



Executive Committee Meeting
Wednesday, December 6, 2023
9:00 am

In Person:

Conference Room 5
Ava Community Energy
(formally East Bay Community Energy)
1999 Harrison St., Suite 2300
Oakland, CA 94612

Or from the following remote locations:

24301 Southland Drive Suite 101, Hayward, Ca 94545
Dublin City Hall - 100 Civic Plaza, Dublin, CA 94568

Via Zoom:

<https://us02web.zoom.us/j/88267670367>

Or join by phone:

Dial(for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592
or +1 312 626 6799 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)
Webinar ID: 882 676 70367

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@avaenergy.org.

If you have anything that you wish to be distributed to the Executive Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.

1. Welcome & Roll Call

2. Public Comment

This item is reserved for persons wishing to address the Executive Committee on any Ava Community Energy-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 Executive Committee Chair may increase or decrease the time allotted to each speaker.

- 3. Approval of Minutes from November 1, 2023**
- 4. Community Advisory Committee (CAC) Member Reappointments and Guide Updates (Informational Item)**
Feedback on reappointments and updates to the CAC Guide
- 5. Committee Member and Staff Announcements including requests to place items on future Executive Committee Agendas**
- 6. Closed Session**
 - a. Public Employee Performance Evaluation pursuant to Government Code § 54957: Chief Executive Officer.
- 7. General Report Out of Closed Session**
- 8. Adjourn**

The next Executive Committee meeting will be held on Wednesday, January 10, 2024.



Draft Minutes

**Executive Committee Meeting
Wednesday, November 1, 2023**

9:00 am

In Person:

Conference Room 5
Ava Community Energy
(formally East Bay Community Energy)
1999 Harrison St., Suite 2300
Oakland, CA 94612

Or from the following location:

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If you have anything that you wish to be distributed to the Executive Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.

1. Welcome & Roll Call

Present: Members: Tiedemann (Albany), Kalb (Oakland), Marquez (Alameda County) and Chair Balch (Pleasanton)

Excused: Member Hu (Dublin)

Member Kalb joined the meeting at 9:24am.

2. Public Comment

This item is reserved for persons wishing to address the Executive Committee on any Ava Community Energy-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 Executive Committee Chair may increase or decrease the time allotted to each speaker.

(1:07) Public Comment: Jessica Tovar raised concerns about \$14.75 million being unallocated in the latest budget session, initially earmarked for bill credits, and stressed the need for clear and detailed budgeting to ensure proper fund allocation. Jessica Tovar noted a discrepancy in the proposed bill credits for residential versus municipal and commercial accounts, advocating for transparency in budget distribution, and emphasized the importance of investing in energy resilience and addressing environmental injustice, particularly in communities historically affected. Tovar urged the agency to commit to local development solutions that tackle both local pollution and broader climate change challenges

3. (7:04) Approval of Minutes from June 7, 2023 and October 4, 2023

Member Tiedemann noted one needed correction to the October 4, 2023 minutes. In the Committee Member and Staff Announcements, Chair Balch requested that staff discuss the Power Content Label controls and certification process on behalf of Pleasanton, not Oakland.

Member Tiedemann motioned to approve the minutes pending correction. Member Marquez seconded the motion, which passed 3/0/2.

Yes: Members Tiedemann, Marquez and Chair Balch
Excused: Members Hu and Kalb

4. (8:11) Ava Solar Billing Plan Proposal (Informational Item)

Discussion about Ava Solar Billing Plan Proposal

Staff provided an overview of the base solar billing plan being implemented by PG&E and CPUC, which changes the compensation rate for solar exports through a new Avoided Cost Calculation (ACC) rate called the Energy Export Credit (ECC). They noted Ava aims to provide consistency with PG&E but better value for customers.

Ava plans differentiated offerings including capacity-based battery storage payments to incentivize solar+storage, export adders above PG&E's credits for certain customers/times to encourage exports that benefit the grid during peak times, and a 5-year timeline to establish benchmarks before reassessing the program.

Staff modeled impacts for average residential customers, comparing base PG&E solar billing credits to credits with Ava adders. Adders would cost around \$8 million more over 5 years.

Staff recommend further developing the proposed battery storage incentive program and implementing export adders for now over a 5-year term.

(22:49) Chair Balch asked if the batteries are smart enough for Ava to control when they are charging/discharging. CEO Chaset responded that the batteries can be controlled, but Ava may not need that level of direct control. Mainly they want the batteries connected to Ava's system for monitoring and incentive payment purposes.

