



Board of Directors Meeting

Wednesday, July 20, 2022

5:00pm

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

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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 of Directors, 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. As with all public comment, members of the public who wish to address the Board are customarily limited to two minutes per speaker and must complete an electronic speaker slip. The Board Chair may increase or decrease the time allotted to each speaker.

CONSENT AGENDA

4. Approval of Minutes from June 15, 2022 and July 6, 2022

5. AB 361 - Finding for Continued Remote Meetings

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

6. Contracts entered into (Informational Item)

- 7. Pisenti & Brinker Contract Extension**
Amend Financial Auditor consulting services agreement to extent for two (2) years.
- 8. Sunrun Resource Adequacy Amendment**
Amend Sunrun Resource Adequacy contract
- 9. Celery Design Contract Amendment**
Amend Celery Design Contract
- 10. Acterra Amendment**
Second Amendment to consulting services agreement with Acterra
- 11. TRC Amendment**
Fourth Amendment to consulting services agreement with TRC Engineers
- 12. Treasurer's Report**
Report on the cash position as of June 30, 2022

REGULAR AGENDA

- 13. CEO REPORT**
 - A. Executive Committee
 - B. Special Board Retreat - Power Procurement
 - C. New Staff
- 14. Community Advisory Committee Report**
- 15. Legislative Update (Action Item)**
Update on recommended bill positions and EBCE's bill tracker.
- 16. Prepay Transaction Summary (Informational Item)**
Summary of Prepay #2 transaction closing details.
- 17. Joint Rate Mailer and Draft 2021 Power Content (Informational Item)**
Overview of the contents in the upcoming Joint Rate Mailer
- 18. Director and CAC Stipend Update (Action Item)**
Increase the stipend to account for inflation and set a limit up to four (4) stipends per calendar month.
- 19. Chair and Vice-Chair Elections (Action Item)**
Elections for EBCE Chair and Vice-Chair
- 20. Schedule EBCE Board Meeting**
Schedule EBCE Board meeting to approve AB 361 legislation.

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

22. Adjournment to Wednesday, September 21, 2022 at 5:00pm



Draft Agenda

Board of Directors Meeting

Wednesday, June 15, 2022

5:00 pm

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

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1. Welcome & Roll Call

Present: Directors: Harrison (Berkeley), Jordan (Albany), Kumagai (Dublin), Cox (Fremont), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Kalb (Oakland), Cavanaugh (Piedmont), Narum (Pleasanton), Patino (Union City), Eldred (Community Advisory Committee), Vice-Chair Lopez (San Leandro), and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County), Arriola (Tracy)

Director Jordan served as an Alternate for Director Tiedemann (Albany).

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

Director Hannon joined the meeting at 5:33pm.

Director Kumagai joined the meeting at 5:12pm.

Director Munroe joined the meeting at 6:20pm.

2. Pledge of Allegiance

3. Public Comment

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Priscilla Ward, a retired respiratory therapist, supported EBCE's endeavor to support UCSF Benioff Children's Hospital asthma program. Priscilla Ward's 45-year career was rewarding

but frustrating due to lack of resources to serve the large East Bay population, and EBCE's support of children with asthma is appreciated.

Katie D'Harlingue, Associate Medical Director for Pediatrics at La Clinica De La Raza in Oakland supported the proposed grant to the pediatrics asthma program at UCSF Benioff Children's Hospital, where La Clinica refers its most severe asthma patients. Katherine D'Harlingue stated that La Clinica's pediatric asthma patients are particularly vulnerable and many are at higher risk due to living in polluted urban areas and near freeways, and are at high risk for developing complications of asthma.

Sanae Bouchentouf supports EBCE's grant to Benioff Children's Hospital pediatric asthma program, as her daughter was diagnosed with asthma at two-years-old and at 14-years-old suffered a heart attack and was taken to Children's Hospital, where her asthma was treated.

Gina Lewis, Medical Director of Federally Qualified Health Center at UCSF Benioff Children's Hospital, spoke in support of EBCE's grant to Benioff Children's Hospital pediatric asthma program. Gina Lewis noted that Benioff Children's Hospital serves over 10,000 children and families and receives approximately 30,000 visits per year. Gina Lewis stated that many patients of that hospital live with poverty, housing instability and pollution, and that the grant will help these patients to live full and happy lives.

Kandice spoke in support of EBCE's grant to Benioff Children's Hospital pediatric asthma program.

Maria Echaveste, Member of the UCSF Benioff Children's Hospital Board of Directors and CEO of the Opportunity Institute, spoke in support of EBCE's grant to Benioff Children's Hospital pediatric asthma program. Maria Echaveste stated that the grant will help the UCSF Benioff Children's Hospital to respond to the needs of vulnerable children and families.

Beth Weinberger spoke in opposition to EBCE's proposed grant to Benioff Children's Hospital pediatric asthma program. Ms. Weinberger noted that the grant would not be in alignment with EBCE's primary objectives to promote clean energy to the entire community. She stated EBCE should invest that money into equity programs and projects that address root causes of asthma rather than supporting medical treatment options.

Rick da Silva, Oakland Chinatown Chamber of Commerce, spoke in support of EBCE's grant to Benioff Children's Hospital pediatric asthma program, stating that Chinatown has the worst air quality in Oakland.

Blair Beekman referred to public commenter Tom Kelly's comments regarding EBCE's current practices and the relationship between renewable energy and what can be a clean energy future with carbon-free nuclear. Blair Beekman stated that EBCE's preparation for how to talk about the future of renewables and its relationship with fossil fuels has been commendable. Blair Beekman hoped that the activist community can address the ongoing issue of carbon-free nuclear energy.

Robert Freehling spoke in opposition to EBCE's proposed grant to UCSF Benioff Children's Hospital. Mr. Freehling agreed with Beth Weinberger's comment that it is not the purpose of a Community Choice Aggregation program to donate cash to charities, no matter how well intended. Robert Freehling stated that the language of AB 117, which created Community Choice Aggregation, specifically authorizes only certain narrow powers for a CCA: to leverage negotiation of contracts, provide consumer protections, and reduce transaction costs to consumers.

Hope Salzer spoke in opposition to EBCE's proposed grant to UCSF Benioff Children's Hospital. Hope Salzer stated that racial justice can be served by providing access to resilient microgrids.

Chris Peeples, an expert on electrification of heavy-duty transit, spoke in opposition to EBCE's proposed grant to UCSF Benioff Children's Hospital, stating that the grant is far away from EBCE's core mission. Chris Peeples stated the \$15 million should be spent on eliminating the diesel exhaust that causes asthma. Chris Peeples stated that UCSF is a wealthy organization, and that it does not need a \$15 million grant.

Tom Kelly spoke in opposition to EBCE's proposed grant to UCSF Benioff Children's Hospital. Tom Kelly stated that grant funds should be spent on purchasing renewable and carbon-free power. Tom Kelly requested to be provided with a summary of EBCE's Local Development Business Plan to assess its progress over its lifetime.

Dr. Amanda Millstein, Primary Care Pediatrician, UBCP Hilltop Pediatrics, spoke in approval of EBCE's proposed grant, stating that the community the UCSF Benioff's Children's Hospital serves exhibits symptoms of asthma at rates that are double the national average.

Jessica Tovar, Local Clean Energy Alliance and East Bay Clean Power Alliance, stated that the grant to UCSF Benioff Children's Hospital is outside of EBCE's core mission. Jessica Tovar stated that EBCE should invest in local clean energy development instead.

Amos White, 100K Trees for Humanity, stated that at the June 13, 2022 Community Advisory Committee meeting, he asked EBCE to fund a portion of its surplus money into a tree-planting program in three targeted communities across the East Bay. Amos White proposed slowing the budget process down in order to receive public input about the grant proposal.

Crystal Huang, People Power Solar Cooperative, stated EBCE should invest the \$15 million into the Local Development Business Plan programs that advance resilience and equitable access to local clean energy, such as community microgrids and energy efficiency upgrade for low-income homes and buildings.

Marjaneh Moini, Physicians for Social Responsibility, spoke in opposition to EBCE's grant to UCSF Benioff Children's Hospital pediatric asthma program, stating that the grant money should be invested in asthma prevention programs instead.

Shina Robinson, Asian Pacific Environmental Network, spoke in opposition to the UCSF Benioff Children's Hospital grant, stating that the grant should be given to organizations that advocate for environmental justice.

Melissa Yu, Sierra Club, spoke in opposition to grant to Benioff Children's Hospital, stating that EBCE is a public agency whose stated goal is to reinvest earnings back into the community to create local green energy jobs, local programs, and clean power projects. Melissa Yu urged EBCE to use the grant money to fund equity programs and projects that would directly address root causes of asthma. Melissa Yu requested that EBCE create a public application process to determine the recipients of the grant proposal.

Robert Johnson (Due to technical difficulties Mr. Johnson's comments were inaudible. It was suggested that Mr. Johnson submit his comments in writing.)

Audrey Ichinose stated that environmental pollution falls most heavily on low-income communities of color who live near highways and heavy transport centers like the Port of Oakland. Audrey Ichinose stated that EBCE's tools are much better suited to helping asthma sufferers before the fact rather than addressing the problem after the fact. Audrey Ichinose

stated that EBCE should make investments in line with its mission, such as transportation electrification.

Dr. Ann Maris, a biochemist and educator, spoke in support of the 100K Trees for Humanity, East Bay Cooler Communities Plan.

Margie Lewis, an Oakland resident, urged EBCE to redirect its \$15 million proposed donation to the UCSF Benioff Children's Hospital to local programs that advance equitable access to local clean energy for EBCE's customers. Margie Lewis stated the proposed grant is misdirected and dwarfs all prior community support donations. Margie Lewis also noted that UCSF Benioff Children's Hospital is extremely well funded with over \$2 billion in assets and over \$500 million in donations just this year.

4. Closed Session

- a) Conference with labor negotiations pursuant to Government Code 54957.6. (Labor negotiators: Dianne Martinez, Board Chair; Corina Lopez, Executive Committee Chair) (Unrepresented employees)

5. General Counsel Report Out of Closed Session

No reportable actions were taken in closed session.

CONSENT AGENDA

6. Approval of Minutes from May 18, 2022

7. AB 361 - Finding for Continued Remote Meetings

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

8. Contracts entered into (Informational Item)

9. Legal Services Agreements Approval for Fiscal Year 2022-2023

Adopt a Resolution authorizing the CEO or designee to negotiate and execute contracts with select legal vendors in accordance with the legal and other departmental budgets, for fiscal year 2022-2023.

10. Amendment to CSE with CALSTART

Amend existing CSA with CALSTART to add already Board approved budget to existing SOW; will enable additional M/HD Fleet technical assistance.

11. Amendment to CSA with Stantec

Amend existing CSA with Stantec to add budget for additional services regarding EV charging projects.

