



Draft Minutes

Board of Directors Meeting

Wednesday, January 17, 2024

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
- Clipper Club - 5 Captain Dr. Emeryville, CA 94608
- Conference Room - Irvington Community Center 41885 Blacow Rd. Fremont, CA 94538
- Marina Community Center Lobby, 15301 Wicks Blvd. San Leandro, CA 94577
- 1755 Harvest Landing Lane, Tracy, CA 95376
- 33349 9th Street (back office) Union City, CA 94587
- 500 metros Este del Canopy, Calle, Montezuma-Delicias Rd, Provincia de Puntarenas, Montezuma, 60111, Costa Rica

Via Zoom:

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

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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. (9:13) Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Hu (Dublin), Kaur (Emeryville), Cox (Fremont), Roche (Hayward), Barrientos (Livermore), Jorgens (Newark), Kalb (Oakland), Andersen (Piedmont), Nibert (Pleasanton), Simon (San Leandro), Wright (Stockton), Bedolla (Tracy), Patino (Union City), Eldred (Community Advisory Committee) and Chair Marquez (Alameda County)

Not Present: Directors: Bartlett (Berkeley)

Councilmember Sukhdeep Kaur is the new Member for Emeryville.

Councilmember John Bauters is new Alternate for Emeryville.

Director Nibert served as the voting representative for the City of Pleasanton (Vice-Chair Balch).

Director Simon served as the voting representative for the City of San Leandro (Member Gonzalez).

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.

(15:43) Public Comment – Jessica Tovar, representing East Bay Clean Power Alliance (EBCPA) and Local Clean Power Alliance (LCPA), stated that EBCPA and LCPA were started to advocate for community choice programs in the East Bay with a commitment to community investment. Jessica Tovar urged for a renewal of the agency's original community-focused commitment and a reevaluation of its progress.

(18:01) Public Comment – Tom Kelly from Berkeley followed up on Jessica Tovar's remarks by noting that the 2018 Local Development Business Plan (LDBP) had significant recommendations that have not been implemented. He supported Jessica Tovar's call for revising the plan and requested a report on the achievements related to the plan's initial recommendations.

CONSENT AGENDA

4. Approval of Minutes from December 20, 2023

5. Contracts Entered into (Informational Item)

6. Quarterly Treasurer's Report (Informational Item)

Report on Ava's cash positions

7. Resero CSA

Authorization to negotiate and execute a CSA for CAISO/wholesale market consulting services.

(19:03) Member Wright motioned to approve the Consent Agenda. Member Tiedemann seconded the motion, which was approved 14/0/2.

Yes: Members Tiedemann, Hu, Kaur, Cox, Roche, Jorgens, Kalb, Andersen, Simon, Wright, Bedolla, Patino, Nibert, Chair Marquez
Not Present: Members Bartlett and Barrientos

REGULAR AGENDA

8. CEO Report

(21:04) CEO Chaset reported that the January 10, 2024 Executive Committee meeting was not held. The next Executive Committee meeting will be held on February 7, 2024. The Financial, Administrative and Procurement subcommittee meeting took place on January 10th. Members discussed the fiscal year budget surplus and long-term off-take agreements. The next Financial, Administrative and Procurement subcommittee meeting will be held on March 13, 2024. Two new colleagues joined Ava: Romeo Phillips as a data engineer and Vashna Manisha as a settlements manager.

9. CAC Chair Report

(22:42) CAC Chair Eldred reported that due to the holiday, the Community Advisory Committee (CAC) is currently at a six-member quorum, and with a member leaving early, they were unable to maintain quorum throughout the meeting. Chair elections are postponed to February, marking Eldred's last meeting with the board, and she announced her resignation from the CAC.

CAC Chair Eldred also mentioned concerns about the recruitment process for North Region, suggesting a full-time position and a longer recruitment period due to short notice to the community. She also discussed the need for better support for CAC members, including providing meals for those who travel long distances to attend meetings.

Chair Marquez (22:50) and **Member Tiedemann (25:50)** expressed their gratitude to **CAC Chair Eldred** for her dedicated service and impactful leadership of the Community Advisory Committee (CAC). Remarks from public commenters, including **Jessica Tovar (28:23)**, **Tim Frank (30:16)**, and **Tom Kelly (30:43)**, expressed appreciation for **CAC Chair Eldred's** many contributions and her commitment to equity, justice, and community engagement.

