



Draft Minutes

Community Advisory Committee Meeting

Monday, December 18, 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:

Starbucks 7940 Dublin Blvd, Dublin, CA 94568
4563 Meyer Park Circle, Fremont, CA 94536
3602 Thornton Ave, Fremont, CA 94536
Castro Valley Starbucks: 2720 Castro Valley Blvd Castro Valley, CA 94546
Starbucks at 1857 11th St Tracy, CA 95376
San Leandro City Hall, Sister Gallery, 835 E 14th St San Leandro, CA 94577

Via Zoom:

<https://us02web.zoom.us/j/84794506189>

Or join by phone:

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 +1 312 626 6799 or 877 853 5257 (Toll Free)
Webinar ID: 847 9450 6189

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 Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.

C1. Welcome & Roll Call

Present: Members: Landry, Swaminathan, Pacheco, Souza, Kaur, Lutz, Vice-Chair Hernandez and Chair Eldred

Not Present: Members Hu, Liu and Lakshman

C2. Public Comment

This item is reserved for persons wishing to address the 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 Committee Chair may increase or decrease the time allotted to each speaker.

(2:50) Written Public Comment – Tom Kelly: Written public comment was received from Tom Kelly regarding Ava's 2022 power source disclosure report data for the Bright Choice program. The data shows that 25% of electricity purchased comes from renewable sources located outside of California. Tom Kelly contends that this means Ava had to purchase additional system power (primarily from natural gas) to serve Bright Choice customers in California, resulting in increased carbon emissions.

(5:23) Public Comment – Jessica Tovar expressed concern over a recent Community Innovation Grant awarded to an induction cooktop company for education/outreach. She commented that grants are going towards Ava marketing rather than community needs.

C3. Approval of Minutes from December 18, 2023

Member Pacheco motioned to approve the minutes. Member Lutz seconded the motion, which was approved 7/0/3/1:

Yes: Members Landry, Swaminathan, Souza, Kaur, Lutz, Vice-Chair Hernandez and Chair Eldred

Not Present: Members Hu, Liu and Lakshman

Abstain: Member Pacheco

C4. CAC Chair Report

(8:59) Vice-Chair Hernandez provided a brief overview of topics of note that were discussed at the November 15, 2023 BOD meeting, including questions raised by CAC members about branding.

(12:35) Chair Eldred stated that the current CAC meeting would concentrate on agenda items that required additional information and discussion ahead of the December 20, 2023 Board of Directors meeting.

C5. CAC Member Reappointments and Guide updates (CAC Action Item)

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

(13:45) Alex DiGiorgio informed the body that most CAC members expressed interest in being reconsidered for an additional term. Some members were still deciding based on personal schedules and life matters.

The guide was due for updates based on board decisions and discussions. This was the first opportunity for updates since the guide's inception around two and a half years ago.

Due to the growth in Ava's service area, particularly with the inclusion of the city of Stockton, there was a need to reallocate seats. This meant an additional seat for the San Joachin region and a reduction of one seat for the South service area region.

The proposal suggested that at-large appointments be made by the Board of Directors instead of the Alameda County Mayor's Conference. This change aimed to better represent the expanded service area. Additionally, there was a suggestion to limit these appointments to two consecutive terms to maintain balance and prevent dominance by any particular region.

The guide initially suggested filling vacancies within 90 days. The proposed update was to fill vacancies on an annual basis unless required for quorum.

To avoid the possibility of a complete turnover of members, it was proposed to stagger terms, with half of the members finishing in alternate years.

(23:54) Public Comment – Jessica Tovar asked about the future roles of alternate and at large members in the Community Advisory Committee. She also stated that CAC members should continue to involve the community in its proceedings and hold the agency accountable for its impact on the community.

(48:23) Chair Eldred proposed a motion to approve certain sections of the staff recommendation while suggesting further discussion on others, particularly around at-large term limits, vacancy appointment timelines, and residency-related issues. The motion was to approve the

reappointment of current eligible CAC members, reallocation of seats, and administrative updates that had already been approved by the board. However, it called for further discussion by the CAC on at-large term limits, vacancy appointment timelines, and specific residency eligibility terms. The motion was seconded by Member Souza and approved 7/0/3/1:

Yes: Members Swaminathan, Pacheco, Souza, Kaur, Lutz, Vice Chair Hernandez and Chair Eldred

Not Present: Members Hu, Liu and Lakshman

Abstain: Member Landry

Please note that redline and clean versions of the updated “Community Advisory Guide and Appointment Process” are included in these minutes as Exhibits 1 and 2.

C6. Amendment to Administrative Procurement Policy (CAC Action Item)

Request the Board to approve an amendment to Ava’s existing Administrative Procurement Policy

(58:55) Howard Chang presented the amendment to the administrative procurement policy. He explained that this was approximately the eighth amendment to the policy, which was first established in February 2018. The key changes included updating the agency’s name to Ava Community Energy, ensuring consistency with the energy risk management policy, and adding language related to competitive bidding and prevailing wage requirements.

