



## Draft Minutes

### Board of Directors Meeting

Wednesday, January 18, 2023

6:00pm

#### In person:

The Lake Merritt Room  
Cal State East Bay - the Oakland Center  
In the Transpacific Centre  
1000 Broadway, Suite 109  
Oakland, CA 94607

#### Via Zoom:

<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](mailto: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.*

**Councilmember Ben Barrientos was sworn in as the new EBCE Director for the City of Livermore.**

**Vice-Mayor Jack Balch was sworn in as the new EBCE Director for the City of Pleasanton**

**Councilmember Matt Bedolla was sworn in as the new EBCE Director for the City of Tracy.**

#### 1. Welcome & Roll Call

Present: Members: Hu (Dublin), Marquez (Hayward), Barrientos (Livermore), Jorgens (Newark), Kalb (Oakland), Balch (Pleasanton), Patino (Union City), Bedolla (Tracy), Eldred (Community Advisory Committee and Acting Chair Cavanaugh (Piedmont))

**Excused: Members: Valle (Alameda County), Bartlett (Berkeley), Bauters (Emeryville), Cox (Fremont), TBD (San Leandro)**

The Member for San Leandro has not been assigned,

## **2. Pledge of Allegiance**

**Member Marquez (Hayward) led the Board in the 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.*

**Tom Kelly** spoke regarding greenhouse gas emissions produced by EBCE's default product, Bright Choice 100. Tom Kelly stated that in 2020 and 2021, the greenhouse gas emissions associated with Bright Choice exceeded PG&E by almost five times. Tom Kelly stated that other CCAs are far below PG&E in terms of greenhouse gas emissions. Tom Kelly asked Board members to require that Bright Choice meet or exceed GHG reduction targets.

**Corina Lopez**, the prior EBCE Board Chair, encouraged new Board members to consider moving their jurisdictions to 100% renewable for both residential and industrial if their cities have not done so already. Corina Lopez stated that it is gratifying to know that the energy that your city consumes is procured from renewable sources.

The clerk read the following written public comment from Edward F. Dijeu (attached) into the record:

**Edward F. Dijeu** spoke regarding the new NEM 3.0 policies, stating that EBCE, as a not-for-profit provider of low carbon energy, should offer new and renewing NEM customers at least 12 cent per kilowatt hour tariff rate for their excess energy.

## **CONSENT AGENDA**

### **4. Approval of Minutes from December 14, 2022 and December 16, 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. Updated Conflict of Interest Code (Action Item)**

Adopt Resolution Adopting Amended Conflict of Interest Code updating the positions required to file a statement of economic interest (Form 700).

**8. Authorization of CEO Expenditure to Mercer (Action Item)**

Approve a Resolution delegating authority to the CEO to authorize spend up to \$130,000 to Mercer for compensation & benefits studies.

**9. Fourth Amendment to the Weideman Group CSA for Legislative Advocacy and Advisory Services**

Adopt a Resolution authorizing East Bay Community Energy's (EBCE's) CEO to negotiate and execute a Fourth Amendment to the Consulting Services Agreement with Weideman Group, Inc. to extend the term through December 31, 2023, and add additional compensation in the amount of \$125,000, for a total not-to-exceed amount of \$625,000.

**10. Agreement with Google LLC (Action Item)**

Corrected version of resolution authorizing the CEO to negotiate and execute a contract with Google Inc.

*Due to technical difficulties, Member Barrientos (Livermore) was unable to communicate with the Board after roll call.*

**Member Patino (Union City) motioned to approve the Consent Agenda. Member Bedolla (Tracy) seconded the motion.**

**Consent Agenda Item 4 was approved by a vote of 8/0.**

**Member Balch (Pleasanton) abstained from voting on Consent Agenda Item 4 - Approval of Minutes from December 14, 2022 and December 16, 2022.**

**Consent Agenda Items 5 - 10 were approved by a vote of 9/0.**

**Excused: Members Valle (Alameda County), Bartlett (Berkeley), Bauters (Emeryville), Cox (Fremont), Barrientos (Livermore) and TBD (San Leandro)**

**REGULAR AGENDA**

**11. CEO REPORT**

**A. New Staff**

CEO Chaset stated that no meetings of the Executive Committee or the Subcommittees are currently scheduled. Executive and subcommittee meetings will be scheduled after all members have been seated.

CEO Chaset introduced new EBCE staff members Shannon Rivers, Senior Power Resources Manager, and Jason Zhang, Power Resources Data Analyst, to the Board of Directors.

**12. Community Advisory Committee Report**

CAC Chair Eldred welcomed new Board members to meet with Community Advisory Committee members. CAC Chair Eldred stated that staff requested that the CAC place Community Innovation Grants on a future agenda. CAC Chair Eldred also stated that at the Tuesday, January 17, 2023 CAC meeting, public comment mostly centered around concerns about the new NEM 3.0 policies and questions about emissions related to EBCE's power mix.

**13. 2022 RFO Long Term Contracts for Approval (Action Item)**

Adopt three Resolutions authorizing the Chief Executive Officer to execute Agreements for three projects awarded short listing through the 2022 Long-Term Resources request for offers (RFO) and bilateral outreach.