Director Narum (Pleasanton) motioned to approve the Consent Agenda. Director Cox (Fremont) seconded the motion which passed 10/0. Excused: Director Valle (Alameda

County), Director Jordan (Albany), Director Munro (Livermore), Director Arriola (Tracy) and Director Patino (Union City)

REGULAR AGENDA

12. CEO REPORT

- A. Executive Committee
- B. Marketing, Regulatory and Legislative Subcommittee
- C. Finance, Administration and Procurement Subcommittee
- D. New Staff

13. Community Advisory Committee Report

- Chair Eldred reported the CAC held a meeting on June 13th where they said good-bye with great appreciation to Mary Sutter.
- Chair Eldred announced that CAC will welcome Alternate Member Lorraine Souza to replace Ms. Sutter at the next meeting, and would begin recruiting an alternate to replace Ms. Souza.
- Chair Eldred stated that Reverend Chambers, a founder of the CAC, will receive a kidney transplant in a week and has asked for everyone's prayers and support.
- Chair Eldred provided an update on two items:
 - 1) The CAC recommends that stipends for the CAC are brought into parity with BOD stipends.
 - 2) Chair Eldred stated that constituents provided negative feedback about the UCSF Benioff Children's Hospital grant. Her constituents stated, in part, that they could not know how to apply for the grant.

14. FY 22-23 Budget (Action Item)

Adopt a Resolution approving the presented budget for fiscal year 2022-2023.

Audrey Ichinose, East Bay Clean Power Alliance and California Alliance for Community Energy, reiterated her opposition to the \$15 grant to Benioff Children's Hospital, stating that EBCE must not lose sight of its obligations to low-income communities of color.

Jessica Tovar, East Bay Clean Power Alliance, noted that the \$15 million grant to Benioff Children's Hospital had been put on hold, and spoke in support of funding programs in low-income communities so that those communities can benefit from the transition to clean energy.

Al Weinrub, California Alliance for Community Energy, spoke in opposition to the grant proposal to the UCSF Benioff Children's Hospital, stating that not received enough public scrutiny.

Amos White, 100K Trees for Humanity, referred to his earlier comments about the UCSF Benioff Children's Hospital grant proposal.

Tom Kelly stated that based on comments of the public and CAC there are three items that people want to see: 1) Significantly improved GHD reductions from EBCE. 2) Meaningful discounts for customers. 3) Measurable benefits and successes with respect to the Local Development Business Plan.

Blair Beekman referred to the October 2020 IPR report from which he learned what to expect in the future for solar and storage versus fossil fuel use. Blair Beekman stated that programs in the budget show that EBCE is trying to branch out into community efforts, and asked if funding for UCSF Benioff Children's Hospital should come from other sources.

Robert Johnson (Due to technical difficulties Mr. Johnson's comments were inaudible. It was that suggested Mr. Johnson submit his comments in writing.)

The Board Discussed:

- Community Innovation Grants:
 - Growing the green energy jobs workforce, especially with respect to electrification and reduced emissions in the medium- and heavy-duty sector.
 - Helping low-income people become a larger part of the clean energy solution through organizations receiving the grants.
 - Giving fewer grants in larger amount versus many tiny grants.
 - Increasing the grant dollar amount from \$3 million over three years to \$4.2 million over three years.

The Board Discussed:

- Reasoning behind Director Kalb's figure of \$4.2 million Community Innovation Grants amount over three years rather than a round number of 5 million, and the possibility of increasing the amount from \$4.2 million.
- Decision making process for what to do with extra money.
- Explicitly laying out short-, medium-, and long-term value and which communities are affected.
- Rationale for transportation electrification objectives outlined in the budget.
- Incentives other counties use to help increase the adoption of more electrical charging stations.
- Promoting induction cooking with the Builders Association to get a foothold in new developments.
- Focusing on transparency and the public process by removing the \$15 million Children's Hospital grant.
- Getting an update on the Local Development Plan to see where is EBCE at with implementing projects and to understand how revenues and expenses are allocated.
- Ensuring low-income communities are receiving their full service and taking advantage of financial resources.
- How to close the gap for communities, such as Hayward, that are not eligible for some low-income programs.
- Exploring partnering with other agencies whose jurisdictions include EBCE's service territories.
- Ways equity is being realized in EBCE's project and program choices.
- Avoiding adding inputs into historically marginalized communities, BIPOC communities, and communities that do not qualify for other subsidies and support.
- Expanded access to EBCE's small pilot projects, such as LMI Electrification, local microgrids, and subsidized medical baseline batteries.
- Balance of EBCE's programs versus its ability to make one-time investments, and staff's capacity to run the programs.

Director Kalb (Oakland) motioned to pass the budget as presented with an amendment to increase the Community Innovation Grant amount from \$3 million over three years to \$4.2 million over three years, and to cut the \$15 million grant to Children's Hospital from

the vote. Director Cavanaugh (Piedmont) seconded the motion which passed 13/0 Excused: Director Valle (Alameda County) and Director Arriola (Tracy).

The Board Discussed:

- The Proposed \$15 Million Grant to UCSF Benioff Children's Hospital:
 - How pursuing the grant rather than focusing on long-term prevention by reducing pollution sources is outside of EBCE's mission.
 - Alameda County's 0.5% sales tax passed in March 2020, 20% of which will go to Benioff Children's Hospital, for \$30 million a year.
 - Using the grant funding to reduce gas stoves and reduce indoor air pollution in disadvantaged households by developing programs such as the induction cooktop program, and running studies to see what the impacts are.
 - Partnering with Benioff Children's Hospital on the induction cooktop program, because they know the population who would most benefit from the program, and the challenges of implementing and scaling such a program and partnering with Children's Hospital or other institutions.
 - CAC's recommendation that the Children's Hospital grant be pulled and an RFP process started so entities, including Children's Hospital, could submit proposals for the funding, with guidelines around how to review that.
 - Other ways that EBCE might be able to work with Children's Hospital, such as doing energy efficiency for the facility with solar panels, backup, etc.
 - Producing a proposal to address asthma and air pollution in the community that is transparent and appropriate for a public entity.
 - Seeking a large contract, with Children's Hospital or someone else, who would work on dealing with the results as well as the causes of greenhouse gases, and would also collect data about those causes.
 - Next steps in terms of outlining competitive solicitation as an RFP to see if there are other health providers out there that EBCE could partner with for a more neighborhood-focused way to get at the issue. Establish criteria of the winning bidder and allowing multiple awards.
 - Implementing a referral system so EBCE can offer electrification directly in low-income and vulnerable homes to have a greater impact to entire families.
 - The challenges of putting out a full public solicitation and the difficulties in comparing different ideas from a quantitative perspective.
 - Whether the grant issue should go before the Executive Board for review before bringing it back to the entire Board. Presenting two or three options to the Executive Board to vote on as a recommendation, then bringing them to the full Board.

Director Harrison (Berkeley) motioned that the Board support the vision of spending funding on dealing with health impacts, especially in the area of pediatric asthma that results from pollution and greenhouse gas and climate impacts; and support a methodology for examining and dealing with those impacts and the causes. If agreement on a vision is reached, options shall be sent to the Exec Committee. Director Marquez (Hayward) seconded the motion. A straw poll indicated majority support with some opposition.

15. Approval of the 5th Amendment to Employment Agreement with Nick Chaset, CEO (Action Item)

There were no speakers for public comment.

Director Munro (Livermore) motioned to approve the 5th Amendment to Employment Agreement with Nick Chaset, CEO. Director Narum (Pleasanton) seconded the motion which passed 12/0. Abstain: Director Jordan (Albany). Excused: Director Valle (Alameda County) and Director Arriola (Tracy).

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

Director Munro announced that Livermore has just opened Livermoriun Park at 116 Livermore Avenue.

Director Marquez requested adding review of the Local Development Plan, assessment of where EBCE is at with executing the projects, and what has been accomplished, to a future agenda. Director Marquez also invited the community members and colleagues to the City of Hayward's Wellness Festival for its second annual Juneteenth Celebration, sponsored by EBCE, on June 18th.

Director Cox reported that the City of Fremont is now implementing celebrating Juneteenth in the history of Fremont.

Vice Chair Lopez announced that San Leandro would also be honoring Juneteenth formally for the first time this year. Vice Chair Lopez also noted that San Leandro is turning 150 years old and invited everyone to an exhibit on redlining housing discrimination in San Leandro at the San Leandro Main Public Library on June 28th.

17. Adjournment in honor or Juneteenth to Wednesday, July 20, 2022 at 5:00pm.



Draft Agenda

Board of Directors Special Retreat Regarding Power Procurement

Wednesday, July 6, 2022

11:00 am

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

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1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Kumagai (Dublin), Mei (Fremont), Marquez (Hayward), Munro (Livermore), Kalb (Oakland), Narum (Pleasanton), Arriola (Tracy), Patino (Union City), Eldred (Community Advisory Committee), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County), Harrison (Berkeley), Hannon (Newark), Cavanaugh (Piedmont),

Director Kumagai joined the meeting at 11:35am.

Director Mei joined the meeting at 11:56am.

Director Kalb joined the meeting at 11:35am.

CAC Chair Eldred joined the meeting at 11:22am.

2. Pledge of Allegiance

3. Public Comment

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electronic [speaker slip](#). The Board Chair may increase or decrease the time allotted to each speaker.

Tom Kelly stated that EBCE needs to reduce the amount of CO₂, and that EBCE should not enter into contracts for goods or services with companies that are located in states that do not honor human rights.

Jessica Tovar, Local Clean Energy Alliance (LCEA), stated that community choice aggregation programs should invest in programs that promote the development of local clean energy, energy efficiency, electrification, and the creation of microgrids. Jessica Tovar stated that the Local Development Business Plan should be seen as a roadmap to make those investments throughout the East Bay.

4. Power Procurement Overview (Informational Item)

Vaughn asked questions about the expense and time-horizon of long-term storage.

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

Chair Martinez asked the Board Members to respond to the clerk's questions about locations and timing for in-person meetings.

Chair Martinez requested that an item be placed on the July, 2022 Board meeting agenda to schedule a Board meeting to pass the AB 361 continuing resolution for the August, 2022 recess month.

Director Munro asked to address the request made during public comment that EBCE should not enter into contracts with companies that are located in states that do not honor human rights. Chair Martinez sent this request to the Ad Hoc Procurement Policy Committee.

6. Adjournment to Wednesday, July 20, 2022 at 5:00pm.



Consent Item 5

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: July 20, 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.

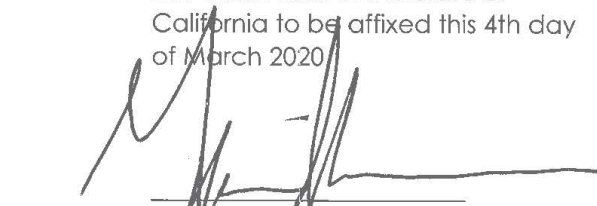
7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates 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.

