



Draft Minutes

Community Advisory Committee Meeting

Tuesday, January 17, 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/84794506189>

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205
6099 or +1 301 715 8592 or +1 312 626 6799 or 877 853 5257 (Toll Free)

Webinar ID: 847 9450 6189

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 Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.

C1. Welcome & Roll Call

Present: Members: Landry, Hu, Liu, Swaminathan, Lakshman, Souza, Kaur, Lutz, Vice Chair Hernandez, and Chair Eldred

Excused: Members Talreja and Pacheco

Alternate Harman Kaur served as the Member for San Joaquin County.

C2. Public Comment

This item is reserved for persons wishing to address the Committee 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 Committee are customarily limited to three minutes per speaker and must complete an electronic speaker slip. The Committee Chair may increase or decrease the time allotted to each speaker.

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

Edward F. Dijeau spoke regarding the advent of NEM 3.0 policies, stating that EBCE should cost the value of the exported output of rooftop solar at the actual cost of electricity as billed for those customers with rooftop solar after April 14, 2023.

Tom Kelly stated the EBCE has failed to reduce its carbon emissions over the past several years, and that he hears excuses from EBCE staff about why this is the case.

Anne Olivia Eldred requested to set up a meeting with Tom Kelly to follow up about questions that staff have not addressed.

C3. Approval of Minutes from December 12, 2023

Member Lutz motioned to approve the minutes. Vice Chair Hernandez seconded the motion, which passed 10/0. Excused: Members Talreja and Pacheco.

C4. CAC Chair Report

Vice Chair Ed Hernandez:

Vice Chair Hernandez spoke about three consent items that are on the January 18, 2023 Board of Directors meeting agenda:

- Consent Item 7: Update to EBCE's Conflict of Interest Code
- Consent Item 8: Authorization of CEO Expenditure to Mercer
- Consent Item 10: Agreement with Google LLC

1. Consent Item 7: Update to EBCE's Conflict of Interest Code

Vice Chair Hernandez stated that the EBCE's amended Conflict of Interest code removes Agency Clerk and HR Manager from the list of positions that are required to file statements of economic interest (Form 700).

2. **Consent Item 8: Authorization of CEO Expenditure to Mercer**
Vice Chair Hernandez stated that approval is sought to delegate authority to the CEO to spend up to \$130,000 for Mercer to conduct compensation and benefit studies across EBCE roles. Vice Chair Hernandez stated that he thought that the fees to conduct the study are expensive, but that EBCE compensation should be in-line with the market.

3. **Consent Item 10: Agreement with Google LLC**
Vice Chair Hernandez stated that approval is sought to negotiate an Agreement with Google for a term of 3 years, in order to benefit from a 5% discount on standard pricing from Google for EBCE's use of the Google Cloud Platform, in exchange for a commitment to spend \$450,000 over 3 years. Vice Chair Hernandez stated that the agreement is expected to save EBCE a minimum of \$22,500 over those 3 years and that this agreement is a "pay as you use" contract that does not have a contractual not-to-exceed amount.

Chair Eldred:

Chair Eldred stated that at the December 14, 2022 Board of Directors meeting, an agreement was approved for EBCE to use the Google Cloud Platform. Chair Eldred also congratulated staff for receiving a National Notable Achievement award from the Environmental Protection Agency for EBCE's first-of-its-kind in the US work to evaluate Brownfield revitalization for the use case of EV fast charging hubs/centers.

Chair Eldred stated that there would be a Board member reception on January 18, 2023 at 5pm at the Oakland Center, and she encouraged CAC members to attend.

Chair Eldred stated that the new EBCE Board Chair, Dan Arriola plans to attend the February 10, 2023 CAC meeting. Ahead of this meeting, Chair Eldred requested that members email her a brief self-introduction, including the member's areas of expertise, the constituent groups they represent, and their focus and priorities. Chair Eldred also encouraged CAC members to reach out to Board members, or for CAC members to contact her to make an introduction.

Cynthia Landry requested a Form 700 training session for CAC members.

C5. 2022 RFO Long-Term Contracts for Approval (CAC 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 Committee discussed:

- Given that the Inflation Reduction Act provides tax credits for not-for-profit organizations, if there is any inclination for EBCE to develop projects on its own, as opposed to through the private sector
- The percentage of RA that is met by the 2022 RFO Long-Term contracts
- How EBCE values local resources versus resources that are created far away, given that economics is not the only factor that is taken into consideration
- How EBCE evaluates local development projects
- Whether the Kola Energy Storage project requires premiums to be paid, or if it is competitive with the market
- If the resources that are dedicated to Demand Response also fulfill RA requirements

Tom Kelly stated that EBCE occasionally sources its renewables from out of state, and that this energy does not reach California's electrical grid. Tom Kelly continued that EBCE has an obligation to procure local energy sources. He requested that the CAC find out if there are any obstacles in the RFP application process that might discourage energy providers from applying with EBCE.

Vice Chair Hernandez left the meeting at 7:00pm.

Member Swaminathan motioned to approve the staff recommendation. The motion was seconded by Member Souza, which passed 8/0.