(1:04:13) Public Comment – Bradley Cleveland expressed support for the explicit recognition of prevailing wage in the procurement policy. He also expressed support for ongoing discussions with staff about adopting a more comprehensive policy encompassing broad labor and environmental standards.

(1:05:57) Member Pacheco sought clarification on whether additional considerations could be included in contracts, particularly in relation to public projects. He noted the absence of explicit language allowing for additional factors in decision-making for public projects, as seen in other sections of the policy.

(1:12:35) Howard Chang acknowledged the need for clarification and agreed to consult with general counsel regarding the specific language and its implications. He emphasized that the changes were primarily clarifications and legal disclaimers, not substantive changes to procurement practices.

(1:16:38) Chair Eldred proposed to pull the item for discussion at the board meeting, if necessary, based on the answers received regarding Member Pacheco's concerns.

C7. 2024 Sponsorship of Oakland Roots and Soul (CAC Action Item)

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

(1:17:11) Annie Henderson presented the proposal for sponsoring the Oakland Roots and Soul teams. The proposal included a one-year agreement for \$1,150,000 for the Oakland Roots, providing exclusivity as the clean energy partner. This amount reflected the team's growing fan base and inflation since the original agreement. The Oakland Roots, described as a purpose-driven sports team with strong community engagement, planned to move to a new stadium at the Oakland Coliseum. The proposal also included \$46,000 for the Oakland Soul team, a women's club in its second season.

(1:22:00) Public Comment – Jessica Tovar spoke in opposition to the sponsorship amount, highlighting the disparity between marketing expenditures and investments in community efforts, particularly for marginalized and disadvantaged communities. Jessica Tovar spoke in support of an increased focus on energy equity and resilience over marketing.

(1:24:18) Member Lutz echoed Jessica Tovar's concerns about the proportion of funding for marketing compared to community innovation and resilience. He questioned the disparity in funding between the men's and women's teams.

(1:27:31) Member Pacheco acknowledged the value of supporting local sports but expressed concern about the large expenditure in the context of other community needs.

(1:31:40) Annie Henderson justified the sponsorship levels based on the marketing value, exclusivity, and direct community engagement opportunities. She mentioned the importance of maintaining a strong partnership with the Oakland Roots and supporting the growth of the Oakland Soul.

(1:35:11) Chair Eldred asked for a motion to support or oppose the proposal. No motion was made, and the item was suggested to be pulled for discussion at the board meeting.

C8. CAC Member and Staff Announcements including requests to place items on future CAC agendas

(1:37:00) Member Lutz requested a public list of running agenda items to understand what topics are upcoming and which have been addressed.

(1:39:26) Member Pacheco requested a detailed account of hours worked on the agency's projects, including information on whether the work was done by union workers and the specific unions involved.

(1:40:12) Member Landry asked for a timeline for addressing various requests made by CAC members.

(1:42:35) Member Souza brought up the recent changes in NEM policies, particularly the reduction in benefits for rooftop solar. She suggested exploring resources that Ava Community Energy could offer to mitigate these impacts and encourage community interest in rooftop solar.

C9. Adjourned at 8:46pm.

The next Community Advisory Committee meeting will be held on Tuesday, January 16, 2024 at 6:00 pm.

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



Community Advisory Committee Guide

Purpose

Advise the Board of Directors on all subjects related to the operations of the CCA program as set forth in the work plan adopted on October 18, 2019

Authority

Established by the Board of Directors. See JPA section 4.9

Agency

~~East Bay Community Energy (EBCE)~~ Ava Community Energy (Ava)

Qualifications

~~EBCE~~ Ava service area resident or shall have owned or actively operated a business in ~~EBCE~~ Ava 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.

If a sitting Member moves out of the service area, they will have 6 months to reestablish residency before no longer meeting eligibility requirements.

Staff Person

~~Stephanie Cabrera (510-736-4984)~~ Adrian Bankhead (abankhead@avaenergy.org) and Cait Cady (ccady@avaenergy.org)

Commented [CC1]: Stephanie was the only person listed in the past, so I added both Adrian and I. Not sure if that was the right call but let me know!

Composition

The Advisory Committee consists of 10 planning area seats and two (2) at-large seats for a total of 12 seats. The 10 seats each represent the following areas:

	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
North Albany, Berkeley, Oakland, Emeryville, and Piedmont	30 <u>27.7%</u>	3	1
East Dublin, Livermore, and Pleasanton	44 <u>12.8%</u>	1	1
South	27 <u>20.1%</u>	3 <u>2</u>	1

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Exhibit 1

Fremont, Union City and Newark			
Central Hayward, San Leandro, and Alameda County Unincorporated	23 18.5%	2	1
San Joaquin County Tracy, Stockton, and Lathrop	6 20.9%	4 2	1
At-Large		1	
At-Large		1	

Application Process

Any person residing or operating a business in the [EBCEAva](#) service area interested in serving on the Advisory Committee should complete the Advisory Committee application during the specified application period. [EBCEAva](#) will announce the start of the application window via meeting announcements, [EBCEAva](#) email distribution list and the Community Advisory Committee site: <https://avaenergy.org/governance/> ~~<https://Ava.org/community-advisory-committee/>~~. The application period will be for at least 30 days from the first announcement of the vacancy.