10. (34:44) Fiscal Year Budget Surplus (Action Item)

Approve allocation of Budget surplus among a few options

The presentation by **Jason Bartlett**, Finance Manager at Ava Community Energy, detailed the fiscal year's budget surplus and discussed potential allocations of net revenues. Initially, the budget projected net revenues just under \$180 million, with the first \$150 million allocated to working capital and reserves, and the remaining funds split between long-term renewables and on-bill credits for customers. However, current

projections indicate a \$260 million surplus, opening discussions for potentially reallocating the surplus towards more long-term renewables, on-bill credits, or other options like incentives for rooftop solar and storage targeting specific customer classes.

(48:59) Member Roche asked about discussions within the Financial, Administrative and Procurement subcommittee regarding the allocation of funds to enhance the renewable content in Bright Choice. **CEO Chaset** clarified that that the current focus of the agency is on achieving 100% clean energy by 2030.

(53:33) Member Tiedemann asked about the rationale for selecting net metering proposals as an option for allocating surplus funds. **CEO Chaset** explained that public and board interest in funding resilience hubs, which are essentially solar and storage projects, influenced this reasoning. **CEO Chaset** clarified that while the net billing tariff is typically associated with homeowners, the funds could support a broader range of projects, including multifamily and community-based organizations.

(1:05:53) Public Comment: Tom Kelly expressed concern that Ava Community Energy might be overcharging customers by adhering to a rate schedule pegged to PG&E's rates rather than adopting a cost-of-service rate schedule. He advocated for reallocating a significant amount of the funds designated for on-bill credits to CARE/FERA customers.

(1:08:07) Public Comment: Audrey Ichinose spoke in support of increasing the allocation of resources for resiliency hubs. She spoke about the importance of these hubs in providing shelter during blackouts and other climate emergencies, in addition to traditional locations like firehouses and police stations.

(1:09:21) Public Comment: Jessica Tovar representing the East Bay Clean Power Alliance and twelve environmental justice organizations, advocated for Ava Community Energy to allocate \$15 million of its budget surplus to Community Resilience Hubs. Jessica Tovar spoke about the need for resilience hubs to provide life-saving resources for the most vulnerable communities and urged investment in long-term community benefits rather than bill credits.

(1:11:40) CAC Chair Eldred stated that the CAC supported allocating 20% of the budget surplus towards CARE/FERA and medical baseline customers and at least \$15 million towards resilience hubs - in alignment with the recommendations of environmental justice organizations.

(1:25:07) Member Tiedemann motioned to approve the Financial, Administrative and Procurement subcommittee's recommendation to allocate the net surplus revenues after allocations to working capital and reserve funds as:
• 60% allocated to on-bill credits with some portion applied specifically to CARE/FERA customers
• 40% allocated to Option C--incentives for net billing tariffs." Additionally, **Member Tiedemann noted the expectation that the Option C allocation target community resilience hubs, and that the budget surplus allocations will be reviewed by the Executive Committee.**
Member Barrientos seconded the motion, which was approved 15/0/1.

Yes: Members: Tiedemann, Hu, Kaur, Cox, Roche, Barrientos, Jorgens, Kalb, Andersen, Gonzalez, Wright, Bedolla, Patino, Nibert and Chair Marquez.
Not Present: Member Bartlett

11. Workforce and EJ Project Selection Criteria (Action Item)

Approval of a Policy regarding Workforce and Environmental Justice Project Selection Criteria

(1:27:53) CEO Nick Chaset presented about the collaborative effort between staff, environmental justice, and labor groups to develop criteria for selecting clean energy projects. These criteria cover workforce development, project location, environmental stewardship, and benefits to equity priority communities.

(1:32:39) General Counsel Inder Khalsa proposed minor amendments to the Ava Community Energy's workforce and environmental justice project selection policy to ensure local hiring preferences comply with state and federal laws and to avoid the possibility for a reduction in hiring diversity.

(1:35:41) Member Cox asked about the weighting of the five criteria categories in the project selection process. CEO Chaset responded that there is no specific weighting assigned to project selection criteria.

(1:38:35) CAC Chair Eldred requested that any changes made to the language regarding local hiring preferences, aimed at ensuring diversity in hiring, be shared for informational purposes.

(1:42:41) Member Kalb raised concerns about how local hire policies would apply to projects outside of Ava's immediate service territory, such as those in Southern California or near Modesto. CEO Chaset clarified that while the policy encourages local hiring within the project's vicinity to stimulate the local economy, it might not be feasible or appropriate to enforce this for projects far from Ava's service area.

Public comments from **Jason Gumanatano (1:46:45)**, **Audrey Ichinose (1:48:26)**, **Jessica Tovar (1:50:16)**, and **Eric Veium (1:51:59)** expressed strong support for the CCA Workforce and EJ Project Selection Criteria Policy.