**The Board discussed:**

- NextEra Energy (Kola Energy Storage) contract structure
- Is there a Project Labor Agreement (PLA) for the Longroad Energy (Sun Streams 2) project?
- Which projects require Project Labor Agreements?
- Project-related challenges and risks

CAC Chair Eldred stated that the CAC supported the staff recommendation.

**Member Marquez (Hayward) motioned to approve the staff recommendation. Member Hu (Dublin) seconded the motion, which was approved 9/0.**

**Excused: Members Valle (Alameda County), Bartlett (Berkeley), Bauters (Emeryville), Cox (Fremont), Barrientos (Livermore) and TBD (San Leandro)**

**14. PG&E Modified Cost Allocation Mechanism (CAM) Agreement (Informational Item)**

**No comments were made for this item.**

**15. Authorizing CEO to Negotiate Agreements for Resilient Critical Facilities (Action Item)**

Adopt a Resolution authorizing the CEO to negotiate and execute a PPA with Sunwealth LLC and a CSA Gridscape Energy Solutions to provide Single Line

**The Board discussed:**

- Phase 1 requests from cities
- If there are any expenses associated with Resilient Critical Facilities that will need to be paid from general city funds
- For the interconnection applications that are due before April 15, if staff know which cities are going to be considered for Phase 2
- Timeline for Phase 3 city engagement
- City staff positions that interface with EBCE to negotiate agreements for Resilient Critical Facilities
- Prepayment or reimbursement structures of Phase 2 contracts
- The City of Tracy's engagement with Resilient Critical Facilities projects?

CAC Chair Eldred stated that the CAC is excited to see the microgrid project moving forward, and applauded staff's forward thinking to take advantage of NEM 2.0 for second round cities. Chair Eldred requested follow up to a request made by the Chair of the Board in 2022 to apply for the Transformative Communities Grant to fund community based microgrids. Chair Eldred also stated the Center for Biological Diversity filed a challenge against the CPUC decision for NEM 3.0, and that she looked forward to hearing from staff about their participation in that challenge.

Jessica Tovar asked when EBCE will start to work with community-based organizations to install microgrids? Jessica Tovar stated that as far back as 2021, several community-based organizations along with the East Bay Clean Power Alliance advocated for EBCE to provide microgrids for community-based organizations. In 2022, Jessica Tovar asked EBCE to apply for funding under the Transformative Climate Communities Grant to fund these community based microgrids. Jessica Tovar stated that she asked EBCE to follow up, but never heard back from EBCE staff. Jessica Tovar stated that cooperation is needed so that staff and community-based organizations can actualize the benefits of having resilient clean energy in vulnerable communities.

Vipul Gore, President and CEO of Gridscape Solutions, stated that Gridscape Solutions is excited about this opportunity and grateful that EBCE selected them to install state of the art solar microgrids in East Bay cities. Vipul Gore said that the innovative portfolio approach that has been developed will serve as a business model for other CCAs within the state.

**Member Tiedemann (Albany) motioned to approve the staff recommendation. Member Bedolla seconded the motion, which passed 9/0.**

**Excused: Members Valle (Alameda County), Bartlett (Berkeley), Bauters (Emeryville), Cox (Fremont), Barrientos (Livermore) and TBD (San Leandro)**

Board Member and Staff Announcements including requests to place items on future Board agendas

**Member Marquez (Hayward) asked for staff to respond to the Board and Jessica Tovar's inquiry about applying for the Transformative Climate Communities grant. Member Marquez also asked for staff to seek out additional opportunities that can serve as a vehicle to fund community-based microgrids. Member Bedolla (Tracy) supported Member Marquez's request.**

**Member Bedolla (Tracy) noted the work that is being done in the City of Tracy to move from Bright Choice to Renewable 100.**

16. Adjournment to Wednesday, February 15, 2023 at 6:00 pm.

Written Public Comment submitted by Edward F. Dijeau on January 18, 2023 at 5:12pm:

On April 14th, 2023, NEM 2.0 will end, for new customers, and NEM 3.0 will begin for all new and future customers as well as those who have completed 20 years on either NEM 1.0 or NEM 2.0 and what will EBCE do for those customers? Since EBCE is the "Energy only" supplier and EBCE, as in the past, given a better value in TRU-UP costs for the remaining credits Rooftop Solar Customers have placed onto the grid and banked. EBCE is supposed to be the low carbon provider and Rooftop Solar is exactly that and the compensation should be equivalent for the Energy portion as the tariff is to consuming customers since EBCE is a nonprofit and is not profit motivated like PG&E. EBCE has been giving millions of dollars to other non-profits from its revenues and I believe something should go back to the carbon fee rooftop solar customers withing the EBCE service areas before being handed out to others who do not provide green energy to EBCE. The 75% take away that PG&E is going to take is nothing short of extortion on the new homes, being built in California, that are required to have rooftop solar, and the costs will be placed into 30-year mortgages that will cost \$1,200.00 or more in interest a year to start but only give a \$600.00 to \$800.00 payback under NEM 3.0 and that is not fair. EBCE should, offer all those new and renewing NEM customers, at least the 12 cent per kilo watt hour tariff rate for their excess electricity, not the proposed PG&E payments of only 6 to 8 cents per kilo watt hour that the CPUC has regulated after the 75% discount.