Applicants will receive an automated email response to their application submission with the appointment target date. [EBCEAva](#) staff will review applications for completeness and qualifications. Once the applications have been reviewed, applicants will be notified via email if they will or will not advance to be interviewed.

The Executive Committee and/or an ad hoc committee of the Board will interview enough candidates for the number of available planning area and alternate seats ~~seats and will recommend the appointment of members to the full Board for approval. The Mayors' Conference will interview and appoint members for the two (2) at-large seats.~~ Once selected applicants have completed the interview process, interviewees will be notified of their appointment status.

If a selected applicant declines the appointment invitation, another candidate may be selected from the same pool of interviewees. Applications will be retained for 30 days after appointments are made. In the event a vacancy is created during these 30 days, [EBCEAva](#) may use the same pool of applicants.

No applications will be retained for future application periods. Applicants not selected may resubmit an application when the next application period opens.

Appointment

The Committee is appointed by the Board of Directors based on the qualifications outlined above.

Term

Appointments shall be for two (2)-year terms. With the exception of the initial committee which

Commented [CC2]: The application window this time is longer than 30 days. Just wanted to point out that this might be another inconsistency

Commented [AD3]: Interviewing candidates has not been the practice for previous appointments since it would add substantial time and complexity to the process. If the Board would like candidates to be interviewed by the Executive Committee and/or an ad hoc committee, Members can provide specific direction to this effect.

Exhibit 1

had three (3) members serving a shorter term to stagger the term end dates. Members in regionally allocated seats may serve up to four (4) full terms or any combination thereof for a total of eight (8) years, or at the pleasure of the Board, from the date of appointment. No appointee shall serve more than a total of eight (8) years, with the exception of those assigned an extra year to establish staggered terms. At-large Members may serve up to two (2) consecutive terms and a region cannot be represented in an at-large seat for more than two (2) consecutive terms.

Commented [CC4]: We need to carve out an exception here for folks who will be given an extra year with the new staggered terms proposal, right?

Chair and Vice-Chair

The Committee shall elect a new Chair and Vice-Chair annually at the June meeting. Members may serve as Chair or Vice-Chair for one (1) year and for no more than two (2) consecutive years.

Ex Officio Board Member

The Committee Chair will serve as a non-voting member of the Board of Directors as described in section 4.2.2 of the Joint Powers Authority Agreement. The Ex Officio Board member may not serve on the Executive Committee or participate in Closed Session Meetings of the Board.

Stipends

Committee members are eligible to receive a \$~~123.5550~~ stipend per meeting with a maximum of \$100 per month ~~four meetings per month. As the Ex Officio Member of the Board, the Chair will receive a \$100 stipend per meeting with a maximum of \$200 per month, in line with the Board's stipend.~~

For Committee members to be eligible for stipends, the Committee must have a quorum and members must arrive no later than 30 minutes after the meeting start time. Please see Board of Directors' Resolution R-2018-17 for additional information.

Attendance

Members are expected to attend up to two (2) meetings per month. Members must inform the Clerk of the Board of a planned absence.

Absences may not be communicated through the Chair, although the member should include the Chair in any attendance communications with the Clerk. Members with excessive absences may potentially be dismissed from the committee. The decision to dismiss a member will be made by the Board of Directors.

Vacancies

~~When a vacancy is created on the committee, Ava will announce the vacancy and the start of the application window via meeting announcements, Ava email distribution list, and the Community Advisory Committee site: <https://Ava.org/community-advisory-committee/> closest to the date the vacancy was created.~~

Vacancies will be filled ~~no later than 90 days of the vacancy announcement~~ on a semi-annual basis, from the time the vacancy occurs, unless required to achieve quorum. When there is a vacancy on the committee during a semi-annual recruitment window, Ava will announce the vacancy and the start of the application window via meeting announcements, Ava email distribution list, and the Community Advisory Committee site: avaenergy.org/governance/. If the seat vacated is a regular seat, an alternate may be appointed immediately following the vacancy

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announcement to fill the seat and complete the remaining term.

Removal from Committee

A member of the Community Advisory Committee may be removed by the Board of Directors for any reason by majority vote. See JPA section 4.9.



Community Advisory Committee Guide

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Exhibit 2

Newark			
Central Hayward, San Leandro, and Alameda County Unincorporated	18.5%	2	1
San Joaquin County Tracy, Stockton, and Lathrop	20.9%	2	1
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