(32:46) Public Comment: Jessica Tovar emphasized the foundational purpose of community choice aggregation, highlighting its objective to surpass the standards and offerings of traditional utilities like PG&E. She stressed the importance of recognizing and maintaining the unique character and goals of community choice, which is tailored to address the distinct energy needs of various communities. Jessica Tovar also raised concerns about the current Solar Billing Plan Proposal. She pointed out that the proposal's approach to net billing tariffs contradicts a resolution passed by the agency in 2021, which opposed the CPUC's actions. She acknowledged the positive aspect of incentivizing batteries in the proposal but suggested that modifications are needed to enhance the proposal's effectiveness.

(34:51) Public Comment – Elsa Potter, representing the Local Clean Energy Alliance, posed a question regarding the financial aspects of Ava Community Energy's Solar Billing Plan. She referred to the graph on slide 10 (“Ava Financial Impacts – Credits Provided for Exports) that showed a significant difference (approximately \$9 million) in payments by Ava Community Energy under the base solar billing plan and with the inclusion of Ava adders in total. Potter expressed interest in understanding how this amount is divided between the Ava adders and capacity payments. She highlighted the importance of distinguishing these two components, as they serve different purposes: one acting as a feed-in tariff and the other related to peak load management. Potter requested a detailed breakdown to clarify how much funding is allocated towards capacity payments and Ava adders

(38:54) Member Kalb asked if other CCAs are taking a similar approach. CEO Chaset said yes, Ava's proposal mirrors what other CCAs like Clean Power Alliance are doing.

(40:09) Member Kalb asked which solar industry groups Ava has consulted. CEO Chaset said they have talked to the state solar trade association CalSSA and local installers.

(41:19) Member Tiedemann asked for more detail on how the Energy Export Credit (also known as the Avoided Cost Calculation) is calculated. Staff explained that this rate is based on the forecasted market price of energy that they have avoided buying.

(43:10) Member Tiedemann asked if staff was trying to simplify the pitch for solar energy by aiming to match PG&E's system while adding extra benefits for easier comparison with systems like NEM 2.0 and 3.0. CEO Chaset emphasized the role of batteries in enhancing the value of solar energy for home use and offsetting more of the PG&E bill.

He highlighted plans to subsidize batteries, making solar energy more accessible and cost-effective for consumers.

(45:58) Member Marquez asked how many current solar customers have battery storage. Staff said very few, only about 60,000 total solar customers and batteries are still relatively new.

(47:50) Member Marquez asked when the new policy would have to be implemented. Staff explained PG&E is rolling it out starting Dec 2023, but that the bulk of new solar installations this year are locked in NEM 2.0.

(50:28) Chair Balch asked why Ava is not just offering a simple battery rebate. CEO Chaset explained that payments over time tied to peak load management performance are better to ensure batteries are programmed to benefit the grid.

(52:55) Chair Balch expressed support for the current direction of solar energy development, considering it a low-hanging fruit opportunity for local capacity and load management. He suggested that the budget might allocate local development dollars for additional incentives like rebates to promote solar and battery installations. CEO Chaset agreed, highlighting the flexibility of their structure to enhance benefits like capacity payments, thus promoting battery installations for peak management and clean energy.

(56:51) Member Marquez inquired about incentivizing batteries for low-income households, to which CEO Chaset responded affirmatively, outlining a simplified structure offering different incentives based on customer categories. They also discussed the process of communicating these changes to solar installers, emphasizing training and software updates. Chair Balch also noted the potential for adjusting benefit rates based on the agency's financial situation and concluded that the strategy would be reassessed in five years, with annual budget considerations allowing for adjustments.

5. Closed Session

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

6. General Report Out of Closed Session

There were no items to report out of Closed Session.

7. Committee Member and Staff Announcements including requests to place items on future Executive Committee Agendas

There were no Committee Member or Staff Announcements.

8. Adjourn at 11:17am.

The next Executive Committee meeting will be held on Wednesday, December 6, 2023.