The Honorable Board of Supervisors

March 6, 2020

Page 2 of 2

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:

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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

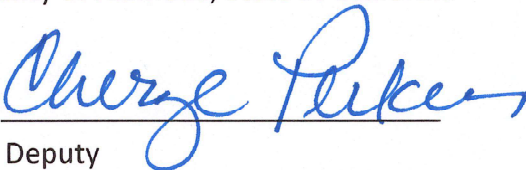
NOES: None

EXCUSED: Supervisors Chan and Miley - 2

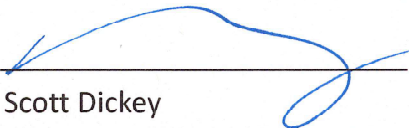


Richard Valle, President of the Board of Supervisors

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;

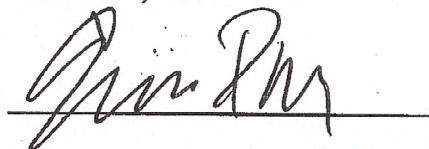
WHEREAS, based on the United States Department of Health and Human Services declaration and the Centers for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive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

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

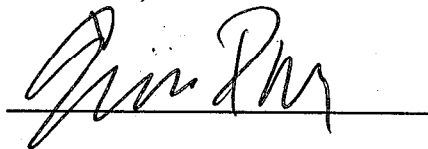
WHEREAS, based on the United States Department of Health and Human Services declaration and the Centers for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive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



Consent Item 6

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: Contracts Entered Into
DATE: July 20, 2021

RECOMMENDATION

Accept the CEO's report on contracts that EBCE has entered, as required by the Administrative Procurement Policy. **Items executed between June 9, 2022 and July 13, 2022;**

C-2022-051 Keyes and Fox Joint Representation Agreement for services covering Phase II of the consolidated PG&E, SCE and SDGE and 2019 ERRA Compliance Proceedings, Applications 20-02-009, 20-04-002 and 20-06-001 with fees not to exceed \$76,500

C-2022-052 Alameda County Agricultural Fair Association Sponsorship Agreement, EBCE will sponsor the 2022 Alameda County Fair in the amount of \$8,000 and in return will be the exclusive Energy Sponsor and will have a Power Station display and with logos as well as digital ad inclusion on the jumbotron and a sponsorship logo on the Thank You banners at the entrance gates and all print and digital advertising.

C-2202-053 c.Quant.io First Amendment to CSA adds \$20,000 to the compensation, for a total amount not to exceed \$581,000 through September 30, 2023, and adds the establishment of a dedicated server environment to the Scope of Work.

C-2022-054 Cameron Cole Second Amendment to CSA adds \$2,330 to the compensation for a total amount to exceed \$9,825, adds additional services to provide for verification of the Air Resources Board Electric Power Entity Report for Emissions Year 2020, updates hourly rates of compensation and extends the term through December 31, 2022.

C-2022-055 Abbott, Stringham & Lynch Third Amendment to CSA adds \$4,400 to the compensation for a total amount not to exceed \$25,900, updates the Scope of Work to allow for Green-e audit for Reporting Year 2021, and extends the term through December 21, 2022.

C-2022-056 Clean Energy Regulatory Research Third Amendment to CSA extends term through June 30, 2023, adds \$40,000 in compensation for FY22-23, and an additional \$12,000 for FY21-22, and increases hourly rated effective 7/1/2022

C-2022-057 Alan Connes dba New Energy Works Consulting First Amendment to CSA adjusts Sections of the CSA that cover Conflicts & Confidentiality.

C-2022-058 SMUD Amendment 9 to Task Order 2 to support the work required of the non-standard rate offered to OUSD to retain them when they were offered direct access, cost is not to exceed \$11,000.

C-2022-059 SMUD Amendment 10 to Task Order 2 required to fulfill our commitment of bill protection to eligible residential customers that were part of the default transition to ETOUC rate, we need to place a bill credit on certain customer bills that reflect the amount they paid on ETOUC that was great than what they would have paid on a tiered rate, at a cost is not to exceed \$12,000.

C-2022-060 Rayshine First Amendment to CSA adds \$10,000 in compensation for a total amount not to exceed \$40,000, and contract term is extended to August 1, 2022.

C-2022-061 Afaf Translations Second Amendment to CSA adds \$20,000 in compensation for FY22-23 and extends the term to June 30, 2023.

C-2022-062 PFM Asset Management (Pennsylvania) Agreement for investment advisor services for Prepay Agreements with compensation under this Agreement is not to exceed \$35,000

C-2022-063 Pivotal Talent Search (Tennessee) Consulting Services Agreement for talent sourcing, recruiting, and general human resources services through June 30, 2025, compensation not to exceed \$50,000.

C-2022-064 MissionCTRL First Amendment to CSA extends the termination date to May 31, 2023 & adds \$98,000 is compensation for a total amount not to exceed \$158,400.

C-2022-065 California Energy Commission Grant Agreement Amendment Amends the Blueprint Grant Agreement with the California Energy Commission to extend the term of the agreement, add EBCE staff to the scope of work, adjust due dates associated with deliverables/products, and to change description of one deliverable.

C-2022-066 Goodness Village (Livermore) 2022 Outreach Grant Agreement awarded in the amount of \$15,000 for the purposes of AMP outreach.

C-2022-067 The Energy Council Extension Letter extends the term of the Agreement through June 30, 2023.

C-2022-068 Chapman & Cutler Consulting Services Agreement legal services through June 30, 2023 with total compensation not to exceed \$200,000

C-2022-069 MAG 4; Peninsula Clean Energy Authority, San Jose Clean Energy, EBCE, and Central Coast Community Energy Cost Sharing and Reimbursement Agreement Dated June 13,

2022 for cost sharing professional services to support procurement efforts and regulatory compliance through June 30, 2027.

C-2022-070 MAG 4; Peninsula Clean Energy Authority, San Jose Clean Energy, EBCE, and Central Coast Community Energy Addendum 1 to Cost Sharing and Reimbursement Agreement through June 17, 2022, through June 16, 2025, PCE and EBCE will share equally the cost of regulatory compliance services of TEA and all parties will share the cost of RA portfolio management services equally.

C-2022-071 Berkeley Lawn Bowling Club Facility Rental Agreement Facility Rental Agreement \$25 per guest for Staff Summer fun day, plus \$50 for each additional hour after 3 hours, and a \$50 cleaning/damage deposit is required.

C-2022-072 Stantec Fourth Amendment to CSA adds \$150,001 to the compensation for a total amount not to exceed \$250,000 through June 30, 2023.

C-2022-073 Los Angeles Cleantech Incubator Commitment Letter EBCE and LACI will enter into a Transportation Electrification Partnership where EBCE will provide \$25,000 in 2022 to accelerate transportation electrification and zero emissions goods movement across Southern California.



Consent Item 7

TO: East Bay Community Energy Board of Directors

FROM: Howard Chang, COO & Treasurer

SUBJECT: Contract Extension with Pisenti and Brinker for Financial Auditor Services

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a two-year extension of the Pisenti and Brinker Consulting Services Agreement for financial auditing services. Compensation under this agreement will be \$27,500 for FY 2021-2022 and \$28,00 for FY 2022-2023, total compensation is not to exceed \$135,000.

Background and Discussion

EBCE conducted an RFP for financial auditor services in the second quarter of 2019. Pisenti and Brinker was selected. Pisenti and Brinker stood out as the best option for the following reasons:

1. They had significantly the most direct, relevant experience with auditing CCA's. Including EBCE, P&B has audited 6 CCAs with this work going as far back as 2013.
2. Already familiar with EBCE's existing financial processes, systems, and controls
3. Expressed clear commitment to the Board's interest
4. Provided a very competitive cost
5. Local to the Bay Area and available for in-person meetings, as necessary.

The Board of Directors approved this selection in June 2019 for a three-year contract (July 1, 2019 through December 31, 2021), plus the option for an additional two-year

term (January 1, 2022 through December 31, 2023), contingent upon Board satisfaction.

Fiscal Impact

The cost for the additional services for the audit of FY 2021-2022 and FY 2022-2023 will be \$27,500 and \$28,000, which will be paid in FY 2022-2023 and FY 2023-2024. The audit, conducted in October, is of the former fiscal year, and EBCE pays in the fiscal year in which the audit is performed.

Attachments

- A. Resolution Authorizing the CEO to Negotiate and Execute an Extension of the Consulting Services Agreement with Pisenti and Brinker for Two Years.

RESOLUTION NO. R-2022-xx

A RESOLUTION OF THE BOARD OF DIRECTORS

**OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AUTHORIZE THE CEO TO
NEGOTIATE AND EXECUTE AN EXTENSION OF THE CONSULTING SERVICES
AGREEMENT WITH PISENTI & BRINKER FOR TWO YEARS**

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 2019, East Bay Community Energy Authority (“EBCE”) conducted an RFP for financial auditor services, then selected Piseni & Brinker, LLP, as the highest scoring applicant for audit services,

WHEREAS EBCE then contracted with Piseni & Brinker LLP for a three year term plus two optional years as EBCE’s financial auditor, pursuant to the terms described in the staff report associated with this item,

WHEREAS EBCE wished to exercise the option to extend the term for the two optional years, through December 31, 2023.

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 two-year extension of Piseni and Brinker Consulting Services Agreement for financial auditing services. Compensation under this agreement will be \$27,500 for the audit of FY 2021-2022 (paid in FY 2022-2023) and \$28,000 for the audit of FY 2022-2023 (paid in FY 2023-2024), total compensation is not to exceed \$135,000.

ADOPTED AND APPROVED this 20th day of July, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Consent Item 8

TO: East Bay Community Energy Board of Directors

FROM: JP Ross

SUBJECT: Amendment on the Sunrun 10-year 0.5MW Local Greater Bay Area Resource Adequacy contract

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute an amendment on the Sunrun 10-year 0.5MW Local Greater Bay Area Resource Adequacy contract.

Background and Discussion

On July 17, 2019 the EBCE Board of Directors authorized the CEO to negotiate and execute an agreement with Sunrun to deliver 0.5MW of local resource adequacy from Solar and Storage projects on low income multi-family housing properties in Alameda County.

Sunrun has communicated an inability to interconnect Solar and Storage projects that can provide resilience on multi-family projects based on PG&E's Virtual Net Energy Metering (VNEM) tariff language. The VNEM tariff allows customers in a multi-family building to receive net metering bill credits from a single solar system connected to the building's main meter. These bill credits allow residents of the facility to benefit from lower bills once the solar system has been installed. PG&E (and the other IOUs that approve VNEM and interconnection applications) has not approved Multi-Family solar + storage projects that provide resilience, citing that the VNEM tariff does not explicitly state that solar paired storage can provide on-site resilience under VNEM. The CPUC has directed parties to resolve this issue. Sunrun has been working with PG&E to resolve this stalemate, but no projects have yet been approved for VNEM

interconnection. In the meantime, Sunrun has continued to develop solar only projects under the VNEM tariff, but those projects cannot provide Resource Adequacy to EBCE.

In light of these delays Sunrun and EBCE have developed an alternate Resource Adequacy solution that can deliver the contracted RA to EBCE. The amended contract delivers RA over a 10-year term that meets EBCE's Incremental Resource procurement requirement as specified in PUC decision 19-11-016. Sunrun will deliver the RA through new Proxy Demand Response assets across California. The revised contract price will be discounted to account for delivery delays and the fact that the projects are no longer coming from in territory projects.

Sunrun and EBCE are still committed to delivering solar and storage projects to residents of low-income multi-family affordable housing units. The Resilient Home program continues to deliver resilience to our customers and Sunrun is still committed to meeting the 20% minimum contract capacity with projects on low income and multi-family housing units. When the SGIP/VNEM tariff issues have been resolved, Sunrun will include low-income multi-family projects into the EBCE Load Modification agreement, delivering resilience and bill savings to participating customers.

