

EBCE Board of Directors Public Comment received for 2/15/23 Meeting

Letter #	City	First Name	Last Name	Date
1	Berkeley	Tom	Kelly	2/2/2023
2	Fremont	Blair	Beekman	2/15/2023

Dear Members of the EBCE Board of Directors,

At your December 14, 2022 Board meeting, EBCE's General Counsel, Inder Khalsa, provided you with a letter that responded to comments made by Jessica Tovar in her December 12, 2022 letter to the Board. Ms. Khalsa's letter was drafted at the request of Board Chair Lopez.

Ms. Tovar and I, Tom Kelly, were mentioned by name in the letter although neither of us were provided a copy of the letter either before or after it was submitted. Had we seen the letter, we would have been able to correct or clarify statements made by Ms. Khalsa.

Ms. Khalsa's letter cover two topics:

1. Ms. Tovar's assertion that EBCE staff had an obligation to provide information to the Board in a neutral fashion, and
2. A claim by Tom Kelly that EBCE violated the Brown Act by seeking support from Board members for a \$15M "gift" to UCSF Benioff Children's Hospital outside the public's view.

Topic #1

EBCE staff is obligated and required to provide the Board and public with all information on a particular issue so that the Board and public understand the implications, thus allowing a reasoned and informed decision to be reached. It has been my experience that EBCE staff strongly emphasize their preferred outcome, and downplay information that may lead the Board to come to a different conclusion. An example here is how staff convinced the Board to take action on the power mix in *Bright Choice* that transformed it from a cleaner product than PG&E's in 2018-19 to one of the dirtiest products in California in 2020-21. In doing so, the greenhouse gas emissions, for those jurisdictions whose default product is *Bright Choice*, have soared and are now nearly 6 times greater than PG&E and 23% higher than the state average. The Joint Powers Agreement (JPA) signed by all jurisdictions clearly states that a purpose of entering into the agreement is "addressing climate change by reducing energy related greenhouse gas emissions". *Bright Choice* is exacerbating climate change which is something I'm not sure all Board members appreciated when staff convinced the Board to use the renewable energy content of *Bright Choice* as the comparison to PG&E rather than greenhouse gas emissions as stated in the JPA.

Topic #2

I have never asserted that Mr. Chaset's correspondence with EBCE Board members advocating support for a \$15M gift to USCF's Children's Hospital constituted a Brown Act violation. I stated that it may constitute a violation, an assertion that was supported by a Brown Act lawyer with whom I corresponded. Had the item been brought forward by EBCE staff to the Board for a vote that resulted in the gift being made to UCSF Benioff, I would have supported a legal determination of whether or not a violation had occurred. EBCE prudently withdrew the proposal before bringing it before the Board for a vote thus making the matter moot. Ms. Khalsa's letter that claims that the Brown Act was not violated relied on *Roberts v. City of Palmdale*, a case which raised the issue of whether communications between a City Council and

its attorney were privileged. That case, in my opinion, would not apply here where EBCE's CEO corresponded at least twice with the entire Board to seek its support for the gift and encouraged Board members to communicate with him "by phone" should they have any questions. That type of action, if not technically a Brown Act violation, also suggests the CEO's willingness to line up Board support for an item well before the public was even aware that it was being considered. Mr. Chaset also asked Board Chair Martinez to speak with a Board member who had publicly expressed serious reservations about the gift to see if she could change the Board member's mind. The proposed "gift" of ratepayer funds becomes even more suspect when our Public Records Act request demonstrated that Mr. Chaset appeared to have a personal interest in seeing the gift being made.

I was certainly pleased to see that the initial proposal was withdrawn and that staff were exploring other options to address indoor air quality and respiratory disease. I am glad that I have been able to help EBCE staff in that new effort and hope that the \$15M will be used to further EBCE's mission.

Sincerely,
Tom Kelly
Berkeley, CA

Cc: Nick Chaset, CEO
Inder Khalsa, Esq.



