



Draft Minutes

Board of Directors Meeting

Wednesday, April 19, 2023

6:00 pm

In Person

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

Or from the following locations:

- Wells Fargo Building - 2140 Shattuck Avenue, Floor 6, Berkeley, CA 94704
- Starbucks, 83073 Ave 48, Coachella, CA 92236
- City of Pleasanton, City Council Conference Room, 200 Old Bernal Ave., Pleasanton 94566
- Margaret K. Troke Branch Library 502 W. Benjamin Holt Dr. Stockton, CA 95207
- City of Dublin City Hall, 100 Civic Plaza, Dublin, CA 94568
- Heron Bay Regatta Park, 2296 Regatta Way San Leandro, CA 94579
- City of Emeryville City Hall - 1333 Park Ave. Emeryville, CA 94608
- 33349 9th Street (back office) Union City, CA 94587

Via Zoom:

<https://ebce-org.zoom.us/j/87023071843>

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 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)
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.

Supervisor Elisa Marquez was sworn in as the new EBCE Director for Alameda County

Councilmember Julie Roche was sworn in as the new EBCE Director for the City of Hayward.

1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Bartlett (Berkeley), Hu (Dublin), Kaur (Emeryville), Cox (Fremont), Roche (Hayward), Barrientos (Livermore), Jorgens (Newark), Kalb (Oakland), Andersen (Piedmont), Simon (San Leandro), Wright (Stockton), Bedolla (Tracy), Patino (Union City), Eldred (Community Advisory Committee), Vice-Chair Balch (Pleasanton) and Chair Marquez (Alameda County)

Director Kaur served as the alternate for Director Bauters (Emeryville).

Director Simon served as the alternate for Director Gonzalez (San Leandro).

Presenters and Staff Attended:

Annie Henderson - EBCE staff
Chris Eshleman - EBCE staff
Helen Mejia - EBCE staff
Inder Khalsa - EBCE General Counsel
Izzy Carson - EBCE staff
Jason Bartlett - EBCE staff
Jim Dorrance - EBCE staff
Joseph Sit - EBCE staff
JP Ross - EBCE staff
Theresa McDermit - EBCE staff
Howard Chang - EBCE staff
Nick Chaset - EBCE staff
Marie Fontenot - EBCE staff
Todd Edmister - EBCE staff
Niels Zeller - EBCE staff
Raissa Ngoma - EBCE Assistant Board Clerk
Adrian Bankhead - EBCE Board Clerk

2. Pledge of Allegiance

Chair Marquez led the body in reciting 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 requested an update on the status of the \$15 million budget allocation for induction ranges for low-income customers, an update on CPUC's decision to delay Stockton's enrollment in EBCE, and an estimate on the duration of the upcoming closed session meeting.

Travis Gibrael from the Reclaim Our Power! Utility Justice Campaign expressed excitement and appreciation for EBCE's microgrid initiative. Travis Gibrael also proposed a conversation about expanding the program with a focus on supporting equity and resilience in marginalized communities. Gibrael also suggesting to build microgrids on buildings in frontline communities designated by local residents as resilience hubs.

Mia Tisdale, an organizer with the Local Clean Energy Alliance, emphasized the importance of community input and investment in funding projects for resilience hubs with microgrids. Mia Tisdale requested that EBCE prioritize the needs of the community in their decisions regarding funding and technical assistance.

4. Closed Session

- Conference with Legal Counsel
Existing Litigation - pursuant to GC §54956.9(d)(1)
Name of Case: East Bay Community Energy et al. v. California Public Utilities
Commission
Case No: A167425

5. General Report Out of Closed Session

There were no items to report out of closed session.

CONSENT AGENDA

6. Approval of Minutes from March 8, 2023 and March 15, 2023

7. Contracts Entered into (Informational Item)

8. The Energy Council/StopWaste Cooperative Agreement Amendment Add funding to existing heat pump water heater program

9. Treasurer's Report Report of cash balances

10. 2022 Supplier Diversity Report Overview Overview of 2022 Supplier Diversity Report to CPUC

11. CQuant.io CSA Amendment Amend cQuant.io CSA to include a dedicated server for 2023 RFO

The Board discussed:

- **Vice-Chair Balch** disclosed that he is the president of StopWaste's Energy Council. After checking with EBCE's legal counsel, Vice-Chair Balch stated that he does not have a recusal requirement for Consent Item 8 - "The Energy Council/StopWaste Cooperative Agreement Amendment".