Fiscal Impact

EBCE has negotiated a price reduction from Sunrun based on the change from in-territory low-income multi-family projects to statewide single-family projects. EBCE will achieve lower procurement costs than projected with this amendment.

Attachments

- A. Resolution Authorizing the CEO to negotiate and execute an amendment to the Sunrun 10-year 0.5MW Resource Adequacy contract
- B. Amendment No. 1 to Energy Storage Resource Adequacy Agreement

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING AN AMENDMENT
ON THE SUNRUN 10-YEAR 0.5MW LOCAL GREATER BAY AREA RESOURCE ADEQUACY
CONTRACT**

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 July 2019 the Board of Directors authorized the CEO to negotiate and execute a contract with Sunrun for a 10-year 0.5MW Local Greater Bay Area Resource Adequacy contract

WHEREAS Sunrun has not been able to interconnect multi-family affordable housing solar + storage projects due to current Virtual Net Energy Metering (VNEM) tariff language that does not explicitly allow for storage that provides on-site resilience

WHEREAS Sunrun and EBCE have negotiated a contract amendment that will deliver incremental Resource Adequacy at a discount to the original contract price from resources throughout California

WHEREAS Sunrun and EBCE are committed to delivering solar + storage on multi-family affordable housing units through the Resilient Home Program

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

Section 1. The Board of Directors hereby authorizes the CEO to negotiate and execute an amendment on the Sunrun 10-year 0.5MW Resource Adequacy contract

ADOPTED AND APPROVED this 20th day of July, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

Amendment No. 1 to Energy Storage Resource Adequacy Agreement

This Amendment No. 1 (the "**Amendment**") to the Energy Storage Resource Adequacy Agreement between East Bay Community Energy Authority, a California joint powers authority ("**Buyer**") and Sunrun, Inc., a Delaware corporation ("**Seller**" or "**Sunrun**") (Buyer and Seller are each hereinafter referred to as "**Party**", and together as "**Parties**") is effective as of July XX, 2022 (the "**Amendment Effective Date**").

WHEREAS, Buyer and Seller previously entered into that certain Energy Storage Resource Adequacy Agreement as of July 29, 2019 (the "**Agreement**"); and

WHEREAS, Buyer and Seller mutually desire to amend the Agreement as set forth below.

NOW THEREFORE in consideration of the mutual promises and covenants set forth herein, it is agreed:

1. The following defined terms on the Cover Sheet of the Agreement are amended and restated as follows:

"Contract Price: \$ [REDACTED] per MW"

"CPUC Decisions" means CPUC Decisions 04-01-050, 04-10-035, 05-10-042, 06-04-040, 06-06-064, 06-07-031, 07-06-029, 08-06-031, 09-06-028, 10-06-036, 11-06-022, 12-06-025, 13-06-024, 14-06-050, 19-11-016, and any other existing or subsequent decisions, resolutions or rulings related to resource adequacy, as may be amended from time to time by the CPUC.

2. The following defined term is added to Section 1.1 after the definition of "IDD Delay Damages" and before the definition of "Indemnifiable Loss(es)":

"Incremental Resources" means those resources that can be shown to be incremental according to the criteria set forth in CPUC Decision 19-11-016 and are available during the time periods specified by the applicable Governmental Authority, as such criteria or time periods may be amended or revised.

3. The first sentence of Section 2.2(b) is hereby amended and restated as follows:

"The 'Delivery Term' is the period commencing on the Initial Delivery Date and continuing for the number of Contract Years specified on the Cover Sheet following July 1, 2023."

4. The second sentence of Section 4.1(c) is hereby amended and restated as follows:

"For each day beginning with the day after the Expected Initial Delivery Date until and including the date on which the Initial Delivery Date occurs, for a period beyond the Expected Initial Delivery Date lasting no more than two hundred seventy (270) days ("**IDD Cure Period**"), Seller shall pay IDD Delay Damages to Buyer.

5. The last sentence of Section 5.4(c) is hereby deleted in its entirety. For the avoidance of doubt, Seller's Portfolio may, at Seller's sole election, contain only single-family residences located within California and may include the use of applicable smart thermostats to fulfill its requirements under this Agreement. For the avoidance of doubt, there shall be no Local RA Attributes requirement under this

Agreement.

6. The following is added to the end of Section 14.1 (“Seller’s Representations and Warranties”):

(h) The Product derives from Incremental Resources.

7. Notwithstanding anything to the contrary in the Agreement, Seller shall provide (i) RA Attributes from the Project equal to 0.2 MW by September 1, 2022 and (ii) total overall RA Attributes from the Project equal to 0.5 MW by July 1, 2023, each of which shall constitute a Contract Amount under the Agreement. Seller’s failure to provide the Contract Amounts detailed under (i) and (ii) of the foregoing sentence, notwithstanding the other provisions of Section 7.1 and the proviso under Section 7.1(a)(vi), shall be deemed a Seller Event of Default and shall result in Seller’s obligation to pay Buyer direct damages or to provide Buyer with substitute Capacity Attributes (each in accordance with Section 7.1(a)(vi)(A)-(B)). On or before May 15, 2023, Seller shall provide written notice to Buyer of Seller’s ability to provide 0.5 MW of RA Attributes by July 1, 2023. If at any time Seller is unable to provide the applicable RA Attributes to Buyer from the Project, at Seller’s option, Seller may purchase and provide to Buyer an equivalent amount of RA Attributes from third party resources provided such resources are at least equivalent to the Project, such that Buyer is able to count the RA Attributes as Incremental Resources.

8. Notwithstanding anything to the contrary in the Agreement, in the event that Seller is not able to provide at least 0.5 MW of RA Attributes to Buyer by July 1, 2023, Seller will provide at least ninety (90) days prior written notice to Buyer specifying that amount of RA Attributes that Seller can provide to Buyer by July 1, 2023 (“**Revised RA Capacity Notice**”). In the event that Seller provides Buyer with a Revised RA Capacity Notice, then the Parties agree that the following shall automatically occur: (i) in lieu of any other damage or penalty assessments under this Agreement, Seller shall pay Buyer a one-time payment equal to (a) \$40 multiplied by (b) a number that is equal to 500 kW minus the number of kW that Seller is able to provide as specified in the Revised RA Capacity Notice and (ii) the Contract Amount for RA Attributes that Seller is required to provide under this Agreement shall automatically be revised (without the need for further amendment to the Agreement) to the amount specified in the Revised RA Capacity Notice.

9. Capitalized terms used herein and not otherwise defined herein have the respective meanings assigned to them in the Agreement. Except as expressly amended by this Amendment or any additional amendments made pursuant to Section 21.2 of the Agreement, the Agreement remains in full force and effect. In the event of any conflict between the terms of this Amendment and the terms of the Agreement, the terms of this Amendment shall prevail. Each Party warrants that it has the authority to enter into this Amendment and perform its obligations hereunder. This Amendment may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed and delivered shall be deemed an original, but all such counterparts together shall constitute one and the same instrument.

[Signature page follows]

IN WITNESS WHEREOF, Buyer and Seller hereby execute this Amendment as of the Amendment Effective Date.

SUNRUN, INC.	EAST BAY COMMUNITY ENERGY AUTHORITY
By:	By:
Name:	Name:
Title:	Title:
	<u>APPROVED AS TO FORM:</u>
	By:
	Name:
	Title: General Counsel



Consent Item 9

TO: East Bay Community Energy Board of Directors

FROM: Dan Lieberman, Marketing Director

SUBJECT: Amendment to Consulting Services Agreement with Celery Design Collaborative

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute the Fourth Amendment to EBCE's Consulting Services Agreement with Celery Design Collaborative to add \$445,000 in compensation for Fiscal Year 2022-23, to extend the term, and to update the rates of compensation.

Background and Discussion

EBCE staff issued a competitive solicitation for an independent graphic and web design consultant on April 25, 2019, and selected Celery Design Collaborative, a small firm located in Berkeley and registered as a Small, Local, and Emerging Business (SLEB) with the County of Alameda.

The Board approved a contract with Celery at the regular meeting on July 17, 2019. The First Amendment to expand the scope and budget of the agreement was approved by the Board on February 19, 2020 for the term ending on July 31, 2020. A Second Amendment was approved by the Board on July 15, 2020 to extend the term to June 30, 2021 and setting a budget of \$200,000 for the remainder of the term. A Third Amendment was approved by the Board on April 21, 2021 to add \$100,000 to the not-to-exceed amount for fiscal year 2020 - 2021, and to extend the term through June 30, 2022, with an amount not to exceed \$300,000 for fiscal year 2021-2022, bringing the not-to-exceed amount for both fiscal years to \$300,000 each.

At the June 15, 2022 Board of Directors meeting, the Board passed a historic \$770 million budget that included a 160% increase in the programs budget. During this fiscal year, the programs team will be busy developing and launching programs, significantly increasing demand on the Marketing team to develop and implement a broad range of customer engagement tactics. Concurrently, the impact of the pandemic has led to a greater demand for the marketing team in the form of online activities, web resources, and digital collateral. Therefore, staff recommends increasing the budget for these services with Celery Design Collaborative.

Fiscal Impact

There are funds in the current Marketing and Account Services budget to accommodate this additional amount. EBCE receives a discounted non-profit hourly rate from Celery.

Attachments

- A. Resolution Authorizing the Chief Executive Officer to Negotiate and Execute a Fourth Amendment to the Consulting Services Agreement with Celery Design Collaborative

RESOLUTION NO. R-2022-xx

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AUTHORIZE THE CHIEF
EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A FOURTH AMENDMENT TO THE
CONSULTING SERVICES AGREEMENT WITH CELERY DESIGN COLLABORATIVE**

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 July 2019, EBCE selected and entered into a Consulting Services Agreement with Celery Design Collaborative of Berkeley, California to provide Graphic and Web Design Services; and

WHEREAS, a First Amendment to the agreement was approved in February 2020;

WHEREAS, a Second Amendment to the agreement was approved in July 2020;

WHEREAS, a Third Amendment to the agreement was approved in April 2021;

WHEREAS, EBCE’s forecast workload for graphic design and website development is significantly higher in FY22-23 than in previous fiscal years.

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 the Fourth Amendment to the Consulting Services Agreement between EBCE and Celery Design Collaborative, to extend the term through June 30, 2023, and to increase the compensation by \$445,000, for a total amount not to exceed \$1,045,000, and to update the hourly rates. The Agreement will be approved by General Counsel.

ADOPTED AND APPROVED this 20th day of July, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Consent Item 10

TO: East Bay Community Energy Board of Directors

FROM: Eryn Kim, Energy Fellow & Beckie Menten, Program Manager, Building Electrification and Energy Efficiency

SUBJECT: **Second Amendment to Consulting Services Agreement with Acterra for the Administration of the Induction Cooktop Lending Program**

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Second Amendment to the Consulting Services Agreement between EBCE and Acterra to administer an induction cooktop lending program (ICLP) for EBCE's residential customers, to increase the compensation amount by \$143,625 for a total amount not to exceed \$285,000, to update the Scope of Work, and to extend the term of the Agreement to June 30, 2023.

