



**Minutes
Board of Directors Meeting**

Wednesday, October 20, 2021

5:00 pm

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

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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), Hernandez (Dublin), Cox (Fremont), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Kaplan (Oakland), Narum (Pleasanton), Arriola (Tracy), Patino (Union City), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Tiedemann (Albany), Harrison (Berkeley), McCarthy (Piedmont)

Director Cox served as an Alternate for Director Mei (Fremont).

Director Kaplan served as an Alternate for Director Kalb (Oakland).

Director Harrison joined the meeting at 5:16pm.

Director McCarthy joined the meeting at 5:17pm.

Director Tiedemann joined the meeting during closed session.

2. Pledge of Allegiance

Chair Martinez motioned to amend the agenda as follows:

- **Between Items 3 and 4 add Public Comment for Closed Session, then Closed Session, then General Counsel Report Out of Closed Session, and then the COLA and Merit Increase for Nick Chaset.**

Director Marquez seconded the motion, which carried 14/0. Excused Director: Tiedemann (Albany).

3. AB 361 Finding for Continued Remote Meetings (Action Item)

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).

Director Kaplan motioned to approve the Finding for Continued Remote Meetings. Director Cox seconded the motion.

Chair Martinez proposed an amendment to the motion to change the finding to "imminent risks to public health." The motion maker accepted the proposed amendment to the motion. The motion seconder accepted the amendment to the motion.

Blair Beekman spoke regarding COVID issues and the importance of mask use in the United States in light of new reports of COVID rise in England and Russia. Blair Beekman stated that open public policies with technology could be a good way to help frame discussions of COVID and vaccine mandates.

The motion carried 14/0. Excused Director: Tiedemann (Albany).

4. Public Comment for Closed Session

There were no speakers for public comment.

5. Closed Session

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

6. General Counsel Report Out of Closed Session - None.

7. 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.

There were no speakers for public comment.

Director Harris motioned to 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. Director Narum seconded the motion, which carried 15/0.

8. 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.*

Jessica Tovar, on behalf of East Bay Clean Power Alliance, spoke regarding the Community Innovation Grants, which had no money allocated for it in 2021. Jessica Tovar

stated the point is to help community groups start local projects, which is important in moving forward into an era of clean energy, and EBCE should allocate money for that.

Michael Isenger spoke regarding EBCE's commitment to bring its call center in-house. Michael Isenger supports East Bay Clean Power Alliance's call for bringing the call center and data management services in-house under terms and conditions that meet union standards and respect workers' labor rights.

Blair Beekman stated making programs such as subsidies or grants accessible to lower income people is important and EBCE's multiple monthly meetings offers a great example for the entire Bay Area on how to discuss these issues more. Blair Beekman stated the call center issue concerns the idea of emergency planning that needs to be considered.

Steve Ongerth, a union member and supporter of EBCE, echoed Michael Isenger's comments. Steve Ongerth stated one of union workers' biggest concerns is lack of good jobs in the renewable energy sector, and EBCE needs to set a strong, positive example in ensuring jobs it provides are union jobs that pay a union wage.

CONSENT AGENDA

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

There were no public comments on the Consent Agenda.

Director Hannon motioned to approve the Consent Agenda. Director Hernandez seconded the motion, which passed 15/0.

REGULAR AGENDA

15. CEO REPORT
16. Community Advisory Committee Report
17. Annual Audit for FY 2020/21 (Informational Item)
Presenting results of the annual audit.

18. 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

Vice Chair Lopez motioned to 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.

There were no speakers for public comment.

The Board Discussed:

- Skills needed and salaries for six additional personnel.
- Customer service and repeated business.
- Procurement that can save thousands of dollars over time.
- Working in-office and remotely.
- Innovative efforts to retain professionals in the work environment.

The motion carried 14/0. Excused Director: Valle (Alameda County).

19. SMUD Contract Amendment (Action Item)

Amendment to SMUD Task Order 2 and Master Service Agreement.

Ceyda Durmaz Dogan, on behalf of East Bay Clean Energy Alliance, ask why EBCE changed its previous plan to extend the contract with SMUD for two years and build in-house capacity and experience to support a potential full transition to a local call center in 2023? Ceyda Durmaz Dogan also asked why EBCE would not reveal the names of the other two vendors when it did share those names with the public during a similar RFP process in 2017?

