



Draft Minutes

Community Advisory Committee Meeting

Monday, February 13, 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):

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Webinar ID: 847 9450 6189

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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, Souza, Kaur, Lutz, Vice Chair Hernandez and Chair Eldred

Excused: Lakshman, 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.

Kelly A spoke about two issues - 1. the Valley Link railroad and 2. Next Tracker, a Fremont based company. First, Kelly discussed Valley Link, a proposed railroad that, if built, would run from Fremont to Mountain House. The proposal states that the Valley Link railroad would be powered with self-generated energy on two-hundred acres of land in Tracy. However, Kelly argued that only forty-seven acres of this land can be used to generate solar energy. Kelly A stated that this level of energy production will amount to only a small fraction of the energy that the train will need, rendering the proposal unrealistic. Second, Kelly A mentioned a Fremont-based company called Next Tracker that produces solar-tracking devices. Next Tracker recently had a successful IPO of \$600 million and is valued at \$3.5 billion. Kelly explained that Next Tracker's solar trackers compare favorably to solar rooftops because, by following the sun, the solar trackers produce energy at more valuable times of the day, resulting in a higher return on investment and energy value.

Tom Kelly asked Chair Eldred if she received his correspondence responding to EBCE General Council Inder Khalsa's 12/14/22 letter. He then alleged that EBCE had failed to beat PG&E on greenhouse gas emissions. Tom Kelly stated that he has been reviewing the Joint Powers Agreement and the legislation passed by participating jurisdictions and that he has found that it requires that EBCE to do better than PG&E on greenhouse gas emissions. Tom Kelly expressed his frustration at his characterization of the EBCE Board's unwillingness to address this issue and stated his intention to seek alternative means to seek enforcement. Tom Kelly stated that he had sent Chair Eldred a summary of the Joint Powers Authority Agreement and individual legislation demonstrating that greenhouse gas emissions are an obligation that EBCE is required to meet.

Brenden Pittman spoke regarding questions that he first raised at the December 12, 2022 Community Advisory Board meeting regarding the November 17, 2021 summary presentation on the 2021 load proportional share of generation from PG&E contracted carbon-free resources, primarily related to nuclear-generation. Brenden stated that he had not seen a response to his questions and wished to state them again:

1. Who was the Contracting Party that tried to move the nuclear generation volume? Can staff provide the reasons why that generation could not be sold? And can staff provide more specific reasons than they gave at the November 17th meeting for why that generation could not be sold?
2. Had the Board approved that nuclear allocation, and folded it into Bright Choice, would rate-payers have saved additional money?
3. The 2021 power mix included 1.7% nuclear power. If the Board rejected any nuclear generation to be included in the power content mix for all plans, where did this nuclear energy come from?

Blair Beekman cited Jessica Tovar as an important community advocate and emphasized the importance of community advocacy for agencies like EBCE. Blair Beekman also noted that the process for making nuclear allocation decisions within EBCE needed to become more accountable. Blair Beekman also mentioned his concerns about earthquake preparedness in the Bay Area, given the recent earthquake in Southern Turkey and Northern Syria.

Jessica Tovar addressed the December 14, 2022 letter that was sent by EBCE's Legal Counsel, Inder Khalsa. Jessica Tovar stated that Inder Khalsa's letter had been buried in the Consent Calendar, and therefore requested that future correspondence should be sent directly to her or the East Bay Clean Power Alliance. Jessica Tovar also urged EBCE to provide transparency and act on community concerns regarding energy needs, as expressed during public comment at the Board and CAC. Finally, Jessica Tovar emphasized the importance of EBCE's role in addressing the needs of the environmental justice community, and the central role that EBCE plays in the creation of a clean energy economy.

Alita Dupree expressed her appreciation for East Bay Community Energy's service and hoped for the day when municipalization would make it possible for every electricity user in EBCE's service territory to be with EBCE. Alita Dupree briefly mentioned that she believes that it's important to move away from nuclear, that Diablo Canyon should be closed on schedule, and that more solar, wind and battery projects should be built. Alita Dupree said that she has noticed an increase in hydrogen buses in the AC transit system, and that these buses can help to facilitate electrolysis of hydrogen for clean energy. Alita Dupree also encouraged the use of electric ride-share services which can help to build out the electric charging infrastructure.

C3. Approval of Minutes from January 17, 2023

Member Lutz motioned to approve the minutes. Member Kaur seconded the motion, which passed 9/0.

Excused: Members Lakshman, Talreja and Pacheco.