Background and Discussion

Acterra was selected as EBCE's 3rd party induction cooktop lending program vendor, through a competitive selection process. Acterra was selected for the following reasons: close alignment of Acterra's proposal to EBCE's organizational goals; Acterra's expertise, network, and reach that will allow EBCE to expand its marketing, education, and outreach objectives; and a clear, detailed outline—both breadth and depth—in response to the instructions as stated in the Request for Proposal. In December of 2021, the EBCE Board of Directors approved a Resolution authorizing EBCE's CEO to negotiate and execute a Consulting Services Agreement with Acterra to administer the ICLP. The Agreement was finalized and executed December 23, 2021. In April of this year, the Board authorized an Amendment extending the Agreement and adding additional scope to account for the higher cost of local cooktop procurement.

The program has been very successful, with more than 207 applications for cooktops since launch in mid-May. This has resulted in longer than anticipated wait times for customers who want to participate in the program. The proposed Second Amendment to the CSA with Acterra will update the Scope of Work, increase the compensation amount to account for an increased cost in procurement of additional induction hobs to reduce wait times for customers, and to extend the term of the Agreement to June 30, 2023. EBCE staff worked with Acterra to identify a need to expand the ICLP's equipment inventory, to ensure that the program continues to serve the residents of EBCE's service territory and facilitate positive customer experience with clean energy technologies. Therefore, EBCE staff seek to increase the maximum equipment inventory from 75 kits to 200 kits and to increase the not to exceed amount of this agreement by \$143,625 to account for the additional cost due to additional procurement.

Fiscal Impact

All program costs will be funded through budgets already authorized for this fiscal year.

Attachment

- A. Resolution of the Board of Directors Authorizing the CEO to Negotiate and Execute a Second Amendment to the Consulting Services Agreement with Acterra to Administer an Induction Cooktop Lending Program

RESOLUTION NO. R-2022-XX ____

A RESOLUTION OF THE BOARD OF DIRECTORS

OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH ACTERRA TO ADMINISTER AN INDUCTION COOKTOP LENDING PROGRAM

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, Acterra was selected through a competitive selection process among the submissions received in response to a Request for Proposal, as the most qualified vendor to administer EBCE’s induction cooktop lending program,

WHEREAS, in December 2021, the CEO executed Consulting Services Agreement with Acterra to administer an induction cooktop lending program for an amount not to exceed \$135,000,

WHEREAS, in April 2022, the First Amendment to the Consulting Services Agreement with Acterra to administer an induction cooktop lending program was executed to extend the termination date to March 31, 2023, update the Scope of Work, correct clerical errors, and increase the compensation for an amount not to exceed \$141,375,

WHEREAS, The cost of procurement for induction hobs increased from the First Amendment based on direction from EBCE staff to procure additional induction hobs for administration of the program, requiring an increase in the compensation,

WHEREAS, EBCE staff desires to update the Scope of Work to reflect the additional procurement of induction hobs and to extend the term of the Agreement to June 30, 2023.

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

Section 1. Authorizes the CEO to negotiate and execute a Second Amendment to the Consulting Services Agreement with Acterra to administer an induction cooktop lending program for EBCE's residential customers, to update the Scope of Work, to increase the total compensation by \$143,625, for a total amount not to exceed \$285,000, and to extend the term of the Agreement to June 30, 2023. The Amendment will be approved as to form by General Counsel.

ADOPTED AND APPROVED this 20th day of July 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Consent Item 11

TO: East Bay Community Energy Board of Directors

FROM: Beckie Menten, Program Manager, Building Electrification and Energy Efficiency

SUBJECT: Fourth Amendment to Agreement with TRC Engineers

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Fourth Amendment to the Consulting Services Agreement with TRC Engineers, Inc. (“TRC”) dated March 21, 2019, to add new scope, extend the term to [date], and allocate an additional \$75,000 to the Agreement, for total compensation not to exceed \$365,000.

Background and Discussion

TRC has provided crucial technical assistance to more than eight of EBCE’s member agencies as they pursue reach code implementation within their service areas. Reach codes leverage unique local government jurisdiction to enact planning ordinances and building code policies that are more stringent than those adopted by the State of California. These reach codes support the implementation of all-electric new construction and electric vehicle readiness measures. As buildings have life expectancies in the decades or centuries, these reach codes help ensure that newly constructed buildings will support EBCE and the State of California’s goals for greenhouse gas mitigation.

The California Energy Commission has adopted a new state building code for energy standards, Title 24, which pushes the State of California further towards all-electric building construction in new buildings. As the statewide standard gets more aggressive for new construction, the largest remaining opportunity for pushing all-electric construction is with existing buildings. This Amendment to the Agreement

with TRC provides for an evaluation of the existing building reach code strategies, an assessment of what is needed in the market to allow for the successful implementation of existing building reach codes, and potential interventions EBCE can take to move the market along.

Fiscal Impact

The funding for this Amendment has already been budgeted in the Local Programs budget under the Building Electrification line item.

Attachments

- A. Resolution Authorizing the Fourth Amendment to the Consulting Services Agreement with TRC Engineers

RESOLUTION NO. R-2022-xx

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE FOURTH
AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH TRC ENGINEERS**

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 February 2019 the Board of Directors authorized the CEO to execute a Consulting Services Agreement with TRC Engineers, Inc. (“TRC”) to support reach code development in the EBCE service area, with compensation not to exceed \$200,000. TRC has supported eight EBCE member agencies (Fremont, Hayward, Emeryville, Piedmont, Albany, Oakland, Dublin, Berkeley) in the pursuit of all electric reach codes, providing a high level of support and helping EBCE achieve greenhouse gas reduction goals in the EBCE service area,

WHEREAS in February of 2020, the Board authorized an Amendment to the Consulting Services Agreement with TRC to allocate additional funds in the amount of \$20,000 to support reach code services to cities. The EBCE Board authorized a Second Amendment to the Consulting Services Agreement June of 2020 to add to the scope and to add an additional \$20,000 in compensation for TRC to support kitchen electrification efforts in the EBCE service area. The Board authorized a Third Amendment in March of 2021 to add compensation to account for growth in EBCE’s service area,

WHEREAS staff seeks to increase the compensation for consulting services to support EBCE member agencies in pursuing Reach Code ordinances and seeks to add scope to prepare an evaluation of reach code activities and recommendations for future reach code interventions.

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

Section 1. The Board of Directors hereby authorizes the CEO to negotiate and execute a Fourth Amendment to the Consulting Services Agreement with TRC to add \$75,000 to the compensation, increasing the compensation to an amount not to exceed \$365,000, to extend the term of the Agreement through [date], and modify the scope to allow for the continuation and expansion of services to support EBCE’s

member agencies and to prepare an evaluation of previous reach code activities and develop recommendations for EBCE's next phase of reach code programs. The Amendment will be approved by the General Counsel.

ADOPTED AND APPROVED this 20th day of July, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Staff Report Item XX

TO: East Bay Community Energy Board of Directors
FROM: Howard Chang, Chief Operating Officer & Treasurer
SUBJECT: Treasurer’s Report (Informational Item)
DATE: July 20, 2022

Recommendation

Receive report on EBCE’s cash position.

Background and Discussion

For quarter ending June 30, 2022, EBCE has maintained a positive cash balance on all EBCE bank accounts. Below is a summary of account balances, cash received, and outstanding loan balances.

Account Balances as of 6/30/2022

<u>Account</u>	<u>Amount</u>
Internal Operating	\$ 1,691,554
Operating Fund	\$ 63,738,530
Lockbox (Includes \$2,000,000 reserve)	\$ 17,951,674
Operating Reserve Fund	\$ 21,148,508
Money Market	\$ 1,006,734
Insured Cash Sweep	\$ 41,379,680
Total	\$ 146,916,680
<u>Last Quarter</u>	<u>\$ 142,768,764</u>
Increase/(Decrease)	\$ 4,147,916

Cash Received by Month into Lockbox Account

April	2022	\$ 40,963,278
May	2022	\$ 53,869,788
June	2022	\$ 57,423,896
<hr/>		
Total		\$152,256,962

Outstanding Loan Balances:

Barclays Credit Facility: \$0.00

Customer Delinquency:

As of June 30, 2022

30 - 60 Days: \$ 5,943,074
60 - 90 Days: \$ 3,224,576
90 - 120 Days: \$ 2,329,078
120+ Days: \$ 19,968,450

More recent data has not yet been provided by PG&E and billing vendor on the date this report was generated.



Staff Report Item X

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: CEO Report (Informational Item)
DATE: July 20, 2022

Recommendation

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

Executive Committee Meeting

The Executive Committee met on June 24, 2022 at 12pm. Members received an update on Legislative Positions and an overview of the contents in the upcoming Joint Rate Mailer. The next Executive Committee meeting will be held on Friday, July 29 at 12pm.

Special Board Retreat - Power Procurement

The Board of Directors hosted a Special Board Retreat to discuss Power Procurement on July 6, 2022 at 11am. Members received an overview of power procurement concepts and activities. The next Board meeting will be held on Wednesday, September 21, 2022 at 5pm.

New Staff

Sofi Hecht, Marketing Content Coordinator

Sofi Hecht joined EBCE's Marketing and Account Services team in June 2022 as a Marketing Content Coordinator. Sofi works to optimize EBCE's marketing materials, customer communications, website, and social media presence.

Prior to joining EBCE, Sofi was the Director of Marketing, Communications, and Customer Success at a coffee company based in Richmond, CA.

Sofi has a BA in Environmental Policy and Modern Standard Arabic from Middlebury College.



Staff Report Item 15

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Approval of Legislative Positions (Action Item)

DATE: July 20, 2022

Recommendation

Take an “oppose unless amended” position on Senate Bill (“SB”) 1385 (Cortese) and take a “support” position on a Federal Reconciliation Package.

Background and Discussion

At the June 24, 2022, EBCE Board Executive Committee Meeting, the Executive Committee approved taking a “support” position on SB 1063 (Skinner), which would allow the California Energy Commission (“CEC”) to accelerate the deployment of new energy efficiency technology standards. The Executive Committee also approved moving from “support” to an “oppose unless amended” position on AB 2667 (Friedman) due to recent amendments that would redefine which entities qualify as an electrical corporation.

Bills in the California state legislature have continued to be amended in their second houses at a rapid pace, and appropriations committee hearings are scheduled for the beginning of August after the Legislature’s summer recess.

Recommended EBCE bill positions:

- **OPPOSE UNLESS AMENDED:** SB 1385 (Cortese) would require the California Public Utilities Commission (“CPUC”) to establish a new multifamily housing local solar program installing 1,500 MW through 2026. Each large electrical corporation (investor-owned utility, or “IOU”) such as PG&E would be required to construct or contract for the construction of solar and storage systems on or near qualified multifamily housing. Each project would be installed in front of the customers’ meter and would be owned by the IOU. The IOUs would export

electricity from these systems and use the revenues to offset the costs of providing monthly bill credits to participating customers, as well as the costs of constructing/operating the system, and administrative costs. The bill would leave open the possibility that the Legislature could fund any costs in excess of revenues through a future appropriation.