Blair Beekman stated planning for a large earthquake or other emergency is needed now and asked how important an emergency call center and job training are for the future of this project?

CAC Vice Chair French reviewed the comments made at the October 18, 2021 CAC meeting on the SMUD contract amendment:

- Key areas of discussion included: movement away from the initial commitment of having in-house capacity building and unionized call center with local area hires, contract to a provider from outside of the EBCE service area, brick and mortar locations in the EBCE service area, contract length, and COVID-related work limitations.
- CAC passed a motion stating it does not oppose the contract but requests greater transparency in the process of local hire outreach and reporting on outcomes, and a plan committing to local hires for the data service management and call center jobs.

The Board Discussed:

- How the pandemic changed initial plans to go local and going union for the call center.
- The contract now before EBCE being a blend of all needs with per meter fees, efficiency, and economies of scale achieved by expanding EBCE's reach farther towards other territories.
- The importance of making employees lives easier and better to keep EBCE's workforce.
- Future call center location.

- The nature and terms of this service agreement and the role of SMUD as a service provider of data management and call center services.

Director Hannon motioned to support staff's recommendation with the requirement that staff return to the Board at least annually to report on SMUD's efforts to hire local CSRs to begin navigating to a more local customer service agency, how many employees are local hires ,and efforts to meet that goal.

Director Harrison seconded the motion and proposed an amendment to the motion that staff report to the Board every six months, and then more frequently if appropriate.

The motion maker accepted the proposed amendment to the motion.

Director Hernandez proposed an amendment to the motion to request staff focus on the City of Dublin for the call center location.

The motion maker accepted the proposed amendment to the motion.

The motion seconder accepted the proposed amendment to the motion but without specifying Dublin specifically.

The motion maker supported a more general discussion of call center location.

Director Hannon restated his motion: to move staff's recommendation forward with the request that staff return to the Board in a minimum of six months to advise the Board as to the efforts SMUD has undertaken to hire local Alameda County and Tracy employees to begin filling customer service positions, and as EBCE eventually looks at a brick and mortar location that they look at the broader area within its own service area for a possible location.

The motion carried 13/0: Excused Directors: Valle (Alameda County), McCarthy (Piedmont).

20. Legislative and Regulatory Update (Informational Item)

Update on regulatory and legislative items of interest to EBCE.

The Board Discussed:

- Request to include in the descriptor of bills EBCE supports and does not support if there is any possibility of these being unfunded mandates that local government would have to manage and pay for.

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

CAC Vice Chair French CAC had elected Ann Olivia Eldred as new Chair and William Muetzenberg as Vice Chair to begin at the November 15, 2021 meeting. Vice Chair French recognized CAC Chair Mary Sutter for her past service.

Chair Martinez thanked Vice Chair French for her service to the community.

Director Kaplan appreciated EBCE's important work and announced that the Alameda County Transportation Commission has been working on zero emission vehicles, hydrogen fuel cell and hydrogen fuel cell trucks, and hydrogen as a way to store energy.

Director Narum thanked staff for sending out the list of acronyms and definitions.

Director Hannon echoed CAC Vice Chair French's comments regarding Mary Sutter and suggested a resolution of thanks to Ms. Sutter be drafted for her participation as a community advisory member.

CAC Chair-elect Eldred looked forward to working the Board and announced she had forwarded a survey to Board members as part of her masters thesis in environmental law and policy where she is developing a series of education materials designed for California CCA boards and members that will be available to the public. The survey will help direct the materials being developed.

CEO Chaset announced that on October 19, 2021 the Oakland City Council approved a large electric vehicle fast charging infrastructure project and partnering with EBCE to build 18 fast charger stations in the City Center West Oakland garage, to be the largest DC fast charger in West Oakland. On October 18, 2021 the Piedmont City Council approved a DC fast charger project that EBCE will be building with the City of Piedmont. EBCE hopes to bring a fast charger proposal to the Livermore City Council soon.

