



Draft Minutes

Board of Directors Meeting

Wednesday, December 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 remote locations:

Wells Fargo Building - 2140 Shattuck Avenue, Floor 6, Berkeley, CA 94704
Dublin City Hall - 100 Civic Plaza, Dublin, CA 94568
Conference Room, Irvington Community Center, 41885 Blacow Rd., Fremont,
CA 94538
Hayward City Hall, 4th Floor 777 B St, Hayward, CA 94541
421 El Camino Real, San Bruno, CA, 94066
Four Points by Sheraton Ventura Harbor (Lobby) 1050 Schooner Drive Ventura, CA
93001
Rose City Coffee - 3370 SE Milwaukie Ave, Portland, OR 97202

Via Zoom:

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

Dial(for higher quality, dial a number based on your current location): US: +1 669 900
6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592
or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)
Webinar ID: 870 2307 1843

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the Clerk of the Board at least 2 working days before the meeting at (510) 906-0491 or cob@avaenergy.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.

1. Welcome & Roll Call

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

Absent: Directors: Tiedemann (Albany), Bartlett (Berkeley), Hu (Dublin), Kalb (Oakland), and Gonzalez (San Leandro)

Member Barrientos (Livermore) joined the meeting at 6:11pm.

Member Patino (Union City) joined the meeting at 7:30pm.

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 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 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.

(4:17) Public Comment – Audrey Ichinose, a South Berkeley resident and clean energy advocate, expressed concern over the agency's shortcomings in engaging underserved communities, citing the Community Innovation grants process as an example of poor follow-through.

(6:50) Public Comment – David Shukla, an Oakland resident and climate fellow for the city of Oakland, spoke in support of the CCA Workforce and Environmental Justice Alliance Resolution and for workforce protections, including training pathways, skilled labor safeguards, union labor, and labor standards for operational and maintenance jobs, and high-quality job creation within the agency.

(9:12) Public Comment – Tim Frank, representing the Building Trades as part of the Workforce and Environmental Justice Alliance, reported positive ongoing discussions with Ava staff regarding the development of a mutually agreeable resolution. He expressed hope for finalizing this resolution by January 2024, and acknowledged that the current dialogue is constructive and optimistic.

(10:20) Public Comment – Leslie Austin, director of the Let's Green CA! Initiative and representative of the CCA Workforce and Environmental Justice Standards Alliance ("Alliance"), expressed appreciation for Nick Chaset and Howard Chang's leadership in advancing a workforce and environmental justice policy for Ava Community Energy.

(12:30) Public Comment – Jason Gumataotao, an organizer and member of the International Brotherhood of Electrical Workers (IBEW) Local 595, representing 2,000 electricians, spoke about the importance of adopting clear standards for environmental stewardship and workforce development. Jason Gumataotao requested that the board

direct staff to resolve any outstanding issues with the alliance before submitting policy language for a board vote.

(13:48) Public Comment – Jessica Tovar, representing the East Bay Clean Power Alliance, echoed previous statements about the CCA Workforce and Environmental Justice Standards Alliance resolution, spoke in support of meaningful community engagement with the resolution.

(16:05) Public Comment – Margie Lewis, an Oakland resident, Ava customer, and member of the Local Clean Energy Alliance and East Bay Clean Power Alliance, raised concerns about omissions in the proposed Workforce and Environmental Justice Resolution by Ava staff. She highlighted two main areas where language had been cut: community engagement and environmental stewardship, particularly prioritizing local clean energy projects.

(18:09) Public Comment – Beth Weinberger, representing The Greening Committee of Kahila Community Synagogue in Alameda County, spoke in support of keeping the original language of the proposed Workforce and Environmental Justice resolution, and advocated for a strong commitment to meaningful engagement with community environmental justice organizations. Additionally, she supported the resolution's original commitment to ensuring good living wages that support families.

(19:48) Public Comment – Lawrence Abbot, a customer of Ava Community Energy and a union delegate to the Alameda Labor Council, expressed support for the original CCA Workforce and Environmental Justice Alliance resolution. He noted concerns that Ava staff may have omitted language from the resolution submitted in October.

