



Board of Directors Meeting

Wednesday, February 16, 2022

5:00 pm

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Consistent with the provisions of Government Code Section 54953 (as amended by AB361), the East Bay Community Energy Board of Directors and standing committee meetings will be held via teleconference/videoconference only during the current State of Emergency. Any interested members of the public can participate via Zoom by utilizing the link listed above or telephonically by utilizing the dial-in information listed on this agenda.

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. 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. Members of the public who wish to address the Board are 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

All items under Consent Calendar will be considered together by one action of the Board, any Member or members of the public may request that an item be removed and considered separately.

4. Approval of Board of Directors Meeting Minutes of October 20, 2021; December 3, 2021 Special Meeting; November 17, 2021; Regular Meeting and December 15, 2021 Regular Meeting.
5. Contracts entered into between January 12, 2022 and February 9, 2022. (Informational Item)
6. Adoption of **Resolution** regarding Imminent Risks Findings Pursuant to AB 361 and Authorization to Continue Meeting via Teleconferencing.
7. Adoption of **Resolution** Authorizing the CEO to negotiate execute a Consulting Services Agreement with Langan Engineering and Environmental Services, Inc. to provide technical consulting services to East Bay Community Energy (“EBCE”) through a U.S. Environmental Protection Agency (“USEPA”) funded Brownfield Community-wide Assessment Grant, for a total agreement amount not to exceed \$250,000, and with a term through December 31, 2024.
8. Adoption of a **Resolution** authorizing the CEO to negotiate and execute a Consulting Services Agreement (“CSA”) for architectural services with one of two firms: Komorous-Towey Architects or AE3 Partners, for a total agreement amount ranging between \$400,000 and \$600,000, and with an agreement term through December 31, 2023.

REGULAR AGENDA

9. CEO REPORT
 - a. Update on enrollment numbers for Albany, Hayward, Dublin, Pleasanton.

Recommendation: Accept Chief Executive Officer (CEO) report on update items below.
10. Community Advisory Committee Report – Verbal report

Recommendation: Receive verbal report
11. Consideration regarding Approval of Legislative position on Assembly Bill B1814 which would authorize Community Choice Aggregators (CCAs) to submit applications to the California Public Utilities Commission (CPUC) to receive funding to administer transportation electrification programs in their service areas.

Recommendation: Board to take a “support” position on Assembly Bill (“AB”) 1814 (Grayson).

12. Power Content Guidelines, Zero Emission 2030- information only

Recommendation: Receive presentation showing a proposed schedule to reach zero emissions electricity in 2030. (no action)

13. Update on possible Expansion to Stockton and San Joaquin County

Recommendation: Receive informational update on status of Stockton's interest in joining EBCE's Joint Powers Authority. Provide feedback on next steps, if any.

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

15. Adjournment – to Wednesday, March 16, 2022

CERTIFICATION OF POSTING

I, Lori Frontella, Acting Board Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted on website at www.ebce.org and made available for public review prior to or at 5:00 p.m. on February 11, 2022.

Lori Frontella, MMC, Board Clerk



**Minutes
Board of Directors Meeting**

Wednesday, October 20, 2021

5:00 pm

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

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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

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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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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 Prepay 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 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**



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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.



Minutes
Board of Directors Meeting
Wednesday, December 15, 2022
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

Present: Directors: Valle (Alameda County), Tiedemann (Albany), Hernandez (Dublin), Cox (Fremont), Marquez (Hayward), Hannon (Newark), Kalb (Oakland), Narum (Pleasanton), Arriola (Tracy), Patino (Union City), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

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

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

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

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.



Consent Item 5

TO: East Bay Community Energy Board of
FROM: Directors Nick Chaset, Chief Executive Officer
SUBJECT: Contracts Entered Into
DATE: February 16, 2022

RECOMMENDATION

Accept the CEO's report on contracts that EBCE has entered, as required by the Administrative Procurement Policy. **Items executed between January 12, 2022 and February 9, 2022;**

C-2022-001 Weideman Group (Sacramento) Third Amendment to CSA adds additional compensation in the amount of \$125,000 to a total amount not to exceed \$375,000 through December 31, 2022 for government relations representation services.

C-2022-002 The Law Office of Joseph Wiedman (Cloverdale, CA) First Amendment to CSA updates the hourly rates of compensation for 2022 for regulatory legal services.

C-2022-003 Keyes and Fox (San Francisco) Third Amendment to CSA updates the hourly rates of compensation for 2022 for regulatory legal services.

C-2022-004 Veloz (Sacramento) Membership Agreement for Champion Level Membership fee which includes: leadership role in meetings/forums, invitation to speak at 2-3 public webinars, summit series, dialogue events, be listed as a Champion Level Member with logo on Veloz website, complimentary passes to industry events hosted by Veloz, consumer EV education & resources, industry news & networking opportunities. Cost: \$50,000.

C-2022-005 PFM Financial Advisors (San Francisco) First Amendment to CSA adds \$40,000 in compensation for a total amount not to exceed \$80,000, extends the termination date to June 30, 2022, extends to scope and updates the hourly rates of compensation for 2022.

C-2022-006 Maher Accountancy (San Rafael) Consulting Services Agreement for accounting services through December 31, 2022, with compensation not to exceed \$255,000.

C-2022-007 City of Piedmont Charging Station License Agreement ten-year Agreement granting EBCE the rights to build, install, and maintain electrical vehicle charging stations and associated infrastructure for public use.

C-2022-008 NP Energy (San Francisco) Consulting Services Agreement for regulatory support services through December 31, 2022, for an amount not to exceed \$30,000.

C-2022-009 The Bay Area Air Quality Management District Funding Agreement \$425,000 or 90% of the total cost of the project awarded for EBCE's Local Development EV fast charging hub project in Oakland. Project Number: 2103-17497

C-2022-010 Stantec (Sacramento) Second Amendment to CSA adds \$29,999 to the compensation, total amount not to exceed \$49,999, extends the term date through December 31, 2022, and adds additional services of electrical and civil engineering and project management to the scope of services.

C-2022-011 Center for Creative Land Recycling (Berkeley) Consulting Services Agreement for grant management and reporting services with compensation not to exceed \$46,650.



Staff Report Item 6

TO: East Bay Community Energy Board of Directors

FROM: Inder Khalsa, General Counsel

SUBJECT: Adoption of Imminent Risks Findings Pursuant to AB 361 and Authorization to Continue Meeting via Teleconferencing

DATE: February 16, 2022

Recommendation

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).

Background and Discussion

On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency related to COVID-19, pursuant to Government Code Section 8625, which is still in effect. On March 10, 2020, the Alameda County Board of Supervisors ratified the County Health Officer's declaration of a local health emergency due to COVID-19.

The Brown Act allows legislative bodies to meet by "teleconference," but only if the agenda listed the remote location of each member, the agenda was posted at all remote locations, and the public could access any of the remote locations. Additionally, a quorum of the legislative body had to be within the legislative body's jurisdiction. See Government Code Section 54953(b)(3)

Due to the COVID-19 pandemic, the Governor issued Executive Order N-29-20, suspending certain sections of the Brown Act. Pursuant to the Executive Order, legislative bodies no longer needed to list the location of each remote attendee, post agendas at each remote location, or allow the public to access each location. Further, a quorum of the legislative body does not need to be within the legislative body's

jurisdiction. After several extensions, Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021 Governor Newsom signed AB 361, new legislation that amends the Brown Act to allow local agencies to meet remotely during Governor declared emergencies under certain conditions. AB 361 took effect immediately as an urgency measure, but the Governor subsequently suspended application of the legislation – with limited exceptions – until October 1, 2021. The provisions of AB 361 relevant to local agencies are codified at Government Code Section 54953(e).

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act’s standard teleconferencing provisions if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The legislative body must make the required findings every 30 days, until the end of the state of emergency or recommended or required social distancing.

AB 361 also requires legislative bodies to make remote public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body, and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act. AB 361 adds new procedures and clarifies the requirements for conducting remote meetings. A legislative body that meets remotely must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time.

Due to the rise in COVID-19 cases caused by the Delta Variant, Alameda County is still impacted by the effects of the COVID-19 emergency. The Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. The CDC also recommends that people who live with unvaccinated people avoid activities that make physical distancing hard.

EBCE's public-meetings are held at indoor facilities not designed to ensure circulation of fresh or outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart. Additionally, holding in-person meetings may encourage community members to come to EBCE facilities to participate in EBCE meetings in-person, and some of them could be at high risk of getting very sick from COVID-19 and/or live with someone who is at high risk. At this point in time, there are few in-person locations available for the EBCE to meet in, since most of the agencies in Alameda County are still holding remote meetings.

In-person meetings could also tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to EBCE Board meetings to participate. Attendees may need to use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households.

For these reasons, staff recommends that the Board adopt findings that, as a result of the state of emergency caused by COVID-19, meeting in person would present imminent risks to the health and safety of attendees.

Staff will continue to monitor the situation and will return to the Board every 30 days or as needed with additional recommendations related to the conduct of public meetings.