C4. CAC Chair Report

Chair Eldred reported on her meeting with Tom Kelly. Chair Eldred stated that she discussed the carbon load associated with EBCE's power to get a better idea of the topics that he did not feel have been adequately addressed by staff. Chair Eldred stated that she will follow up with the points raised in that conversation to get clearer answers to Tom Kelly's questions.

Chair Eldred stated that three new Directors were sworn in at the January 18, 2023 Board of Directors meeting, representing the City of Tracy (Member Matt Bedolla), the City of Pleasanton (Member Jack Balch) and the City of Livermore (Member Ben Barrientos).

Chair Eldred reported that Richard Valle (Alameda County) had passed away. Chair Eldred stated his passing is a massive loss, and that those who had worked with him are feeling that loss.

The agreement with Google was passed and approved. Long-term contracts were passed, and an agreement to support resilient critical facilities was approved.

Member Landry requested that Chair Eldred bring back to the body the answers to Tom Kelly's questions about EBCE vs PG&Es' carbon output.

Member Lutz stated that the Board had passed Item 15 - Authorizing CEO to Negotiate Agreements for Resilient Critical Facilities, without discussion from the CAC. Member Lutz explained that Agenda Item 15 expanded the criteria for the Low to Moderate Income Program, which would broaden the availability of the program. Lutz expressed concern that this issue was not discussed by the CAC.

In response to Member Lutz's comment, Chair Eldred explained how she, along with Vice-Chair Hernandez, set the CAC agenda. Chair Eldred said that she asks for agenda items that staff have prioritized for CAC feedback and that are prioritized in the CAC Workplan. The CAC is likely to pick items that are controversial and that would benefit from input from the public and constituent groups. Chair Eldred stated that the CAC must prioritize agenda items to create a manageable agenda, and therefore important topics are sometimes missed. Chair Eldred welcomed input from the CAC about agenda items that should appear on the agenda.

Vice Chair Hernandez stated that CAC members should make sure that they are signed up to receive notifications from the EBCE Upcoming Public Meetings bulletin list (located at <https://ebce.org/contact-us/>), and requested that the clerk send requests notifications of upcoming Board items to the entire CAC membership.

C5. EBCE Community Grants - 2023 (CAC Informational Item)

Staff will provide update about Community Grants program.

The Committee discussed:

- Member Souza asked if EBCE is designing incentives with the Inflation Reduction Act in mind. Member Souza asked if the IRP being taken account for the induction stoves program, for example.
- Member Hu asked if the March-April work session is intended to take place during the CAC meeting itself, or if CAC members will work directly with staff between meetings to help plan the process? Member Hu also asked for staff to refresh the CAC on the parameters for potential conflicts of interest if the CAC were to help co-develop the goals of the solicitation plan.
- Member Lutz asked if it is possible to disburse grants in a three-year rolling cycle. Member Lutz also asked if there anything in the proposal like Innovation Grants that do not tie people down to squares in the matrix. Member Lutz also asked if how the community was involved in the creation of the matrix.
- Vice Chair Hernandez asked for staff to describe how they plan to involve the CAC in the grant proposal creation process.
- Chair Eldred asked if staff could provide an equivalent to the Innovation Grants for smaller community organizations that are working to develop an idea? With the addition of new staff, Chair Eldred also expressed hope that staff can return to the consideration of success metrics.

Tom Kelly asked for a status update about the \$15 million grant proposal.

Alita Dupree spoke in favor of an induction lending library. Alita Dupree stated that it was a good idea to give an opportunity to ratepayers to get real-life, extended, hands-on experience with induction cooking. Alita Dupree also stated that she is sensitive to issue of indoor air quality, especially the danger of unburned natural gas leaking from the stovetop. The induction lending library would provide access in equity priority communities to ratepayers who may not have the resources or comfort level to adopt new technologies.

Jessica Tovar reiterated Tom Kelly's request for an update about the \$15 million grant and stated that she had heard that one of the possible uses for the grant money is to swap out gas stoves with induction cooktops.

Member Kaur left the meeting.

C6. Mid-Year Budget FY2022/23 (CAC Informational Item)

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

The Committee discussed:

- Vice Chair Hernandez stated that he agreed with Tom Kelly's public comment (below) about the link between PG&E and EBCE pricing, and asked if there a way to understand the EBCE's true cost and margin target, rather than tying prices to PG&E.
- Member Liu asked if the increase in revenue was due to an increase in the price of electricity or to the increase in the number of rate-payers?
- Chair Eldred asked about system power, which has become more expensive, as a driver of costs.