(22:11) Public Comment – Bradley Cleveland, an Oakland resident and customer of Ava Energy, spoke about the need for strong environmental stewardship language and better community engagement by Ava Community Energy. Additionally, he supported the development of community-scale projects, particularly solar PV and battery storage projects ranging from 1 to 10 megawatts which can be built locally and would provide jobs and training opportunities for residents.

(24:14) Public Comment – Melissa Yu expressed her appreciation for the Ava staff's efforts in collaborating to create workforce and environmental justice (EJ) standards for energy procurement projects. She acknowledged that there are gaps in the current language of the resolution but expressed enthusiasm about working with staff to develop the final resolution.

(25:00) Public Comment – Elsa Potter, representing the East Bay Clean Power Alliance, echoed expressed hope that the board would direct staff to include a clear definition of meaningful community engagement. Elsa Potter spoke about the need for engagement with community-based organizations and for a transparent process for accountability. She also highlighted the importance of clear metrics for evaluating the Local Development Business Plan's success and the need to prioritize environmental stewardship and local project development. Elsa Potter stressed that energy procurement should focus on local sources within Ava's territory, utilizing the built environment for clean energy resources.

CONSENT AGENDA

CAC Chair Eldred pulled Consent Items 6 and 12 from the agenda.

- 4. Approval of Minutes from November 15, 2023**
- 5. Contracts Entered into (Informational Item)**
- 6. CAC Member Reappointments and Guide updates**
Consider approval of reappointments of interested, eligible members; transitioning Stockton's interim seat to San Joaquin Region seat; At-Large appointments (to be made by BOD instead of AC Mayors; or seats removed); vacancies filled annually (instead of 90 days) staggering CAC terms; administrative updates
- 7. FY 2023-2024 Q1 Financial Statements**
Present the financial statements for the first quarter of the current fiscal year
- 8. Sixth Amendment to the CSA between Ava and Stantec**
Request the Board delegate authority to Ava CEO to negotiate and execute a Sixth Amendment to the CSA
- 9. Amendment to Administrative Procurement Policy**
Request the Board to approve an amendment to Ava's existing Administrative Procurement Policy
- 10. Amendment to Aiqueous Contract**
Request the Board to approve a contract amendment to increase spend with AIQ for 2023-2024
- 11. New CSA between Ava and First Principles Advisory**
Request the Board delegate authority to Ava CEO to negotiate and execute a CSA for IRP consulting services
- 12. 2024 Sponsorship of Oakland Roots and Soul**
Request the Board delegate authority to Ava CEO to negotiate and execute a sponsorship agreement with the Oakland Roots and Oakland Soul professional soccer teams for the 2024 season

(28:32) Written Public Comment – Jessica Tovar submitted written public letter concerning Consent item C 20231 126, related to Community Innovation Grants¹. She raised concerns about the grant allocation process, noting that it lacked proper involvement from the Community Advisory Committee and the Board. Jessica Tovar pointed out discrepancies in the funding period, as the grant was awarded for two years instead of the proposed three. She emphasized that Community Innovation Grants should be accessible to community-based organizations, not for-profit entities. Jessica Tovar also argued that

¹ Jessica Tovar's written public comment can be accessed on the Ava Community Energy website at <https://cdn.sanity.io/files/pc49kbjr/production/3f02453860f45a1866cafaf2c97c0793f1d583bc.pdf>

the grants should support educational initiatives within the community such as school programs.

(30:38) Public Comment – Jim Lutz, a member of the Community Advisory Committee but speaking in his personal capacity, raised concerns about the transparency of contracts entered into by Ava Community Energy. Referring to Consent Item 5 on the meeting's agenda, Jim Lutz questioned how Community Advisory Committee members and the public could access detailed information about contracts. He noted that the agenda packet often includes only basic information, such as the title, the involved parties, sometimes the amount of money, and a brief description, making it difficult to understand the full scope of the contracts. Jim Lutz requested information on whether there is a publicly available method to review these contracts in more detail.

