



Board of Directors Meeting

Wednesday, October 20, 2021

5:00 pm

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

Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 870 2307 1843

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the Clerk of the Board at least 2 working days before the meeting at (510) 906-0491 or cob@ebce.org.

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

2. Pledge of Allegiance

3. AB 361 Finding for Continued Remote Meetings

Find that conducting in-person meetings of the Board would present imminent risks to attendees' health and authorize the Board to continue meeting via teleconferencing pursuant to Government Code Section 54953(e).

4. 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 **two 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

5. **Approval of Minutes from September 22, 2021**
6. **Contracts entered into (Informational Item)**
7. **Payment Policy**
Revision to Terms of Service regarding Failure to Pay
8. **AIQUEOUS Contract Amendment**
Amendment to CSA with AIQUEOUS
9. **Treasurer's Report**
Report of cash position
10. **Budget to Actuals Report for FY 2020-21**
Compare the performance of the FY 2020/21 budget to actuals

REGULAR AGENDA

11. **CEO REPORT**
12. **Community Advisory Committee Report**

The CAC held elections and is pleased to announce the new Vice Chair William Muetzenbeurg and the new Chair Anne Olivia Eldred. The appointments will begin in November and run until the next CAC elections in June.

13. **Annual Audit for FY 2020-21 (Informational Item)**
Presenting results of the annual audit.
14. **Budget Amendment (Action Item)**
Adopt a Resolution approving an adjustment to the fiscal year 2021-2022 budget that adds \$750,000 in incremental personnel expense and authorizes the CEO to add six additional positions to EBCE staff.
15. **SMUD Contract Amendment (Action Item)**
Amendment to SMUD Task Order 2 and Master Service Agreement
There was considerable interest in this item from the public and from CAC members. Key concerns raised included: 3 year contract length being too long; postponement of previously committed in-house capacity building and generally movement away from the initial commitment of having in-house unionized call center with local area hires; award of contract to provider from outside the EBCE service area. Other CAC members recognized the measures in place in the SMUD renegotiation addressing preference for local hire and eventual brick and mortar location in EBCE service area, as well as COVID related in person work limitations.

CAC member Pacheco put forward the following motion: "The CAC does not oppose the contract but requests greater transparency in the process of local hire outreach and reporting on outcomes, and an affirmative plan committing to local hire for the data services

management and call center jobs.” The motion passed with 4 yes, 1 abstain, 2 no, and 2 excused.

16. Legislative and Regulatory Update (Informational Item)

Update on regulatory and legislative items of interest to EBCE

17. COLA and Merit Increase for Nick Chaset (Action Item)

Adopt a Resolution approving a 2% cost of living adjustment and 5% merit increase to the Chief Executive Officer Nick Chaset’s salary, as allowed under his Employment Agreement, effective July 1, 2021.

18. Closed Session

a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset

19. General Counsel Report Out of Closed Session

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

21. Adjournment to Wednesday, November 17, 2021