Staff Report Item 4

TO: Ava Community Energy Executive Committee

FROM: Alex DiGiorgio, Public Engagement Manager

SUBJECT: **Community Advisory Committee (CAC) Member Reappointments and Guide Updates (Informational Item)**

DATE: December 6, 2023

Recommendation

Receive staff report on member reappointments and [CAC Guide](#) updates. Provide feedback on the following:

- 1) **The reappointment of current, eligible CAC members who have confirmed their interest in being reconsidered to serve an additional term (please see Table 2 below);**

- 2) **Updating the [CAC Guide](#) as follows:**
 - a) CAC Service Area Region seat allocations: The CAC's San Joaquin Service Area Region gains an additional, allocated seat (via the transition of Stockton's interim CAC seat), while the South Service Area Region loses one;
 - b) At-Large appointments: The CAC's two (2) At-Large member appointments to be administered by Ava's Board of Directors (instead of the Alameda County Mayors' Conference); or the At-Large seats may be removed from the CAC;
 - c) Vacancy appointment timeline: Vacancies on the CAC will be filled on an annual basis (instead of within 90 days) from the time the vacancy occurs, unless required to achieve quorum;
 - d) Staggering CAC member terms: CAC member terms will be staggered so that individual seat appointment cycles occur every other year; and

- e) Administrative updates: Updates corresponding to the Ava Community Energy brand change and staff contacts.

Pending Board approval, approximately half of the CAC seats will be assigned to be one- or two-year terms in order to stagger the Committee members' appointment timeline. Current members whose seats are assigned a one-year term will be eligible to serve for an additional two-year term.

Ava staff is presently preparing to administer a CAC application and appointment process in December 2023 through January 2024 to fill vacant seats. Additional considerations regarding the CAC structure (e.g., creating seats for specific constituencies and/or interest groups) or additional updates to the Guide can be addressed after the newly (re)appointed CAC members begin serving their new terms.

Background and Discussion

On October 21, 2020, the Board of Directors [approved updates to the CAC Guide and Appointment process](#). These updates were made to provide proper representation and engagement of the CAC, particularly given the inclusion of Ava's new communities in the cities of Newark, Pleasanton, and Tracy. The updates included the following structural changes: The addition of three seats (increasing the CAC to twelve active seats corresponding with the concept of "voting shares" in the JPA Agreement); configuring the apportionment of CAC seats to Ava Service Area Regions; appointing one Alternate for each Ava Service Area Region, for a total of five; and engaging the Mayors' Conference to appoint two at-large Members.

Since that time, the CAC has been composed of twelve active seats (Members)—ten of which represent specific Service Area Regions, and two of which serve as At Large members representing the entire service area—and five alternate seats (Alternates).

On June 21, 2023, the Board of Directors [approved a six month term extension for all current CAC Members and an interim seat for the City of Stockton](#). The purpose for this action was to provide staff with time to help the Board consider alternative committee structures to address the challenge of shifting seat allocations created by the addition of new jurisdictions to Ava's JPA territory.

Under the CAC's current structure, seats are distributed regionally across Ava's service area in Alameda and San Joaquin counties.¹ Each region is allocated its number of seats according to its approximate, cumulative electricity load. This corresponds to the

¹The one exception is the Board's recent creation of the interim seat for the City of Stockton (referenced above) at the June 21, 2023, meeting.

JPA's allocation of Voting Shares votes among the Board of Directors (per [JPA Sec. 4.12.2 and Exhibit C](#)).

On August 30, 2023, an Ad Hoc committee of the Board was convened to consider adjusting the structure of the CAC to address the challenge of shifting seat allocations created by the addition of new jurisdictions to Ava's JPA and service area. Staff also consulted with individual Board members who were unable to attend the Ad Hoc committee meeting. The recommendation of the Ad Hoc committee and individual Board members was to preserve the current, regional CAC structure and allow the seat allocations to adjust accordingly. With the addition of Stockton to Ava's JPA, this results in the San Joaquin Service Area region gaining a CAC seat and the South Service Area Region losing one. The Ad Hoc committee specifically recommended against restructuring the CAC to mirror the Board's structure of each jurisdiction having an individual seat/representative, as well as recommending against restructuring the CAC to be all At-Large seats. The Ad Hoc committee and individual discussions also addressed potential adjustments to the CAC's two At-Large seats. These adjustments included having the entire Ava Board make the two appointments (instead of the Alameda County Mayors' Conference, per the current CAC Guide); or to eliminate the two At-Large seats altogether, since they could undermine the balance achieved by the CAC's regional representation structure.

At the [September 20, 2023, Board meeting](#) there was general agreement among Board members to follow the recommendation of the Ad Hoc committee and maintain the CAC's current, regional structure and corresponding reallocation of seats resulting from Stockton's JPA membership. As such, staff will recommend the Board approve transitioning Stockton's Interim CAC seat to an additional allocated seat for the San Joaquin Service Area Region. This update will also serve to support representation from the City of Lathrop, which became an Ava JPA member by a unanimous vote of the Board at the same September 20th meeting. Staff is currently awaiting certification from the California Public Utilities Commission (CPUC) regarding Lathrop's JPA membership and start of Ava service. The CPUC has until December 27, 2023, to respond. Once certification is received from the CPUC, the City of Lathrop will also be entitled to a seat on Ava's Board of Directors.