Member Roche moved to approve Consent Items 4, 5, 7, 8, 9, 10 and 11. Member Bauters seconded the motion which passed 10/0/6:

Yes: Members Bauters, Cox, Roche, Barrientos, Jorgens, Andersen, Wright, Bedolla, Vice Chair Balch and Chair Marquez

Absent: Members Tiedemann, Bartlett, Hu, Kalb, Gonzalez and Patino

(36:14) Discussion about Consent Item #6 – CAC Member Reappointments and Guide updates:

Chair Marquez opened the discussion, and CAC Chair Eldred requested that the board approve staff recommendations but delay decisions on non-time-sensitive matters, such as the two-term limit for at-large members and changing the vacancy filling timeline. Vice-Chair Balch proposed term limits and geographical rotation for at-large seats.

Vice Chair Balch motioned to approve staff recommendations with the following updates:

1. At large membership will start fresh for any person appointed or reappointed into that position.

2. Vacancies on the CAC will be filled on a semi-annual basis (instead of within 90 days), from the time the vacancy occurs, unless required to achieve quorum; and

3. The CAC will provide an evaluation of this motion for policy improvement.

Member Andersen seconded the motion, which was approved 10/0/6.

Yes: Members Bauters, Cox, Roche, Barrientos, Jorgens, Andersen, Wright, Bedolla, Vice Chair Balch and Chair Marquez

Absent: Members Tiedemann, Bartlett, Hu, Kalb, Gonzalez and Patino

(56:00) Discussion about Consent Item #12 – 2024 Sponsorship of Oakland Roots and Soul:

(56:14) Public Comment – Jessica Tovar voiced concerns about the agency's significant spending on sports sponsorships, contrasting it with funding for climate resilience and community needs. She also highlighted a discrepancy in funding between men's and women's sports. Jessica Tovar spoke in support of investing in local projects like resilience hubs and microgrids to address escalating environmental challenges.

(58:21) Public Comment – Tom Kelly expressed concerns about Ava Community Energy's decision to fund sports teams and questioned the alignment of such sponsorships with the agency's mission. He suggested that donations should have a direct connection to the agency's objectives. Tom Kelly also criticized the decision to become an exclusive energy sponsor for a soccer team and recommended that Ava focus on offering clean and competitively priced energy products.

(1:00:23) Member Roche asked about the impact and proportion of the budget allocated to this sponsorship. CEO Chaset and Annie Henderson responded by outlining the benefits of the sponsorship in terms of customer engagement and brand awareness. Annie Henderson provided detailed statistics on customer interactions and explained the rationale behind the different levels of funding for the men's and women's teams. She also said that the proposed sponsorship is a strategic marketing expenditure to reach a broad audience beyond those already focused on environmentalism or energy issues.

(1:06:31) Member Barrientos inquired about Ava Community Energy's involvement in high school sports programs. Annie Henderson clarified that while Ava does not specifically target high school sports, it does offer local sponsorships three times a year, with grants up to \$2,500. **Chair Marquez** requested that staff send information about funding opportunities to the Board of Directors so that members can inform their networks.

(1:10:40) CAC Chair Eldred suggested that broad impact could be achieved by providing \$2,500 local sponsorship grants to high school sports teams in Ava's service territory. CEO Chaset acknowledged the value of this idea.

(1:11:59) Member Andersen encouraged the use of "Community Energy" in sponsorship materials.

(1:12:31) Member Bauters asked Ava Community Energy to consider establishing a formal policy around the prioritization and expenditure of sponsorship funds.

(1:14:35) Chair Marquez sought clarification on Ava's status as the lead sponsor and the specifics of the jersey placement. Annie Henderson responded that while Anthem is likely the lead sponsor, Ava would continue as a Purpose Partner in the Climate Justice category and retain exclusivity as a Clean Energy Partner. Annie Henderson also described the jersey placement for Ava's logo, which would be below the numbers, visible at games, broadcasts, and on merchandise.

Member Patino joined the meeting at 7:30 pm.

