



**Draft Minutes**  
**Board of Directors Meeting**

Wednesday, November 20, 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:

- Albany Community Center 1249 Marin Ave, Albany, CA 94706
- 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
- 33349 9th Street (back office) Union City, CA 94587
- 24027 Wilcox Ln, Hayward, CA 94541
- 1755 Harvest Landing Lane, Tracy, CA 95376

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

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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.*

**Robin Lopez was sworn in as the Alternate Member for the City of Albany.**

**1. Welcome & Roll Call**

**Present: Members:** Marquez (Alameda County), Tregub (Berkeley), Hu (Dublin), Kaur (Emeryville), Cox (Fremont), Roche (Hayward), Barrientos (Livermore), Jorgens (Newark), Kalb (Oakland), Andersen (Piedmont), Gonzalez (San Leandro), Wright (Stockton), Bedolla (Tracy), Patino (Union City), CAC Chair Hernandez (Community Advisory Committee), Lopez (Albany) and Chair Balch (Pleasanton)

**Alternate Member Lopez** served as the representative for the City of Albany (Vice-Chair Tiedemann).

**Not Present: Member Diallo** (Lathrop)

**2. Pledge of Allegiance**

**Member Gonzolez led the body in reciting 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.*

**(5:00) Public Comment – Susan Silber** spoke in support of allocating additional surplus funds to develop a resilience hub program that includes funding for social cohesion, community training, and coalition-building.

**(7:46) Public Comment – Audrey Ichinose** spoke in support of allocating surplus funds to build community resilience hubs. Ichinose stated that resilience hubs can help sustain underserved communities amid increasing climate threats.

**(10:00) Public Comment – Alan Marling** spoke in support of allocating funding from the budget surplus toward a community resilience Hub program.

**CONSENT AGENDA**

**4. Approval of Minutes from September 18, 2024**

**5. Contracts Entered into (Informational Item)**

**6. Executive Committee Appointment Recommendation**

Appoint Director Andersen to the Executive Committee

**7. Treasurer’s Report**

Quarterly report of Ava’s cash balance

**8. Resilience Hub Technical Assistance**

Authorize CEO to negotiate and execute and amendment to NV5 contract

**9. SolarAPP+ Contract**

Authorize CEO to negotiate and execute a contract with SolarAPP Foundation to build out heat pump water heater permit streamlining features in the existing SolarApp+ software

**10. Energy Efficiency Regulatory Reporting Services**

Authorize CEO to negotiate and execute a contract with Frontier Energy

**11. Extension of SMUD Contract**

Request to extend agreement with SMUD for CCDMS services

**12. Stadium Contract Approval**

Swag vendor contract

**(16:07) Public Comment – Jim Lutz**

**(22:25) Member Wright motioned to approve the Consent Agenda. Member Gonzalez seconded the motion, which was approved 16/0/0/0/1**

**(Yes/No/Abstain/Recuse/Not Present):**

**Yes: Members: Marquez, Tregub, Kaur, Cox, Roche, Barrientos, Jorgens, Hu, Kalb, Andersen, Gonzalez, Wright, Bedolla, Patino, Lopez and Chair Balch**

**No: none**

**Abstain: none**

**Recuse: none**

**Not Present: Members: Diallo**

**REGULAR AGENDA**

**13. (23:24) CEO Report**

The CEO report covered several updates on Ava Community Energy's recent activities and initiatives:

- **CEO Chang** noted that many subcommittee meetings in October were canceled but key discussions resumed in November.
- The Executive Committee reviewed the SMUD contract and the Resilience Hub Technical Initiative, with the next meeting scheduled for December 4.
- The Community Advisory Committee (CAC) hosted an October meet-and-greet to set priorities and update its work plan, which will be finalized by year-end.
- The Healthy Communities Program, launched in October, aims to install 200 free induction cooktops for low-income households while monitoring air quality impacts. Outreach has already garnered 70 applications.
- Updates were also provided on the phased Fremont R100 opt-up, with residential customers transitioning in 2025 and commercial/industrial customers in 2026, allowing for better cost management.
- The report highlighted Ava's role in signing over 18 GW of clean energy agreements, contributing to \$37 billion in capital investment and 36,000 union jobs across California.
- **CEO Chang** shared insights from recent fall conferences, where Ava engaged with stakeholders on clean energy affordability, reliability, and financing strategies, including leveraging the IRA's direct pay incentives.

- The organization also welcomed six new hires and acknowledged outgoing board members for their service as election results are finalized.

**(38:43) Public Comment - Alita Dupree** spoke in support of Ava's induction stove program and Fremont's renewable energy initiatives, and requested a deeper analysis of renewable energy pricing.

**14. (41:20) CAC Chair Report.**

**CAC Chair Hernandez** reported that the CAC has had productive recent meetings, including a meet-and-greet session to reimagine its role and enhance its value to the board. The committee is adopting a new structure focusing on three areas: recurring topics like budgeting and legislative priorities, non-recurring topics such as local development programs and public engagement, and member-driven areas including energy affordability, emerging technologies, and resilience hubs. Chair Hernandez spoke about leveraging subject matter expertise through ad hoc committees to provide actionable insights for the board.