(1:54:15) Comments from **Member Roche, Member Wright, Chair Marquez, Member Hu and CAC Chair Eldred** expressed gratitude for the collaborative effort from labor representatives, stakeholders, board members and staff to develop the policy.

(1:54:15) Member Wright motioned to approve the Workforce and Environmental Justice Project Selection Criteria Policy. Member Kalb seconded the motion, which was approved 15/0/1:

Yes: Members: Tiedemann, Hu, Kaur, Cox, Roche, Barrientos, Jorgens, Kalb, Andersen, Gonzalez, Wright, Bedolla, Patino, Nibert and Chair Marquez.
Not Present: Member Bartlett

12. Long-Term Contracts for Approval (Action Item)

Approval of multiple long-term contracts/offtake agreements from 2023 RFO and bilateral

negotiations

(1:59:36) Marie Fontenot presented 5 long term contracts for approval, including:

- A) Zeta Solar + Storage Project with Long Road Energy (37.5MW solar, 37.5MW battery storage)
- B) 90MW Ignis Battery Storage Project
- C) 240MW Ignis Wind Farm Project in Mexico
- D) 200MW Clearway Battery Storage Project
- E) 400MW Clearway Battery Storage Project

There was an extensive discussion about the Ignis Wind Farm project in Mexico and the use of Mexican labor. For example, **Member Simon (2:20:56)** raised concerns about using Mexican labor to build the wind turbines instead of American/IBEW workers, and **Member Cox (2:22:19)** spoke regarding about the lack of working rights and protections in Mexico. In response, **Marie Fontenot** stated that IBEW will build the transmission lines, including the portion in Mexico.

(2:51:36) Public Comment: Tim Frank of the Alameda County Building and Construction Trades Council suggested differentiating the Mexico wind project and requiring a check-back with the Board to resolve labor issues before approval, rather than rejecting the project outright.

(2:52:49) Public Comment: Jessica Tovar of Local Clean Energy Alliance stated Ava Community Energy should recommit to its original promise to the community of local clean energy development and reinvesting money back into the local community.

(2:59:21) CAC Chair Eldred reported that the CAC voted in opposition the Mexico project due to concerns about the potential for lowered prevailing wages under bilateral and regional trade deals such as NAFTA. Members of the CAC spoke in support of increased local investment in renewables and storage and to ensure worker protections.

(3:14:02) Member Wright offered to separate the staff's recommendation into two motions. The first motion would separate consideration of the non-Mexico project items (a, c, d, and e) from the Mexico project (item b). The second motion would ask for approval of the Mexico wind farm project (item b) with the following conditions:

- a) Ava has the unilateral right to terminate the contract with no penalty.
- b) The project will be brought back as an action item within 12 months for the Board to consider, with a status update on if it meets the labor standards discussed.
- c) The Board would be able to terminate the contract for any reason.

(3:16:09) Motion 1/2:

Member Wright motioned to approve Items A, C, D and E. Member Roche seconded the motion, which passed 15/0/1:

Yes: Members: Tiedemann, Hu, Kaur, Cox, Roche, Barrientos, Jorgens, Kalb, Andersen, Gonzalez, Wright, Bedolla, Patino, Nibert and Chair Marquez.
Not Present: Member Bartlett

(3:18:06) Motion 2/2:

Member Wright motioned to approve Item B. the Ignis Wind Farm Project provided that:

- a. **Ava staff re-present the executed agreement to the Ava Board 12-months after its execution and seek authorization to continue to move forward with the Project after sufficient review of wage and labor standards, and**
- b. **Any executed agreement shall include the right for Ava to terminate the agreement for any reason including if, following the Board's secondary review, the Board determines labor standards to no meeting Ava's organizational standards.**

Member Bedolla seconded the motion, which was approved 15/0/1:

Yes: Members: Tiedemann, Hu, Kaur, Cox, Roche, Barrientos, Jorgens, Kalb, Andersen, Gonzalez, Wright, Bedolla, Patino, Nibert and Chair Marquez.

Not Present: Member Bartlett

13. Selection of Chair and Vice-Chair (Action Item)

(3:22:14) Chair Marquez moved Item 13 – The Selection of the Chair and Vice-Chair to the February 21, 2024 BOD meeting.

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

(3:22:43) There were no Board Member or Staff Announcements.

Chair Marquez asked when a status update would be given for the Local Development Business Plan. **CEO Chaset** responded that a status update would be given to a subcommittee in February 2024 and the Board between March and May.

15. Closed Session

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

16. General Report Out of Closed Session

(3:55:27) There were no items to report out of Closed Session.