Chair Martinez announced two requests she had received for items to bring forward to future Board meetings: 1) a Board advocacy letter for NEM 3.0 that would support sustainable, equitable growth of rooftop solar; and 2) information on SolarAPP+, developed by the National Renewable Energy Laboratory, which provides permitting automation to speed up the permitting process for cities and customers who wish to add rooftop solar.

22. Adjournment to Wednesday, November 17, 2021



Minutes

Board of Directors Meeting

Wednesday, November 17, 2022

5:00 pm

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1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Harrison (Berkeley), Hernandez (Dublin), Cox (Fremont), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Kalb (Oakland), McCarthy (Piedmont), Narum (Pleasanton), Arriola (Tracy), Patino (Union City), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County)

2. Pledge of Allegiance

3. AB 361 Finding for Continued Remote Meetings

1. 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).

Blair Beekman stated there is a rise of COVID in Europe and it could soon be the same for the United States. Blair Beekman stated there is a continued need to discuss mask use, vaccinations, and lifestyle choices.

Director Hannon motioned to approve the Finding for Continued Remote Meetings. Director Harrison seconded the motion which carried 14/0. Excused: Director Valle.

4. Public Comment

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Barbara Stebbins, on behalf of California Alliance for Community Energy, stated that the IOUs are pushing the CPUC to make a decision in December regarding net energy metering that would make rooftop solar unprofitable and kill the industry in California. Barbara Stebbins requested that EBCE write to the CPUC in opposition to endangering the growth of rooftop solar in California and denying its benefits to low- and middle-income customers and eliminating energy equity.

Elita Dupree supports the work of providing clean, safe, and equitably distributed electricity, sourcing out more renewable electricity, and storing it so as not to be dependent on dirtier forms of electricity. Elita Dupree stated that storage of electricity is essential and there are sustainable ways to do it.

Blair Beekman believes there might be a large earthquake in the Bay Area by 2023, meaning planning ideas in 2022 may be much different than in 2023 and onward. Blair Beekman stated that working on renewable energy procurement and ideas at the local level could keep the Bay Area much more prepared if there is a natural disaster, and would help to transition back to regular practices more easily after such an event.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, commented that the \$250,000 promised last June toward Community Innovation Grants has not happened, but that same amount is being allocated to the low- and moderate-income electrification program. Jessica Tovar believes both are good programs that need help, and should both be well funded, but it is concerning that money is being allocated for one program and then switched to another. Jessica Tovar stated that Community Innovation Grants are part of the local development business plan and should be offered every year, but that grant has not been offered since 2019.

CONSENT AGENDA

5. Approval of Minutes

Item 5, Approval of Minutes, was pulled from the agenda due to there being no minutes.

6. Contracts entered into (Informational Item)

7. CAC's Two At Large Member Appointments

Director Kalb motioned to approve the Consent Agenda. Director Munro seconded the motion which passed 14/0. Excused: Director Valle.

REGULAR AGENDA

8. CEO REPORT

1. Committee Meeting Updates
2. NEM 3.0
3. Solar App Presentation from CalSSA

Ceyda Durmaz Dogan, on behalf of the East Bay Clean Energy Alliance, spoke on NEM 3.0 and the role of local rooftop solar in decentralization of the energy system and how a tariff program such as net energy metering is important to encourage local, onsite solar, especially in low-income communities. Ceyda Durmaz Dogan urged EBCE to adopt the resolution that would encourage the expansion of rooftop solar and local clean energy jobs.

Vaughn, asked three questions: 1) Does the application cover just storage if one does not have solar or if solar is not available in one's home but they want to shave usage during the peak hours by powering it up during off-peak times? 2) Could EBCE give an example of a project that wouldn't be able to use the solar app? 3) Is the application locked into technology in any way?

Blair Beekman stated that the good practices of renewable energy and its local procurement, open public policies with technology, and mixed-income affordable housing ideas could allow a quicker transition to better practices and ideals sooner after natural disasters.

Audrey Ichinose, on behalf of the East Bay Clean Power Alliance and the California Alliance for Community Energy, applauded the intent of EBCE to submit a letter to the CPUC in support of a sustainable NEM policy and requested a summary of what EBCE can expect in the way of PCIA costs in 2023 and in the future.

