



Draft Minutes

Board of Directors Special Board Retreat Analytics

Thursday, July 13, 2023
11am

In person:

The Montclair 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 Plaza, Dublin, CA 94568
- Clipper Club, 5 Captain Drive, Emeryville, CA 94608
- Hayward City Hall, 777 B St, Hayward, CA 94541
- Hyatt Regency Newport Beach, 1107 Jamboree Rd. Newport Beach, CA 92660
- 1755 Harvest Landing Ln., Tracy, CA, 95376
- 10598 SE 32nd Ave, Milwaukie, OR 97222
- Balch Enterprises, Inc. 30960 Huntwood Avenue, Hayward, CA 94544

Via Zoom:

<https://us02web.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.

Welcome & Roll Call

Present: Directors: Kaur (Emeryville), Roche (Hayward), Jorgens (Newark), Andersen (Piedmont), Gonzalez (San Leandro), Wright (Stockton), Bedolla (Tracy), Patino (Union City), Eldred (Community Advisory Committee), Vice-Chair Balch (Pleasanton) and Chair Marquez (Alameda County)

Excused: Directors: Tiedemann (Albany), Bartlett (Berkeley) Hu (Dublin), Cox (Fremont), Barrientos (Livermore) and Kalb (Oakland)

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

1. Pledge of Allegiance

Chair Marquez led the body in reciting the Pledge of Allegiance.

2. 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.

There was no public comment.

3. Analytics Update (Informational Item)

Receive update on Analytics activities.

(14:40) Chair Marquz (Alameda County) inquired about the use of tax assessor data and about PG&E billing determinants.

(22:49) Chair Marquez asked about the energy consumption related to data storage.

(23:51) Member Roche inquired about the security and reliability of the data stored in the cloud, specifically concerning potential hacker attacks and the possibility of data migration to ensure uninterrupted service.

(30:40) Member Andersen asked about the sources and accuracy of weather forecasts.

(33:01) Chair Marquez inquired about how weather forecasting accounts for regional variations, especially considering the temperature differences between coastal areas and valleys.

(34:20) Member Gonzalez asked about the granularity of the load forecasting, particularly whether the forecast is made on an individual meter basis or in aggregate. Member Gonzalez further inquired about the years of meter load data staff to which staff has access. Addressing the influence of weather on forecasting, Member Gonzalez asked about the granularity of EBCE's weather data. To conclude, Member Gonzalez emphasized the importance of leveraging historical research in load forecasting,

suggesting that while advancements have been made, it's essential to tap into the collective wisdom of the past.

(43:36) Vice-Chair Balch inquired about the accuracy of data used in load forecasting.

(50:44) Member Gonzalez inquired about the primary revenue risk. Member Gonzalez emphasized the need to understand the PCIA risk, considering that it is tied to PG&E rates which EBCE cannot control. Member Gonzalez also requested that the board be informed about PCIA risks in detail to better understand EBCE's exposure and be able to provide input on the level of risk that Board members are willing to accept.

(1:06:05) CAC Chair Eldred inquired about the granularity of customer data, referencing an original bid with 15-minute intervals.

(1:13:11) Member Andersen inquired about potential collaborations between other Community Choice Aggregations (CCAs) and UC Berkeley's new data science college.

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

- **Member Gonzalez** asked for the Board to discuss PCIA rates as soon as the information becomes available.
- Per the electric bike program, **Chair Marquez** asked when Board members will be informed about the locations to rent bikes. Chair Marquez asked that this information be provided either at the next board meeting or via an email update.