Member Roche motioned to approve the staff recommendation. Member Wright seconded the motion which was approved 11/0/5.

Yes: Members Bauters, Cox, Roche, Barrientos, Jorgens, Andersen, Wright, Bedolla, Patino, Vice Chair Balch and Chair Marquez

Absent: Members Tiedemann, Bartlett, Hu, Kalb and Gonzalez

REGULAR AGENDA

13. CEO Report

(1:18:54) CEO Chaset provided updates on Ava Community Energy's recent activities and staff developments. He mentioned that two committee meetings had been scheduled since the last board meeting, including an Executive Committee meeting where the Community Advisory Committee (CAC) reappointment guide was discussed. The Marketing Regulatory and Legislative Subcommittee meeting was canceled due to a lack of quorum.

CEO Chaset also announced the hiring of several new staff members. Shuge Luo joined as the new Outreach Coordinator, responsible for public engagement and education about Ava Energy. Dan Bertoldi was appointed as the Electrification Program Manager, focusing on building electrification programs, and Andy McElroy as a Solar and Storage Associate. Lori Belilla came onboard as the Director of Business Development for Clean Energy Services.

(1:21:33) Vice-Chair Balch asked about Ava's budgeting process, specifically regarding the cost implications of accelerating the transition to carbon-free energy. CEO Chaset outlined the typical budget review timeline, noting that initial discussions occur with the Finance, Administrative and Procurement Subcommittee in April, followed by Executive Committee meetings and a final vote in June. CEO Chaset stated that staff would provide a sensitivity analysis for increased procurement of carbon-free energy.

(1:25:41) Member Cox asked for the current number of employees at Ava and how it compared to the previous year. CEO Chaset stated that there are 73 employees at Ava in 2024 vs 57 in 2023.

(1:27:01) Public Comment – Tom Kelly inquired about Ava's staffing levels compared to the targets set in their budget plan from July and asked about the number of positions that still need to be filled. Tom Kelly also asked for the cost of achieving carbon-free energy to be presented to the board early, so that Board members would have the time to consider their options. Lastly, Tom Kelly asked for staff to provide an analysis of what it would take to make Bright Choice carbon-free by 2025.

(1:29:18) Public Comment – Jessica Tovar asked about present and expected future staffing levels of Ava's local development business team. She also asked about plans to disburse the \$5.6 million grant fund to community groups and organizations. Jessica Tovar also referenced the Justice 40 Accelerator and The People's Climate Initiative as models for the equitable distribution of funds to low-income and environmentally disadvantaged communities.

CAC Chair Report

(1:30:55) CAC Chair Eldred stated that there was nothing to report except for the items on the consent calendar that were already pulled and discussed.

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

(1:31:38) Member Roche stated that PG&E's rates are expected to increase by 12.5% in January, and suggested exploring the feasibility of decoupling Ava's rates from

PG&E's. Member Roche suggested that this discussion should occur prior to the approval of the budget in June.

(1:32:22) CAC Chair Eldred requested a discussion about Net Energy Metering (NEM) policies and the proposed cuts.

(1:32:51) CAC Chair Eldred also asked for a report on the number of jobs created by Ava Community Energy, with a detailed breakdown including union jobs, as part of the local development business plan. CAC Chair Eldred stated that this report would be particularly useful for labor council interactions during the election year.

(1:34:05) Chair Marquez proposed conducting a peer analysis to compare Ava with other local Community Choice Aggregators (CCAs), particularly in terms of energy content labels and local development plans. This comparison would aim to assess Ava's progress and standing among peer organizations.

(1:35:00) Chair Marquez also inquired about the timeline for re-evaluating the local development plan. CEO Chaset responded that a presentation was planned for the spring – prior to the end of the fiscal year, and that a job hours report would be included in the analysis.

15. (1:35:39) Closed Session

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

16. (3:03:56) General Report Out of Closed Session

There were no items to report out of Closed Session.

17. (3:04:23) Adjourned at 9:19 pm.

The next Board of Directors meeting will be held on Wednesday, January 17, 2024 at 6:00 pm.

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