While SB 1385 promises to ensure that the benefits of rooftop solar are more readily offered to lower income people who live in multifamily housing, the bill establishes yet another community solar program, but it may not actually benefit low-income customers. In this program, the solar system is utility-owned and may not serve the actual building and customers near which it is situated; furthermore, being in a high-fire threat district is sufficient for program siting, even if no low-income customers are served. It is unclear how the projects would pay for themselves, which means IOUs would be incentivized to build large solar+storage projects to maximize their payback potential. In other words, this is a backdoor way for the IOUs to own and operate solar+storage projects.

Although much of SB 1385 does not seem to directly impact CCA customers, EBCE staff finds there to be a risk that the IOUs include CCA customers when they sign up program participants, essentially providing generation services for CCA customers. To prevent this risk from materializing, EBCE staff recommends amending SB 1185 such that it specifies that CCA customers are not eligible to participate in the IOU's program. This aligns with EBCE's legislative principle of Stabilizing Community Choice by opposing legislation that undermines or circumvents community choice energy and impedes the ability of the agency to achieve its mission and goals.

SB 1385 is sponsored by the California State Association of Electrical Workers and the Coalition of California Utility Employees.

- **SUPPORT:** A Federal Reconciliation Package could authorize clean energy tax breaks including extending the Investment Tax Credit (“ITC”) and Production Tax Credit (“PTC”), as well as other renewable energy-friendly provision including clean energy manufacturing tax credits, electric vehicle tax credits, incentives for renewable energy in rural communities, and a fee on methane emissions. Although the bill is still being negotiated, its climate provisions would support increased, cheaper renewable energy development throughout California and could bolster EBCE programs including those incentivizing vehicle and building electrification. This aligns with EBCE's legislative principle of Accelerating Decarbonization through renewable energy procurement and electrification, as well as Promoting Local Development through incentivizing transportation, building electrification, and renewable energy generation.

Fiscal Impact

SB 1385: Unknown at this time - the bill would require that no program costs be passed through rates to non-participant ratepayers, however, the Assembly Utilities & Energy Committee bill analysis noted that avoiding a cost shift to nonparticipants may not be plausible and the costs to the CPUC to administer are likely \$3M. The bill also does not preclude legislative funding for the program which would be borne by taxpayers.

Federal Reconciliation Package: Likely fiscal benefits to EBCE customers through tax credits for renewable energy which may lower the cost of EBCE's programs and future clean energy procurement.

Attachments:

- A. SB 1385 Author's Fact Sheet
- B. July 20, 2022 Legislative Update



SENATOR DAVE CORTESE

SB 1385 Multi-Family Housing Local Solar Program

SUMMARY

Too little of the rooftop solar that has been installed in California has gone to low income individuals in multi-family housing. Yet, these are the individuals that arguably need the grid resiliency and bill savings most.

SB 1385 addresses this by creating a multi-family housing local solar program that will bring solar and storage systems to multi-unit dwellings in low-income communities with no costs shifted to other ratepayers.

BACKGROUND

The California Solar Initiative Program (CSI) was a ratepayer-funded program established in 2007 to install 1,940 megawatts (MW) of new distributed solar and transform the market for solar energy by reducing the cost of solar generating equipment. In addition, California's Net Energy Metering (NEM) program created large economic incentives to install rooftop solar by compensating homeowners at the full retail rate for all the output of the system. As a result, the rooftop solar market has grown rapidly, and 2021 estimates show that distributed solar has been installed at over 1.3 million customer sites.

However, a strikingly low percentage of these funds were reserved for low-income tenants in multi-family housing. A CPUC report showed that out of the overall \$3 Billion CSI Program budget, \$2.79 Billion (93%) went to commercial retail and market rate housing, whereas only \$218 million (7%) went to low-income housing. According to a study by the Lawrence Berkeley National Laboratory, about 2% of residential solar systems are installed on multi-family buildings.

The data showing this disproportionate benefit is even more alarming when looking at the demographics of local solar distribution. A study by the Lawrence Berkeley National Laboratory found that around half of the state's solar adopters are in the highest 20 percent of earners, while only 4 percent come from the lowest 20 percent. Additionally, the study found that solar

adopters generally skew towards areas with high White population, higher education, and higher credit scores.

People who live in multi-family housing are generally renters who have no ability to participate in the state's distributed solar programs. Compounding the inequity, the costs of these programs are paid by all electric ratepayers, which has raised electric rates for those without solar by as much as \$230 per year. Despite being charged for the costs of these programs, they get none of the benefits.

THIS BILL

SB 1385 requires that the California Public Utilities Commission establish a multi-family housing local solar program that would require each electrical corporation with more than 100,000 service connections to construct solar and storage systems on or near multifamily housing in underserved communities.

Each large electrical corporation will export electricity from the solar and storage system and use the proceeds to both reduce electricity bills for tenants in the multi-family housing and pay for the system with no costs shifted to other ratepayers.

SUPPORT

State Association of Electrical Workers (Sponsor)
Coalition of California Utility Employees (Sponsor)

FOR MORE INFORMATION

Ryan Mickle
Office of Senator Dave Cortese
(916) 651-4015
Ryan.Mickle@sen.ca.gov

JULY 20, 2022

Legislative Update



Key Deadlines for the 2022 State Legislative Year

Attachment Staff Report Item 15B

- 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

State Budget Update

Attachment Staff Report Item 15B

- AB 205 (energy budget trailer bill) was chaptered on 6/30
 - Extends California Arrearage Payment Program for arrearage forgiveness (\$1B)
 - Creates Strategic Reliability Reserve Programs:
 - Distributed Electricity Backup Assets Program – emergency supply/load reduction during extreme events
 - Demand Side Grid Support Program – dispatchable customer load reduction and backup generation during extreme events
 - Strategic Reliability Reserve Program – DWR investments in reliability (\$5B)
 - Streamlined Siting – new certification process
 - Long Duration Energy Storage – financial incentives for projects
 - Allows Changes to Residential Fixed Charges – removes for CARE, removes cap
- Another energy budget trailer bill is anticipated in Aug to resolve issues

Recommended State Bill Position

Attachment Staff Report Item 15B

Bill #	Author	Description	Sponsor	Status	Recommended EBCE Position
SB 1385	Cortese	Establishes a new 1,500 MW multifamily housing local solar program that requires each large electrical corporation (IOU) to construct solar and storage systems connected to the distribution system in front of the customers' meters on or near multifamily housing.	CA State Assoc of Electrical Workers / Coalition of CA Utility Employees	Asm Approps Cmte 8/3	OPPOSE UNLESS AMENDED

State Bill Tracker - Assembly

Attachment Staff Report Item 15B

Bill #	Author	Description	Sponsor	Status	EBCE Position
AB 1814	Grayson	Authorizes CCAs to file applications for PUC programs and investments to accelerate widespread transportation electrification.	CaICCA	Author withdrawn	SUPPORT
AB 1960	Villapudua	Encourages the Senate and the Governor to consider permanent residents of northern, southern and the central valley regions of the state to provide more regional diversity among CPUC commissioners.		Vetoed by Gov 6/21	SUPPORT
AB 2061	Ting	Requires data disclosure on EV charging station availability for stations using public or ratepayer money and requires the CEC to assess reliability and equitable access issues.	Flo	Sen Approps Cmte 8/1	WATCH
AB 2667	Friedman	Establishes and requires CEC to administer state IDER Fund to incentivize eligible resources to support consumer adoption of clean DERs, creates a system to award incentives.	NRG / EDF	Sen Approps Cmte 8/1	OPPOSE UNLESS AMENDED
AB 2765	Santiago	Creates a new taxpayer-funded fund to cover the costs of CPUC Public Purpose Programs including energy efficiency and conservation, and arrearage management, instead of continuing to rely on customer delivery rates. Reverts to utility ratepayers if fund isn't sufficiently funded by the legislature. Excludes CARE/FERA.	Sempra	HELD in Asm Approps Cmte	SUPPORT

State Bill Tracker - Senate

Attachment Staff Report Item 15B

Bill #	Author	Description	Sponsor	Status	EBCE Position
SB 1020	Laird	Sets interim targets for meeting renewable/zero-carbon goals: 90% by end-2035, 95% by end-2040; 100% for state agencies by 2030. State agencies can comply through their LSE, but LSE procurement for the state agency must meet certain criteria. Establishes new fund to support the costs of decarbonization, clean energy, and wildfire mitigation activities with funding sources outside of electricity rates. Establishes new nonprofit public benefit corporation to administer the fund.	Senate Climate Change Working Group	Asm Approps Cmte 8/3	SUPPORT IF AMENDED
SB 1063	Skinner	Authorizes the CEC to make standards for energy- and water-efficient appliances effective sooner than one year after adoption if there's a finding of good cause.	CEC	Asm Approps Cmte 8/3	SUPPORT
SB 1112	Becker	Requires energy suppliers (including CCAs) offering decarb programs to record a decarb charge notice, then notice of full cost recovery, then notice of charge removal with the project's county.		Asm Approps Cmte 8/3	SUPPORT
SB 1158	Becker	Changes the Power Source Disclosure rules to require utilities and CCAs to report comparisons of their energy and capacity purchases with their electricity demand on an hourly basis including the associated GHG emissions.		Asm Approps Cmte 8/3	WATCH
SB 1393	Archuleta	Requires local jurisdictions to consider CEC guidance before mandating that retrofits to a bldg. must upgrade fossil appliances to electric and to file records with CEC.		Asm Approps Cmte 8/3	OPPOSE

Federal Legislative Update - Overview

Attachment Staff Report Item 15B

- Three major 2022 federal opportunities:
 - 10/1: Reconciliation package deadline
 - 10/1: Community Project Funding deadline
 - EBCE potentially funded \$7.43 million
 - Q3/Q4: Infrastructure Bill applications open
 - EBCE potentially targeting EV, resiliency, and EE programs

Recommended Federal Bill Position

Attachment Staff Report Item 15B

Bill #	Author	Description	Status	Recommended EBCE Position
TBD	TBD	Will potentially authorize clean energy tax breaks including extending the Investment Tax Credit (ITC) and Production Tax Credit (PTC), as well as other renewable energy-friendly provisions including clean energy manufacturing tax credits, electric vehicle tax credits, incentives for renewable energies in rural communities, and a fee on methane emissions.	Senate negotiating	SUPPORT



Staff Report Item 16

TO: East Bay Community Energy Board of Directors
FROM: Howard Chang, Chief Operating Officer & Treasurer
SUBJECT: Energy Prepay Transaction #2 Summary of Results (Informational)
DATE: July 20, 2022

Recommendation

Receive an informational item to summarize the results of EBCE's second energy prepay transaction.

Background and Discussion

On May 18, 2022, EBCE approved moving forward with its second energy prepay transaction. Subsequently on May 26, 2022 CCCFA (the debt issuance conduit) approved moving forward with the transaction as well. Working with Morgan Stanley as the bond underwriter, we successfully priced the bonds on June 28, 2022 and closed the prepay transaction on July 12, 2022.

Details of the transaction are below.

