



Draft Minutes

Board of Directors Meeting

Wednesday, September 20, 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 Fremont, Human Resource Training Room, 3300 Capitol Avenue Building B, Fremont, CA 94538
- Sacramento Convention Center West Lobby, 1st Fl. 1400 J St., Sacramento, CA 95814
- Hyatt Regency Sacramento Business Center - 1209 L Street, CA 95814
- 1755 Harvest Landing Lane, Tracy, CA 95376
- Grand Sheraton lobby - 1230 J St, Sacramento, CA 95814

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

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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

Present: Directors: Tiedemann (Albany), Bartlett (Berkeley), Cox (Fremont), Roche (Hayward), Barrientos (Livermore), Jorgens (Newark), Kalb (Oakland), 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: Hu (Dublin) and Bauters (Emeryville)

2. Pledge of Allegiance

Chair Marquez led the body in 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.

Chair Marquez announced that letters submitted for public comment will no longer be read into the record during public comment but will instead be made available on the public meetings page and in the agenda packet.

(11:38) Tim Frank, representing the CCA Workforce and Environmental Justice Alliance and serving as a consultant for the Alameda County building trades and other Bay Area building trades councils, spoke about their collaboration with 38 environmental justice and labor groups. Their initial aim was to establish environmental justice and labor standards at CCPower. Despite some support, a majority of the CCPower board did not agree. They then shifted their focus to individual CCA's. They have already secured the adoption of a similar package in CCCE, San Francisco, and on the peninsula. Mr. Frank has left a draft proposal for EBCE that has undergone revisions based on feedback from local partners. He hopes the board will discuss and act on it in October. He welcomes any further suggestions or feedback before the next meeting.

Tim Frank's draft proposal is included in the minutes as Exhibit A.

(19:40) Jessica Tovar from East Bay Clean Power Alliance commented on the induction cooking Request for Proposals (RFP) grant issued by EBCE. She expressed concerns about the RFP's structure and its accessibility for small organizations, noting challenges in applying for these funds. She emphasized that community innovation grants should be easily accessible to community groups. Using the current excess smoke issue and PG&E's power shutoffs as an example, she highlighted the pressing need for community resilience in the face of climate change-related challenges. Jessica Tovar stated that EBCE had set aside money for these grants over a year ago but has yet to disburse them, and urged timely action.

(17:04) Melissa Yu, representing both the Sierra Club and East Bay Clean Power Alliance, addressed the board to advocate for the discussion of policy standards for clean energy projects, as previously presented by Tim Frank. She emphasized the need for energy procurement projects to prioritize environmental and environmental justice considerations, while also upholding labor standards and strong environmental justice policies. Their goal is to establish these standards comprehensively, preventing

piecemeal decisions for future projects. They are currently collaborating with labor and environmental justice projects to enhance a resolution they've drafted. Melissa hopes for board feedback and for the topic to be discussed in the upcoming board meeting. She mentioned their broader aim to extend this process beyond Alameda and San Joaquin County, seeking continued leadership from the board and aiming to present the draft resolution to the California Community Power Board.

(18:29) Jason Gumataotao, representing IVW Local 595 and a delegate of the Alameda County Building Trades Council, echoed the sentiments shared by Melissa and Tim. He emphasized the importance of feedback on the presented policy proposal. Jason highlighted the goal to elevate standards for EBCE's future clean energy projects, stressing that success requires strong collaboration with the board, environmental justice groups, trades, and the broader community. He expressed gratitude for the board's consideration and looks forward to future discussions.

(19:40) An anonymous speaker, affiliated with the local Clean Energy Alliance and the East Bay Clean Power Alliance, reiterated points from Tim Frank's letter.

The speaker emphasized the need for support for workforce development standards, aiming to extend these to multiple CCAs. The objective is to defend workers in EBCE's service region and ensure jobs stay local, aligning with the mandate of the local development business plan.

The speaker stressed the importance of making community innovation grants more accessible, stating that the current narrow focus of the induction cooktop grant is limiting for smaller, local community organizations. These organizations can efficiently handle both education and broader decarbonization initiatives.

The speaker pointed out that the \$14.75 million, intended for bill credits in the June 2023 meeting, hasn't been reallocated. The speaker requested these funds to support community-based organizations in the municipal facilities program. This could help establish these organizations as resilience hubs.