Abstain: Member Hu

Excused: Members Talreja, Pachecho and Hernandez.

C6. Authorizing CEO to Negotiate Agreements for Resilient Critical Facilities (CAC Action Item)

Adopt a Resolution authorizing the CEO to negotiate and execute a PPA with Sunwealth LLC and a CSA with Gridscape Energy Solutions to file interconnection applications

The Committee discussed:

- The benefit that EBCE receives from installing energy storage
- The recent launch of EBCE's first virtual power plant
- The definition of "local contracting requirements"
- If there is a percentage requirement or goal for EBCE projects for local and small business contracting

- If any of these projects are subject to Project Labor Agreements

The Clerk read a written public comment (attached) from Jessica Tovar into the record:

In her letter, **Jessica Tovar** expressed appreciation for EBCE moving forward to ensure municipalities have access to financial incentives for the Resilient Municipal Critical Facilities Program. Jessica Tovar spoke in opposition to the CPUC's decision to scale back Net Energy Metering, as it is counter to the need for more local, reliable and truly clean energy. Jessica Tovar stated that in 2021 and 2022, the East Bay Clean Power Alliance advocated for EBCE to provide microgrids for community based organizations and applied for funding under the Transformative Climate Communities grant. However, she stated that there has been no communication from EBCE since then, and it is upsetting that community groups will no longer benefit financially from microgrids. In her letter, Jessica Tovar's stressed the importance of access to microgrids for the community during planned power shut-offs and unforeseen crises in light of current outages related to extreme weather.

Member Landry motioned to approve the staff recommendation. Member Swaminathan seconded the motion, which passed 8/0.

Abstain: Member Hu

Excused: Members Talreja, Pacheco and Hernandez

C7. Extension of Agreement with Weideman Group (CAC Action Item)

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.

The Committee discussed:

- The success rate of the Weideman Group's advocacy for EBCE positions
- The Weideman Group's possible coordination with constituent groups in the EBCE service territory

A motion was not offered for this item.

C8. CAC Member and Staff Announcements including requests to place items on future CAC agendas

- **Chair Eldred reminded the CAC that the new Board Chair has been invited to the February 13, 2023 CAC meeting, and asked for CAC members to provide introductory statements.**
- **Alex DiGiorgio asked for the CAC to place a discussion about Community Innovation Grants on a future agenda.**
- **Member Landry requested that the CAC follow up with Tom Kelly. Member Landry requested that Chair Eldred report back to the CAC about her discussion with Tom Kelly.**

C9. Adjournment to Monday, February 13, 2023

Written Public Comment received ahead of the January 17, 2023 Community Advisory Committee Meeting

Letter #1:

Written Public Comment submitted by Edward F. Dijeu for the Community Advisory Committee on January 17, 2023 at 5:13pm

Letter#2:

Written Public Comment submitted by Jessica Tovar for the Community Advisory Committee on January 17, 2023 at 3:41pm

Letter #1: Written Public Comment submitted by Edward F. Dijeau for the Community Advisory Committee on January 17, 2023 at 5:13pm

With the advent of NEM3.0, where utilities are going to cut the Value of exported output of rooftop solar by 75%, will EBCE bring back the alternative of true electrical value of the actual cost of the electricity as billed for those customers with rooftop solar after April 14, 2023, and that must be on PG&E NEM 3.0, either as new customers or when their 20 years on the old plan ends? PG&E is profit orientated, but EBCE is a non-profit and promotes renewable energy. Any value under 10 cents per kilo watt hour would kill additional rooftop solar in the Bay Area because no one would want to lose money owning a rooftop solar system.

Letter #2: Written Public Comment submitted by Jessica Tovar for the Community Advisory Committee on January 17, 2023 at 3:41pm

We appreciate EBCE moving forward to ensure the financial incentive for the Resilient Municipal Critical Facilities Program is accessed by municipalities. The CPUC's decision to scale back Net Energy Metering or what we refer to as local solar incentives was counter to the need to produce more local, reliable and truly clean energy. This is why we urged EBCE and the community to oppose Gavin Newsom's CPUC's net energy meter 3.0 proposal that scales back local solar growth in the middle of a climate crisis in California. We agree that EBCE and the cities should apply before the deadline to ensure the benefit under net energy metering 2.0.

In 2021 several community based organizations along with East Bay Clean Power Alliance advocated for EBCE to provide microgrids for community based organizations. In 2022 we asked EBCE to apply for funding under the Transformative Climate Communities grant to fund these community based microgrids. The Chair of EBCE asked that EBCE staff follow up on this grant and there has been no communication from EBCE since then. We need the cooperation of EBCE moving forward so that our most vulnerable communities have access to resilient energy.

It is upsetting that our community groups will no longer stand to benefit from microgrids financially. Moving into 2023 and the current outages related to extreme weather such as the current storms; shows how critical it is for our community based organizations and their members to have access to microgrids. We still stand to benefit from keeping the power on during planned power shut offs and other unforeseen crises. We hope you share this urgency for our needs as you have for the cities you represent.

Clean Power to the People

Jessica Tovar, East Bay Clean Power Alliance"