- Is Bill #AB 525 ambitious enough?
- Request to identify sponsor support in summary description
- Description of lobbying and advocacy efforts

Vaughn asked if hydrogen-fueled vehicles and green hydrogen technology are addressed in the bills under consideration.

Blair Beekman spoke regarding the importance of reducing natural gas emissions.

Director Lopez (San Leandro) motioned to adopt the staff positions on the Legislative Program. Director Marquez (Hayward) seconded the motion which passed 13/0. Excused: Director Valle (Alameda County) and King (Piedmont).

13. Policy on Member Requests to Change the Default Rate Product for Certain Customers (Action Item)

Review and adopt a Resolution approving a policy on Joint Powers Authority (JPA) member requests to change the default rate product for certain customers within their jurisdiction (“Default Rate Product Change Policy”).

R-2021-8

The Committee discussed:

- Resolution scope
- Time length before product can be changed
- JPA member timeline for Board approval

Jessica Tovar spoke in support of expanding outreach efforts to enroll eligible rate payers in CARE and FERA.

David McCord spoke in support of the resolution, albeit with concerns about equity.

Blair Beekman spoke in support of expanding subsidy programs.

Director Hannon (Newark) motioned to approve the Resolution. Director Hernandez (Dublin) seconded the motion which carried 13/0; Excused: Directors Mei (Fremont) and King (Piedmont)

14. Request to Change the Default Rate Product for Certain Residential Customers in the City of Dublin to Renewable 100 (Action Item)

Adopt a Resolution directing staff to make the necessary arrangements to change the default service to Renewable 100 for certain residential customers in the City of Dublin, consistent with the request of the Dublin City Council and in accordance with the proposed Default Rate Product Change Policy.

R-2021-9

The Committee discussed:

- Who takes the lead on CARE and FERA enrollment - EBCE or the municipality?

Jessica Tovar spoke in support of expanding outreach ensure that all eligible rate-payers are signed up for CARE and FERA.

Director Hernandez (Dublin) motioned to adopt the Resolution. Director Patino (Union City) seconded the motion which carried 13/0. Excused: Directors Mei (Fremont) and King (Piedmont)

15. Recommendations to Update the Net Energy Metering Policy, Effective April 2021 (Action Item)

1. Complete the April 2021 Net Energy Metering (NEM) cash-out under the current policy.
2. After the April '21 cash-out, move the “New NEM” and “Existing NEM” customers to the “EBCE NEM” program.
3. Close enrollments to the “Low-income and municipal NEM” program. Current municipal customers will continue to receive the benefit under the Legacy municipal program. Municipal customers are encouraged to participate in new resilience programs specific to municipal customers.
4. Create a new CARE/FERA EBCE NEM policy for customers that interconnected their system after EBCE was launched in their community.

R-2021-10

Note: Director Harrison (Berkeley) left the meeting at 6:45pm.

Jessica Tovar spoke in support of funding new low-income support programs at similar funding levels to older support programs when they are shut down. Jessica Tovar also spoke in support of creating Net Energy Meter incentives for rate-payers in the EBCE service area.

Vaughn spoke regarding the NEM Policy enrollment date. Vaughn also spoke in support of subsidizing the installation of solar for low-income rate-payers.

Director Kiick (Livermore) motioned to approve the staff recommendation. Director Narum (Pleasanton) seconded the motion which passed 12/0. Excused: Directors: Valle (Alameda County), Harrison (Berkeley) and King (Piedmont)

16. Supplier Diversity Overview & 2020 Report (Informational Item)

Receive an overview of the California Public Utilities Commission General Order 156 requirements and Supplier Diversity Program, and review of EBCE’s first report results, planned activities, and challenges.

Jessica Tovar spoke in support of creating alternative selection criteria, such as ranking zip-code data by income-level, to identify funding opportunities for small, local emerging businesses.

17. Overview of SMUD EnergyHELP and Connected Communities (Informational Item)

Receive a summary overview of the SMUD EnergyHELP program, as an example of what a municipal utility is doing to support customers struggling to pay bills; how this does

and does not apply to EBCE; and, plans for future customer payment support programs through Connect Communities

The Committee discussed:

- Request to create an agenda item to explore creating a program similar to the SMUD EnergyHelp program
- Arrearage management funding in SB 91
- Request for staff to provide updates on CPUC's rule-making for the Order Instituting Rulemaking to Address Energy Utility Customer Bill Debt Accumulated During the COVID-19 Pandemic (R.21-02-0145)
- Request for arrearage management program information to be made available on the EBCE website.
- Request for arrearage data by city

Ceyda Durmaz Dogan spoke in support of creating a program like Peninsula Clean Energy's March, 2020 \$100 Bill Relief Credit program. Jaida advocated that EBCE offer a similar program for its CARE and FERA customers, especially those who are enrolled in the CPUC's Arrearage Management Program.

Jessica Tovar spoke in support of updating the EBCE website to include information about the LIHEAP program, and a link to provide information for customers who are behind on their bills. Jessica Tovar also spoke in support of creating a program to work with non-profits to enroll customers into debt-relief programs, for creating a mutual-aid fund, and for finding creative ways to prevent community choice customers from being sent back to PG&E.

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

Director Lopez (San Leandro) directed staff to place an agenda item to explore the possibility of creating a pilot program similar to the SMUD EnergyHelp program. Director Lopez (San Leandro) requested to schedule this item within the next six to twelve months or at staff's discretion.

19. Adjourned at 7:48pm.