Member Cox (Fremont) motioned to approve Consent Agenda. Member Kalb (Oakland) seconded the item which passed 14/0.

Abstain: Member Simon (San Leandro)

Excused: Member Wright (Stockton)

REGULAR AGENDA

12. CEO Report

CEO Chaset reported on recent and upcoming events for the agency. The Executive Committee met on April 5th to discuss the Brand Evolution project, Greenville Charging Infrastructure Loan, and Bright Choice Emissions. The next Executive Committee meeting is scheduled for May 3rd. A Special Board Retreat on Power Procurement was held on March 8th, and another retreat to discuss Local Programs is scheduled for Monday at the Oakland Center. Additionally, a new colleague, Jin Ruan, has joined EBCE as an Energy Analyst and Financial Modeler.

Tom Kelly requested an update on the \$15-million-budget allocation for induction ranges for the low-income customers and an overview of the CPUC's draft resolution to delay Stockton's participation in EBCE.

EBCE General Counsel Khalsa responded to Tom Kelly, stating that EBCE is in active litigation against the California Public Utilities Commission and so will not be discussing the resolution in the public meeting.

13. CAC Report

CAC Chair Eldred reported on the Community Advisory Committee's support for EBCE's virtual power plant and microgrid efforts. Chair Eldred stated that there is a desire to expand these programs for equity and resilience in priority equity communities and to use community-identified locations and grants instead of PPA loans. Participants expressed interest in EBCE incentivizing solar and battery installations on various infrastructure and addressing barriers to EV charger installation.

CAC Eldred stated that the CPUC is set to consider Stockton's start date at their April 27th meeting. At this meeting, the CPUC will address concerns and questions raised about Stockton delayed start date. Chair Eldred noted the availability of remote participation and links in the CAC annotated agenda.

CAC Chair Eldred encouraged Board Members to review information about net energy metering in The Center for Biological Diversity's report, "Rooftop Solar Justice". That report can be found at <https://www.biologicaldiversity.org/programs/energy-justice/pdfs/Rooftop-Solar-Justice-Report-March-2023.pdf>. Lastly, Eldred stated that she was disappointed by the decision by the Ninth Circuit Court overturning Berkeley's gas ban.

14. EBCE Brand Evolution and Name Exploration (Informational Item)

Brief overview of background and name ideation process

The Board discussed:

- **Member Roche** asked if there are examples of Community Choice Aggregators (CCAs) that have successfully transitioned from smaller regional organizations to larger brands that address lifestyle choices.
- **Member Jorgens** expressed concern that the successes that were achieved in the education phase of the branding effort might be abandoned, and asked how this current brand evolution process was initiated.

Tom Kelly's stated that, as EBCE's emissions have increased, statements about cleaner energy have become harder to find on its website. Tom Kelly asked if EBCE can make claims about its energy content that are not entirely accurate.

Jessica Tovar expressed concern about drastic changes being made to EBCE's name. Tovar stated the importance of maintaining "Community Energy" in the name and ensuring that the name reflects the agency's commitment to the community. Jessica Tovar also stated that acronyms can be alienating and should be avoided.

15. Resolution to Authorize CEO to Negotiate and Execute Lease for EBCE HQ (Action Item)

Requesting the board to delegate authority to the EBCE CEO to complete negotiations and sign the contract.

The Board discussed:

- **Member Balch** asked if the space provided at the two locations would accommodate staff and board needs.
- **Member Simon** noted the availability of rentable space in downtown Oakland due to the pandemic and asked about EBCE's work from home options. Member Simon asked about lease versus ownership options over the long term and about EBCE's current space to staff needs.
- **Member Cox** asked for details about the early termination noticing requirements of the current lease, for a verification of the services that would be provided in the new lease, and the accessibility of these locations to public transportation.
- **CAC Chair Eldred** expressed concerns about the Oakland building not being considered for the agency's expansion, suggesting that a more central location would allow for greater geographic diversity among employees and CAC

members. Eldred mentioned the challenges that CAC members face in accessing public meeting spaces and the potential benefits of a central location for service territory expansion.