Lastly, the speaker requested clarity regarding the \$5 million allocated to the Health-Communities program, as health partners have not been specified yet.

(21:49) Eric Veium, coordinator for the CCA Workforce and Environmental Justice Alliance, discussed an analysis conducted on EBCE's current policy documents and recent RFOs. While the joint powers agreement features strong language supporting workforce and environmental justice standards, Eric Veium stated that there are inconsistencies in both policy and practice. For example, while there's decent policy within the disadvantaged community and community solar RFOs, the recent municipal resilience RFO lacks crucial language on workforce and community benefits. Eric Veium and his team are proposing a policy draft to establish consistent standards for EBCE and other CCAs statewide, building upon work with other energy entities. He is eager to continue the dialogue and values the opportunity for collaboration with the board and staff.

4. Approval of Minutes from July 13, 2023 and July 19, 2023
5. Contracts Entered into (Informational Item)
6. Energy Prepay #3 Summary
Energy Prepay Transaction #3 Summary of Results
7. ARUP Contract Amendment
Increase funding and scope for Transportation Electrification consulting
8. MRP Incremental BESS
Consent to correct the record

(24:15) EBCE Counsel Inder Khalsa pointed out a correction that needs to be made in Item 5. Contracts Entered into (Informational Item). For C-2023-086, the correction is shown below in *bold italics*:

C-2023-086 BCAL LMP HARRISON PROPERTY LLC LAKE MERRITT PLAZA OFFICE LEASE
Seven (7) year and Seven (7) month lease; from April 1, 2025, through October 31,
2023, for 1999 Harrison Suite 2300.

Should read:

C-2023-086 BCAL LMP HARRISON PROPERTY LLC LAKE MERRITT PLAZA OFFICE LEASE
Seven (7) year and Seven (7) month lease; from April 1, 2025, through October 31,
2032, for 1999 Harrison Suite 2300. (Bold and italics by clerk.)

(26:20) Member Gonzalez (San Leandro) motioned to approve Consent Agenda, inclusive of Counsel Inder Khalsa's correction to Item 5. Contracts entered into. Member Roche (Hayward) seconded the motion which passed 14/0.

Excused: Members Hu (Dublin) and Bauters (Emeryville)

REGULAR AGENDA

9. CEO Report

CEO Chaset reported that a Special Board Retreat for Analytics was held on July 13. The September executive committee meeting was canceled, but the next one will be held on October 4, 2023. There was a Finance, Administration and Procurement Subcommittee meeting on September 5th. Members received updates on the audit status and a review of prepaid transactions.

CEO Chaset reported that Daniel Pratt was hired as a Finance Associate and Ryne Dudley as the Manager of Structured Finance.

CEO Chaset additionally stated that compliance-related mailers are being sent out, one of which is the annual joint rate mailer comparing EBCE's rates with PG&E's, reflecting a

current discount of 5 percent. Additionally, a power content mailer will be sent out that will introduce customers to "Ava Community Energy" along with its brand and logo, marking the first public unveiling of this new name.

(31:45) Jessica Tovar, representing East Bay Clean Power Alliance, addressed an item concerning the Diablo Canyon Nuclear and the Cal CCA's interest in its energy. She emphasized the community's clear stance against incorporating nuclear energy into the East Bay Community Energy Program. Instead, she advocated for investments in local clean energy jobs and highlighted the importance of remembering this preference from the community's past discussions.

10. CAC Chair Report

(34:30) CAC Chair Eldred acknowledged the passing of Al Weinrub, a pivotal figure who contributed greatly to the creation of East Bay Community Energy. Chair Eldred stated that Al Weinrub dedicated thousands of hours towards the cause, including legislation that enabled the formation of Community Choice Aggregations (CCAs) in California. 50 years of his writings, dubbed the "Al Weinreb justice papers," have been added to the University of Massachusetts campus libraries. Chair Eldred stated that there is an upcoming memorial for Al Weinreb, and donations are encouraged to the Al Weinreb justice fund in lieu of flowers.

Chair Eldred stated that at the last CAC meeting, CAC Member Lutz interviewed city planning staff and received overwhelmingly positive feedback regarding their interaction with EBCE staff. A response from the staff to this feedback is included in the report.