Recommendation 1: CAC Member Reappointment

The CAC currently has eleven members serving. One At-Large member and one member in the East Service Area Region have indicated to staff they will not seek reappointment, meaning these seats will become vacant in January 2024. All five Alternate seats are currently vacant. Below is a table with the current structure, seat allocation, and membership of the CAC:

Table 1: Current CAC seat allocation and membership

Ava Service Area Region	Current CAC Seat Allocation	Current Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	3 - Anne Olivia Eldred, Chair - Cynthia Landry - Lisa Hu	1 [Open]
EAST Dublin, Livermore, and Pleasanton	1 - Joel Liu [seat will become OPEN in January 2024]	1 [Open]
SOUTH Fremont, Union City, and Newark	2 - Shiva Swaminathan - Vijay Lakshman	1 [Open]
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	2 - Ernie Pacheco - Lorraine “Mickey” Souza	1 [Open]
SAN JOAQUIN COUNTY Tracy, Stockton, Lathrop	1 - Harman Ratia	Open
STOCKTON (interim)	1 [Appointment pending]	N/A
At-Large	Ed Hernandez [seat will become OPEN in January 2024]	N/A
At-Large	Jim Lutz	N/A

The following CAC members have confirmed to Ava staff their interest in reappointment:

Table 2: List of current CAC members seeking reappointment

CAC Member	Service Area Region	Community of Residence w/in Ava Service Area
Anne Olivia Eldred (Chair)	North	[Oakland] ²
Cynthia Landry	North	Oakland
Lisa Hu	North	Oakland
Shiva Swaminathan	South	Fremont
Vijay Lakshman	South	Fremont
Ernesto Pacheco	Central	Hayward
Lorraine “Mickey” Souza	Central	Hayward
Harman Ratia	San Joaquin	Tracy
Jim Lutz	At Large	Oakland

² Chair Eldred has informed Ava staff she currently resides outside of Ava’s service area, but plans to return to an Oakland-based residence in December 2023.

CAC Membership Eligibility

According to the current [CAC Guide](#), qualifications for membership eligibility are defined as follows:

“Qualifications

EBCE service area resident or shall have owned or actively operated a business in [Ava’s] service area for a period of at least 5 years prior to appointment and shall do so for the entire period of appointment. Applicants will be considered with an interest in maintaining diversity of representation by geography, population, work experience and community.” (italics added)

Staff recommends the Executive Committee consider and provide feedback on the list of current CAC members who have expressed interest in reappointment by the Board.

Recommendation 2(a) — Update CAC Service Area Region seat allocations: The CAC’s San Joaquin Service Area Region gains an additional, allocated seat (via the transition of Stockton’s interim CAC seat)

Pending Board approval, the CAC’s structure and seat allocations are summarized in the table below.

Table 3: Proposed CAC seat allocation w/Stockton and Lathrop included in JPA

Region	Member Jurisdictions	New JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
North	Albany, Berkeley, Oakland, Emeryville, Piedmont	27.7%	3	1
East	Dublin, Livermore, Pleasanton	12.8%	1	1
South	Fremont, Union City, Newark	20.1%	2	1
Central	Hayward, San Leandro, Unincorporated AlCo	18.5%	2	1
San Joaquin County	Tracy, Stockton, Lathrop	20.9%	2	1
At-Large	All		1	
At-Large	All		1	
		100%	12	5

Recommendation 2(b) — At-Large member appointments: The two (2) At-Large CAC member appointments should be made by Ava’s Board of Directors (instead of the Alameda County Mayors’ Conference); or the At-Large seats should be removed from the CAC.

According to the current [CAC Guide](#), the CAC’s two At-Large members are to be appointed by the Alameda County Mayor’s Conference. Staff recommends changing the appointment process to be administered by Ava’s Board of Directors, similar to the rest of the CAC members.

The reasons behind this recommendation are both procedural and material. Procedurally, it has proven difficult for Ava’s staff to coordinate and align schedules with the Mayors’ Conference to make timely appointments. Materially, with the inclusion of more San Joaquin County communities within Ava’s Joint Powers Authority and service area (e.g., the cities of Stockton and Lathrop) the Alameda County Mayors represent fewer jurisdictions served by the agency. By transitioning the CAC’s At-Large member appointments from the Mayors to the Board of Directors, the committee’s operations and community representation will both be improved.