9. Community Advisory Committee Report

- Chair Eldred announced a unanimous motion at the latest CAC meeting to ask the Board of Directors to agendaize NEM 3.0 and take a strong position and concrete action.
- Chair Eldred announced at the CAC meeting discussion of ongoing funding for the Local Innovation Grants and the relative position of EBCE's emissions regarding the power content labels.
- Chair Eldred thanked Board Chair Chazit for his vote at CC Power and for advocating for a policy that preserves both labor and EJ issue.

10. Review of Energy Preary Transaction (Informational)

Blair Beekman stated this kind of work can help low-income people and provide services for them more efficiently, adding the subsidy process is not to be feared and can be useful in terms of community energy use.

11. Low and Moderate Income Electrification Program (action item)

Approve Resolution authorizing CEO to negotiate and execute an Agreement with BlocPower to provide for \$1 million in investment at the junior capital position and a separate Agreement to provide \$400,000 in incentives to support clean energy upgrades on low- to moderate-income homes in EBCE's service area.

Ceyda Durmaz Dogan, on behalf of the East Bay Clean Energy Alliance, stated they support this proposal in general, however, they are share the same concerns as CAC Chair Eldred and

other Board members. Ceyda Durmaz Dogan thanked Council Member Harrison for comments regarding Community Innovation Grants, because they are concerned EBCE is using \$250,000 earmarked for these grants as investment money for this program.

The Board Discussed

- CAC support, concerns, and funding for this measure.
- Incentive money to reduce the cost of the measure.
- Overhead cost for BlocPower in this contract.
- Costs related to consumer fees.
- Investments and human impacts from BlocPower's projects in communities.
- The mission of EBCE to level the playing field and bring along the most vulnerable communities on a clean power revolution.

Director Munro motioned to adopt a Resolution authorizing CEO to negotiate and execute an Agreement with BlocPower to provide for \$1 million in investment at the junior capital position and a separate Agreement to provide \$400,000 in incentives to support clean energy upgrades on low- to moderate-income homes in EBCE's service area.

Director Hannon proposed a substitute motion to defer the item for 30 days to allow BlocPower time to come back and report on how the financing and repayment plan worked for the ten homes.

Director Harrison proposed an amendment to the motion to take a vote saying the Board is generally in favor of the item but wish to see the requested date first. The motion maker accepted the proposed amendment to the motion. Director Harrison Seconded the motion.

Director Kalb requested the motion be amended to change the language from defer the item for 30 days to defer the item until the next Board meeting. The motion maker accepted the amendment to the motion. The motion seconder accepted the amendment to the motion.

The motion carried 13/0. Excused: Director Hernandez, Director Valle.

12. PG&E Carbon-Free Allocation (action item)

Accept the large hydro allocation from PG&E for 2022 and reject the allocation of nuclear power from PG&E for 2022.

Ceyda Durmaz Dogan, on behalf of the East Bay Clean Energy Alliance, supported EBCE's rejection of PG&E's nuclear allocation, noting there is extremely limited interest for nuclear allocations. Ceyda Durmaz Dogan asked how much staff time EBCE spent dealing with the nuclear allocation.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, supported Vice Chair Lopez' comments regarding hydro, stating when they envisioned local clean energy agencies, such as EBCE, the vision was renewable energy such as solar, battery storage, and wind energy. She argued that PG&E offered excess nuclear to community choice programs in order to dirty their mixes and taint the reputations of their competition.

The Board Discussed:

- Potential shortsightedness of dismissing nuclear energy and potential for it to play a part in EBCE's goal to avert the worst effects of climate change and make its energy profile cleaner.
- Damage large hydro can do and has done to communities, native populations, and land.
- EBCE is not contributing to the creation of any new large hydro but is simply taking the allocation and using the renewable aspects of this electricity rather than leaving it with PG&E.

Director Kalb motioned to adopt staff's recommendation to accept the large hydro allocation from PG&E for 2022 and reject the allocation of nuclear power from PG&E for 2022. Director Harrison seconded the motion which passed 11/1. Abstain: Director Tiedemann. Excused: Director Hernandez, Director Valle.