Chair Eldred also brought attention to the Cal CCA filing concerning the Diablo Canyon extension proceedings. The filing outlines the allocation of non-bypassable charges among customers and discusses resource adequacy capacity from greenhouse gas-free attributes post-2025. Eldred voiced concerns about this filing, particularly regarding the allocation of charges via the PCIA and the impact on rate payers, considering there is a plan that shows a way forward without relying on that energy.

11. Inclusion of New Communities: City of Lathrop (Action Item)

Consider City of Lathrop EBCE/JPA membership

(50:31) Member Gonzalez (San Leandro) asked under what circumstances EBCE would not want to include a new city. Member Gonzalez then followed up to ask under what circumstances should EBCE should be cautious about incorporating a new city.

(54:15) Member Roche (Hayward) asked for staff to describe what EBCE says to potential new cities about Bright Choice and Renewable 100.

(57:45) Member Anderson (Piedmont) asked if the option to opt-out by large commercial and industrial accounts in Lathrop could poses a risk to the 7% opt out assumption in staff's analysis of Lathrop's energy use.

(59:25) CAC Chair Eldred expressed enthusiasm for the potential of solar and battery in the new communities joining EBCE, emphasizing the importance of battery storage given solar challenges like the "duck curve." She voiced concerns about rapid growth of the CCA, cautioning that accepting large communities could overshadow smaller cities in governance decisions. Eldred stressed the importance of aligning with community values and ensuring local benefits. She also supported the staff's efforts on the "cleaner" initiative, highlighting its trajectory towards higher renewable energy levels at cost savings.

(1:02:55) Member Gonzalez (San Leandro), following up on Member Anderson's question, asked about the impact on staff's analysis of the opt out rate went to 10%. Member Gonzalez asked if tracking megawatt hour opt-out rate might produce a more consequential metric.

(1:05:00) Member Gonzalez (San Leandro) motioned to approve the staff recommendation. Member Tiedemann seconded the motion, which passed 14/0

Excused: Members Hu (Dublin) and Bauters (Emeryville).

Member Bartlett (Berkeley) left the meeting at 7:06pm.

12. Update on Brand (Informational Item)

Share logo, updated timeline, list of items that will change on 10/24, overview of how we are supporting Muni-Pals

(1:11:56) Member Gonzalez (San Leandro) ask for staff to elaborate on the implications of changing the name via JPA amendment, in addition to eliminating the need for councils to approve new ordinances.

(1:14:00) CAC Chair Eldred mentioned feedback from Jessica Tovar, who highlighted that in Spanish, "AVA" is pronounced like the female name "Ava" (phonetically pronounced "aah-va").

(1:15:15) Member Cox (Fremont) inquired if, after the launch, the EBCE url will be available online alongside the Ava Community Energy url for a period of time.

(1:16:35) Member Balch (Pleasanton) asked when rate-payers will see the change to Ava Community Energy on their bills.

13. 2022 Power Source Disclosure Annual Report and Power Content Label (Action Item)

Requesting the Board to accept and attest to the 2022 Power Source Disclosure Report and Power Content Label

(1:26:48) Chair Marquez noted that this item is an Action rather than an Informational Item.

(1:27:24) CAC Chair Eldred asked about the overall emissions profile of the combined EBCE portfolio as compared to the state average. Noting the consumer percentage

breakdown of EBCE's past and present power mix, CAC Chair Eldred inquired about how the combined EBCE load compares to the entire state of California.

(1:28:48) Member Tiedemann (Albany) noted that EBCE's average greenhouse emission intensity has decreased from 497 to 385 lbs CO₂e/MWh.

(1:29:18) Member Gonzalez (San Leandro), noting that the resolution asks for the board to attest to the veracity of the information, inquired if an auditor has issued an attestation. Member Gonzalez also asked if executives are required to attest.

(1:30:44) Member Balch (Pleasanton) inquired about the reclassification of power from PCC1 to PCC2 due to its transmission from other jurisdictions. He asked how much of EBCE's energy undergoes this reclassification process. Member Balch also inquired if staff tracks PCC1 purchased geographically that would convert to PPC2. This tracking could provide for improved carbon accounting, Member Balch stated.

(1:37:18) Member Gonzalez (San Leandro) sought clarity on the prohibition by state law regarding marketing different carbon account methodologies and the legal implications of such actions. CEO Chaset clarified that they are not allowed to market alternative carbon accounting methods contrary to the California Energy Commission methodology. Member Gonzalez then drew an analogy with GAAP accounting, noting that while public corporations must adhere to GAAP, they can also provide non-GAAP metrics for informational purposes.

