



Board of Directors Meeting
With Community Advisory Committee Annotations

Wednesday, February 15, 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.

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.

4. Closed Session

Conference with Labor Negotiators pursuant to Government Code 54957.6. (Labor negotiators: Jen Cavanaugh) (Unrepresented employee).

5. Report out of Closed Session

CONSENT AGENDA

6. Approval of Minutes from January 18, 2023

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. Frontier Energy Amendment to CSA

Authorization to extend the term, expand the scope, add compensation

10. RE Scarlet 1, LLC Contract Amendment

Adopt a Resolution authorizing the Chief Executive Officer (CEO) to negotiate and execute an Amendment to an existing Power Purchase Agreement (PPA) with RE Scarlet 1, LLC.

11. Consulting Services Agreement for Brand and Visual Identity Services with Landscape Studio LLC

Adopt a Resolution authorizing the CEO to negotiate and execute an Agreement for brand and visual identity services with Landscape Studio LLC for the purpose of accelerating customer engagement for the contract period of one year, with an option to extend one additional year, in the amount not to exceed \$300,000.

12. Travel Reimbursement Policy

Adopt Travel Reimbursement Policy for Board and Community Advisory Committee

request Item 12 be pulled from the consent calendar:

Motion to Amend Policy to be more inclusive/similar to other Brown Act bodies in the jurisdiction that includes travel costs such as required tolls, mileage from transportation and ease of public transit for reimbursement purposes. The original proposal that was sent out includes mileage reimbursement. A form that currently is utilized by a partner Brown Act body was provided to staff as an example.

13. Treasurer's Report

Receive report on EBCE's cash position

REGULAR AGENDA

14. CEO REPORT

15. Community Advisory Committee Report

- **The deepest respect for Supervisor Valle whose loss we mourn on many levels. He was an amazing leader, advocate, and poet. We send condolences to his family, friends, and all of us who were fortunate enough to work with him over the years.**
- **Concern that submitted correspondence was not distributed to the Board or the CAC prior to the CAC meeting.**

This prohibits discussion or consideration of public comment that was submitted in accordance with our policies. We request the Board direct staff to distribute these materials 3 days ahead of time, along with the rest of the materials for the meeting if they have been received. For example, a request was made on February 2nd for a letter to be distributed to the Board and the CAC, and we had not received it at the time the meeting was called to order on the 13th. I have received requests for meetings from some constituents, and am meeting with them to understand the issues being brought to our meetings.

16. Mid-Year Budget FY2022/23 (Informational Item)

Report on the status of the current FY budget through December, 2022

- **Discussion:** Staff confirmed the relationship between the increased cost of natural gas on EBCE power costs, due to high reliance on system power.

17. Discussion of In-Person and Teleconference Board Meetings Options After the End of the State of California COVID-19 State of Emergency, and Adopt Post-COVID Emergency Attendance Policy for East Bay Community Energy Board and Brown Act Committees (Action Item)

Provide direction to staff and adopt a Resolution approving a POST-COVID Emergency Attendance Policy (Policy) for the Board and East Bay Community Energy Brown Act committees to provide a policy with respect to conducting public meetings after the end of the State of California's COVID-19 State of Emergency, which is expected to occur on February 28, 2023.

- **CAC supports staff recommendation to return to the Brown Act requirements with multiple meeting locations throughout our service territory.**
- **CAC encourages EBCE to join other Brown Act bodies in our service area who have kept the option to participate in a webinar format for the public.**

Increased opportunities for public engagement is only beneficial, especially as we

welcome new member cities into our jurisdiction. This recommendation is made in an effort to increase transparency and lower one of the barriers to participation for our constituents and customers, in recognition of the size of EBCEs service territory, that physical attendance at meetings is challenging for many with children, for those providing care, for those with disabilities, or for whom have limited access to public transportation. The impact commuting has on the environment, VMT and climate goals, and the time of participating members and the public was also recognized.

18. **Long-Term Contracts for Approval (Action Item)**
2022 RFO Long Term Contracts for Approval
CAC supports staff recommendation
19. **Election of Chair/Vice Chair and Appointment of Executive Committee Members (Action Item)**
20. **CEO Contract Amendment**
21. **Board Member and Staff Announcements including requests to place items on future Board agendas**
22. **Adjournment to Wednesday, March 15, 2023 at 6:00 pm**