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

- CAC Chair Eldred requested EBCE Board members fill out her survey, which is going to all CCAs in California, with the goal of creating a educational materials targeted to CCA board members and community advisory members help people know what questions to ask about items before CCAs.

The Board observed a moment of silence and adjourned in memory of

Supervisor Wilma Chan
October 5, 1949 - November 3, 2021

- Adjournment to Wednesday, December 15, 2021



**Minutes
Board of Directors Meeting**

Friday, December 3, 2021

1:00 pm

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

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1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Harrison (Berkeley), Munro (Livermore), Hannon (Newark), Kalb (Oakland), Narum (Pleasanton), Patino (Union City), Simon (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County), Hernandez (Dublin), Cox (Fremont), Marquez (Hayward), McCarthy (Piedmont), Lopez (San Leandro), Arriola (Tracy)

Director Simon served as an Alternate for Vice Chair Lopez (San Leandro).

REGULAR AGENDA

2. Resolution Supporting a Sustainable Rooftop Solar Market in California

Approval of a resolution that supports a Net Energy Metering Program that encourages clean energy distributed generations and helps meet vital clean energy and climate goals.

Steven Collier asked whether EBCE has conducted an equity analysis of net energy metering 2.0 that examines the additional cost to rooftop solar customers that the existing rates of net energy metering create, and also takes into account the income level of people who have rooftop solar versus those who do not?

Nick Peterson, on behalf of Albany Climate Action Coalition, stated that IOUs would like us to believe that only the wealthy would benefit from solar while proposing NEM 3.0 changes that will ensure only the wealthy and the IOUs will be able to install solar systems at a time when

costs have dropped to where low-income and middle class homeowners can now afford to install rooftop solar systems. Nick Peterson supports the proposed resolution supporting a sustainable rooftop solar market in Calif.

Scott Murtishaw, an EBCE customer, urged EBCE to either reject or modify the proposed resolution, because the current 2.0 version of NEM is overly generous to solar adopters and shifts enormous costs to non-solar customers, including low-income customers, when solar customers pay less to support the cost of maintaining the utilities, poles, wires and programs such as CARE.

Audrey Ichinose, a member of the East Bay Clean Power Alliance and the California Alliance for Community Energy, stated that on 12/8/21 the Save a California Solar Campaign would deliver to Sacramento over 100,000 public comments in favor of maintaining a strong rooftop solar industry, as well as a sign-on by more than 600 coalition partners. Audrey Ichinose supports the resolution that makes clear that strong rooftop solar accords with almost all aspects of EBCE's mission: local economic development, local control, less subject to outside market forces, clean and affordable, and inclusion of low-income households and communities of color in the development of clean energy in California.

James Northrup, a member of Extinction Rebellion, stated his strong support for EBCE's NEM 3.0 proposal, because distributed solar is the future and has benefits difficult to quantify in traditional cost benefit analysis, including community resilience in the face of power shutoffs and wildfires, but if homeowners and other community members are not allowed to affordably install solar, that future will never come.

Igor Tregot, on behalf of the California Solar & Storage Association, thanked EBCE for the resolution and urged passage in its current form. In response to Scott Murtishaw's comments regarding a cost shift from solar adopters to non-solar customers Igor Tregot stated their internal analysis shows that at this point and over the last several years the percentage of adoption among homeowners with a median income of \$50,000 or below is actually higher than that of homeowners with a median income of \$250,000-plus.

Vaughn stated that rooftop solar is one step, but long duration storage for a community, microgrid, or the home, while not conceived of when people started using solar systems is coming in the future and is where California should be going. Vaughn stated the push by the IOUs is to head that off in order to maintain their own profits that injure the environment.

The Board Discussed:

- Issues with the resolution, that it does not contain enough information to understand benefits to the communities, especially low-income communities, who the communities are, or the anticipated cost to residents asked to subsidize.
- The benefits of the resolution, which are consistent with the recommendations of the CAC, to low- and moderate-income communities and the consequences of cutting out a net energy metering program.
- Amending the resolution to include a whereas clause that asks the PUC to consider the avoided costs from building additional power plants and transmission and distribution resources.
- Putting the solar farm piece on hold and not bringing it forward, and recognizing that not all solar farms are equal.
- Amending the resolution to incorporate the word "sustainability" to encourage the sustainability of solar programs economically along with the ability to expand them.