Member Gonzalez also expressed discomfort as a board member in attesting to numbers he hadn't audited. In discussing the attestation requirements, Izzy Carson stated that as a public agency, board members have the option to either attest themselves or undergo an external audit. Member Gonzalez sought clarity on the consequences of not attesting. Ms. Carson explained that not attesting could result in non-compliance, which may or may not draw fines, but emphasized the agency's commitment to avoid such scenarios. The alternative to attestation would be an external audit.

(1:41:01) Member Tiedemann (Albany) praised staff for their work, particularly noting the decrease in emissions from 497 to 385, a reduction of over 20%. He emphasized that achieving such a reduction is even more impressive given California's already clean energy grid. Member Tiedemann also highlighted the increase in the total megawatt hours by approximately 660,000 since the last report, with over 500,000 of those hours in the "renewable 100" category. He applauded the success in promoting Renewable 100 and credited the staff for effectively marketing it.

Member Tiedmann (Albany) motioned to approve the staff recommendation.
Member Jorgens (Newark) seconded the motion, which passed 12-1-3

Aye: Members Tiedmann, Cox, Roche, Barrientos, Jorgens, Kalb, Andersen, Wright, Bedolla, Patino, Vice-Chair Balch and Chair Marquez

Nay: Member Gonzalez

Excused: Members Bartlett, Hu and Bauters

14. Update on Planning for Net Billing Tariff (NBT) (Informational Item)

Brief review of NBT planning and overview of status

Chair Marquez requested a roll call vote to table Item 14 until the October BOD meeting. The motion was approved 13/0

Excused: Members Bartlett, Hu and Bauters.

15. CAC Structure per Ad Hoc Board Committee Recommendation (Discussion Item)

Discussion of Restructure CAC per Ad Hoc recommendation

(1:53:30) CAC Chair Eldred expressed deep appreciation for the staff's efforts in examining the structure of the CAC, emphasizing the importance of community input on any changes, especially given historical contentions around its formation. She voiced strong support for the current regional allocation of CAC seats based on energy load rather than population. Moreover, she underscored the foundational intent behind the CAC to ensure both geographical representation and a mix of technical and constituent groups. This mix, she highlighted, should include representation from environmental justice, low-income sectors, labor, and faith communities. CAC Chair Eldred proposed the creation of an ad hoc committee to reevaluate and present potential changes to the CAC structure. While acknowledging challenges, she stressed the value of retaining active CAC members and highlighted the vital role of alternates, who often ensure quorum. She suggested a rotating system to keep alternates engaged and floated the idea of stipends for their meeting attendance. CAC Member Eldred also articulated the CAC's role in channeling community insights to the board, reflecting a blend of technical expertise and lived experiences.

(2:02:36) Member Balch discussed potential structural changes to the CAC and the implications of shifting a seat to San Joaquin County. While CEO Chaset highlighted the urgency of making decisions due to an approaching reappointment deadline, CAC Chair Eldred suggested a multi-step approach: implementing the recommended seat shift, altering the alternate structure, adding stipends, and having the CAC develop a recruitment framework by October. Chair Marquez emphasized the immediate need to decide on retaining the regional component and possibly adding a seat for Stockton, with CEO Chaset stressing the importance of adhering to their timeline.

(2:08:26) Jessica Tovar emphasized the importance of maintaining diverse representation on the CAC. She recalled the CAC's original formation, which included members from various sectors like faith, clean energy, social and environmental justice, labor, and low-income ratepayers. Jessica Tovar also suggested including representation from the disability justice community. She expressed concerns about a shift from this diverse representation to a geographically based one, advocating for a combination of both. Furthermore, she endorsed the idea of allowing alternates to attend meetings, stressing their potential role in understanding the often technical discussions about energy and the possibility of their eventual promotion into the CAC.