**15. (44:47) 2024 Legislative Year in Review (Informational Item)**

2024 Legislative session update

The 2024 Legislative Year in Review was presented by **Todd Edmister, Ava's Senior Director of Public Policy** and **Dan Chia, Senior Director at Omni Government Relations**. Edmister and Chia detailed a busy legislative session in Sacramento, with over 2,000 bills introduced, approximately 1,200 reaching the governor's desk, and 85% signed into law. Ava's legislative efforts prioritized accelerating decarbonization, promoting local development, and stabilizing community choice, leading to key successes such as expanded low-income energy subsidies and the approval of a major climate bond measure. Looking ahead to 2025, Edmister and Chia highlighted significant legislative turnover and ongoing multi-year state-level budget deficits. They also anticipated focus areas including energy affordability, cap-and-trade reauthorization, and the governor's initiative to protect California's values in a shifting political landscape.

**Topics discussed by the Board include:**

- Questions on the potential impact of the governor's directive to review state programs for cost-effectiveness and potential elimination, with specific reference to Ava's reliance on State Energy Efficiency programs.
- Discussion on whether Ava or CCAs should consider sponsoring legislation in the upcoming session and the collaborative role of CalCCA in legislative strategy.
- Concern about the governor's potential efforts to lower bills impacting critical programs, with emphasis on defending state-level programs that support CCAs and broader energy goals.
- Discussion on Ava's stance regarding NEM 3.0 versus NEM 2.0, the implications of recent legislative vetoes, and the likelihood of future NEM reforms.
- Encouragement for Ava and CCAs to support energy-related bills that align with environmental and greenhouse gas reduction goals, even if not directly tied to CCAs.

**16. (1:12:50) CMF Greenbridge PPA (Action Item)**

Review of PPAs to support Critical Municipal Facilities

**JP Ross, Vice President of Local Development, Electrification, and Innovation,** presented the Critical Municipal Facilities (CMF) Greenbridge Power Purchase Agreement (PPA), a program to install solar and battery storage microgrids across six cities. The board was asked to approve resolutions to negotiate agreements with the developer, Greenbridge, and participating cities, along with allocating \$2 million from the existing budget as incentives for these projects. The program, designed to leverage union labor and achieve cost-effectiveness, targets critical municipal facilities like fire stations and libraries, with projects slated for completion by April 2026 to benefit from favorable net metering policies.

**Topics discussed by the Board include:**

- Clarification that union labor requirements are explicitly included in the PPA and that Ava staff is actively monitoring contractor compliance.
- Clarification that critical municipal facilities are city-owned properties providing essential services, while community resilience hubs are owned by nonprofits or private entities.
- Discussion about the dual objectives of the program: ensuring resilience during outages and shifting energy supply to reduce costs by storing solar energy during the day and using it during peak periods.
- Questions about the structure of battery-related incentives, specifically how the per-kilowatt-hour subsidy is calculated and applied.
- Concerns about potential delays and mechanisms in the PPA to address missed deadlines, including financial penalties and termination rights for cities if projects are not completed on time.
- Questions about regulatory challenges and confirmation that approved interconnection applications for the projects comply with NEM 2.0 deadlines.
- Questions about changes to the project portfolio, such as the removal of an Oakland project due to lease term conflicts.

**(1:53:58) Public Comment – Brandon Evans,** representing IBEW Local 595, spoke in support of the Critical Municipal Facilities program. Evans asked the board to direct Greenbridge and Gridscape Solutions to partner with experienced union electrical contractors to ensure the successful and timely completion of the microgrid projects by the April 2026 deadline.

**(1:55:13) Public Comment – Jennifer Fathergill,** representing NorCal NECA, spoke in support of the Critical Municipal Facilities program. Fathergill spoke about the readiness of local signatory electrical contractors to partner with Ava, Greenbridge, and Gridscape Solutions to complete the NEM 2.0 projects by April 2026.

**Member Kalb motioned to approve the staff’s recommendation. Member Write seconded the motion. Member Tregub offered a friendly amendment to:**

**“Urge Greenbridge and Gridscape Solutions to ensure the success of the Critical Municipal Facilities program by partnering with an experienced Bay Area signatory or union contractor that can bring on the number of skilled local electricians and apprentices needed to meet the tight NEM 2.0 deadline.”**

**Members Kalb and Wright accepted Member Tregub’s friendly amendment.**

**The motion was approved 15/0/0/0/2 (yes/no/abstain/recuse/not present):**

**Yes: Members Marquez, Tregub, Hu, Kaur, Cox, Roche, Barrientos, Jorgens, Kalb, Andersen, Gonzalez, Wright, Patino, Lopez, Chair Balch.**

**No: N/A**

**Abstain: N/A**

**Recuse: N/A**

**Not Present: Members Diallo and Bedolla**

**17. (2:08:45) Fiscal Year 2023-2024 Financial Audit (Informational Item)**

Present the findings from the fiscal year ending June 30, 2024, financial audit

The Fiscal Year 2023-2024 Financial Audit was presented by **Jason Bartlett, Senior Manager, Finance** and **Kellin Gilbert of Pimenti & Brinker**, with results showing a clean audit opinion, no material misstatements, and no significant deficiencies or weaknesses in internal controls. The audit, conducted using a risk-based approach, focused on areas such as revenue recognition, cash balances, and accrued energy costs, and found no significant issues or disagreements with management.