Attachments

- Proclamation of Governor Newsom of a State of Emergency due to COVID-19
- Resolution No. R-2020-91 of the Alameda County Board of Supervisors Ratifying the Declaration of a Local Health Emergency due to COVID-19

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

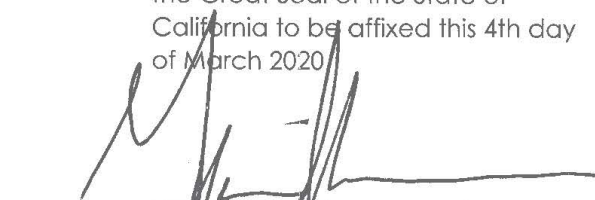
7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.
14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



OFFICE OF THE AGENCY DIRECTOR

1000 San Leandro Boulevard, Suite 300
San Leandro, CA 94577
TEL (510) 618-3452
FAX (510) 351-1367

March 6, 2020

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, CA 94612

SUBJECT: ADOPT A RESOLUTION RATIFYING THE DECLARATION OF A LOCAL HEALTH EMERGENCY BY THE COUNTY HEALTH OFFICER RELATED TO THE 2019 NOVEL CORONAVIRUS

Dear Board Members:

RECOMMENDATION

Adopt a Resolution ratifying the Declaration of a Local Health Emergency by the County Health Officer related to the 2019 Novel Coronavirus

DISCUSSION/SUMMARY

In December 2019, an outbreak of a respiratory illness due to a novel coronavirus (a disease known as 2019 Novel Coronavirus or COVID-19) was first identified in Wuhan City, Hubei Province, China. Since then, the outbreak has spread to more than 75 countries, including the United States. As of March 5, 14 California counties have had at least one citizen infected with the virus. The County of Alameda is among those counties, as are several Bay Area counties including Contra Costa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

The United States Centers for Disease Control and Prevention (CDC) considers COVID-19 to present a very serious threat to public health. On January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the United States. On January 31, 2020, the Secretary of the US Department of Health and Human Services declared a public health emergency in the United States.

As of March 6, 2020, the CDC has identified 164 confirmed cases of COVID-19 infection, across 19 states, including 45 in California. The number of reported cases has escalated dramatically, with more than 94,000 confirmed cases and more than 3,300 deaths worldwide.

On March 1, 2020, the California Department of Public Health confirmed that an Oakland resident had become infected with COVID-19 after providing healthcare to the Solano County COVID-19 patient. Two days later, an individual in Berkeley also tested positive for COVID-19 Infection.

California Health and Safety Code section 101080 allows a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, "whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent." On March 1, 2020, Alameda County Interim Health Officer Erica Pan, MD, MPH, FAAP declared a local health emergency. Dr. Pan found that with "multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive patients and community spread in the County of Alameda." Dr. Pan renewed this declaration of emergency on March 5, 2020.

The declaration of a local health emergency provides the following benefits: it allows other jurisdictions and state agencies to provide mutual aid; it allows the extraordinary costs of providing mutual aid to be a legal charge against the state; and it provides immunity to healthcare providers who render aid during the emergency. The declaration also provides the local Health Officer with the authority to exercise the full range of her power to protect the community's public health, which includes issuance and enforcement of orders for quarantine and isolation.

Under section 101080, your Board is required to ratify the Health Officer's declaration of emergency. Ordinarily, your Board would need to renew this ratification every thirty (30) days; however, on March 4, 2020, California Governor Gavin Newsom issued a Proclamation of a State of Emergency relating to the COVID-19 outbreak that included a waiver of the renewal requirement: "The 30-day time period in Health & Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local emergency." The Governor similarly waived the renewal requirement for a declaration of local emergency.

VISION 2026 GOAL

This Resolution meets the 10X goal pathway of **Healthcare for All** in support of our shared visions of **Safe and Livable Communities**, **Thriving and Resilient Population**, and **Healthy Environment**.

Sincerely,

DocuSigned by:

CB284AE84C50405...

Colleen Chawla, Director
Health Care Services Agency

RESOLUTION NUMBER R-2020- 91

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA RATIFYING THE DECLARATION OF LOCAL HEALTH EMERGENCY BY THE COUNTY HEALTH OFFICER RELATED TO THE 2019 NOVEL CORONAVIRUS

WHEREAS, California Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biological agent, toxin, or radioactive agent; and

WHEREAS, on March 1, 2020 and again on March 5, 2020, the County's Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus (named COVID-19) in the County of Alameda; and

WHEREAS, under Health and Safety Code section 101080, the local health emergency shall not remain in effect for more than seven (7) days unless ratified by the Board of Supervisors; and

WHEREAS, the Board of Supervisors hereby finds that there continues to exist an imminent and proximate threat to public health from the introduction of COVID-19 in the County for reasons set forth in the declaration of local health emergency by the County's Health Officer, dated March 5, 2020;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Alameda as follows:

Section 1 – The local health emergency declared by the County's Health Officer on March 5, 2020 is hereby ratified. Under authority granted by California Governor Gavin Newsom in a Proclamation of a State of Emergency issued on March 4, 2020, this declaration of local emergency shall remain in effect until the Board of Supervisors determines that the emergency condition no longer exists.

Section 2 – The Board of Supervisors hereby delegates to the County's Health Officer authority to terminate the local health emergency, pursuant to Health & Safety Code section 101080 "at the earliest possible date that conditions warrant the termination."

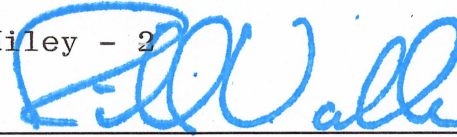
Section 3 – All County departments and agencies take those actions, measures, and steps deemed necessary to assure the health, safety, and welfare of County citizens and property, including requesting mutual aid to the extent such aid is necessary.

The foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Alameda, State of California, at a regular meeting of the Board on the 10 day of March, 2020 by the following vote:

AYES: Supervisors Carson, Haggerty and President Valle - 3

NOES: None

EXCUSED: Supervisors Chan and Miley - 2

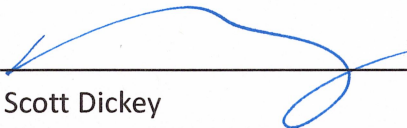


Richard Valle, President of the Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors,
County of Alameda, State of California

By: 
Deputy

APPROVED AS TO FORM:
Donna R. Ziegler, County Counsel

By: 
K. Scott Dickey
Assistant County Counsel

DECLARATION OF A LOCAL HEALTH EMERGENCY

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent;

WHEREAS, COVID-19 is a contagious, infectious, or communicable disease;

WHEREAS, the Secretary of the United States Department of Health and Human Services declared a public health emergency on January 31, 2020, for the United States;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020, that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, the first confirmed case of COVID-19 has now been identified in the County of Alameda;

WHEREAS, the Governor Gavin Newsom issued a Proclamation of a State of Emergency on March 4, 2020 for California;

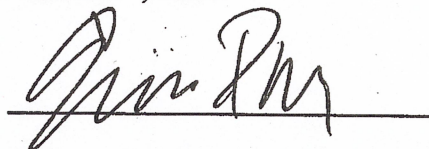
WHEREAS, based on the United States Department of Health and Human Services declaration and the Centers for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive patients and community spread in the County of Alameda;

WHEREAS, based on the foregoing, the Health Officer of Alameda County does hereby find that there is an imminent and proximate threat of the introduction and spread of COVID-19 in the County of Alameda and a threat to the public health of the residents of the County of Alameda;

THEREFORE, the County Health Officer hereby declares a renewal of a local health emergency originally declared on March 1st, 2020 throughout the County of Alameda;

IT IS SO DECLARED, on this date: March 5th, 2020.

BY:



Name: Dr. Erica Pan

Title: Interim Health Officer

Public Health Department, County of Alameda

DECLARATION OF A LOCAL HEALTH EMERGENCY

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent;

WHEREAS, COVID-19 is a contagious, infectious, or communicable disease;

WHEREAS, the Secretary of the United States Department of Health and Human Services declared a public health emergency on January 31, 2020, for the United States;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020, that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, the first confirmed case of COVID-19 has now been identified in the County of Alameda;

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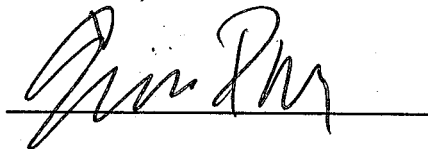
WHEREAS, based on the United States Department of Health and Human Services declaration and the Centers for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive patients and community spread in the County of Alameda;

WHEREAS, based on the foregoing, the Health Officer of Alameda County does hereby find that there is an imminent and proximate threat of the introduction and spread of COVID-19 in the County of Alameda and a threat to the public health of the residents of the County of Alameda;

THEREFORE, the County Health Officer hereby declares a renewal of a local health emergency originally declared on March 1st, 2020 throughout the County of Alameda;

IT IS SO DECLARED, on this date: March 5th, 2020.