(2:10:47 - 2:30:17) Deliberation about CAC Structure:

- There was general agreement to keep the regional representation structure of the CAC, with some reallocation of seats to reflect EBCE's expansion into San Joaquin County.
- There was support to provide a stipend to CAC alternates if they attend meetings and vote when standing in for an absent member. This would help ensure full regional representation at meetings. However, some clarification is still needed on details of alternate stipend eligibility.
- There were concerns raised about changing the alternates to a pool structure instead of being tied to specific jurisdictions. More discussion is needed to understand the implications around the Brown Act and meeting attendance/participation. No decision was made on this issue.
- There was discussion around expanding CAC membership to be more inclusive of diverse constituencies beyond regional representation. An ad hoc committee will be formed to develop recommendations on this, to bring back to the Board in early 2023.
- As a bridge while the ad hoc committee does its work, there was general agreement to extend current CAC member terms by 6 months. A formal vote on this will happen at the October board meeting.
- The CAC Chair requested keeping staggered terms for continuity. An ad hoc committee will consider this in their recommendations.
- Clarification is still needed on how to handle the at-large CAC seats now that EBCE covers non-Alameda County cities. An ad hoc committee will look at options like having one at-large seat per county.

16. Memorial Comments in Honor of Al Weinrub

(2:30:40) Member Kalb honored the memory of Al Weinrub, emphasizing his contribution to social justice and climate issues. Member Kalb described Weinrub as a notable figure who inspired many with his dedication to the democratization of the energy system. While acknowledging that many were already aware of Weinrub's impact, Kalb expressed his deep sense of loss and shared condolences, particularly underscoring his personal sorrow and sympathy for Weinrub's family.

(2:32:30) Jessica Tovar noted that Al Weinrub, who served as the coordinator of the Local Clean Energy Alliance for many years, played a pivotal role in advancing community choice in energy not just in the East Bay but throughout California. Jessica Tovar noted that Al Weinrub was celebrated as a visionary who championed the cause of clean energy jobs, equity, reducing local pollution, and combating the climate crisis. Jessica Tovar affirmed her commitment to honor Al Weinrub's legacy by advocating for the rights and well-being of disadvantaged communities in Alameda and San Joaquin Counties.

(2:35:06) CAC Chair Eldred shared her memories and appreciation for Al Weinrub by highlighting his advocacy for justice and contributions to the community. Chair Eldred emphasized Al Weinrub's significance, noting that his work's acceptance at UMass Amherst speaks to his impact. She mentioned his disappointment with EBCE, which led him to shift his focus to other energy projects. Eldred stated that the current board has potential to embody Al Weinrub's core values and stressed the importance of uniting different advocacy groups.

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

- **Vice-Chair Balch** requested to bring before the executive committee or the appropriate body a staff presentation of the controls in place to show that the power content label attestation process is sound, and, also, executive director attestation to the Board prior to the Board's own attestation.
- **CAC Chair Eldred** requested that the CCA Workforce and EJ Alliance resolution be agendized at a future meeting. After discussion, it was decided that the Financial, Administrative and Procurement subcommittee should discuss this item at their November 8, 2023 meeting and provide a recommendation to the Board.
- **Member Gonzalez** asked if a Rules committee was needed and requested that the Board think about how it assigns work to staff and committees.

18. Closed Session

- Public Employee Performance Evaluation pursuant to Government Code § 54957: Chief Executive Officer.

19. General Report Out of Closed Session

(3:48:55) Inder Khalsa, EBCE General Counsel, stated that there were no items to report out of closed session.

20. Meeting adjourned in memory of Al Weinrub at 9:47pm.

The next Board of Directors meeting will be held on Wednesday, October 18, 2023 at 6:00 pm.

Proposed by CCA Workforce and EJ Alliance

<https://action.greencal.org/action/wej>

September 20, 2023

DRAFT: East Bay Community Energy (EBCE) Workforce, Environmental, and Environmental Justice Standards for Clean Energy Project Selection Policy

PREAMBLE

WHEREAS, EBCE, as a Community Choice Aggregation, is a mission-driven public agency, collectively financed by constituent public ratepayers, with an obligation and opportunity to support and protect workers and the communities hosting EBCE's clean energy projects.

WHEREAS, EBCE, a mission-driven public agency committed to diversity, equity, and inclusion, has the opportunity to align with and support the values and mission of high-road union construction trade labor and environmental justice organizations striving to create sustainable and equitable communities.

WHEREAS, Central Coast Community Energy (3CE), a peer CCA to EBCE, adopted similar standards to the recommended standards below in June 2023 after extensive deliberation by its Board of Directors and Citizens Advisory Committee.

WHEREAS, 3CE'S procurement standards serve as a foundation for best practices and build on similar standards adopted earlier by Peninsula Clean Energy and the San Francisco Public Utilities Commission (CleanPowerSF).