Adrian Bankhead <abankhead@ebce.org>

Blair Beekman. Wednesday, February 15, 2023....A few thoughts, on BAUASI Approval Authority Meetings. 2023- 25.

b. beekman <cranberrysauce23@gmail.com>

Wed, Feb 15, 2023 at 2:15 PM

Bcc: abankhead@ebce.org

Dear SF Bay Area city govts, and community,

Section 1.

This letter, is in 3 sections. It is to offer, a few additional words, after the bi-monthly, BAUASI Approval Authority public meeting, of January 12, 2023. This letter will also try to summarize, my letters and public comment, to BAUASI, Approval Authority, local govt, and community advocacy, over the past six months. I again, respectfully address these letters, separately, to local govt. and community advocacy. It is my hope, all sides, can find good ways to connect, and can add much, to these initial ideas. A thank you, to the years of service & good practices, from Alameda Co. Supervisor, Richard Valle, who has recently passed away.

From this initial introduction - with the recent events, in Southern Turkey, and northern Syria - a reminder, that the possibility, of a large earthquake, in the SF Bay Area, in the next few years, or within the next decade, is being much questioned, privately & openly.

I feel many, within Bay Area local govt & community govt, including myself, in the past few years, have worked much, to openly ask, if there may, or may not be, an upcoming Bay Area earthquake. I currently feel, a large earthquake, is not coming, to the SF Bay Area, in the next few years.

This good SF Bay Area outlook, for at least, the next few years, is no way, a guarantee. A good openness and understanding, for everyone, is part of the reasoning, in why I openly write, on this subject. As I hope these words, can help better allow, your own ways, to check up with each other, on the current status, of this issue, as I am sure you have often, over the past few years.

From this, it may be wise, for BAUASI, to simply begin a new focus, for the next few years, on neighborhood emergency planning. And a good new focus, on community openness. I'm interested, in how we can learn, to more openly prepare everyday community, in whatever may take place, in the SF Bay Area, in next few years, and into the next few decades.

There are good current practices, in the past few years, by the city of San Jose, that has been developing, a very good, comprehensive, open community process, in natural disaster planning. To more openly consider & acknowledge, the current capabilities of human society, that can manipulate weather patterns & earthquake faults. And to question these practices, used as political or economic tools, seems as interesting ways to help develop, actual mitigation, of large, future earthquakes, in populated regions.

From my well-intentioned words, above, and as, there has simply been, much new law enforcement planning, technology tools, and national security preparedness operations, within the SF Bay Area, in the past few years, And as, BAUASI, may possibly be, at a time, to begin to consider new tasks, with the midterm elections, now completed -

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2023-25, may be a time, for BAUASI, to refocus its attention, on how to better consider & develop, community emergency preparedness, and natural disaster preparedness practices. And to continue, the initial good intentions, of community reimagine, with Health and Human services, as it's main focus.

It is from, these good new efforts - local law enforcement, should not have to dominate, future community emergency planning, in their years of practice, with a very specific set, of community emergency planning goals. As it is health and human services ideas, that can usually better answer the questions, of law enforcement, overall.

From this, a simple reminder, that as federal SARS reporting, has gone through much back & forth, over the past 5 years - Federal law enforcement, should always be balanced, with the practices, of good civil rights & civil protections ideals, sensitivity, care, and the concepts of health & human services. And from this, to then respect, how all of these current best practices, will probably be, already better developing, at the local community level.

Section 2.

To try to better speak to, a few of my words, from January Approval Authority public comment - Law enforcement technology, commercial technology, and its data collection, in local communities, is currently purchased, by local govts, from private tech. companies.