BY:



Name: Dr. Erica Pan

Title: Interim Health Officer

Public Health Department, County of Alameda



Staff Report Item 7

TO: East Bay Community Energy Board of Directors

FROM: Jessie Denver, Senior Distributed Energy Resources Program Manager - Transportation Electrification and Energy Resilience

SUBJECT: Adopt a Resolution Authorizing the CEO to execute a Consulting Services Agreement with Langan Engineering and Environmental Services, Inc.

DATE: February 16, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreement with Langan Engineering and Environmental Services, Inc. (“Langan”) to provide technical consulting services to East Bay Community Energy (“EBCE”) through a U.S. Environmental Protection Agency (“USEPA”) funded Brownfield Community-wide Assessment Grant, for a total agreement amount not to exceed \$250,000, and with a term through December 31, 2024.

Background and Discussion

Through Executive Order B-48-18, California has a goal of deploying 250,000 electric vehicle (“EV”) charging stations by 2025 and 5 million zero emission vehicles on roadways by 2030.¹ To meet the State’s goals, significant investments in EV fast charging infrastructure must be made.² Additionally, zero-emission medium and heavy-duty (“MD/HD”) goods movement vehicles have emerged on the market and are set to scale by 2030 as a result of California’s Advanced Clean Trucks Regulation and Executive Order N-79-20.³ In turn, significant and immediate work is needed to evaluate and plan strategic charging infrastructure deployment to support the growing demand for both passenger and commercial MD/HD zero emission vehicles.

¹ <https://www.ca.gov/archive/gov39/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/index.html>

² <https://maps.nrel.gov/cec/?aL=0&BL=cdark&cE=0&LR=0&mC=37.68013439746961%2C-121.90562295775032&zL=11>

³ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-text.pdf>

In June 2021, EBCE received a Brownfield Community-wide Assessment Grant (“Grant”) from the USEPA to develop a service area-wide inventory of brownfields and perform Environmental Site Assessments on high-impact priority sites for the revitalization use case of EV fast-charging hubs. EBCE and Langan will work to develop a holistic inventory of brownfield sites across EBCE’s service area that could support development of publicly available, centralized fast charging hubs. High-impact priority sites will be selected from the inventory and evaluated in-depth to determine use case feasibility and inclusion of onsite renewable energy and battery energy storage systems to enhance the resilience of these critical fueling services. The intent of the proposed site reuse is to meet the use case of two customer segments: (1) Light duty commuter vehicles, and (2) MD/HD goods movement vehicle fleets. USEPA’s funding support for EBCE’s project vision achieves the goal of increasing access to EV fast charging, brownfields infill reuse, reducing air pollutants and greenhouse gas emissions from the transportation and goods movement sector, and reducing legacy toxic exposure from brownfields to nearby neighborhoods.

The project goals and deliverables include:

- **Site Inventory:** An EBCE service area-wide inventory of sites will be completed, identifying all potential sites and then prioritizing sites having the greatest potential for the proposed use cases.
- **Environmental Site Assessments:** Preparation of up to five (5) Phase I and three (3) Phase II Environmental Site Assessments total.
- **Site Reuse:** Preparation of two (2) Analysis of Brownfield Cleanup Alternatives (“ABCA”) reports, 2 Site Reuse Plans, and 1 Site Reuse Vision. The Site Reuse Vision for one use case will be developed to communicate our desired brownfield site reuse concept to stakeholders including private sector investors.

To select this vendor, staff solicited quotes via email. Quotes were due January 17, 2022. In December 2021 staff held a Bidders’ Webinar to provide an oral overview of the Grant project objectives and to provide bidders with the chance to ask clarifying questions. Eleven participants joined the webinar, representing six unique companies. Ten companies received the solicitation and four companies provided quotes. All four companies that provided quotes were interviewed and reference checks were conducted.

EBCE has also signed a contract with the Center for Creative Land Recycling (“CCLR”) to provide project management and reporting services for the Grant, including oversight of the work and deliverables of Langan as the technical consultant. CCLR is a Berkeley-based brownfields redevelopment consulting agency that is a deeply experienced and well-respected team in the field. They will serve as an extension of the EBCE oversight of Langan to ensure the technical components of the project and the USEPA reporting requirements are thorough and appropriate.

Approval of this Resolution will allow EBCE and Langan to develop a prioritized list of potential brownfield sites for EV fast-charging hub redevelopment in Alameda and San Joaquin counties, and the key documents to communicate the vision and opportunity to future partners. No construction or redevelopment work will be conducted under this contract.

Fiscal Impact

The total value of this contract is not to exceed \$250,000. All costs shall be funded through the USEPA Grant award to EBCE.

Attachment

A. Resolution authorizing the CEO to Negotiate and Execute a Consulting Services Agreement with Langan Engineering and Environmental Services, Inc.

RESOLUTION NO. R-2022-__

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF
EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A CONSULTING SERVICES
AGREEMENT WITH LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC. TO
PROVIDE TECHNICAL CONSULTING SERVICES FOR A BROWNFIELD COMMUNITY-WIDE
ASSESSMENT GRANT**

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS In January of 2018, the State of California issued Executive Order B-48-18, which established a goal of deploying 250,000 electric vehicle (“EV”) charging stations by 2025 and 5 million zero emission vehicles on roadways by 2030;

WHEREAS In September of 2020, Governor Newsom issued Executive Order N-79-20, which established the State’s goal that 100 percent of medium- and heavy-duty vehicles produce zero-emissions by 2045, for all operations where feasible, and by 2035 for drayage trucks;

WHEREAS EBCE is committed to building publicly accessible EV fast-charging hubs for both light-duty passenger vehicles and medium- and heavy-duty goods movement vehicles;

WHEREAS In June of 2021, EBCE received a Brownfield Community-wide Assessment Grant (“Grant”) from the United States Environmental Protection Agency (“USEPA”) to develop a service area-wide inventory of brownfields and perform Environmental Site Assessments on high-impact priority sites for the potential revitalization use case of EV fast-charging hubs;

WHEREAS EBCE signed a Consulting Services Agreement with the Center for Creative Land Recycling (“CCLR”) to provide project management and reporting services for the Grant, including oversight of a selected technical consultant; and

WHEREAS EBCE requires an additional vendor to carry out the technical tasks and deliverables necessary to fulfill EBCE’s requirements of its Grant from USEPA.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The CEO is hereby authorized to negotiate and execute a Consulting Services Agreement with Langan Engineering and Environmental Services, Inc. (“Langan”), with a total compensation not to exceed \$250,000 through December of 2024, which will be approved as to form by General Counsel.

ADOPTED AND APPROVED this 16th day of February, 2022.

Dianne Martinez, Chair

ATTEST:

Clerk of the Board



Staff Report Item 8

TO: East Bay Community Energy Board of
FROM: Directors Nicolas Chaset
SUBJECT: Consulting Services Agreement for Architecture Services
DATE: February 16, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreement (“CSA”) for architectural services with one of two firms: Komorous-Towey Architects or AE3 Partners, for a total agreement amount ranging between \$400,000 and \$600,000, and with an agreement term through December 31, 2023.

Background and Discussion

In January 2022, EBCE issued a Request for Qualifications for architectural services to Alameda County’s General Service Agency’s (“GSA”) list of five pre-qualified architectural firms. EBCE sought to leverage the Alameda County GSA’s procurement process to ensure that the firms responding to the RFQ met the County’s rigorous procurement standards. EBCE received two responses to the RFQ. One from Komorous-Towey and the other from AE3 Partners. Both firms are headquartered in the Bay Area with offices in Oakland and have extensive experience working in Alameda County.

EBCE staff is currently in the process of completing its review of the submissions from both architectural firms and is scheduling time to walk through projects that both firms have completed that are similar in scope and size to what EBCE seeks to accomplish at its 251 8th St. location.

EBCE staff is seeking authority to enter into a CSA with one of the two firms expeditiously in order to have the opportunity to complete an initial phase of the design and construction at 251 8th St by fall 2022, when EBCE’s current office lease ends.

Budget Impact

EBCE staff forecasts that the work associated with this CSA will cost between \$400,000 and \$600,000.

Attachments

1. Resolution Authorizing the CEO to Select an Architect and to Negotiate and Execute a Consulting Services Agreement for Architectural Services

RESOLUTION NO. R-2022-__

A RESOLUTION OF THE BOARD OF DIRECTORS

**OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO
SELECT AN ARCHITECT AND TO NEGOTIATE AND EXECUTE A CONSULTING SERVICES
AGREEMENT FOR ARCHITECTURAL SERVICES**

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS EBCE has purchased an office building at 251 8th Street, Oakland, that requires renovations to be utilized;

WHEREAS EBCE issued a Request for Qualifications (RFQ) for architectural services to all five vendors from Alameda County’s General Service Agency list of pre-qualified architectural firms with the intent of finding a qualified firm to provide renovation services for the 251 8th Street office building;

WHEREAS EBCE has narrowed the pool of vendors to two architectural firms, Komorous-Towey Architects and AE3 Partners, of which one will be selected;

WHEREAS it is anticipated that the cost of these services will range between \$400,000 and \$600,000.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Grant the CEO authority to select one from the above vendors.