WHEREAS x% of customers in existing service territory are CARE, FERA, or Medical baseline customers, and x% in San Joaquin Counties (staff support requested to advise on these values).

WHEREAS, rate payer dollars can create local benefits through the creation of jobs and supporting local, small local, and emerging businesses in our service territory by keeping dollars in circulation.

WHEREAS, EBCE's Joint Powers Agency Agreement, dated effective November 1, 2016, as amended by Resolution No. 2018-23 dated June 20, 2018, declares the agency's purpose as follows:

- Provide electricity rates that are lower or competitive with those offered by PG&E for similar products;

Exhibit A

- Develop an electric supply portfolio with a lower greenhouse gas (GHG) intensity than PG&E, and **one that supports the achievement of the parties' greenhouse gas reduction goals** and the comparable goals of all participating jurisdictions;
- Establish an energy portfolio that **prioritizes the use and development of local renewable resources** and minimizes the use of unbundled renewable energy credits;
- Promote an energy portfolio that **incorporates energy efficiency and demand response programs and has aggressive reduced consumption goals**;
- **Demonstrate quantifiable economic benefits to the region (e.g. union and prevailing wage jobs, local workforce development, new energy programs, and increased local energy investments)**;
- **Recognize the value of workers in existing jobs that support the energy infrastructure of Alameda County and Northern California.** The Authority, as a leader in the shift to a clean energy, commits to ensuring it will **take steps to minimize any adverse impacts to these workers to ensure a "just transition" to the new clean energy economy**;
- Deliver clean energy programs and projects **using a stable, skilled workforce through such mechanisms as project labor agreements or other workforce programs that are cost effective, designed to avoid work stoppages, and ensure quality**;
- Promote personal and community ownership of renewable resources, spurring **equitable economic development and increased resilience, especially in low income communities**;
- Provide and manage lower cost energy supplies in a manner that **provides cost savings to low-income households and promotes public health in areas impacted by energy production**; and
- Create an administering agency that is financially sustainable, responsive to regional priorities, well managed, and a leader in fair and equitable treatment of employees through **adopting appropriate best practices employment policies, including, but not limited to, promoting efficient consideration of petitions to unionize and providing appropriate wages and benefits.**

THEREFORE, BE IT RESOLVED THAT,

In support of competitive, clean, and renewable power supply, as well as the development of a local and diverse workforce, the Governing Board of East Bay Community Energy (EBCE) shall adopt the following **Workforce, Environmental, and Environmental Justice Standards for Clean Energy Project Selection Policy** asserting a preference for enhanced workforce, environmental, and environmental justice standards for all EBCE's clean energy programs and projects.

I. DEFINITIONS

1. **Regulatory Value:** The project's anticipated ability to satisfy EBCE's regulatory compliance requirements, such as Resource Adequacy, Renewable Portfolio Standard, integrated resource planning, and other binding orders or directives received from regulatory bodies.

Exhibit A

2. **Market Value:** The project's projected revenues across all relevant day-ahead, real-time and ancillary markets. Market Value shall also assess a project's ability to manage, shift, or arbitrage existing EBCE generation to maximize revenue and renewable energy generation on behalf of EBCE and its customers.
3. **Counterparty Risk:** The risk that a counterparty will fail to perform, or adequately remedy, its obligations. Counterparty Risk is inclusive of Development Risk.
4. **Development Risk:** The risk that the project is unable to obtain interconnection, deliverability, site control, entitlements, financing, or other necessary development milestones required to deliver the project on or ahead of the anticipated online date.
5. **Energy Offtake Agreement:** Includes Power Purchase Agreements, Energy Storage Agreements, Resource Adequacy Only Agreements, or other energy-related products where EBCE does not own, develop, or construct the generation or storage facility. Instead, EBCE's participation in the Project is limited to receiving energy and any applicable attributes at a set price and term.
6. **Journeyperson:** Is a worker who either:
 1. Graduated from a California state-approved apprenticeship program for the applicable occupation or, when located outside California, approved for federal purposes pursuant to apprenticeship regulations adopted by the Secretary of Labor, or
 2. Has at least as many hours of on-the-job experience in an applicable occupation as would be required to graduate from an apprenticeship program for the applicable occupation that is approved by the California Division of Apprenticeship Standards.
7. **Local Hire:** A stated preference for project employment opportunities for qualified workers in descending priority:
 1. A resident within the nearest communities in proximity to the project, by radius as reasonably determined on a project-by-project basis;
 - a) Additional preference shall be given, where the radius includes a city, town, or census-designated location within EBCE's service territory, to the workers within those portions of the service territory.
 2. A resident within the county where the project is being constructed;
 3. A resident within EBCE's service territory.

