



Draft Minutes

Board of Directors Meeting

Wednesday, February 21, 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:

- Member Tiedemann – 1121 L St #408 Sacramento, CA 95814
- Member Bartlett – Wells Fargo Building - 2140 Shattuck Avenue, Floor 6, Berkeley, CA 94704
- Member Barrientos – Residence Inn Bakersfield Lobby - 4241 Chester Ln, Bakersfield, CA 93309
- Member Kaur – Clipper Club - 5 Captain Dr. Emeryville, CA 94608
- Member Cox – Conference Room - Irvington Community Center 41885 Blacow Rd. Fremont, CA 94538
- Member Warmsley – Hilton Stockton Lobby - 2323 Grand Canal Boulevard, Stockton, CA, 95207
- Member Bedolla – 1755 Harvest Landing Lane, Tracy, CA 95376
- Member Patino – Tenaya Lodge Lobby - 1122 Highway 41 Fish Camp, CA 93623
- CAC Chair Eldred - 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

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: Tiedemann (Albany), Kaur (Emeryville), Cox (Fremont), Roche (Hayward), Diallo (Lathrop), Barrientos (Livermore), Kalb (Oakland), Andersen (Piedmont), Gonzalez (San Leandro), Warmesley (Stockton), Bedolla (Tracy), Patino (Union City), CAC Vice-Chair Souza (Community Advisory Committee), Vice-Chair Balch (Pleasanton) and Chair Marquez (Alameda County)

Not Present: Directors: Bartlett (Berkeley), Hu (Dublin) and Jorgens (Newark)

Director Diallo was sworn in as the voting representative for the City of Lathrop. Director Warmesley served as the voting representative for the City of Stockton (Director Wright).

CAC Vice-Chair Souza served as the representative for the Community Advisory Committee (CAC Chair Hernandez).

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.

(15:51) Public Comment: Jessica Tovar stated that the Board should consider offering smaller and more accessible Community Innovation Grants for smaller community organizations. For example, in addition to the current \$100,000 grant, she suggested that a \$50,000 grant with a three-year commitment should also be offered.

(18:05) Public Comment: Bradley Cleveland representing IBEW Local 595 and the Northern California Electrical Contractors Association, asked about the status of the Critical Municipal Facilities Program and its impact on training opportunities for local apprentices, particularly in relation to microgrids. He expressed concern over delays and the lack of updates on both Phase 1 and Phase 2 of the program and requested information about when updates would be provided.

4. Closed Session Public Comment

There were no public comments for closed session.

5. (21:45) Closed Session

- a. Public Employee Performance Evaluation and Appointment pursuant to Government Code § 54957: Chief Executive Officer; Conference with Labor Negotiators (Negotiators: Board Chair and Vice Chair) (Unrepresented Employee: Chief Executive Officer).

6. General Report Out of Closed Session
(1:40:15) There were no items to report out of closed session.

CONSENT AGENDA

7. Approval of Minutes from January 17, 2024

8. Contracts Entered into (Informational Item)

9. State Legislative Advocate

Adopt a Resolution authorizing the CEO to negotiate and execute a CSA with Omni government representation services.

10. Amendment to Celery Design Collaborative CSA

Adopt a resolution authorizing the CEO to negotiate and execute the sixth amendment to the CSA with Celery Design Collaborative

11. Fiscal Year 2023-2024 Q2 Financial Statements

Second quarter financial statements for the current fiscal year.

12. Arup Amendment

Approve Resolution Authorizing Ava CEO to Negotiate and Execute an Amendment to the Agreement with Arup to Provide Grant Writing Support and General Technical Consulting Services

(1:41:00) Member Gonzalez motioned to approve the Consent Agenda. Vice-Chair Balch seconded the motion, which was approved 11/0/6.

Yes: Members Tiedemann, Kaur, Cox, Roche, Diallo, Barrientos, Kalb, Andersen, Gonzalez, Vice-Chair Balch and Chair Marquez.

Not Present: Members Bartlett, Hu, Jorgens , Warmsley, Bedolla and Patino

(Please note: Consent Item 9 was re-opened for a separate vote at 1:56:13.)

REGULAR AGENDA

13. CEO Report

(1:42:37) CEO Chaset reported on topics addressed at the February 7, 2024 Executive Committee meeting and the February 16, 2024 Marketing, Regulatory and Legislative Subcommittee meeting.

14. CAC Chair Report

(1:43:43) CAC Vice-Chair Souza expressed her gratitude to former CAC Chair Eldred. CAC Vice-Chair Souza also announced that CAC Member Hernandez is the new chair of

the CAC, and that she is the new vice-chair. She discussed recent meeting topics including:

- a. CAC member support for resilience hubs,
- b. local versus foreign procurement projects,
- c. the need for smaller community grants,
- d. CAC member support for local hiring and training initiatives, and
- e. CAC member support for energy efficiency building projects.