- **CAC Chair Eldred** also questioned the current planning for the in-house call center, expressing concern that the agency is not fulfilling its promises to the public and its labor allies.
- **Member Balch** provided suggestions to staff for the full-service gross lease options under consideration. Member Balch encouraged staff to negotiate moving the base up to save on costs, especially considering rising inflation. Member Balch also asked staff to examine how cost allocation occurs for major replacement items like HVACs and elevators. Additionally, Member Balch mentioned the renewal option period and expressed hope that the base would reset if the agency chose to renew the lease in the future. Finally, Member Balch pointed out the potential property tax savings for the agency and hoped that any such savings would be passed on through a reduction in base year expenses associated with the lease.

Tom Kelly raised concerns about the purchase of a building, mentioning that the cost of upgrading it had been underestimated. Tom Kelly also expressed concern about the staff's decision to invest ratepayer funds in the building and asked for information on the total amount spent on it to date.

Member Kalb motioned to approve the staff recommendation. Member Jorgens seconded the item, which passed 15/0.

Excused: Member Wright

16. Resolution to Authorize CEO to Negotiate and Execute Loan to Forum Mobility for Heavy Duty Vehicle Electrification (Action Item)

Requesting the board to delegate authority to the EBCE CEO to complete negotiations and sign the contract.

Member Balch recused himself from discussion about this item.

The Board discussed:

- **CAC Chair Eldred** praised staff for their leadership and stated that the CAC had expressed support for this project.
- **Member Simon** asked for a definition of medium and heavy-duty trucks and when electric trucks will start driving on the highway, and the number of electric trucks that will be supported by the Forum Mobility charging infrastructure.
- **Member Cox** asked if the Forum Mobility charging infrastructure can charge buses and other large vehicles in addition to mid-sized and heavy-duty trucks. Member Cox also asked if Forum Mobility would utilize subcontractors for construction and engineering procurement, and if Forum Mobility would be

responsible for maintaining the performance reliability of the charging infrastructure.

Member Tiedemann motioned to approve the staff recommendation. Member Roche seconded the motion, which passed 14/0

Excused: Member Wright

Recused: Vice-Chair Balch

17. Emissions Overview (Informational Item)

Informational Overview on Emissions

The Board discussed:

- **Chair Marquez** asked if an ad hoc committee could be organized to provide an opportunity for further discussion about emissions.

Chair Marquez tabled the Emissions Overview item to the May 17, 2023 Board of Directors meeting.

18. Subcommittee Appointments (Action Item)

Approval of subcommittee appointments

There was no public comment for this item.

Member Patino motioned to approve the staff recommendation. Member Cox seconded the motion, which passed 15/0.

Excused: Member Wright

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

- **Chair Marquez** asked staff to provide updates about:
 - Request for money for induction ranges
 - Microgrids
- **Member Kalb** asked for staff to provide a legislative update.
- **Member Cox** is the first African-American to be named Vice-Mayor of the City of Fremont.
- **Member Cox** congratulated Chair Marquez for having been appointed the Alameda County Supervisor for District 3.
- **Member Barrientos** announced that his mother will shortly be 100 years old.

20. Adjournment to Wednesday, May 17, 2023 at 6:00 pm.



Draft Minutes

Board of Directors Special Board Retreat - Local Programs

Monday, April 24, 2023

12:00 pm

In person:

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

Or from the following locations:

- Wells Fargo Building - 2140 Shattuck Avenue, Floor 6, Berkeley, CA 94704
- Dublin City Hall, 100 Civic Plz, Dublin, CA 94568
- County of Santa Clara, 130 West Tasman Drive, San Jose, CA 95134
- Margaret K. Troke Branch Library - 502 W. Benjamin Holt Dr., Stockton, CA 95207
- Starbucks, 83073 Ave 48, Coachella, CA 92236
- 33349 9th Street (back office) Union City, CA 94587
- Ledding Library - 10660 SE 21st Ave St, Milwaukie, OR 97222
- 31411 Hagen Flat Road, Big Bend CA 96011

Via Zoom:

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

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Webinar ID: 870 2307 1843

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1. Welcome & Roll Call

Present: Directors: Bartlett (Berkeley), Hu (Dublin), Bauters (Emeryville), Cox (Fremont), Roche (Hayward), Andersen (Piedmont), Wright (Stockton), Bedolla (Tracy), Patino (Union City), Eldred (Community Advisory Committee), Vice-Chair Balch (Pleasanton) and Chair Marquez (Alameda County)