5. Adjourned at 12:20pm.



Board of Directors Meeting

Wednesday, July 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
- City of Dublin City Hall, 100 Civic Plaza, Dublin, CA 94568
- Fremont City Hall 3300 Capitol Ave, Fremont, CA 94538
- Margaret Troke Library 502 W Benjamin Holt Dr., Stockton, CA 95207
- 1755 Harvest Landing Lane, Tracy, CA 95376

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1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Hu (Dublin), Bauters (Emeryville), Cox (Fremont), Roche (Hayward), Barrientos (Livermore), Kalb (Oakland), Andersen (Piedmont), Gonzalez (San Leandro), Wright (Stockton), Bedolla (Tracy), Eldred (Community Advisory Committee), Vice-Chair Balch (Pleasanton) and Chair Marquez (Alameda County)

Excused: Directors: Bartlett (Berkeley), Jorgens (Newark) and Patino (Union City)

Member Cox (Fremont) and Member Hu (Dublin) joined the meeting at 6:10pm, immediately after roll call.

2. Pledge of Allegiance

3. Public Comment

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(6:07) Jon Hungerford, a Stockton resident, inquired about EBCE's Net Energy Metering (NEM) program. He noted that Stockton will soon be using EBCE's services, but currently, Stockton residents are being registered with NEM3 type programs under PG&E. He asked if EBCE plans to maintain offering retail credits for monthly energy overproduction once they switch from PG&E.

(7:46) Tom Kelly mentioned that it was challenging to hear speakers in the Oakland Center. He noted that speakers in remote locations were more audible and hoped the issue could be resolved.

(9:49) Audrey Ichinose asked if public comment was being taken on consent agenda items.

(10:15) Jessica Tovar, speaking on behalf of the East Bay Clean Power Alliance, expressed concerns about the allocation and clarity surrounding the \$15 million Healthy Communities fund initially associated with UCSF Benioff. She noted that the board approved \$5 million from this fund last month, but there are still uncertainties, including claims of secured money from an unnamed foundation, a lack of information about the study's purpose, and how the \$5 million will be used. She also mentioned that no partner for the study had been identified. Jessica Tovar emphasized that this \$15 million has been a contentious legal issue in the past, and that she had previously requested a public workshop or detailed discussion on this matter. Jessica Tovar reminded the board of their responsibility to ensure public funds are used appropriately and transparently for the community's benefit.

The clerk read a public comment letter from Jessica Tovar on behalf of Local Clean Energy Alliance. The following is a summary of that letter:

(12:26) Jessica Tovar of the Local Clean Energy Alliance urged removing Consent Agenda Item #9, "Authorization to Execute Vehicle Lease and Consulting Agreement", from the consent calendar for public debate. Jessica Tovar argued that funds for the \$85,000 electric vehicle research and development pilot would be better spent offering free short-term EV leases to low-income communities. She stated that feedback from low-income residents would be more valuable for the \$6 million EV adoption program than EBCE staff experiences.

CONSENT AGENDA

4. **Approval of Minutes from June 21, 2023**
5. **Contracts Entered into (Informational Item)**
6. **Amendment to Non-standard Rate Policy**
Revise policy to expand eligibility to beneficial electrification projects on municipal buildings
7. **Approval Request for Agreement Amendment with Thrive Mind Collaborative**
Approval Request for Agreement Amendment with Thrive Mind Collaborative to provide coaching and consulting services to EBCE Staff.
8. **Authorization to pay for postage**
Authorize the CEO to approve the funding of EBCE's accounts with the USPS in the amount of up to \$400,000.
9. **Authorization to Execute Vehicle Lease and Consulting Agreement**
Authorize the CEO to execute a lease and Agreement for EBCE's Drive and Charge Research & Development Initiative
10. **Treasurer's Report**
Report on EBCE's cash position as of June 30, 2023

(15:21) **Chair Marquez** recognized Jessica Tovar's request to pull Consent Item #9, "Authorization to Execute Vehicle Lease and Consulting Agreement" from the Consent Agenda.

(15:32) **Member Gonzalez** requested to pull Consent Item #6, "Amendment to Non-standard Rate Policy" from the Consent Agenda.

(16:18) **Chair Marquez** recognized Tom Kelly's request to pull Consent Item #10, "Treasurer's Report" from the Consent Agenda.