17. Adjourned at 9:56 pm.

The next Board of Directors meeting will be held on Wednesday, February 21, 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

Exhibit 1
Public Comment from Jessica Tovar for the January 17,
2024 Ava Board of Directors Meeting



Jessica Guadalupe Tovar
339 15th Street Suite 208
Oakland, CA 94612
415-766-7766

Subject: Staff Report 10 - Fiscal Year Budget Surplus (Action Item) - Need for Community Driven Resilience Hubs for Environmental Justice Communities

January 16, 2024

Dear Ava Community Energy Board Members, Alternates and Community Advisory Committee,

We, the undersigned community-based organizations, members and supporters of the East Bay Clean Power Alliance, call for the Board of Directors of Ava Community Energy **to invest \$15 million of any 2023-2024 budget surplus into community resilience hubs and prioritize environmental justice, low income and BIPOC communities in site selection, as this is where the need for energy resilience is highest.**

The need for access to emergency energy services during climate-related and other crises, particularly in communities long neglected due to systemic injustice, has increased dramatically and is expected to become more frequent as accelerating climate chaos brings wildfires, smoke, hurricane-force storms, life-threatening heat, and increased utility power shutoffs (Public Safety Power Shut offs - PSPS). While there is certainly value to any distributed and aggregated solar and storage, we call on Ava/EBCE to fulfill its responsibility to *maximize the* community benefits of its programs by placing these distributed energy resources in community trusted locations that support environmental justice community needs.

In light of massive budget surpluses and the current focus on municipal buildings, the \$2 Million that has been allocated to a Community Resilience Hub program is not nearly sufficient. The draft budget for 2023-2024 included an estimated surplus of \$260.7million. Understanding this to be an estimate, **we call on Ava Community Energy to commit at least \$15 million of any budget surplus to a *Community Resilience Hub* program independent of their municipal ownership status.** Examples include: health clinics, senior centers, day cares, shelters, affordable housing complexes, food banks, places of worship and community centers.

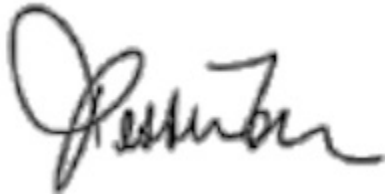
While we were pleased to hear that schools as well as senior and community centers were included as eligible sites for the *Resilient Critical Municipal Facilities* program in May 2023, nowhere is it guaranteed that these sites are being included in the program. Additionally, the program has not explicitly solicited any community feedback on priorities for site selection. **We call on Ava Community Energy to develop a community feedback process for site selection in the *Resilient Municipal Critical Facilities* program that works with local**

community-based organizations to prioritize sites in environmental justice, low income and BIPOC communities similar to the proposed Community Innovation Grant to facilitate site selection of the Community Resilience Hub program. **At least 60% of facilities in both programs must be in census tract disadvantaged communities:**

We urge the EBCE Board of Directors to prioritize energy equity by:

1. Committing at least \$15 Million of any budget surplus from 2023-2024 into the Community Resilience Hub program to target accessible and trusted community spaces independent of their municipal ownership status.
2. Developing a community feedback process for site selection in the *Resilient Municipal Critical Facilities* program that works with local community-based organizations and prioritizes sites in low income BIPOC communities.

Jessica Guadalupe Tovar, East Bay Clean Power Alliance



Signatory Organizations:

1. Communities for a Better Environment
2. Asian Pacific Environmental Network
3. Rose Foundation for Communities and the Environment
4. New Voices Are Rising
5. Kehilla Community Synagogue
6. California Trade Justice Coalition
7. Sierra Club
8. East Bay Asian Local Development Corporation
9. Reimagine Power
10. Reclaim Our Power Utility Justice Campaign
11. Collective Resilience
12. East Oakland Collective

We appreciate Finance Administrative Procurement (FAP) Committee Chair Bauters and members for their guidance in supporting this groundbreaking policy. If adopted by your board, the policy will establish a new standard for clean energy projects among Community Choice Aggregations (CCAs) in the state. Your commitment to environmental justice and workforce considerations positions Ava Community Energy as a leader among CCAs in California.

While the adoption of the Workforce & Environmental Justice Project Selection Criteria Policy is a significant achievement, we emphasize the importance of robust implementation. The success of this policy hinges on how it is translated into Request for Offer (RFO) language, the weighting of scoring criteria, proposal evaluations, and comprehensive reporting to the board during project approval and post-completion. Consistent and transparent reporting will be crucial in maintaining accountability and ensuring the policy's objectives are effectively realized.