Private tech. companies, are then allowed, small windows of time, to collect the data, from their tech. placed, in local neighborhoods, local govt depts, and communities. This can often allow, private tech. companies, to do what it wants, with local govt. data. And to often, sell this data to distributors, at the national level. To be clear - Our current system, allows private tech. companies, to circumvent local privacy laws. And to then sell, at the national level, the local data gathered, from locally placed, law enforcement and commercial technology.

The city of Berkeley, along with community advocacy, and their everyday community, has developed, new civil protections, to address the selling of local data, at the national level. Good civil protection practices, are ways to continually develop, a better procurement & contract process, between local govt and private tech companies.

This is learning, how to develop, better civil protection practices with data, that will better respect, the Berkeley community. Its sanctuary city policies, its privacy rights, and its local autonomy. And simply helps develop, good community guidelines & practices. To note, these good openness practices, can also be helpful, for other local govt. projects. As in, how to create, better privacy standards, around abortion clinics. And with data being collected and used, from the streetlights & billboards, around the clinics.

Good guidelines, in civil protections & openness, with data collection, is simply meant to create, a more negotiative process, in how data is shared & used. It is a fair system, of checks and balances, meant to build the ideas, of trust, hope, less apathy, and more positive, community sustainability. And how everyday community & local govt. can learn to better trust each other. And to decide together, the future of responsible technology & data collection practices, within their local community. .

These may be important, precedent setting concepts to remember, with community technology and data collection. And should be of interest, to other cities, across the SF Bay Area, the state, and the country.

It is the step by step ways, that can invite, all parts of a community, to better define, the future balance, and good practices, of this country's democracy, as a representational republic, and as, a participatory democracy of individuals. And how, we can better consider, the ideas of open democracy, and shared community dialogue, as concepts, of peace, better reasoning, and the ways to better build, a more positive, sustainable future. And as, we should always question, the continual use of secrecy, obfuscation, & opacity, that are usually based, on the concepts of war,

Section 3.

To follow up, with my letters to yourselves, this past December & January. A newly elected, Oakland City Council, Oakland mayor, and Alameda County District Attorney,, are all dedicated, to the concepts & good intentions, of reimagine, health and human services, and civil protections, as how to better address, the future of local Bay Area neighborhoods and law enforcement concerns.

Since the fall of 2022, Oakland Mayor Sheng Thao, and councilperson Noel Gallo, have been trying to develop, new law enforcement strategies, for Oakland neighborhoods, I hope, BAUASI will be interested, in a process, of more open,

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new dialogue, about neighborhood law enforcement planning in Oakland, with new Oakland mayor Thao. And also with, good local community advocacy, like the Oakland Anti-Police Terror Project, APTP.

As Mayor Thao, wants to better organize, a future process, with state of Ca. OES - I am learning, from important local advocacy, like APTP - that we need to better consider, neighborhood dialogue, and health & human services options, before the deployment, of more officers, more technology, and more, overall harmful tools & tactics .

The links below, from the Coalition on Homelessness-SF, an advocacy group, for the San Francisco unhoused, can very much help address, the current impasse, in SF politics, to better understand, good minded housing options, and health and human services practices, before the overuse, of the law enforcement & judicial system.

For years, Coalition on Homelessness, has been developing good studies, services, & reporting. I feel the website links, below, can help create, important, overall understandings, in how to better connect, the complex issues in SF, of the unhoused, future housing, street drugs, and the use of law enforcement.

Coalition on Homelessness.

<https://www.cohsf.org/cart-report>

<https://www.cartsf.org/our-plan>

As I have bcc'd these email letters - A reference list below, as ways to help share thoughts & ideas, that I hope does not hurt, Brown Act guidelines. I will also write, to local community advocacy, with these letters & ideas. I hope, overall, you will want to work, to connect with each other. And to better address, the initial ideas of these letters.

And to conclude, a reminder that openness, transparency, good dialogue, negotiation, and trust, for all sides, can usually allow work towards, an open, caring, good balance, and peace before war & hostility,, at the local, state, national, and intl level.

sincerely,
blair beekman

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