Section 2. Grant the CEO authority to negotiate and execute a Consulting Services Agreement for architectural services not to exceed \$600,000 through December 31, 2023. The Agreement will be approved as to form by the General Counsel.

ADOPTED AND APPROVED this 16th day of February, 2022.

Dianne Martinez, Chair

ATTEST:

Clerk of the Board



Staff Report Item 9

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, Chief Executive Officer

SUBJECT: CEO Report (Informational Item)

DATE: February 16, 2022

Recommendation

Accept Chief Executive Officer (CEO) report on update items below.

Recommendation

Accept Chief Executive Officer (CEO) report on update items below.

Executive Committee Meeting

Finance, Administration and Procurement Subcommittee Meeting

Marketing Regulatory and Legislative Subcommittee Meeting

The Marketing, Regulatory and Legislative Subcommittee met on February 2, 2022. Members received a legislative update on items of interest to EBCE and a summary of key activities over the next six months for the Marketing & Account Services team.

New Staff

David Lewbin

Cait Cady

Update on Brilliant 100 Closure and Renewable 100 Transitions

The Brilliant 100 product is no longer available to any customers as of January 2022. Additionally, four cities transitioned most of their customers to Renewable 100 during the month of January. Those cities are Albany, Dublin (residential only), Hayward, and Pleasanton. Voluntary Brilliant 100 customers and impacted customers in the four cities were sent printed and electronic notifications in December. A second notification was mailed and emailed during the first two weeks of January.

Staff has tracked the enrollment status of customers in these areas and found that customers who act are more frequently staying with EBCE on Bright Choice rather than choosing to

return to PG&E. These figures suggest that customers are making informed decisions about their electricity service. Below is a table showing the change in enrollment status percentages from November 2021 to February 8, 2022.

	2/8/22			Change from November 2021	
	Total Eligible	Total % Opt Out	Total % Move to/ Stay on BC	% Opt Out	% Move to/ Stay on BC
Albany	7,363	2.99%	12.36%	0.19%	11.24%
Dublin	27,569	5.17%	3.41%	0.33%	3.41%
Hayward	57,816	6.43%	11.22%	0.26%	10.36%
Pleasanton	32,057	5.07%	5.49%	0.86%	4.75%
All EBCE	674,070	5.50%	2.02%	0.15%	1.88%

Next month, we will continue to report on these enrollment numbers and add Berkeley and San Leandro residential customer metrics. Berkeley and San Leandro residential customers are transitioning to Renewable 100 in March 2022. The first notice to March transition customers was mailed and emailed in early February.



Staff Report Item 11

TO: East Bay Community Energy Board of Directors

FROM: Melissa Brandt, Vice President of Public Policy and Deputy General Counsel

SUBJECT: Approval of Legislative Position (Action Item)

DATE: February 16, 2022

Recommendation

Take a “support” position on Assembly Bill (“AB”) 1814 (Grayson).

Background and Discussion

In July 2018 the EBCE Board approved a Legislative Program which outlined three general legislative principles and five more specific public policy positions, as well as guidance for legislative policy coordination. The following recommended bill position aligns with the guidance in EBCE’s Legislative Program.

SUPPORT: AB 1814 (Grayson) would expand existing statutory language to authorize community choice aggregators (“CCAs”) to file applications at the California Public Utilities Commission (“CPUC”) for programs and investments to accelerate widespread transportation electrification (“TE”). Under existing law, electrical corporations are required to file TE applications, with costs being recovered from all customers (including EBCE’s) through utility distribution rates. In addition to enabling CCAs to file TE applications, the bill would require the electrical corporations to reimburse CCAs for any CCA TE programs approved by the CPUC by collecting the charges through utility distribution rates in the same manner as their own approved costs. In this manner, CCAs are not competitively disadvantaged and their customers are not unfairly burdened with additional costs when the CCA administers a CPUC-approved TE program.

AB 1814 aligns well with EBCE’s legislative principle of Accelerating Decarbonization, as the legislation is designed to enable higher levels of and more effective TE by enabling CCAs to offer programs using TE funds under CPUC oversight. AB 1814 also aligns with EBCE’s legislative principle of promoting local development, since

transportation electrification funds that EBCE would be eligible to apply for would enable increased investment in local zero-emission transportation. Furthermore, AB 1814 would enable a level playing field between CCAs and electrical corporations, which aligns with EBCE's public policy position on Nonbypassable Charges. Additionally, AB 1814 would enable increased funding for TE, directly supporting EBCE's public policy position on Educational, Neighborhood and Social Services.

The California Community Choice Association ("CalCCA") is the bill's sponsor.

Fiscal Impact

AB 1814 is unlikely to result in a net increase in utility distribution TE charges, but rather a shift in the allocation of TE funds, with some of the funds going to CCAs.

Attachments:

- A. AB 1814 Author's Fact Sheet
- B. February 16, 2022 Legislative Update

Summary:

AB 1814 would authorize Community Choice Aggregators (CCAs) to submit applications to the California Public Utilities Commission (CPUC) to receive funding to administer transportation electrification programs in their service areas.

Background:

California has held lofty initiatives of meeting stringent air quality and climate change targets. A major component in meeting these targets are the state's transportation objectives to achieve five million zero-emission vehicles (ZEVs) on the road by 2030¹ and 250,000 electric vehicle charging stations by 2025². These are essential because the transportation sector contributes a large percentage of nitrogen emissions, diesel particulate matter, and statewide greenhouse gas (GHG) emissions.

The CPUC plays a critical role in achieving these emission targets. Under their authority to regulate Investor-Owned Utilities (IOUs), they are directing strategic investments for transportation electrification projects, designing electricity rates, adopting vehicle-grid integration policy and pilot programs, and conducting program evaluation and interagency coordination to ensure strategically coordinated ZEVs investments.³

Alternative to IOUs, CCAs are local government entities that supply energy needs for their communities, offering an alternative and tailored choice in the market and serve over 11 million customers in more than 200 cities and counties. CCAs can provide the communities that they serve with competitively priced, clean energy choices while reinvesting revenues into projects and programs, supporting the local economy, such as offering complementary programs such as EV charging and battery storage.

Problem:

The California Energy Commission (CEC) has assessed California's electric vehicle charging infrastructure rollout and determined that the state will be almost 1 million chargers short of what will be required to support the state's 2035 EV adoption goals.

While CPUC authorizes IOUs to file applications to receive ratepayer funded transportation electrification program funding, CCAs are not explicitly authorized in existing law to access these funds, despite CCA customers also paying into these same funds. As a result, local leaders have little ability to tailor electric vehicle infrastructure and programs to serve residents and businesses, particularly in traditionally underrepresented areas.

Solution:

AB 1814 would explicitly authorize CCAs to file applications for programs and investments to accelerate widespread transportation electrification. In order to submit these applications, CCAs would be regulated to meet all of the same requirements that IOUs are currently required to meet.

In order to meet the state's EV adoption goals, CCAs must also be included in the solution. CCAs should be given the opportunity to apply for funding through CPUC for transportation electrification projects as a means of potentially addressing energy needs as identified by specific communities. By creating parity within IOUs and CCAs, the state may be able to meet our GHG emission reduction goals in the transportation sector.

Support:

California Community Choice Association
(Sponsor)

Staff Contact:

Samantha Yturalde
Samantha.Yturalde@asm.ca.gov
(916) 319-2014

¹ <https://www.ca.gov/archive/gov39/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/index.html>

² <https://www.ca.gov/archive/gov39/2012/03/23/news17472/index.html>

³ <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/infrastructure/transportation-electrification>

FEBRUARY 16, 2022

Legislative Update



Legislative Highlights

- Recommended Bill Position: AB 1814
- Update on 2-year bills / EBCE's Bill Tracker from 2021
- 2022 Legislative Year (2021-2022 Legislative Session)

Recommended Bill Position

Bill #	Author	Description	Sponsor	Status	Recommended EBCE Position
AB 1814	Grayson	Authorizes community choice aggregators to file applications at the CPUC for programs and investments to accelerate widespread transportation electrification, and to receive reimbursement for approved charges from the applicable electrical corporation's distribution customers.	CalCCA	Introduced 2/7/2022	SUPPORT

Bill Tracker (2021) - Assembly

Bill #	Author	Description	Status	EBCE Position
AB 33	Ting	Requires CEC to provide grants and loans to local governments to maximize energy use savings and expand installation of energy storage and availability of transportation electrification infrastructure.	Chaptered	SUPPORT
AB 427	Bauer-Kahan	Requires CPUC to establish rules governing the intersection of demand response, energy storage including customer-sited distributed generation plus storage, and RA.	Died	SUPPORT
AB 525	Chiu	Requires CEC to evaluate and quantify max feasible capacity of offshore wind and to establish planning goals for 2030 and 2045.	Chaptered	SUPPORT
AB 843	Aguiar-Curry	Allows community choice aggregators to enter into Bioenergy Market Adjusting Tariff (BioMAT) contracts and recover related costs through the existing nonbypassable charge for the BioMAT program.	Chaptered	SUPPORT
AB 1139	Gonzalez	Requires the CPUC to develop a replacement NEM tariff by 8/1/2022; if none, prescribes successor NEM tariff. Requires any existing NEM customer to be transferred to new tariff 20 years after customer first received NEM service.	Died	OPPOSE
AB 1239	Ting	Requires investigation into causes of demand response market failures and why demand response is not reaching its potential; recommendations to ensure market failures not repeated. Recommendations to CPUC to revise policies governing demand response resources. CEC and CAISO to develop initiatives to achieve all cost-effective demand response by 2030.	Died	SUPPORT