(17:08) Member Gonzalez moved to approve Consent Agenda Items 4, 5, 7 and 8. Member Bauters seconded the motion which passed unanimously by all members present:

Yes: 13

No: 0

Abstain:0

Excused: 3

(19:06) **Tom Kelly, speaking to Consent Item #6, "Amendment to Non-standard Rate Policy":**

Tom Kelly suggested that if the Board is going to provide rate discounts for commercial customers to prevent them from switching to direct access, those customers should be offered rates for the Renewable 100 option instead of Bright Choice. Tom Kelly emphasized commercial entities consume a considerable amount of electricity, and offering them discounts on the less clean power option (Bright Choice) is contrary to the EBCE's mission. Tom Kelly proposed that any amendment should advocate for a discount on the cleaner Renewable 100 power option.

(20:30) Jessica Tovar, speaking to Consent Item #5, "Contracts Entered into": Noting contract C-2023-054 "Port of Oakland, West Oakland Environmental Indicators Project, Earthjustice, etc.", **Jessica Tovar** requested more information about the collaborative working group with the Port of Oakland and others, and to see the contract.

(21:57) Member Gonzalez, speaking to Consent Item #6, "Amendment to Non-standard Rate Policy", asked for staff to provide its reasoning for its proposed amendment to the non-standard pricing rate and billing agreement policy.

(30:05) Member Roche, speaking to Consent Item #6, "Amendment to Non-standard Rate Policy", requested for staff to respond to Tom Kelly's public comment recommendation that discounts should be provided for Renewable 100 rather than Bright Choice.

(31:14) Member Gonzalez moved to approve Consent Item #6. Vice-Chair Balch seconded the motion which passed unanimously by all members present:

Yes: 13

No: 0

Abstain: 0

Excused: 3

(32:56) Audrey Ichinose, speaking to Consent Item #9, "Authorization to Execute Vehicle Lease and Consulting Agreement"

Audrey Ichinose expressed concerns about the Leasing and Consulting Services for EBCE's Drive and Charge initiative. She stated that the initiative's design demonstrates challenges for EBCE in how it engages with its member jurisdictions, especially with moderate and low-income communities and renters. Audrey Ichinose criticized EBCE's approach, suggesting that staff intends to design and test the program mainly using its own employees, with minimal involvement from the target communities. She referenced the CAC meeting where member Jim Lutz highlighted that sustainability managers of member jurisdictions desired early and coordinated engagement with EBCE on program design. Audrey emphasized the importance of establishing more effective collaboration methods, especially as EBCE plans to expand beyond Alameda County.

(35:05) Barbara Stebbins, speaking to Consent Item #9, "Authorization to Execute Vehicle Lease and Consulting Agreement"

Barbara Stebbins expressed confusion about EBCE staff driving EVs for a two-week duration and then providing feedback on their experiences. She questioned how this method would increase EV adoption, particularly in low-income areas and locations

with affordable multi-family housing units where EBCE has funded charging infrastructure. Barbara Stebbins emphasized the need to directly engage residents from these communities, offering them firsthand experiences with EVs to gather relevant feedback. She also highlighted that cost is a significant deterrent for many people, including herself, from transitioning to EVs, even if they recognize the environmental benefits.

(37:10) CAC Chair Eldred, speaking to Consent Item #9, “Authorization to Execute Vehicle Lease and Consulting Agreement”, recommended that staff adopt with a program design with increased direct engagement with targeted populations and demographics, and to partner with organizations in the electric vehicle space.

(38:52) Member Roche, speaking to Consent Item #9, “Authorization to Execute Vehicle Lease and Consulting Agreement” asked for staff to explain why staff and their passengers were chosen to complete surveys about driving/riding experience rather than community residents.

(39:39) Chair Marquez, speaking to Consent Item #9, “Authorization to Execute Vehicle Lease and Consulting Agreement” asked if the survey could require staff to drive in census tracts of differing income levels as a means of gathering information about the experience of EV driving across multiple communities.