- Amending the resolution to include the whereas clause, “Whereas the CPUC should consider the avoided transmission distribution and generation costs in its analysis of the costs and benefits of rooftop solar.”

Director Munro motioned to accept the resolution with the addition of, “Whereas the CPUC should consider the avoided transmission distribution and generation costs in its analysis of the costs and benefits of rooftop solar.”

The motion passed 8/1. Excused: Director Valle, Director Hernandez, Director Cox, Director Marquez, Director McCarthy, Director Arriola.

3. Adjournment to Wednesday, December 15, 2021.



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Excused: Directors: Harrison (Berkeley), Munro (Livermore), McCarthy (Piedmont),

Director Cox served as an Alternate for Director Mei (Fremont).

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3. Public Comment

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Wells Brown, on behalf of Rising Sun Center for Opportunity, spoke regarding the Community Innovation Grant. Wells Brown stated that because Rising Sun's youth workforce development program, Climate Careers, was a 2019 recipient of an EBCE Community Innovation Grant they were able to increase the number of youths and homes served in EBCE territory. Wells Brown

encouraged the EBCE Board to continue the Community Innovation Grant program to other Alameda County and City of Tracy organizations.

Chuck Rosselle spoke with respect to a 15-year contract between EBCE and Intersect Power regarding the Oberon Solar project near Desert City, CA., stating the project does not currently conform to the Desert Renewable Energy Conservation Plan negotiated with the BLM, and while EBCE was not aware of this nonconformity prior to signing the contract, Intersect Power was. Chuck Rosselle suggested the review procedures be enhanced to incorporate conformance to land use in California to avoid bringing operational risk to EBCE and to bring the matter to the attention of Intersect Power.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, spoke regarding the importance of the Local Development Business Plan intended to bring community benefits that are invested by EBCE to advance a clean energy future through various programs, including the Community Innovation Fund offered every year to provide seed funding for local non-profits, specifically with a partnership between EBCE and the community organizations.

Chris Gilbert, on behalf of the Sierra Club, spoke regarding problems with the DEIR on the Oberon Renewable project being done by Intersect Power. Chris Gilbert stated desert regions could be damaged due to these problems and requested this item be agendaized for the next Board meeting.

Crystal Huang, on behalf of People Power Solar Cooperative, spoke regarding the Community Innovation Grant that allowed them to build their second and third community-owned solar projects and enabled them to develop resources and tools to enable communities to organize around the energy transition moving forward. Crystal Huang stated that their experience with the Community Innovation Grant proves it is possible to create a partnership between EBCE and community-based organizations and urged EBCE to support the implementation of the Local Development Business Plan, including the Community Innovation Plan.

Joan Taylor, on behalf of the California Nevada Desert Energy Committee of the Sierra Club, spoke regarding the Oberon Solar project. Joan Taylor stated that Intersect Power's claims that its need to generate 500 megawatts justifies bypassing and redefining DREP's management actions could set a damaging precedent by threatening management prescriptions developed by the Desert Renewable Energy Plan.

CONSENT AGENDA

4. Adoption of Imminent Risks Findings Pursuant to AB 361 and Authorization to Continue Meeting via Teleconferencing
5. Contracts Entered into (Informational Item)
6. Adopt a Resolution authorizing CEO to negotiate and execute a Consulting Service Agreement with Acterra to offer an induction Cooktop Lending Program to EBCE's residential customers.
7. Adopt a Resolution authorizing the CEO to negotiate and execute a Third Amendment to the Consulting Services Agreement with Weideman Group, Inc.
8. Summary of changes made to service terms and conditions to support product transitions in January 2022

9. Adopt a Resolution authorizing CEO or Treasurer to execute a Consulting Service Agreement with Maher Accountancy
10. Adopt a Resolution amending the Conflict of Interest Code clarifying those certain specified positions (BODs & Treasurer) must file a Form 700 under Government Code Section 87200

Director Valle joined the meeting prior to motion to approve the Consent Agenda.