Bill Tracker (2021) - Senate

Bill #	Author	Description	Status	EBCE Position
SB 31	Cortese	Requires CEC to identify/implement programs to promote existing & new building decarb. Would authorize expending fed funds for these projects. Would require CEC under EPIC to award funds for projects benefiting electric ratepayers & leading to development of building decarbonization technologies and investments to reduce GHG in those bldgs.	Died	SUPPORT
SB 52	Dodd	Expands sudden and severe energy shortage definition to include de-energization events, constituting state of emergency and local emergency.	Chaptered	SUPPORT
SB 68	Becker	Requires CEC to develop guide for overcoming barriers to electrification of buildings and installation of EV charging equipment. Authorizes CEC EPIC \$ for reducing costs of building electrification.	Chaptered	SUPPORT
SB 99	Dodd	Community Energy Resiliency Act of 2021. Requires the CEC to develop and implement a grant program for local govts to develop community energy resilience plans.	2 nd house – see SB 833	SUPPORT
SB 345	Becker	Requires the CPUC to establish common definitions of nonenergy benefits, incorporate into distributed energy resource (DER) programs and projects, and track nonenergy benefits produced in DER program evals.	Died	SUPPORT
SB 551	Stern	Establishes California EV Authority in the Governor's office, responsible for coordinating state agency activities to deploy EV and zero emission charging infrastructure, create funding/financing tools to support deployments, prioritize equity	2 nd house	SUPPORT
SB 589	Hueso	Requires CEC to identify workforce development and training resources needed to meet EV charging infrastructure goals.	Chaptered	SUPPORT
SB 612	Portantino	Requires electrical corporations to annually offer for the following year an allocation of each product arising from legacy resources that departed load customers currently bear cost responsibility for through the PCIA. Requires the CPUC to recognize and account for the value of all products in the legacy portfolio in determining the PCIA.	2 nd house	SUPPORT

Key Deadlines for the 2022 Legislative Year

- 1/3: Legislature reconvened
- 1/10: Governor submitted budget
- 1/31: Deadline to move 2-year bills out of 1st house
- 2/18: Bill introduction deadline
- 4/29: Policy cmtes to move fiscal bills to fiscal cmtes (1st house)
- 5/6: Policy cmtes to move nonfiscal bills to floor (1st house)
- 5/20: Fiscal cmtes must move bills to floor (1st house)
- 5/27: Last day for bills to be passed out of 1st house
- 6/15: Budget bill must be passed
- 7/1: Policy cmtes to meet and report bills (2nd house)
- 8/12: Fiscal cmtes to move bills to floor (2nd house)
- 8/31: Last day for each house to pass bills
- 9/30: Last day for Governor to sign/veto bills

Next Steps

- Review and analyze new bills and amendments
- Monitor bills on our watch list; determine when EBCE should formally take a position
- Send position letters for bills once EBCE formally takes a position
- Monitor Governor's Budget request, which includes \$6.1B over 5 years for Zero Emission Vehicles (ZEV)
- Engage with CalCCA on legislative efforts



Staff Report Item 12

TO: East Bay Community Energy Board of Directors

FROM: Jim Dorrance, Power Resources Manager

SUBJECT: Power Content Guidelines (Information Item)

DATE: February 26, 2022

Recommendation

Receive a presentation showing a proposed schedule to reach zero emissions electricity in 2030.

Background and Discussion

Background

At the December 16th, 2020, Board meeting, the Board adopted a clean energy goal by Resolution setting a goal for all electricity within EBCE's portfolio to have zero net emissions by 2030 and this was supported by EBCE's Integrated Resource Plan (IRP) analysis for that year. This ambitious goal set EBCE's zero emission timeline 15 year's ahead of California's (CA) goal of state-wide zero emission electricity by 2045 from Senate Bill 100 (SB100). The purpose of this staff report is to present a schedule with annual goals as percentages for renewable and carbon free electricity purchases for each year to achieve zero emission electricity by 2030. Within this schedule are targets for the renewable content plan-wide and for Bright Choice through 2030.

Path to Zero Emissions 2030

The schedule described in this report illustrates a path to reach zero emission electricity by 2030 with each year's renewable and carbon free percentages as steps to reach that goal. Staff will continue to work to meet or exceed the annual goals of this schedule but understands that there is yearly uncertainty with the generation from EBCE's contracted long-term renewable sources and the dynamic availability of generation from large hydroelectric facilities. Additionally, further analysis of procurement costs and planning will be completed

every 2 years as part of the Integrated Resource Planning process that could require changes to the schedule.

Another part of the proposed guidelines and schedule would remove the use of Pacific Gas and Electric's (PG&E) prior year renewable content forecast as the basis for the annual procurement floor for Bright Choice. This step will de-couple the renewable content of Bright Choice from PG&E renewable content forecasts and establish annual steps that lead to zero emission electricity in 2030. As seen in the schedule in the table, EBCE's renewable content for Bright Choice would continue to increase each year and be at least 5 percent higher than the CA Renewable Portfolio Standard (RPS) annual targets.

The schedule will also result in a year-over-year reduction in emissions for EBCE's entire portfolio. For calculating and reporting emissions from electricity, EBCE used The Climate Registry (TCR) in 2018-2019 and starting in 2020 EBCE started reporting emissions through the Power Source Disclosure Report (PSDR) and on the Power Content Label (PCL), using the associated regulations for calculating and reporting emissions. The PSDR regulations, which EBCE now uses, include reporting emissions associated with power content from any emitting generation source (Unspecified Power, Natural Gas, etc.) and emissions for purchases of Portfolio Content Category 2 (PCC2) RECs when the associated energy is not specific by source. EBCE's emission reporting is also discussed in further detail in later in this report. Both the TCR and PSDR emission factor is included in the schedules for the applicable years.

Schedule for Annual Renewable and Carbon Free Electricity

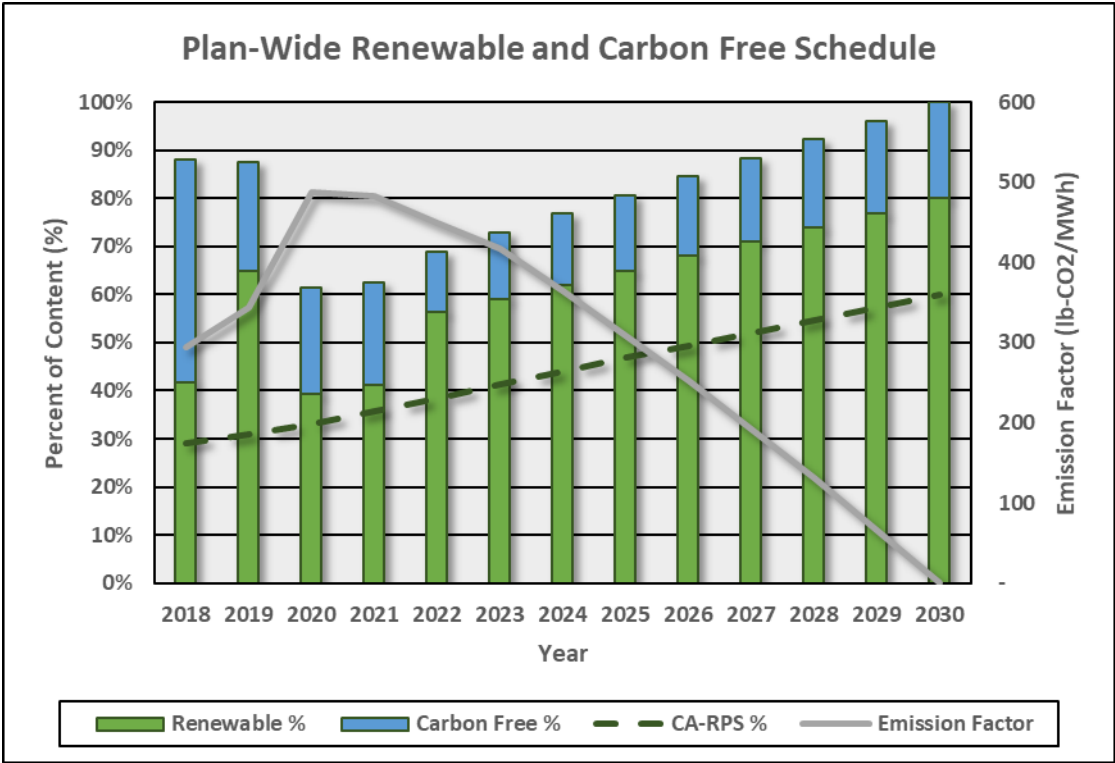
The below table is a schedule for electricity purchases for each year through 2030 for renewable and carbon free electricity as a percent of forecasted total sales for all of EBCE's offered plans combined (Bright Choice and Renewable 100 combined for future years); this would be the total renewable and carbon free electricity purchased for all plans that EBCE provides to customers. Additionally, the below table includes estimates for the emission factor for each year showing an annual reduction in plan-wide emissions with zero emissions in 2030. The table includes annual percentages for both renewable and carbon free where the percent of carbon free includes the renewable electricity as well. Typically, and relating to EBCE purchases, carbon free energy comes from either renewable generation or from large hydroelectric. As discussed above there are annual constraints on the availability of large hydroelectric generation based on weather and availability; and the ability to purchase large hydroelectric in a given year. Because of this there may be situations where a greater amount of the carbon free generation showed in the schedule will come from renewable sources instead of large hydroelectric, increasing the renewable percent for a given year but having the same percentage of carbon free.