(47:10) Member Bauters, speaking to Consent Item #9, “Authorization to Execute Vehicle Lease and Consulting Agreement” expressed concern that staff might not notice design decisions that could impact lower-income residents. Member Bauters cited the necessity of credit card access to operate an electric vehicle for example.

(55:49) Member Gonzalez, speaking to Consent Item #9, “Authorization to Execute Vehicle Lease and Consulting Agreement” asked for staff to provide a clear statement of the problem that it would like to address (for example, is staff trying to get data on how easy it is to charge the car or to drive it?).

(57:06) Member Gonzalez motioned to approve Consent Item #9. Member Roche seconded the motion, which was approved unanimously by all members present:

Yes: 13

No: 0

Abstain: 0

Excused: 3

(1:00:18) Tom Kelly, speaking to Consent Item #10, “Treasurer’s Report”: Tom Kelly expressed difficulty in comprehending the budget documents and financial reports, particularly in discerning if there is a carryover of net position from one budget year to the next. Tom Kelly also raised concerns about the organization’s financial and ethical choices, highlighting that over half a million dollars are invested with Wells Fargo, a bank known for investing in fossil fuels and facing multiple scandals. By referencing the City of Berkeley’s decision to withdraw accounts from Wells Fargo, Tom Kelly encouraged the Board to consider partnering with more a community-oriented financial institution such as the Community Bank of the Bay in Oakland

(1:02:52) Member Bauters moved to approve Consent Item #10 and Member Gonzalez seconded. The motion was passed unanimously by all members present:

Yes: 13

No: 0

Abstain: 0

Excused: 3

REGULAR AGENDA

11. CEO Report

(1:04:37) CEO Chaset's CEO Report covered Board meetings, branding progress, potential expansion to Lathrop, and new staff members:

- The July Executive Committee meeting was canceled. The next one is September 6.
- The Finance, Administration and Procurement Subcommittee met on July 12 to discuss upcoming agenda items, overview the 2023 resource RFO, and review the third energy prepay transaction.
- A Special Board Retreat on Analytics was held on July 13.
- Brand identity work is underway following approval of the name change to Ava Community Energy. Visual assets will come to the Board as an informational item in September.
- The City of Lathrop voted to seek EBCE membership and service area expansion. Next steps involve Lathrop finalizing its ordinance to join, EBCE analyzing its ability to serve Lathrop's load, Board approval, CPUC implementation plan update, and Lathrop enrollment in early 2025 with Stockton.
- Additional next steps include finalizing the Ava Community Energy visual identity and evaluating Lathrop's membership request.
- Christa Davis joined EBCE as Account Services Manager. Pulak Dugar joined as a Data and Analytics Intern.

(1:09:58) Tom Kelly inquired about the implications of the City of Lathrop joining EBCE in the upcoming year. Specifically, he questioned whether, upon Lathrop's inclusion and the subsequent signing of a new JPA agreement in December 2023, the document would be amended to exclude assertions that EBCE outperforms PG&E in reducing greenhouse gas emissions. Tom Kelly sought clarification about whether the JPA would need to be revised and re-endorsed by all member cities if it contained misleading statements about greenhouse gas reductions.

(1:11:13) Chair Marquez asked for staff to provide a timeline for Stockton will "go live". Chair Marquez also requested that the Finance, Administration and Procurement Subcommittee address Tom Kelly's public comment remarks at 1:09:58. Finally, Chair Marquez asked about the information that staff provides to new communities for outreach purposes.

12. CAC Report

(1:13:38) CAC Chair Eldred's report focused on the delayed emissions presentation and CAC Member Lutz's City Staff Perspectives findings:

1. Delayed Emissions Presentation:

- The CAC held a presentation and discussion in April regarding EBCE's emissions intensity compared to other CCAs. EBCE's emissions were significantly higher than others with more renewable and carbon-free energy.
- CAC members expressed desire for a concise emissions summary to aid transparency. The updated emissions presentation has been postponed several times and the CAC looks forward to the new version with 2022 data.