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

(1:48:04) Member Gonzalez motioned to appoint Member Tiedemann and Vice-Chair and Member Balch as Chair. Chair Marquez seconded the motion, which was approved 13/0/4:

Yes: Members Tiedemann, Kaur, Cox, Roche, Diallo, Barrientos, Kalb, Andersen, Gonzalez, Warmley, Patino, Vice-Chair Balch and Chair Marquez.

Not Present: Members Bartlett, Hu, Jorgens and Bedolla

(1:51:07) Member Marquez passed the gavel to Chair Balch.

(1:51:50) Chair Balch and Member Patino thanked Member Marquez for her leadership.

(1:53:58) Public Comment: Jessica Tovar, representing the East Bay Clean Power Alliance and Local Clean Energy Alliance, thanked Member Marquez for the leadership that she has provided for Ava Community Energy and in the energy sector.

(1:56:13) Consent Item 9 was re-opened by **Chair Balch** for a vote separate from the other items in the Consent Agenda. **Member Kalb** recused himself from this vote and left the room.

Member Gonzalez motioned to approve Consent Agenda Item 9. Member Cox seconded the motion, which was approved 13/0/3/1:

Yes: Members Marquez, Kaur, Cox, Roche, Diallo, Barrientos, Andersen, Gonzalez, Warmley, Bedolla, Patino, Vice-Chair Tiedemann and Chair Balch

Not Present: Members Bartlett, Hu and Jorgens

Recused: Member Kalb

16. (1:57:53) Long-Term Contracts for Approval (Action Item)

Requesting Intersect Easley PPA Approval

Karen Lee, the Power Resources Manager, provided an overview of the procurement process initiated in April 2023 for long-term energy contracts. In her presentation, Karen described the Easley Solar project developed by Intercept Power including its support for US manufacturing, the contractual terms for energy and environmental attributes, workforce commitments, and its alignment with new workforce development policies.

(2:12:37) Member Marquez motioned to adopt a resolution authorizing the Chief Executive Officer to negotiate and execute 10-year power purchase agreements with contracting entities IP Easley LLC and IP Easley 2 LLC each for 75 megawatt solar project in Riverside County California developed by Intersect Power. This motion was seconded by Member Cox and was approved 13/0/3/1:
Yes: Members Marquez, Kaur, Cox, Roche, Diallo, Barrientos, Kalb, Andersen, Warmesley, Bedolla, Patino, Vice-Chair Tiedemann and Chair Balch
Not Present: Members Bartlett, Hu and Jorgens
Abstain: Member Gonzalez

17. **(2:14:25) Disadvantaged Communities - Green Tariff / Community Solar Green Tariff Power Purchase Agreement (Action Item)**
DAC-GT/CSGT PPA approval

Eleanor Smith presented on the Disadvantaged Communities Green Tariff (DAC-GT) and Community Solar Green Tariff (CSGT) programs initiated by the CPUC to support renewable energy access and financial savings for disadvantaged communities.
Shannon Rivers discussed the RFO process for securing solar resources, the selection of projects by developer Prologis to meet the programs' needs, and the projects' details including their locations, terms, and community impacts.

(2:23:54) Public Comment: Jim Lutz spoke in support of the five solar projects, stating that they are local, union-supported, and situated in disadvantaged communities. He suggested using these projects as a benchmark for future planning and budgeting of similar local projects.

(2:25:31) Member Kalb questioned why the proposed projects did not include paired battery storage. **CEO Chaset** explained that due to the CPUC's program structure and negotiation terms, they opted to proceed without storage to avoid delays. **CEO Chaset** also mentioned the possibility of future project iterations depending on CPUC decisions and ongoing proceedings.

(2:28:48) Member Kalb motioned to approve the staff's recommendation. Member Roche seconded the motion which was approved 13/0/4:
Yes: Members Marquez, Kaur, Cox, Roche, Diallo, Barrientos, Kalb, Andersen, Gonzalez, Warmesley, Patino Vice-Chair Tiedemann and Chair Balch
Not Present: Members Bartlett, Hu, Jorgens and Bedolla

18. **(2:31:52) Board Member and Staff Announcements including requests to place items on future Board agendas**
There were no Board Member or staff announcements.

(2:32:04) Chair Balch moved Closed Session Item 20B to the March 20, 2024 Board of Directors meeting. The Chair stated that the Board of Directors would resume discussion about Item 5A in Closed Session.

19. **(2:32:17) Closed Session Public Comment on Item 5A and/or Item 20B**

There were no closed session public comments.

20. (2:33:06) Closed Session (*Closed Session Item 20B was moved to the March 20, 2024 Board of Directors Meeting. The Board resumed discussion of Closed Session Item 5A.*)

- B. Conference with Real Property Negotiators pursuant to Government Code § 54956.8: 251 8th Street (Negotiators: CEO Nick Chaset, CFO Howard Chang, General Counsel Inder Khalsa) (price and terms of payment).

21. (2:49:57) General Report Out of Closed Session for Closed Session Item 5A

There were no items to report out of closed session.

22. Adjourned at 9:50 pm.

The next Board of Directors meeting will be held on Wednesday, March 20, 2024 at 6:00 pm.

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