Total Bond Proceeds: \$938,984,208.65

Start Date: April 1, 2023

Tenor of the initial bonds: 6 years

Cost of Issuance: 0.61%

Total Annual Savings for Initial Term: \$4,809,240

This transaction is EBCE's second prepay transaction and is the third prepay transaction that CCCFA has issued. Together with the savings from EBCE's initial prepay transaction, EBCE has secured annual savings of over \$7MM, which represents nearly a 1% discount to all EBCE customers. Both prepay transactions are 30 energy contracts. The savings from this second prepay transaction are locked in until 2029, which is when the bonds will need to be repriced, and the future discount will be based on market conditions at that time. The savings from the first transaction are locked in until 2032 because it closed on 10-year bonds.

Through the energy prepay transaction this discount is being applied to a variety of long and short-term renewable energy and large hydro contracts that EBCE is assigning into the structure. Based on the number of eligible source-specified PPAs under contract, EBCE will seek to continue to execute additional prepay transactions in the coming years to maximize the available savings.

EBCE's board approved and adopted a resolution subject to the following parameters:

- (a) the Bonds will not be obligations of EBCE, but will be limited obligations of the Issuer payable solely from the revenues and other amounts pledged therefor under the Indenture, including amounts payable by EBCE under the Power Supply Contract;
- (b) the aggregate principal amount of the Bonds shall not exceed \$1,000,000,000;
- (c) the annual energy savings to EBCE under the Power Supply Contract shall be at least \$4.50 per MWh

The executed transaction complies with all aspects of the resolution with a principal amount of \$931,120,000 and savings of over \$7.30/MWh.

Previous Background Information:

An energy prepayment is a long-term financial transaction available to municipal utilities and tax-exempt entities such as CCAs that enables a meaningful power procurement cost savings opportunity. This prepay structure has historically been utilized for natural gas procurement and is now being applied towards renewable energy. To date, EBCE, Silicon Valley Clean Energy (SVCE), and MCE have executed prepay transactions and currently a number of other CCAs are also in the process of initiating a similar structure.

Financial Impact

There is no financial impact related to receiving this informational item.

Attachments

None



Staff Report Item 17

TO: East Bay Community Energy Board of Directors

FROM: Annie Henderson, VP Marketing and Account Services
Izzy Carson, Power Resources Manager

SUBJECT: Joint Rate Mailer and 2021 Power Content

DATE: July 20, 2022

Recommendation

Receive a staff report and presentation providing an overview of the contents in the Joint Rate Mailer (JRM) - a customer notification sent each year.

Background and Discussion

The intent of this staff report is to provide an overview of the contents in the JRM. The attached presentation covers the JRM and Joint Rate Comparison with specific attention provided to differences in rate comparison and initial 2021 power content.

Fiscal Impact

No immediate fiscal impact

Attachments

- A. Joint Rate Mailer and Power Content PPT

JULY 2022

EBCE Joint Rate Mailer and 2021 Power Content



Overview of Rate Comparison and Mailer

Joint Rate Comparison

- Required by CPUC
- Must be updated within 60 days of any rate change (EBCE or PG&E)
- Must be posted on the website
- Does not include power content
- This document includes rate comparisons for all 22 rate schedules served by EBCE

Joint Rate Mailer (JRM)

- Required by CPUC
- Fixed template, approved by Public Advisor's Office and co-branded with PG&E
- Goes to all EBCE-eligible customers (including those that opted out) via email or mail
- Includes draft power content
- Deadline is July 1
- There are four versions of this mailer, sent to customers by their rate class: residential, small business, commercial, and industrial

Items of Note on Rate Presentation

Joint Rate Comparison

- First time PG&E breaks out the PCIA cost to bundled customers
- Currently uses EBCE 2018 PCIA Vintage (majority of EBCE customers) and PG&E 2021 PCIA Vintage
- PG&E Bundled customers always pay the most current PCIA vintage
- JRC will be updated and posted to website with June PG&E rate changes and any update to EBCE FY22/23 value proposition (3% discount, ¾ cent premium)

Joint Rate Mailer (JRM)

- First time PG&E breaks out the PCIA cost to bundled customers
- Will present “apples to apples” with both EBCE and PG&E examples using the most current PCIA Vintage
- 2022 JRM will use EBCE rates based on value proposition prior to FY22/23 (1% discount, 1 cent premium)

(PG&E Gen Rate + PCIA)

To appropriately compare rates:

vs.

(EBCE Gen Rate + PCIA)

Draft 2022 EBCE JRM (2021 Power Content)

Attachment Staff Report Item 17A



East Bay Community Energy
1999 Harrison Street, Suite 800
Oakland, CA 94612



For information, visit: ebce.org
Para detalles de este programa en español, visite: ebce.org/es
查詢本計劃中文版本, 請瀏覽: ebce.org/cn

We support your power to choose

As part of our mutual commitment to support your energy choice, East Bay Community Energy (EBCE) and Pacific Gas and Electric Company (PG&E) have partnered to provide you with a comparison of typical residential electric rates, average monthly charges, and generation portfolio contents.

If this comparison does not address your specific rate, please visit PG&E online at pge.com/cca or call 1-866-743-0335. For more information on EBCE's generation rate, please visit ebce.org/rates or call 1-833-699-EBCE (3223).



Understanding your energy choices

Residential Electric Rate Comparison E-TOU-C Time-of-Use (Peak Pricing 4–9PM Everyday)

	PG&E	EBCE Bright Choice	EBCE Renewable 100
Generation Rate (\$/kWh)	\$0.12112	\$0.11964	\$0.13112
PG&E Delivery (\$/kWh)	\$0.19790	\$0.19790	\$0.19790
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02653	\$0.02653
Total Electricity Cost (\$/kWh)	\$0.34555	\$0.34407	\$0.35555
Average Monthly Bill (\$)	\$134.63	\$134.06	\$138.53

Current rates as of March 2022

This table compares electricity costs for an average residential customer in the EBCE/PG&E service area with an average monthly usage of 390 kilowatt-hours (kWh). This is based on a representative 12-month billing history for all customers on the E-TOU-C rate schedule for PG&E's and EBCE's published rates as of March 2022.

Generation Rate is the cost of creating electricity to power your home. The generation rate varies based on your energy provider and the resources included in your energy provider's generation supply.

PG&E Delivery Rate is a charge assessed by PG&E to deliver electricity to your home. The PG&E delivery rate depends on your electricity usage but is charged equally to both EBCE and PG&E customers.

PG&E PCIA/FF The PCIA is a charge to ensure that both PG&E customers and those who have left PG&E service to purchase electricity from other providers pay the above market costs for generation resources that were procured by PG&E on their behalf. "Above market" refers to expenditures for electric generation resources that cannot be fully recovered through sales of these resources at current market prices. PG&E acts as a collection agent for the FF surcharge, which is levied by the California Public Utilities Commission on behalf of cities and counties in PG&E's service territory for all customers. PG&E bundled customers pay the PCIA and FF fees associated with the most currently available vintage year. PG&E charges EBCE customers the PCIA and FF fees based on the year that they transitioned to EBCE service. Visit www.ebce.org/rates for more information.

If this comparison does not address your specific rate, please visit PG&E online at pge.com/cca or call 1-866-743-0335. For more information on EBCE's generation rates, please visit ebce.org/rates or call 1-833-699-EBCE (3223).

2021 Electric Power Generation Mix*

Specific Purchases	Percent of Total Retail Sales (kWh)		
	PG&E	EBCE Bright Choice	EBCE Renewable 100
Renewable	48.1%	42.3%	100.0%
Biomass & Biowaste	4.2%	0.5%	0.0%
Geothermal	5.2%	0.0%	0.0%
Eligible Hydroelectric	1.8%	0.2%	0.0%
Solar Electric	26.0%	19.0%	50.0%
Wind	10.9%	22.6%	50.0%
Coal	0.0%	0.0%	0.0%
Large Hydroelectric	4.0%	15.9%	0.0%
Natural Gas	8.5%	0.0%	0.0%
Nuclear	39.3%	1.7%	0.0%
Other	0.0%	0.1%	0.0%
Unspecified Sources of Power**	0.0%	40.0%	0.0%
TOTAL	100%	100%	100%

*As reported to the California Energy Commission's Power Source Disclosure Program. EBCE and PG&E data is subject to an independent audit and verification that will not be completed until later in 2022. The figures above may not sum up to 100 percent due to rounding.

**Unspecified sources of power refers to electricity that is not traceable to a specific generating facility, such as electricity traded through open market transactions. Unspecified sources of power are typically a mix of all resource types, and may include renewables.

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*PG&E refers to Pacific Gas and Electric Company, a subsidiary of PG&E Corporation.
6.22 CCC-0622-4932

Rate Comparison - Residential Example

Residential: E-TOUC	Joint Rate Comparison			Joint Rate Mailer		
	2021 Vintage PCIA	<u>2018</u> Vintage PCIA		<u>2021</u> Vintage PCIA all customers		
	PG&E	EBCE Bright Choice	EBCE Renewable 100	PG&E	EBCE Bright Choice	EBCE Renewable 100
Generation Rate (\$/kWh)	\$0.12112	\$0.12573	\$0.13721	\$0.12112	\$0.11964	\$0.13112
PG&E Delivery (\$/kWh)	\$0.19790	\$0.19790	\$0.19790	\$0.19790	\$0.19790	\$0.19790
PG&E PCIA/FF (\$/kWh)	\$0.02653	<u>\$0.02044</u>	<u>\$0.02044</u>	<u>\$0.02653</u>	<u>\$0.02653</u>	<u>\$0.02653</u>
Total Electricity Cost (\$/kWh)	\$0.34555	\$0.34407	\$0.35555	\$0.34555	\$0.34407	\$0.35555
Average Monthly Bill (\$)	\$134.63	\$134.06	\$138.53	\$134.63	\$134.06	\$138.53

Average Monthly Usage 390 kWh

Comparison of CCA Rates over time

Base Product comparison to IOU for prominent residential rate (based on JRM)

CCA	2020	2021	2022 w/new value proposition for EBCE
EBCE	-1%	-1%	-3%
MCE Clean Energy	3%	18%	-16%
CleanPowerSF	-1%	2%	0%
San Jose Clean Energy	-1%	-0.25%	0%
Clean Power Alliance	4%	18%	23%

100% Renewable Energy Product comparison to IOU for prominent residential rate

CCA	2020	2021	2022 w/new value proposition for EBCE
EBCE	9%	9%	5%
MCE Clean Energy	11%	27%	-9%
CleanPowerSF	8%	11%	7%
San Jose Clean Energy	8%	9%	15%
Clean Power Alliance	24%	29%	23%