2. City Staff Perspectives Report Summary:

- CAC Member Jim Lutz interviewed city sustainability staff to understand coordination on climate action plans.
- Key findings included appreciation for EBCE's expertise but desire for more collaborative program design, increased flexibility, longer-term planning visibility, and independent feedback collection.
- Recommendations were to increase city collaboration in program development, allow broader participation, create a strategic roadmap with city input, and gather regular city staff feedback.
- The report focused on improving coordination between EBCE local development programming and member city/county climate action plans.

(1:20:13) Vice-Chair Balch asked if there is a technical advisory group that can address and provide feedback for CAC Member Lutz's City Staff Perspectives report.

(1:22:32) Member Gonzalez (with additional input from **Vice-Chair Balch** and **Chair Marquez**) stressed that staff, Board and other communities should engage in a strategic planning process to develop clear objectives around high-priority or repeatedly addressed topics such as clean energy goals, service territory expansion and pricing rates.

(1:23:30) Member Roche requested a timeline for when the Board will hear the updated Emissions presentation.

(1:26:38) Chair Marquez announced that, going forward, closed sessions be held at the ending rather than the beginning of meetings.

13. Energy Prepay #3 Approval (Action Item)

Authorization to move forward in executing a third energy prepayment transaction

(1:41:14) Member Gonzalez asked for staff to provide a concise explanation for the public about the advantage that EBCE has due to its ability to issue tax-free bonds. He mentioned that the primary advantage appears to be tax-free interest rates, contrasting EBCE with other entities like banks. He asked for a brief overview of why

this tax-free bond issuance creates an arbitrage opportunity and how that benefits EBCE.

(1:44:15) Member Gonzalez moved approval of Item 13 and Member Bauters seconded. The motion passed unanimously by all members present:

Yes:13

No:0

Abstain: 0

Excused: 3

CEO Employment Contract (Action Item)

The clerk read a public comment letter from Jane Kelly titled “Community Concerns Regarding the Management of EBCE and Requested Action”, dated July 18, 2023. The following is a summary of that letter:

(1:50:42) Jane Kelly urged the Board to deny CEO Chaset's proposed salary increase and bonus due to concerns over mismanagement. Jane Kelly argued that CEO Chaset has not prioritized EBCE's climate goals and requested that the Board address these issues by either directing Chaset to urgently combat climate change or finding new leadership aligned with the community's goals.

(1:53:20) Vice-Chair Balch mentioned that he and CEO Chaset were part of the Compensation Ad Hoc. They discussed CEO Chaset's priorities for the organization, aiming to align them with EBCE's long-term goals. While Mr. Chaset expressed a preference for a lengthier contract; the Board opted for a reevaluation approach to ensure alignment with EBCE's strategy. Balch acknowledged CEO Chaset's cooperation in finalizing the contract and confirmed Pleasanton's support for it.

(1:55:09) Member Gonzalez moved approval of Item #13 and Member Tiedemann seconded. The motion passed unanimously by all members present:

Yes:13

No:0

Abstain: 0

Excused: 3

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

- **(1:56:12) Chair Marquez** requested to prioritize the Emissions presentation on the September 2023 agenda.
- **CAC Chair Eldred** requested to schedule conversations around the following topics:
 - Allocation for community programming - Healthy Communities;
 - EBCE/Ava's intentions around service territory expansion;
 - Methodology of the on-bill credit portion of the 2022/23 surplus waterfall allocation.
- **Vice-Chair Balch** requested an update about the new space including a review of the lease.

- **Vice-Chair Balch** requested a timeline for scheduling in person Board meeting.
- **Chair Marquez** requested that future board agendas include a calendar of Board Member requests.
- **Member Cox** requested an update on how EBCE is utilizing artificial intelligence.

15. Adjourned at 8:00pm

The next Board of Directors meeting will be held on Wednesday, September 20, 2023 at 6:00 pm.