Table 1: Schedule, All Plans: Renewable, Carbon Free Percentages by Year and PCL Emissions Factor for All Plans

Year	All Plans				CA-RPS %
	Renewable %	Carbon Free %	TCR*-Emission Factor	PSDR-Emission Factor	Renewable %
2018	42%	88%	82	n/a	29%
2019	65%	88%	113	n/a	31%
2020	39%	61%	n/a	488	33%
2021	41%	63%	n/a	483	36%
2022	56%	69%	n/a	450	39%
2023	59%	73%	n/a	417	41%
2024	62%	77%	n/a	364	44%
2025	65%	81%	n/a	309	47%
2026	68%	85%	n/a	252	49%
2027	71%	88%	n/a	193	52%
2028	74%	92%	n/a	131	55%
2029	77%	96%	n/a	67	57%
2030	80%	100%	n/a	-	60%

* The Climate Registry (TCR) was used for emissions calculation and reporting for 2018-2019, beginning in 2020 EBCE no longer used the TCR for emissions reporting and currently only uses the Power Source Disclosure (PSDR) methodology for emissions calculating and reporting as required by the regulations.

Chart 1: Renewable, Carbon Free Percentages, RPS percent, PCL Emissions Factor for All Plans through 2030



The table and chart above show a schedule for renewable and carbon free content through 2030 for all of EBCE’s plans. The totals from 2018 through 2021 contain actual and forecasted sales, and electricity purchases from Bright Choice, Brilliant 100 and Renewable 100 while future years, starting in 2022 contain sales and proposed electricity purchases from Bright

Choice and Renewable 100. Also contained in the above table are estimates for plan wide emission factors in future years using the current PSDR methodology as would be reported on the PCL and showing annual emission reductions. The increase in the renewable percentage from 2021 to 2022 is driven by the customers that are departing the Brilliant 100 plan and increasing the enrolment in Renewable 100 in addition to an annual increase in the renewable percentage of Bright Choice. For comparison purposes the CA RPS annual percentages are included showing that plan wide renewable content would be well over the RPS annual targets.

This schedule shows the path to zero emissions in 2030 for all of EBCE’s plans combined. In developing this schedule there are two primary factors influencing the plan wide emissions. The largest source of emission in EBCE’s portfolio is power content from emitting generation sources and for Bright Choice this is unspecified power which is the balance of carbon free electricity purchases (which includes renewable) and total sales. Unspecified electricity is not purchased for Bright Choice for content purposes but is reflective of the total sales net of carbon free content. The second factor influencing the plan wide emissions is renewable content from PCC2 RECs for Bright Choice since the PSDR emissions reporting regulations require EBCE to report emissions for these renewable purchases when the source of the energy is not specified which will be discussed further below. Bright Choice, by far the largest plan and currently has the largest impact on plan-wide emissions, since Renewable 100 is always both emissions free and 100 percent renewable. The below schedule is a schedule for renewable, and carbon free content schedule for Bright Choice including historical data.

Table 2: Schedule, Bright Choice: Renewable, Carbon Free Percentages by Year and PCL Emissions Factor for Bright Choice

Year	Bright Choice				CA-RPS %
	Renewable %	Carbon Free %	TCR*-Emission Factor	PSDR-Emission Factor	Renewable %
2018	41%	87%	101	n/a	29%
2019	60%	85%	135	n/a	31%
2020	40%	54%	n/a	580	33%
2021	41%	55%	n/a	577	36%
2022	45%	63%	n/a	566	39%
2023	49%	66%	n/a	521	41%
2024	52%	71%	n/a	455	44%
2025	56%	76%	n/a	387	47%
2026	60%	81%	n/a	315	49%
2027	64%	85%	n/a	241	52%
2028	67%	90%	n/a	163	55%
2029	71%	95%	n/a	83	57%
2030	75%	100%	n/a	-	60%

* The Climate Registry (TCR) was used for emissions calculation and reporting for 2018-2019, beginning in 2020 EBCE no longer used the TCR for emissions reporting and currently only uses the Power Source Disclosure (PSDR) methodology for emissions calculating and reporting as required by the regulations.

The above table shows renewable and carbon free content through 2030 for Bright Choice. The totals for 2018 through 2020 are actual sales and electricity purchases and forecasts for 2021 as we continue to finalize the Bright Choice content from last year. As shown previously in the schedule for all of EBCE’s plans combined, the above table has estimates for emission

factors in future years calculated using the PSDR method and the CA RPS percentages for comparison. The above schedule includes annual increases in the renewable and carbon free content resulting in annual reductions in the emission factor for Bright Choice. The schedule has the renewable content Bright Choice being at least 5 percent greater than CA RPS and increasing to 15 percent over the CA RPS by 2030 when Bright Choice will have zero emissions. Not shown in the above table but reflected in the estimates for emission factors is an annual reduction in the purchase of PCC2 RECs for the Bright Choice plan whereby 2030 all of the renewable electricity for Bright Choice would come from PCC1 RECs.

In presenting the above schedule to reach zero emissions electricity in 2030, EBCE would be moving away from using PG&E’s renewable content forecast as the basis for the annual procurement floor for Bright Choice moving forward. The below table reviews Bright Choice and plan-wide content compared to PG&E’s base product. Included are the actual annual renewable and carbon free electricity as reported on the PCL. In addition to PG&E’s renewable electricity, the table shows PG&E’s carbon free electricity from both renewable and large hydro sources combined. This is the equivalent for comparison purposes to the carbon free content in EBCE’s plans since EBCE does not have nuclear electricity as content from specific sources and only has transient amounts from purchased Asset Controlling Supplier electricity (ACS). Additionally, the carbon free electricity from PG&E’s nuclear sources is displayed. The percentages from PG&E is displayed in this manner to create an accurate comparison for the carbon free content from EBCE and PG&E.

Table 3: Comparison of EBCE’s Bright Choice, and Plan-Wide Renewable and Carbon Free Content Compared to the content PG&E base plan

Year	All Plans		Bright Choice		PG&E-Base Plan			CA-RPS %
	Renewable %	Carbon Free %	Renewable %	Carbon Free %	Renewable %	Renewable + Lrg. Hydro, %	Nuclear	Renewable %
2018	42%	88%	41%*	87%	39%	52%	34%	29%
2019	65%	88%	60%*	85%	29%	56%	44%	31%
2020	39%	61%	40%*	54%	31%	41%	43%	33%
2021	41%	63%	41%*	55%				36%
2022	56%	69%	45%	63%				39%
2023	59%	73%	49%	66%				41%
2024	62%	77%	52%	71%				44%
2025	65%	81%	56%	76%				47%
2026	68%	85%	60%	81%				49%
2027	71%	88%	64%	85%				52%
2028	74%	92%	67%	90%				55%
2029	77%	96%	71%	95%				57%
2030	80%	100%	75%	100%				60%

* Board Adopted targets for Bright Choice renewable percentage are 38% for 2018-2019, 39.5% for 2020 and 41.2% for 2021

Emissions

With the adoption of the clean energy goal and zero emission electricity by 2030 we must spend time talking about emissions, emission factors, and how they are quantified. The above discussion primarily uses reported emissions derived from the calculation and reporting that is required by the PSDR for future years, but this is not the only way that EBCE measures emissions from electricity. The emissions as shown in the tables above are forecasts of emission factors which is calculated from the total emissions from the electricity divided by total sales to calculate an emission factor for each year. This factor is reported as pounds of carbon dioxide equivalent per MWh (lb-CO₂^e/MWh) so for every MWh of sold electricity there is corresponding amount for emissions.