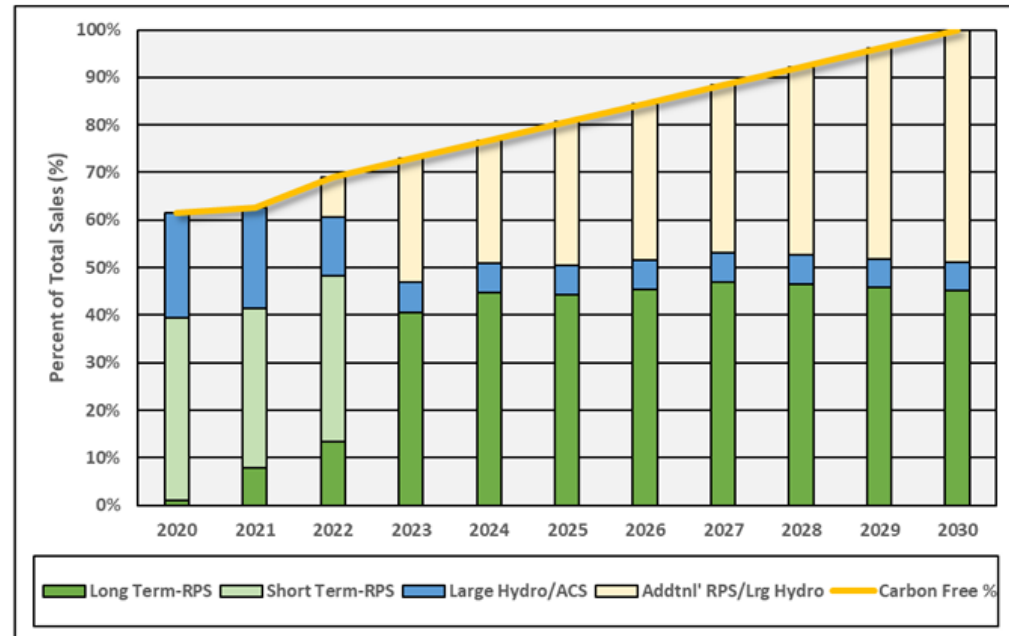
Power Content Comparison

Specific Purchases	Percent of Total Retail Sales (kWh)		
	PG&E	EBCE	
		Bright Choice	Renewable 100
Renewable	48.7%	42.3%	100.0%
Biomass & Biowaste	4.2%	0.5%	0.0%
Geothermal	5.2%	0.0%	0.0%
Eligible Hydroelectric	1.8%	0.2%	0.0%
Solar	26.6%	19.0%	50.0%
Wind	10.9%	22.6%	50.0%
Coal	0%	0%	0%
Large Hydroelectric	4.0%	15.9%	0.0%
Natural Gas	7.9%	0.0%	0.0%
Nuclear	39.3%	1.7%	0.0%
Other	0.0%	0.1%	0.0%
Unspecified Sources of Power**	0.0%	40.0%	0.0%
Total	100.0%	100.0%	100.0%

EBCE Procurement Policy for Bright Choice

The Renewable Content Target for Bright Choice is based on PG&E's prior year renewable energy power content forecast, plus 5%. We are on track to be 100% carbon-free and 80% renewable for all customers by 2030, per our Board presentation in April.

2020 PG&E RPS Forecast	36.2%
	+5.0%
2021 Bright Choice RPS %	=41.2%



EBCE 2021 Draft Power Content and Bright Choice Targets

Draft 2021 PG&E RPS %	Draft 2021 Bright Choice RPS %
48.7%	42.3%

2021 Draft Power Content is in alignment with EBCE’s clean energy goal of achieving zero emission electricity by 2030 and exceeds the approved 2021 minimum renewable power content target of 41.2% for the Bright Choice Plan.

Bright Choice targets looking forward:

Year	2021	2022	2023
Renewable %	41%	50%	54%

EBCE PCL RPS Overtime

	EBCE Bright Choice	PG&E	Differential
2018	41%	39%	+2%
2019	60%	29%	+31%
2020	40%	31%	+9%
2021	42%	48%	-6%
AVERAGE	46%	37%	+9%

CCA 2021 Base Product Power Content per JRM

Attachment Staff Report Item 17A

2021 Power Content	PG&E	EBCE	SVCE	SJCE	CPSF	MCE
RPS	49%	42%	44%	36%	55%	60%
Large Hydro	4%	16%	36%	0%	38%	37%
Nuclear	39%	<2%	20%	53%	0%	1%
<i>Non-Nuclear Carbon-free</i>	<i>52%</i>	<i>58%</i>	<i>80%</i>	<i>36%</i>	<i>93%</i>	<i>97%</i>
2021 Cost Differential from PG&E		-1%	-1%	-0.25%	+2%	+18%

RATES

- **Discount:** EBCE continues to provide a product at a discount to PG&E
- **PCIA:** PG&E customers have always paid for the PCIA, but it was previously embedded in the PG&E Generation Rate

POWER CONTENT

- **2030:** EBCE is focused on the 2030 goal of 100% clean power
- **Clean:** EBCE's 2021 Bright Choice content has 5.5% more GHG-free power vs. PG&E, exclusive of nuclear power
- **This path was advocated by the public and chosen by the Board.** From the staff report to the Board in April 2022: "The fundamental question for accepting nuclear or not comes down to a trade-off between having nuclear and lower greenhouse gas emissions, or not having nuclear and accepting higher greenhouse gas emissions."
- **System:** More renewable energy on the grid is a good thing for all customers



Staff Report Item 18

TO: East Bay Community Energy Board of Directors

FROM: Jason Bartlett, Finance Manager

SUBJECT: Update Board and CAC Stipend Amount and Set Frequency (Action Item)

DATE: July 20, 2022

Recommendation

Approve a Resolution to update the Board of Directors and Community Advisory Committee (CAC) stipend amounts to reflect Consumer Price Index (CPI) adjustments and set policy to limit the frequency for receiving a stipend to not exceed more than four (4) per month, effective July 1, 2022.

Background and Discussion

East Bay Community Energy (EBCE) has endowed powers outlined in its mutually agreed upon Joint Powers Authority (JPA) charter. One of these powers is the ability for the Board of Directors to establish directives to compensate Directors and Community Advisory Committee (CAC) members with stipends for attendance.

Current Stipend Policy

Director stipends are established in the JPA under Section 4.7 which states:

“Directors shall receive a stipend of \$100 per meeting, as adjusted to account for inflation, as provided for in the Authority’s Operating Rules and Regulations.”

Historically, this has been interpreted to be specific to Board of Director meetings and special meetings only as Section 4.8 provides language and guidance which can apply to other meetings related to Commissions, Boards, and Committees:

“The Board may establish rules, regulations, policies, bylaws or procedures to govern any such commissions, boards, or committees and shall determine whether members shall be compensated or entitled to reimbursement for expenses.”

Specific consideration is given to CAC members in Section 4.9, which states:

“The Board of Directors shall determine whether the [CAC] members will receive a stipend and/or be entitled to reimbursement for expenses.”

At the April 18, 2018 Board meeting the Board of Directors passed a Resolution (R-2018-17) permitting CAC members to receive a stipend in the amount of \$50 per meeting in attendance and up to two (2) meetings per calendar month, with the Chair of the CAC being entitled to receive the same stipend as Directors. In this resolution there is no mention of CPI, or other, adjustments to CAC member stipends.

Proposed Changes to Stipend Policy

Upon review of the current stipend policy by the Finance, Administrative, and Procurement committee, the following proposed changes have been put forth for formal Board review and approval:

1. The Director stipend be updated by the CPI from June 2018 through June 2022;
2. The CAC stipend be updated by the CPI from June 2018 through June 2022;
3. Both the Director and the CAC stipends be updated every new fiscal year to reflect CPI changes;
4. Directors can be eligible for stipends for attendance at additional meetings of commissions, boards, and committees. Examples of such additional meetings, include but are not limited to: Executive Committee; Finance, Administrative, & Procurement subcommittee; Marketing, Regulatory, & Legislative subcommittee; and ad-hoc meetings;
5. A cap be applied of four (4) stipends per month for attendance of meetings.

Note that during the June CAC meeting, CAC members requested an increase in the CAC stipend to a level equivalent to the stipend received by the Board of Directors.

Fiscal Impact

Currently, there are 15 Directors and 15 alternates for the Board and 12 CAC members with 4 alternates.

Of the Directors, one alternate has elected to opt-out of the stipend and two alternates have not submitted IRS form W9 to allow payments. This means of the 30 total qualifying Directors, 90% receive stipends when participating. Of the 16 CAC total qualifying members, three regular and one alternate have elected to opt-out of the stipend. This means 75% of all CAC members receive the stipend when participating.

Using the 12-month San Francisco-Oakland-Hayward local CPI, catch-up adjustments from June, 2018 through June, 2022 are expected to increase stipend payments by about 20.07%. This would increase the stipends to \$120.07 for Directors and \$60.04 for CAC members.

Year	CPI	Director	CAC
Base	0.00%	100.00	50.00
2018	3.90%	103.90	51.95
2019	3.20%	107.22	53.61
2020	1.60%	108.94	54.47
2021	3.20%	112.43	56.21
2022	6.80%	120.07	60.04

The annual maximum participation cost at the current stipend is approximately \$29,400, assuming quarterly special meetings with all members. The fiscal impact of increasing the stipend in the above, described manner would increase annual maximum expenses by about \$27,514 (93.6%) to \$56,914 total.

Committee	Participants	Current Stipend	Total	New Stipend	New Total	Difference
BOD	15	100.00	1,500.00	120.07	1,801.07	301.07
CAC	9	50.00	450.00	60.04	540.32	90.32
ExCom	5	0.00	0.00	120.07	600.36	600.36
FAP	5	0.00	0.00	120.07	600.36	600.36
MAS	5	0.00	0.00	120.07	600.36	600.36
Special*	15	100.00	500.00	120.07	600.36	100.36
Monthly			2,450.00		4,742.82	2,292.82
Annual			29,400.00		56,913.89	27,513.89

*Special Meetings are estimated at once per quarter, as such Monthly Totals are divided by 3

Attachments

- A. Resolution of the Board of Directors to Approve an Increase in Stipend Amount for Directors and Community Advisory Committee Members

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO APPROVE AN INCREASE IN
STIPEND AMOUNT FOR DIRECTORS AND COMMUNITY ADVISORY COMMITTEE
MEMBERS**

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.

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

WHEREAS The Joint Powers Agreement (“JPA”) permits the Board of Directors (“Directors”) to adjust stipend amounts annually for inflation, approve stipends for additional commissions, boards, and committees, and establish governing rules, regulations, policies, bylaws or procedures related to compensation or reimbursements; and

WHEREAS Currently, stipends are approved for Directors, Special Director, and Community Advisory Committee (“CAC”) meetings and are set at \$100 per meeting per Director in attendance and \$50 per CAC meeting per member in attendance. One-hundred dollars is allowed for the CAC chair. All CAC members are limited to receive the stipend no more than twice per calendar month. There is no similar limitations to Directors; and

WHEREAS The Finance, Administrative, and Procurement committee has proposed that stipend increases for Directors and CAC members be based on the San Francisco-Oakland-Hayward Consumer Price Index (“CPI”) and that additional stipends be granted for any and all additional commission, board, and committee meetings for Directors, up to a limit of four (4) stipends per calendar month.

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

Section 1. Additional stipends are granted for any and all additional commission, board, and committee meetings for Directors, up to a limit of four (4) stipends per calendar month.

Section 2. Effective July 1, 2022, the Director and CAC member stipend increases are to be based on the 12-month San Francisco-Oakland-Hayward CPI beginning June, 2018 through June, 2022, as provided by the U.S. Bureau of Labor Statistics.

Section 3. All stipends shall be adjusted each new fiscal year by the June 12-month CPI.

ADOPTED AND APPROVED this 20th day of July, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board