Exhibit A

8. **Targeted Hire Program, also known as Equity Priority Hire:** A pipeline program which creates opportunities for Under-Represented Workers to (a) enter Registered Apprenticeship Programs and (b) obtain work hours needed to successfully complete their apprenticeship, through partnering with a Multi-Craft Core Curriculum (MC3) pre-apprenticeship program or programs, or equivalent industry and union-recognized certificated career training and placement program, that recruits, supports, and prepares Under-Represented Workers to succeed in skilled construction trades apprenticeships.
9. **Under-Represented Worker:** A jobseeker who, at the time of hiring or within the last twelve months, satisfies at least one of the following categories:
 1. Experiencing or at risk of homelessness
 2. Being a custodial single parent
 3. Currently receiving public assistance
 4. Lacking a GED or high school diploma
 5. Having been continuously unemployed or underemployed for the past 6 months
 6. Having been emancipated from the foster care system
 7. Being a veteran of the United States Military
 8. Being a member of a tribal community
 9. Having a previous incarcerated or justice involvement history
 10. At-Risk Youth: a person 18-24 years old who is disconnected from school and/or work
 11. Low income (household income is below the current HUD threshold for Low Income Households in their county of residence)

II. PROJECT SELECTION METHODOLOGY

Projects will be prioritized for selection based on EBCE's evaluation of the criteria set forth below.

- A. Contributions to EBCE's 100% Renewable Energy by 2030 Goal
 1. Assessment and evaluation of proposed projects' operational performance and market economics to ensure selected projects maximize regulatory and market value to EBCE and its customers.
 2. Assessment and evaluation of Counterparty and Development Risk.
 3. Avoids unbundled or Category 3 RECs and non-RPS carbon-free attributes
- B. Workforce and Local Workforce Development

EBCE is committed to stimulating our local economy through, among other measures, supporting Projects committing to apply prevailing wage rates, supporting participants

Exhibit A

and/or graduates of apprenticeship and pre-apprenticeship programs, supporting a local skilled workforce, and to achieve EBCE's local and targeted hire objectives.

1. EBCE will prioritize Energy Offtake Agreements where the developer is committed to:
 - a. Highest priority projects will commit to:
 - i. A multi-trade project labor agreement that incorporates EBCE's Local and Targeted Hire objectives as follows:
 1. A goal of 30% of all project labor hours performed by Local Hires, and;
 2. Participation in a Targeted Hire Program with a goal of 10% of all project hours performed by Under-Represented Worker apprentices.
 - ii. Medium-priority projects will commit to:
 - i. Utilization of prevailing hourly wage and benefit rates as determined by the California Department of Industrial Relations.
 - ii. Utilization of apprentices at the same ratio of apprentice hours to journeyperson hours as required for public works projects. Generally this is one apprentice hour per every 5 hours of journeywork per craft.
 - iii. Demonstrated commitment to Local and Targeted Hire, including utilization of a multi-craft core curriculum (MC3) pre-apprenticeship program, or equivalent industry and union-recognized pre-apprenticeship certification, for outreach, preparation, support and referral of Targeted Hires.
 - c. Low-priority projects would fail to meet II.B.1.a or II.B.1.b above but may demonstrate other commitments to local workforce development.
 2. When considering contractors or developers for EBCE-owned energy generation or storage projects requiring a Large Generator Interconnection Agreement from the California Independent System Operator (currently 20MW and above, but subject to change from time to time), EBCE shall commit to:
 - a. Negotiate a multi-trade project labor agreement that will incorporate EBCE's local and targeted hire objectives as follows:
 - i. A goal of 30% of all project labor hours performed by Local Hires, and;
 - ii. Participation in a Targeted Hire Program with a goal of 10% of all project hours performed by Under-Represented Worker apprentices.
 3. When considering contractors or developers for EBCE-owned energy generation or storage projects requiring a Small Generator Interconnection Agreement from the California Independent System Operator (currently applies to projects under 20MW, but subject to change from time to time), EBCE will commit to:
 - a. Utilization of prevailing hourly wage and benefit rates as determined by the California Department of Industrial Relations.