Excused: Directors: Tiedemann (Albany), Barrientos (Livermore), Jorgens (Newark), Kalb (Oakland), Gonzalez (San Leandro)

2. Pledge of Allegiance

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3. Public Comment

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Audrey Ichinose suggested that staff organize an additional Board Retreat topic focused on a demonstration of Salesforce software, which EBCE uses mainly to track program enrollment. Ichinose stated that understanding how participant information is gathered, recorded, and aggregated would be helpful. Audrey Ichinose also wondered if Salesforce could accommodate EBCE's project partners and track CNI customers, as this data could facilitate an overview of local development activity, particularly concerning jobs and the local economy.

4. Local Programs Update (Informational Item)

Receive update on Local Programs activities.

The Board discussed:

- **CAC Chair Eldred** shared concerns about electric vehicle charging stations. Some community members felt that these stations were using public funds to pay for gentrification infrastructure, benefiting wealthier individuals who can afford electric vehicles and potentially incentivizing them to move into lower-income neighborhoods. Chair Eldred asked if there is any data on electric vehicle adoption rates in equity communities and if there is a mechanism to track the impact of introducing electric vehicle charging stations into communities facing significant challenges. CAC Chair Eldred inquired about the metrics in place to determine whether priority equity residents are the primary users of the infrastructure.
- **Member Hu** asked three questions:
 1. If higher electricity bills from PG&E could impact or influence energy efficiency programs or other initiatives;
 2. How the EBCE Local Programs team collaborates with cities, local organizations, PG&E, and other stakeholders?

3. If staff can provide the total budget for each local program, the source of funding for these programs, and whether the costs for local programs are passed on to customers in their electricity bills.
- **Member Andersen** asked two questions:
 1. To the extent that a city utilizes school district facilities for municipal purposes (for example, using a gym as an emergency shelter) can EBCE partner with that school district on resilient critical facilities?
 2. Member Anderson observed that electric scooters were ubiquitous in the years running up to the pandemic but are hardly seen anymore. Member Andersen asked if there are lessons from the rollout of electric scooters that can be applied to EBCE's rollout of e-bikes.
 - **Member Roche - I need to come back to this question.** Member Roche asked about the e-bike charging and safety infrastructure for multi-family and affordable housing. Member Roche also asked if rate-payers with solar who are not Sunrun customers will be incorporated into the virtual power plant.
 - **Member Bedolla** expressed support for a Municipal Fleet Electrification plan to be passed by the City of Tracy. Member Bedolla also acknowledged the Tracy Unified School District's work on Resilient Critical Municipal Facilities Phase Two. Member Bedolla requested resolution language that could be presented to the city council and staff for consideration to ensure timely participation as opportunities arise.
 - **Member Bauters** expressed interest in learning more about no-to-low-cost building efficiency strategies. He raised a question about the allocation of 50% of the DAC LIC budget to priority areas and asked for the percentage of EBCE's service territory that is in those priority areas.
 - Regarding low-cost financing for Healthy Home, **Member Bauters** inquired if there is a no-cost financing option. Member Bauters voiced concerns about low-income homeowners' potential difficulties participating in financing programs and the history of such programs causing financial distress and eventual home loss for low-income and non-English speaking households. Bauters asked if a no-cost financing option is prohibitive for this program.
 - **Member Bauters** asked if cargo bikes would be eligible for the e-bike program and if the lending program will offer people the opportunity to lend and use a cargo bike. Member Bauters also requested for one of the e-bike lending locations to be placed in Emeryville.
 - **Chair Marquez** requested that staff organize a community feedback session for Community Investment grants.
 - **Chair Marquez** also asked if cities still have an opportunity to join the Resilient Critical Municipal Facilities program while it is in Phase Two, or if they will have to wait until phase three or afterwards.
 - **Chair Marquez** asked how outreach efforts can be increased with regards to tax credits for low- and moderate-income individuals to purchase an AV vehicle. Chair Marquez asked for a survey to be conducted to ensure that EBCE will roll out the program in an equitable way.
5. **Board Member and Staff Announcements including requests to place items on future Board agendas**

There were no staff announcements.

6. Adjourn