Alternatively, the two At-Large seats could be removed from the CAC entirely, which was a suggestion raised during previous discussions among Ava Board members during the 8/30 Ad Hoc committee meeting and 9/20 Board of Directors meeting. Some Board members expressed concerns that the At Large seats undermine the balance created by the CAC’s regional structure (e.g. the At-Large seats would likely be filled by constituents from Oakland, since the City is larger than all other jurisdictions).

Recommendation 2(c) — Vacancy appointment timeline: Vacancies on the CAC will be filled on an annual basis (instead of within 90 days) from the time the vacancy occurs, unless required to achieve quorum

According to the current [CAC Guide](#), vacant CAC seats are to be filled within ninety (90) days from the time a vacancy is announced. Based on staff’s experience organizing previous CAC member appointments, ninety days is an insufficient amount of time to effectively coordinate, communicate, and complete this process. Filling vacancies also requires additional time from Board members to make the regional nominations and appointments. As such, staff recommends that vacancies be filled on an annual basis, if/when there are no longer Alternates to fill the vacant seats. If vacancies must be filled in order to achieve a quorum, appointments can be made to do so sooner.

To date, all but one of the CAC’s vacancies have been addressed by immediately appointing the regional alternate to fill the seat (per the CAC Guide). At this time, however, all five Alternate seats are now vacant. Ava staff is currently organizing a new

appointment process to fill these seats. This process is planned for completion in February 2024.

Recommendation 2(d) — Staggering CAC member terms: CAC member terms will be staggered so that individual seat appointment cycles occur every other year

Currently, there is no provision in the [CAC Guide](#) to stagger the terms of CAC members. This risks having a complete turn-over of seats after any given term. Staff recommends staggering the terms so that approximately half of the seats' terms finish during even numbered years (e.g., 2024) and the other half in odd numbered years (e.g., 2025).

Pending Board approval, approximately half of the CAC seats will be assigned to be one- or two-year terms in 2024 to stagger the CAC members' appointment timelines. Current members whose seats are assigned a one-year term will be eligible to serve for an additional two-year term. It is recommended that we ask for members to volunteer for the one-year terms and then expand selection as needed.

Recommendation 2(e) — Administrative updates: Updates corresponding to the Ava Community Energy brand change and staff contacts

Lastly, staff recommends making straightforward administrative updates to the CAC Guide. These include updating reference to "EBCE" with the new Ava Community Energy brand, as well as updating the staff contact information.

Fiscal Impact

There is no new fiscal impact to approving the reappointment of eligible CAC members. The current CAC stipend budget is \$20,400, which includes the stipend to be paid to Stockton's appointee once their appointment is finalized. If the CAC's two At-Large seats are removed, the stipend budget may reduce accordingly. Current stipends are \$123.55 per meeting, which amounts to approximately \$1,400/year per member if members attend eleven meetings (i.e., one meeting per month, less the August recess).

Committee Recommendation

The Ad Hoc committee of the Board of Directors, which convened on August 30, 2023, recommended preserving the current, regional CAC structure and allowing the seat allocations to adjust accordingly. With the addition of the cities of Stockton and Lathrop to Ava's JPA, this results in the San Joaquin Service Area region gaining a CAC seat and the South Service Area Region losing one.

On September 20th, 2023, the Board of Directors discussed the Ad Hoc committee's recommendations, expressed general agreement with them, and asked staff to return to the Board for action on recommended next steps.

As such, staff requests feedback from the Executive Committee on the following recommendations before they are presented to the Board of Directors for action in December:

1) Reappoint the current, eligible CAC members who have confirmed their interest in being reconsidered to serve an additional term (please see Table 3 above)

2) Update the [CAC Guide](#) as follows:

- a. CAC Service Area Region seat allocations: The CAC's San Joaquin Service Area Region gains an additional, allocated seat (via the transition Stockton's interim CAC seat), while the South Service Area Region loses one;
- b. At-Large appointments: The CAC's two (2) At-Large member appointments to be administered by Ava's Board of Directors (instead of the Alameda County Mayors' Conference); or the At-Large seats may be removed from the CAC;
- c. Vacancy appointment timeline: Vacancies on the CAC will be filled on an annual basis (instead of within 90 days) from the time the vacancy occurs, unless required to achieve quorum;
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- e. Administrative updates: Updates corresponding to the Ava Community Energy brand change and staff contacts.