Exhibit A

- b. Utilization of apprentices at the same ratio of apprentice hours to journeyperson hours as required for public works projects. Generally this is one apprentice hour per every 5 hours of journeywork per craft.
- c. Demonstrated commitment to Local and Targeted Hires.
 - i. A goal of 30% of all project labor hours performed by Local Hires while incenting, through a negotiated contract structure, the contractor or developer to achieve a minimum of 60% of all project labor hours performed by Local Hires, and;
 - ii. Participation in a Targeted Hire Program with a goal of 10% of all labor hours performed by Under-Represented Worker apprentices, while incenting, through a negotiated contract structure, the contractor or developer to achieve the 10% goal.

C. Innovation

EBCE recognizes that reaching 100% Renewable Energy by 2030 will require significant improvements and innovation in battery technologies, renewable baseload, dispatchable renewable resources, and renewable generation technologies, among other opportunities.

- 1. EBCE will prioritize projects that accelerate decarbonization, provide local resiliency, provide EBCE a competitive advantage, and/or reduce costs for EBCE customers while remaining cost competitive with established market alternatives. Innovation will be recognized among projects that:
 - a. Include new or improved technologies or methodologies with a demonstrated potential feasibility;
 - b. Achieve scale for existing technologies to benefit EBCE customers; or
 - c. Reduce or eliminate barriers to adoption of local, distributed, and scaled technologies.

D. Location

EBCE prioritizes projects in the following order:

- 1. Projects located within EBCE's service territory
- 2. Projects located within California.
- 3. Out-of-state projects

E. Environmental Stewardship

EBCE is committed to leading by providing customers with energy that delivers benefits for air, water, and the natural environment while avoiding impacts to important lands, species, and waters.

- 1. EBCE will prioritize projects that:
 - a. Avoid sensitive habitats for any endangered plant or animal species or other environmentally sensitive areas¹ and comply with

¹ Refer to Nature Conservancy's [Power of Place West](#) Report (2022).

Exhibit A

conservation plans such as the Desert Renewable Energy Conservation Plan (DRECP)²;

- b. The developer and local land use authority have established an enforceable development agreement which, in part, sets forth measures to mitigate impacts to sensitive habitat or environmentally sensitive area; then
- c. The developer commits to measurable offset efforts within the vicinity of the proposed project.

F. Benefits Accruing to Underserved Communities

EBCE, supported by the Local Development Business Plan, seeks to deliver economic, environmental, and social benefits to the communities that it serves by providing cleaner electricity at competitive rates, developing local resources that drive new investments, and creating increased demand for high-paying jobs.

EBCE is committed to helping low-income and environmental justice communities overcome barriers to their access to public investments, resources, education, and information about energy service and policy.

EBCE will prioritize projects that:

1. Invest in low-income and environmental justice communities, with additional preference for communities within the EBCE service territory.
2. Demonstrate contact and collaboration with the local community organizations and stakeholder groups representing a broad diversity of demographics and interests, particularly low income and environmental justice communities, to identify and address benefits and impacts of projects and ensure project benefits are communicated and accessible to the local community.
3. Commit to meaningful engagement³ with local communities throughout the entitlement and construction processes to identify and address benefits and impacts of projects and ensure project benefits are communicated and accessible to the local community.

III. EVALUATION, SELECTION AND REPORTING

- A. EBCE will assess and select project proposals in accordance with this Project Selection Methodology and report detailed results of such assessment at the time of the project approval.
- B. EBCE's annual report will compile and report information regarding the impact of the Project Selection Methodology.

² Refer to [Desert Renewable Energy Conservation Plan \(2016\)](#).

³ Meaningful engagement means implementing five recommendations for best practices from [Building a Just Energy Future - A framework for community choice aggregators to power equity and democracy in California, 2020 report by the California Environmental Justice Alliance](#)

IV. CA COMMUNITY POWER

- A. EBCE's representative to the CA Community Power Board shall advocate for adoption of a CA Community Power Workforce, Environmental, and Environmental Justice Standards for Clean Energy Project Selection Policy consistent with the terms of this resolution.
- B. EBCE's representative to the CA Community Power Board shall advocate to form a public advisory committee, including labor, environmental and equity representatives, to ensure transparency and public engagement in CA Community Power's operations and procurement practices.