Director Arriola motioned to approve the Consent Agenda. Director Hernandez seconded the motion which passed 11/0. Excused: Director Cox.

REGULAR AGENDA

11. CEO REPORT

- CC Power Policies
- Presentation on Service Transitions

Ceyda Durmaz Dogan, on behalf of the Clean Energy Alliance, stated CC Power should not go with the project-by-project approach and should not act in a way that would harm the reputation of individual CCAs in California, that their policies should be at least as strong as the policies of member CCAs or it would undermine decisions made by EBCE and other boards of member CCAs. Ceyda Durmaz Dogan stated CC Power should adopt environmental justice and labor policies that would require project proposals to include benefits to local communities and support work force development for underserved and disadvantaged workers.

The Board Discussed:

- Reflecting EBCE's values and priorities in CC Power's policies.
- Educating the public on the meaning of opting up or opting down on residential and commercial sides and the cost to them.
- California Public Utilities Commission Net Energy Metering 3.0. engagement with cities.
- Transition to the renewable 100%, how the solar true-up works, and the difference between PG&E and EBCE.
- Educating the public that the decision by cities to opt everyone in is part of legislation from Sacramento for CCAs, not the choice of the cities.
- CC Power project procurement policy and meaning of 2.5%, which is the scoring that goes into it, how that percentage was arrived at, and preferences allowed under Prop 209.

Ann Olivia Eldred, Chair of Community Advisory Committee, joined the meeting at 6:04pm.

12. Community Advisory Committee Report (Verbal report)

- Chair Eldred announced two new CAC members were sworn in at the Committee's December 13, 2021 meeting.
- Chair Eldred stated the CAC has received public comments regarding concerns about the DRECP emissions level in the Right Choice product, updates on the net energy metering decision, and the Community Innovation Grants.
- Chair Eldred also stated the CAC has received a request that the Board look at funding the Community Innovation Grants and get report backs from some of the programs EBCE has agreed to fund.

13. Adopt a Resolution approving a fifth amended and restated Administrative Procurement Policy to include a preference for Disabled Veteran Owned Businesses and Businesses located in Disadvantaged Communities

Director Cox motioned to adopt a Resolution Approving a Fifth Amended and Restated Administrative Procurement Policy to Include a Preference for Disabled Veteran Owned Businesses and Businesses Located in Disadvantaged Communities. Vice Chair Lopez seconded the motion.

There were no speakers for public comment.

The Board Discussed:

- Adding language that indicates a business should be located in a disadvantaged community and providing benefits for that community.

The motion passed 12/0. Excused: Director Harrison, Director Munro, Director McCarthy.

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

CEO Chaset appreciated Director Hernandez's service and commitment to EBCE as this is Director Hernandez's last meeting as a member of the EBCE Board.

Director Hernandez stated one reason for taking her position on the EBCE Board was to ensure the City of Dublin got into a great position and Dublin is now 100% renewable energy. Director Hernandez commended the members of EBCE for putting their hearts into bringing clean energy to residents and businesses.

Vice Chair Lopez appreciated Director Hernandez's service and leadership in also inspiring the City of San Leandro to also reach 100% renewable energy. Vice Chair Lopez requested to learn more regarding a contract EBCE has entered into involving desert land by having an analysis done, verifying public concerns, and looking to see what steps EBCE could take going forward.

CAC Chair Eldred stated the CAC would also be hearing the item regarding the desert plan. Chair Eldred stated this would be a good time to begin looking at a review and update of the Local Development Business Plan.

Director Mei requested EBCE focus on the City of Fremont's work in joint efforts trying to encourage more solar adoption, in particular charging stations. Director Mei also requested to focus on legislative advocacy in those areas and appreciated the partnership with the California Energy Commission in that regard and thanked CEO Chaset and the EBCE team for its leadership in this area.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, expressed huge appreciation for Director Hernandez's service on the EBCE Board, noting that Director Hernandez was one of very few women and women of color representing EBCE and the clean energy work it does.

Chair Martinez also expressed deep appreciation for Director Hernandez's contributions and the great pleasure it has been to work together and share ideas.

15. Adjournment to January 19, 2022 5:00 p.m.