**(2:20:57) Public Comment – Jim Lutz** asked whether AVA receives revenue from sources other than electricity sales, such as grants or projects funded by agencies like the Energy Commission or Department of Energy, and inquired about the proportion of such revenues in Ava's finances.

**(2:22:51) Public Comment – Jesse Guterrez**, representing the Local Clean Energy Alliance, asked the board to allocate a larger portion of Ava’s 2023-2024 budget surplus to a comprehensive community resilience hub program that includes essential services such as energy resilience, food refrigeration, air filtration, access to portable solar batteries. Guterrez also stated that the program should integrate existing Ava Community programs such as e-bikes and induction cook tops.

**18. (2:25:49) Budget Surplus Allocations (Informational Item)**

Budget to Actuals, surplus waterfall allocations, and reserve fund balance

The Budget Surplus Allocations presentation was delivered by **Jason Bartlett, Senior Manager, Finance**. The fiscal year-end reconciliation showed a slight variance in net revenues and expenditures compared to the budget, with \$37.4 million allocated to surplus funds. Of this, 60% (\$22.4 million) was directed to on-bill credits, while 40% (\$14.9 million) was designated for clean storage incentives and community resilience hub programs, in line with board-approved resolutions. Additionally, the Reserve Fund balance, currently at 40.8% of annual operating expenses, remains within the board’s target range of 25-75% and is progressing toward the 50% goal.

**Topics discussed by the Board include:**

- Clarification on whether the net billing tariff program funds resilience hub grants and broader residential solar and storage incentives.
- A request for a future workshop or definition session to better understand resilience hubs and related program allocations.

- Request for a detailed breakdown of the \$14.9 million allocated to clean storage and resilience hub programs, distinguishing between funding for resilience hubs and other solar-plus-storage initiatives.
- Acknowledgment of the timeline and steps involved, including prior approvals and ongoing planning for the incentive program breakdown and implementation.
- Agreement that further discussions and detailed plans regarding the allocations and program definitions will be brought forward to the board in the future.

**19. (2:37:13) Bill Credits (Action Item)**

Surplus revenue bill credits

**Kelly Brezovec, Senior Director of Account Services**, presented options for allocating \$22 million in surplus revenue as bill credits for fiscal year 2023-2024. The proposed options included varying levels of support for CARE/FERA customers, residential customers, and non-residential accounts, with credits ranging from \$40 to \$125 for low-income programs and corresponding adjustments for other customer classes. These options were developed to balance financial impact and customer feedback, which favored one-time lump sum credits distributed during high-bill winter months.

**Topics discussed by the Board include:**

- Discussion about prioritizing support for CARE/FERA customers.
- Suggestions to differentiate bill credits for small businesses compared to medium and large businesses.
- Clarification that non-residential accounts include both private commercial businesses and municipal entities, and how this impacts credit distribution.
- Exploration of whether the proposed allocation methods fairly addressed the needs of all customer classes.
- Consideration of options that provide improvements for all customer classes while emphasizing support for the most vulnerable populations.

**Member Write motioned to approve Option 2. Member Barrientos seconded the motion which was approved 15/0/0/0/2 (yes/no/abstain/recuse/not present):**

**Yes: Members: Marquez, Tregub, Kaur, Cox, Roche, Barrientos, Jorgens, Kalb, Andersen, Gonzalez, Wright, Bedolla, Patino, Lopez and Chair Balch**

**No: none**

**Abstain: none**

**Recuse: none**

**Not Present: Members Hu and Diallo**

**20. (2:57:49) Board Member and Staff Announcements including requests to place items on future Board agendas**

- **Chair Balch** expressed appreciation to all Board members for their service, particularly those departing.
- **Chair Balch** announced that the current meeting location is secured through March 2025 while a search for a new location is underway.
- **Chair Balch** stated that time slots for 2025 subcommittee meetings may be adjusted to improve engagement.

- **Chair Balch** outlined a two-step process for appointing members to subcommittees: existing members should express their preferences by November to allow appointments in December, while new members will provide their preferences in January, with assignments effective February 1.
- **Chair Balch** also suggested holding a workshop in March or April to develop clearer policies for filling board and committee positions.
- **CEO Chang** spoke about potential attendance challenges in December and January due to board transitions and confirmed that chair elections will take place in January, with the new chair assuming duties in February.
- **Member Wright** announced his departure from the Board due to a new role on the San Joaquin Delta Community College Board of Trustees and expressed gratitude for his time on the board.
- **Member Kalb** noted that future appointments from Oakland would depend on the new City Council president, expected to be determined in January.

## 21. Adjourned at 9:05pm.

The next Board of Directors meeting will be held on Wednesday, December 18, 2024 at 6:00 pm.

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