The source of the emissions is discussed above but the actual annual emissions or emission factor may change depending on the calculation method that is used, the emission factor in the two tables above uses the PSDR methodology for future years but in the past EBCE used the TCR emissions calculation methodology which is also displayed. The PSDR methodology was first implemented in 2020 and reflects a CA centric approach to looking at renewables and the associated emissions benefit. TCR is a widely accepted emissions reporting protocol that was utilized by public agencies and IOUs alike. For example, PG&E, EBCE (among other CCAs), and the majority of our member cities have utilized the TCR registry. The TCR methodology takes a more goal or regional centric approach to looking at emissions. The most significant difference in the two methodologies is that the PSDR method for calculating emissions includes GHG emissions from PCC2 RECs. PCC2 RECs are created from renewable projects that are located outside of CA and require the seller to import energy into CA for the benefit of the buyer at the same time that the renewable energy from the source is generated. And even though there are emissions attached to PCC2 RECs under the PSDR regulations, these are a CA RPS eligible renewable product. In the PSDR method, the GHG emissions factor reported on each year's PCL includes emissions for the bundled energy of the PCC2 RECs which, regardless of source in our current contract structure, are given an equivalent emissions factor equal to unspecified power. Using PCC2 RECs as renewable content is an accepted practice within the RPS regulations, which require a minimum of 75% of the RPS requirement to be met with PCC1 RECs. EBCE will continue to purchase these products to satisfy our renewable commitment to our customers but will propose annual reductions in the amount of PCC2 RECs purchased to achieve zero emissions electricity by 2030 using the PSDR methodology.

Table 3: All Plan Emissions Factor with Both PSDR and TCR Emission Calculating Methodology

Year	Emission Factor (lb-CO2/MWh)	
	PSDR	TCR
2018	294	82
2019	344	113
2020	488	351
2021	483	332
2022	450	275
2023	417	256
2024	364	219
2025	309	183
2026	252	146
2027	193	110
2028	131	73
2029	67	37
2030	-	-

In addition to the PSDR and TCR methodologies for calculating an annual emission factor, emissions are calculated and reported during the IRP process as well, with this analysis serving as the basis for the presented information at the December 16th, 2020, Board meeting

where the zero emission 2030 clean energy goal was approved. For background, the IRP is a long-term planning proceeding from the California Public Utilities Commission (CPUC) that looks forward 10 years to determine the least-cost resource mix required to meet state emission goals while maintaining system reliability. These are prepared and filed every other year with EBCE currently working on the 2022 report. During this process, the Board will be updated and have the opportunity to provide feedback. For the IRP EBCE is required to submit a resource plan intended to meet or exceed the state-wide emission goals. The associated emissions from this year's IRP process will be presented to the Board during this year's IRP process.

Staff is presenting the schedule within this report to the Board as a proposed path to a zero emission 2030 as was adopted by the Board in 2020. At the same time EBCE will continue to add long-term renewable projects to our portfolio with a focus on projects within our jurisdictions and target annual reductions in plan-wide emissions. The schedule outlined here includes year over increases in renewable electricity for Bright Choice, a continuation of Bright Choice's renewable percentage exceeding the CA RPS and plan wide year over reduction in emissions resulting in zero emission electricity in 2030.

Fiscal Impact

There are no fiscal impacts as this item provides more detail to a previously adopted Board item to get to zero emissions by 2030. The above schedule would include annual increases in renewable and carbon free electricity purchased and will likely result in increased costs for purchased electricity if adopted.

Attachments

- A. Presentation

FEBRUARY 26, 2022

Path to Zero Emissions in 2030



EBCE BOD Agenda of 2-16-2022
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Background

- At the December 2020 Board Meeting, a clean energy goal was adopted, including:
 - Zero Emission Electricity by 2030
 - 15 years ahead of CA state target in 2045
 - Supported by IRP analysis

Path to Zero Emissions in 2030

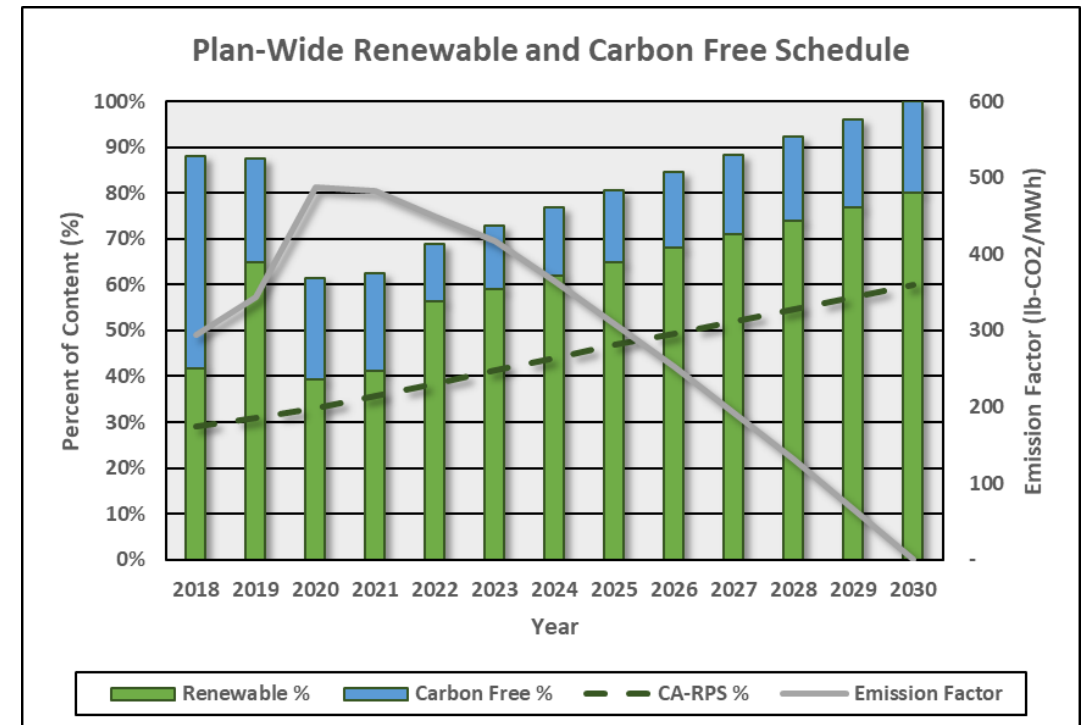
Present a path to zero emission electricity by 2030 with annual renewable and carbon percentages as steps

- Goals:
 - Zero emission electricity by 2030
 - 15 years ahead of CA state target in 2045
 - Annual reduction in plan-wide emissions
 - Bright Choice renewable content exceeding CA RPS %

Path to Zero Emissions in 2030, Informational

- Plan-wide, Bright Choice carbon free and renewable; CA RPS%
- Actual Content through 2020, estimates for 2021, and schedule to 2030

Year	All Plans		Bright Choice		CA-RPS %
	Renewable %	Carbon Free %	Renewable %	Carbon Free %	Renewable %
2018	42%	88%	41%*	87%	29%
2019	65%	88%	60%*	85%	31%
2020	39%	61%	40%*	54%	33%
2021	41%	63%	41%*	55%	36%
2022	56%	69%	45%	63%	39%
2023	59%	73%	49%	66%	41%
2024	62%	77%	52%	71%	44%
2025	65%	81%	56%	76%	47%
2026	68%	85%	60%	81%	49%
2027	71%	88%	64%	85%	52%
2028	74%	92%	67%	90%	55%
2029	77%	96%	71%	95%	57%
2030	80%	100%	75%	100%	60%



* Board Adopted targets for Bright Choice renewable percentage are 38% for 2018-2019, 39.5% for 2020 and 41.2% for 2021

Path to Zero Emissions in 2030, Informational

- PG&E Base Plan renewable, renewable + large hydro, and nuclear content
- Currently the Bright Choice procurement content floor is tied to Forecasts for PG&E renewable content

Year	All Plans		Bright Choice		PG&E-Base Plan			CA-RPS %
	Renewable %	Carbon Free %	Renewable %	Carbon Free %	Renewable %	Renewable + Lrg. Hydro, %	Nuclear	Renewable %
2018	42%	88%	41%*	87%	39%	52%	34%	29%
2019	65%	88%	60%*	85%	29%	56%	44%	31%
2020	39%	61%	40%*	54%	31%	41%	43%	33%
2021	41%	63%	41%*	55%				36%
2022	56%	69%	45%	63%				39%
2023	59%	73%	49%	66%				41%
2024	62%	77%	52%	71%				44%
2025	65%	81%	56%	76%				47%
2026	68%	85%	60%	81%				49%
2027	71%	88%	64%	85%				52%
2028	74%	92%	67%	90%				55%
2029	77%	96%	71%	95%				57%
2030	80%	100%	75%	100%				60%

Path to Zero Emissions in 2030, Emissions

- There are multiple methods for calculating emissions
 - Power Source Disclosure Report (AB-1110/PSDR), includes emissions from:
 - Unspecified power content
 - PCC2 Renewable Energy Credits (RECs)
 - Any other specified sources that have emissions: some geothermal, Biomass/Biowaste, natural gas, ACS
 - The Climate Registry (TCR), includes emissions from:
 - All the above except PCC2 RECs and Biomass/Biowaste
 - IRP
 - Emissions to be updated during IRP process

Path to Zero Emissions in 2030, Emissions

- Plan-wide emissions reduction over time down to zero emissions by 2030
- Table shows emissions using PSDR and TCR methods
 - Primary difference is due to the emissions from PCC2 RECs reported through the PSDR

Year	Emission Factor (lb-CO2/MWh)	
	PSDR	TCR
2018	294	82
2019	344	113
2020	488	351
2021	483	332
2022	450	275
2023	417	256
2024	364	219
2025	309	183
2026	252	146
2027	193	110
2028	131	73
2029	67	37
2030	-	-

Summary

Present a path to zero emission electricity by 2030 with annual renewable and carbon percentages as steps

- Summary:
 - The schedule is presented as informational
 - Illustrates a path to zero emission electricity in 2030
 - Annual increases in renewable and carbon free electricity, lower emissions
 - Bright Choice renewable content greater than CA RPS

Questions?