In conclusion, we wholeheartedly support Ava Community Energy in taking this bold step towards a cleaner and more just future. Your leadership in adopting this policy will undoubtedly influence other CCAs across the state, setting a new standard for best practices in clean energy projects.

Thank you for your dedication to workers and the communities that host your clean energy projects.

Sincerely,

Endorsement list of alliance organizations follows:

Susan Penner, Co-Chair, Legislative Working Group, 1000 Grandmothers for Future Generations

Alan Weiner, Coordinator, 350 Conejo / San Fernando Valley

Transition Team, California Alliance for Community Energy

Lucas Zucker, Co-Executive Director, Central Coast Alliance United for a Sustainable Economy

Ana Rosa Rizo-Centino, Network Manager, Central Coast Climate Justice Network

Lynda Marin, Chapter Lead, Citizens' Climate Lobby, Santa Cruz Chapter

Michael Chiacos, Policy Director, Community Environmental Council

Jordan Ackerman, Sr. Policy and Public Affairs Manager, Construction Trades Workforce Initiative

Ratha Lai, CEO, Critical Impact Consulting

Rita Casaverde, Executive Director, Diversity Coalition, San Luis Obispo County

Jessica Tovar, East Bay Clean Power Alliance

Public Comment from Leslie Austin for the January 17, 2024 Ava Board of Directors Meeting

John Foran, Founding Editor, Eco-Vista

Andy Carman, Director, Environteers

Leah Redwood, Action Coordinator, Extinction Rebellion San Francisco Bay Area

Tim Frank, Representative, Building and Construction Trades Council of Alameda

Bart Pantoja, Building and Construction Trades Council of San Mateo County

John Doherty, Business Manager, IBEW Local 6

Paul Guterrez, Business Manager, IBEW Local 234

Bill Baker, Business Manager, IBEW Local 413

Greg Bonato, Business Manager, IBEW Local 595

Scott Wein, Business Manager, IBEW Local 617

Mark Simonin, Business Manager, IBEW Local 639

Hector Huezo, California Director, Jobs to Move America

Veronica Wilson, CA Organizer, Labor Network for Sustainability

Leslie Austin, Director, Let's Green CA!

Jessica Tovar, Steering Committee Member, Local Clean Energy Alliance

Gopal Shanker, President, Récolte Energy

Nancy Faulstich, Executive Director, Regeneración Pajaro Valley

Sara Nelson, Executive Director, Romero Institute

Alex Lansberg, Director, Research & Advocacy, San Francisco Electrical Contractors Assoc.

Jill ZamEk, Board Member, San Luis Obispo Mothers for Peace

Robert M. Gould, MD, President, San Francisco Bay Physicians for Social Responsibility

Joni Eisen, Representative, San Francisco Climate Emergency Coalition

Ken Hough, Executive Director, Santa Barbara County Action Network

Pauline Seales, Educator Organizer, Santa Cruz Climate Action Network

Eric Veium, Chair and Co-Executive Director, SLO Climate Coalition

Melissa Yu, Senior Energy Campaigns Representative, Sierra Club

Timothy Duda, Directory, Terra Advocati

Woody Hastings, Fossil Fuel Phaseout Manager, The Climate Center

Public Comment from Leslie Austin for the January 17, 2024 Ava Board of Directors Meeting

Kristin Kusanovich, Founder, tUrn Climate Crisis Awareness & Action

Bijan Ashtiani-Eisemann, Organizer, UC Green New Deal Coalition

Louise Auerhahn, Director of Economic & Workforce Policy, Working Partnerships USA

Exhibit 3

Public Comment from Barbara Stebbins for the January 17, 2024 Ava Board of Directors Meeting

Adrian Bankhead <abankhead@avaenergy.org> Wed, Jan 17, 2024 at 8:10 PM

To: Clerk of the Board <COB@ebce.org>

Cc: Barbara Stebbins <bstebbins14@gmail.com>

Dear Ava Board of Directors,

The following written public comment was submitted by Barbara Stebbins during the meeting. This public comment will be added to the public meetings page and agenda packet after the meeting.

"The Staff proposal to execute an agreement with Ignis for the Wind ProUSA/ Ignis Wind Farm Project is a perfect example of what the advocates who fought for and won the formation of Ava, a public, not-for-profit electricity hoped to prevent. For Ava to commit ratepayer funds to this project is an example of the worst kind of extractive purchase. Local ratepayer money leaves our communities to pay a corporate, profit-making entity. While important energy resources produced in Mexico are of no benefit to the people there. We urge the Board not to approve this contract, and to require staff to promote non-extractive , local projects that benefit their customers."

thank you,

Adrian