Tom Kelly stated that EBCE rates are linked to PG&E rates even though EBCE's costs are not related to PG&E's costs. Tom Kelly pointed out that other CCAs, such as Marin Clean Power, use cost of service pricing for their rates which completely delinks the relationship to PG&E. Tom Kelly also stated that energy costs have increased because natural gas costs has spiked. Tom Kelly stated that EBCE relies on 40 percent of its power from system power which is primarily natural gas.

C7. Long-Term Contracts for Approval (Action Item)

2022 RFO Long Term Contracts for Approval

The Committee discussed:

- Chair Eldred asked for an explanation for how resource adequacy can be procured from a distant location.
- Vice Chair Hernandez requested information about the entities that EBCE is partnering with, including ownership, previous contracts, who is getting the jobs and who is making profits. Vice Chair Hernandez requested information about supplier diversity, inclusion practices, women-owned business or minority owned business, veterans.
- Member Souza requested to understand the impact of these contracts on EBCE's power mix.

Kelly A questioned the reliability of the carbon intensity numbers on the Power Content Label, noting that on the California mix, 38% comes from natural gas, but PG&E lists 9%, and EBCE's power content label lists 0% natural gas. Kelly A also asked why pricing information for storage and resource adequacy was not included in the staff presentation.

Aleta Dupree stated that she appreciated the explanation about resource adequacy and emphasized that these contracts are part of a larger ecosystem - the California grid, which is part of the western grid. Aleta Dupree stated that we are all dependent on a super-regional grid, which provides electricity for all of us. Aleta Dupree stated that, because of the complex nature of the grid, compliance is important. For that reason, the staff proposal is worthy of support.

Audrey Ichinose asked how the partnership with San Jose Community Energy was created.

Vice Chair Hernandez motioned to approve the staff recommendation.

Member Swaminathan seconded the motion, which passed 7/0.

Abstained: Member Hu.

Excused: Members Kaur, Lakshman, Talreja and Pacheco.

C8. 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.

The Committee discussed:

- Chair Eldred asked if EBCE will be retaining the ability for the public to join meetings virtually in all scenarios.
- Member Landry asked for clarification that Members would no longer meet from their homes, but from a location that can be noticed on the agenda, and from where the public can also participate.
- Member Lutz asked if any other requirements could be imposed on in person meeting locations, such as a requirement to wear masks, or provide covid tests to enter the meeting.

There was no public comment for this item.

Member Swaminathan motioned to approve Option 2 “Traditional” Brown Act Teleconference Meetings, with the ability for the public to continue to join meetings via webcast. Member Landry seconded the motion, which passed 7/0.

Abstained: Member Souza.

Excused: Members Kaur, Lakshman, Talreja and Pacheco.

Member Landry left the meeting.

C9. Travel Reimbursement Policy (CAC Action Item)

Adopt Travel Reimbursement Policy for Board and Community Advisory Committee

The Committee discussed:

- Chair Eldred asked why mileage was not included in the policy and if reimbursement for tolls could be included in the policy.
- Member Hu noted a mistake in the policy.
- Member Lutz provided instructions for how to print out a receipt from a Clipper Card.

There was no public comment for this item.

Chair Eldred motioned for the policy to be expanded to be representative of other Brown Act bodies in EBCE's jurisdiction, to incorporate a mileage reimbursement form, and to include tolls and other required costs to reach meeting locations.

Member Hernandez seconded the motion.

Member Lutz offered a friendly amendment to simplify the reimbursement of public transportation costs.

Chair Eldred and Vice-Chair Hernandez accepted the friendly amendment.

Chair Eldred's final motion is to expand the transportation reimbursement policy to include mileage reporting in accordance with other Brown Act bodies operating within EBCE's jurisdiction; to include required tolls, to simplify documentation for public transportation and to provide the means to include all reimbursement expenses in one, single, all-inclusive form.

Chair Eldred's motion passed 7/0. Excused: Members Landry, Kaur, Lakshman, Talreja and Pacheco.

C10. CAC Member and Staff Announcements including requests to place items on future CAC agendas

- Chair Eldred stated that applications are open for non-profits to be able to apply for up to \$2500 through EBCE's non-profit granting program. The application is on the landing page on the EBCE website.

- **Chair Eldred encouraged CAC members to attend the 2/15/23 Board of Directors meeting to commemorate Richard Valle.**
- **Chair Eldred stated that she is organizing efforts to support survivors of the earthquake in Syria.**
- **Member Souza requested to include Mark Hall from ReValue IO on a future agenda.**
- **Vice Chair Hernandez requested to adjourn the meeting in the honor of the memory of Richard Valle and the victims of the earthquake in Turkey and Syria.**

C11. Adjournment to Monday, March 13, 2023