Thank You

Jim Dorrance

Power Resources Manager

FEBRUARY 16, 2022

New Community Inclusion

Informational Item for Discussion



Agenda Item: 13
Page 1

- **Background**

- EBCE originally focused on Alameda County
- City of Tracy in San Joaquin County requested access to EBCE as an operational CCA

- **Objective**

- Update the board on current interest from Stockton
- Gain feedback on expansion in general

- March 2021: City's CCA Feasibility Study presented to Council
 - Council expressed general interest in CCA
 - Concerns regarding risk/cost of the City launching its own energy agency
 - Joining an operational CCA would help City gain energy options while avoiding start-up costs/risks
- November 2021: City Council CCA Study Session
 - EBCE invited to present and answer questions (CEO + Board Members Martinez & Arriola)
 - Council direction to work with EBCE staff to explore JPA membership
 - Pending Council/EBCE Board approval: tentative enrollment of 2024

- Population: 320,804
- Median household income: \$54,614
- Connections to the Bay Area
 - Rise of super commuters
 - High volume truck routes between Stockton and the Bay Area
- Load as % of current annual EBCE load
 - 29% of current annual EBCE load (Load increase of ~22.6% if Stockton joins)
 - 16.6% of current accounts (Account increase of ~14% if Stockton joins)

Bay Area exurbs have the greatest share of super commuters

Share of full-time workers who super commute: Top 10 metros

	2005	2017 ^F	Change
1. Stockton-Lodi, CA	7.6%	11.2%	3.6%
2. Modesto, CA	5.4%	8.7%	3.3%
3. Riverside-San Bernardino-Ontario, CA	6.6%	7.7%	1.1%
4. New York-Newark-Jersey City, NY-NJ-PA	5.9%	7.2%	1.3%
5. Bridgeport-Stamford-Norwalk, CT	5.3%	7.1%	1.7%
6. San Francisco-Oakland-Hayward, CA	2.2%	4.8%	2.6%
7. Washington-Arlington-Alexandria, DC-VA-M..	3.5%	4.8%	1.2%
8. Baltimore-Columbia-Towson, MD	3.6%	4.5%	1.0%
9. Allentown-Bethlehem-Easton, PA-NJ	3.9%	4.0%	0.0%
10. Boston-Cambridge-Newton, MA-NH	2.5%	3.7%	1.2%

Source: Census; Apartment List calculations.



Table ES-1 shows that the City's total annual electric load is about 1,980 GWh. This load is spread across almost 111,000 accounts.

Table ES-1. Potential Stockton CCA Customers and Associated Load

	Customers	Annual Load (MWh)
Residential	95,910	676,464
Small Commercial	1,413	256,687
Medium Commercial	546	276,810
Large Commercial & Industrial	28	509,970
Other*	8,381	160,828
Total	106,279	1,880,759

*e.g., streetlights, traffic control, agriculture/pumping.

- Expanding access to community choice to Central Valley
- Already serving Tracy in San Joaquin County
 - Throughout PG&E territory, there is only one active CCA per county
- Opportunity to further diversify EBCE's communities/customer base (e.g., more Ag & lower/medium income)
- Advances EBCE mission to reduce GHG emissions
- Addresses (false) narrative of CCA favoring affluent/coastal communities
- Will likely inspire more of Central Valley to form or join CCAs

Light Duty Zero-Emission Vehicles: Strategic Priorities

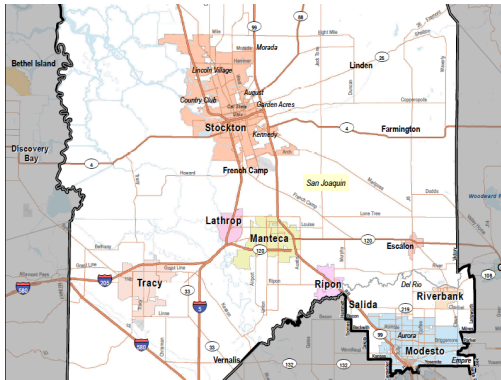
1. Deployment of EBCE owned fast charge network: Infrastructure located in areas with dense concentrations of multifamily properties; enables convenient access to low & moderate-income renters without at-home charging
 2. Municipal fleet electrification: No-cost planning assessment technical support, and offer of fleet Charging-as-a-Service (under development)
- TE policy / funding: EBCE engaged in regulatory / legislative efforts; evaluating state & federal grant opportunities; identification of competitive projects across service area with JPA member cities

Medium & Heavy-duty: Strategic Priority - Goods Movement

- EBCE's service area among most strategic trade locations in U.S. major freight corridors connect Alameda & San Joaquin counties goods movement infrastructure (e.g., Ports, OAK International Airport, logistics warehousing, fulfillment/arrangement centers, manufacturing, ag)
- Comprehensive EBCE programming underway to accelerate transition to ZE Goods Movement (Class 3-6 x 2030 and Class 7-8 x 2045)
- EBCE received CEC and USEPA grants to plan transition; deployment of fast charging for MD/HD vehicles; rate design

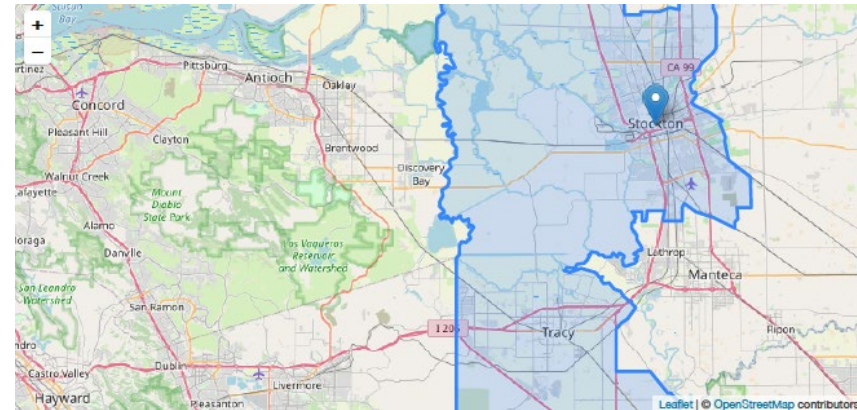
Sen. Susan Eggman, 5th Dist.

- New Assistant Majority Leader
- Committees: Ag; Budget (Sub 3 HHS Chair); Bus, Prof and Econ Dev; Energy Utilities and Communications; Health; Mil & Vet Affairs; Nat Res & Water



Asm. Carlos Villapudua, 13th Dist.

- Committees: Ag; Human Services; Rules; Water, Parks, and Wildlife



**Both Members' districts include the cities of Tracy and Stockton, and much of San Joaquin County*

- San Joaquin County: if EBCE and the City of Stockton decide to pursue expansion of EBCE to serve Stockton, further extending EBCE service to the rest of San Joaquin County (primarily City of Manteca, City of Lathrop and unincorporated SJC) would make sense to ensure coherence of customer messaging, program design and delivery and brand.
- Beyond ACo/SJC: as more communities across northern California seek to evaluate pursuing Community Choice, EBCE has an important role to play in supporting the success of these endeavors. There are a number of options to consider as these discussions evolve
 - Further expand the EBCE JPA beyond ACo/SJC to integrate new communities
 - Provide turnkey 'Powered by EBCE' service to allow communities to form their own CCA but benefit from the scale and expertise of EBCE (ranging from outsourced power procurement to marketing and account services)
 - Provide limited technical services to communities during the CCA formation process
- Next Steps: the immediate next steps for EBCE are to consider how/whether expansion into Stockton (and the rest of SJC) makes sense. From this point, developing a strategic plan and presenting it to the Board in Q4 2022 for how to engage with other communities to guide future discussions is a logical next step.

- **January 2022:** Requested additional data from PG&E for load analysis
- **February/March 2022*:** Local Staff Memo to Stockton City Council
- **March/April 2022*:** Council action regarding EBCE JPA membership
 - Requires two votes on the ordinance and resolution to join JPA
- **April/May/June 2022*:** EBCE Board membership consideration of Stockton
- **December 2022:** Submit Implementation Plan addendum to CPUC
- **2023:** One-year wait period
- **2024:** earliest possible Stockton enrollment

** Subject to change*