



**Board of Directors Meeting
Wednesday, April 15, 2026**

6:00 pm

In Person:

Board Room
Ava Community Energy
1999 Harrison St, Ste 2300
Oakland, CA 94612

Or from the following locations:

- Clipper Club - 5 Captain Dr. Emeryville, CA 94608
- 4917 Knowlson Terrace, Fremont, CA 94555
- 35653 Scarborough Dr Newark, CA 94560
- 1100 Webster St, 2nd Floor Conference Room, Oakland, CA 94607
- Larch Clover Community Center – 11157 West Larch Road, Tracy, CA 95376
- Stockton City Hall – 425 N El Dorado St., Stockton, CA 95202

Via Zoom:

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

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 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

2. Pledge of Allegiance

3. Public Comment

This item is reserved for persons wishing to address the Board on any Ava-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.

CONSENT AGENDA

4. Approval of Minutes from March 18, 2026

5. Contracts Entered Into (Informational Item)

6. CAC Appointments

Report overview of CAC application process and resolution approving all nominations

7. FY 2025-2026 Q2 Treasurer's Report

Update on Ava's for FY 2026 Q3 cash position

8. 2026 Legislative Program Administrative Update

Administrative updates on legislative program for 2026

REGULAR AGENDA

9. CEO Report

10. CAC Report

11. Procurement Policy Update (Action Item)

Proposed additions to Ava's procurement policy and contract template to more closely align with Member practices (Berkeley & Oakland)

12. 2026 Legislative Positions (Action Item)

Consideration of 2026 proposed legislative positions

13. Health-e Communities Pilot Update (Informational Item)

Update on the results of the Health-e Communities Pilot

14. Ava Impact Report (Informational Item)

Receive an overview presentation on the inaugural Ava Impact Report

15. Board Member and Staff Announcements including requests to place items on future Board of Directors Meeting Agendas

16. Adjourn

The next Ava Board of Directors meeting will be held on Wednesday, May 20, 2026 at 6pm.

Board Meeting Access Instructions

If you need help finding or accessing the building, please call our Ava representative who is stationed in the building lobby: 510-393-0492.

Directions

Directions via BART

If you are taking BART: the 19th Street station is the closest stop to our office and is about a 5 minute walk away. Use the 20th St / Thomas L. Berkeley Way station exit.

Directions via Bike

Bike riders wanting to park their bike inside the parking garage can enter through the main building lobby. Bike parking is available on the parking garage first level right in front of the garage elevators.

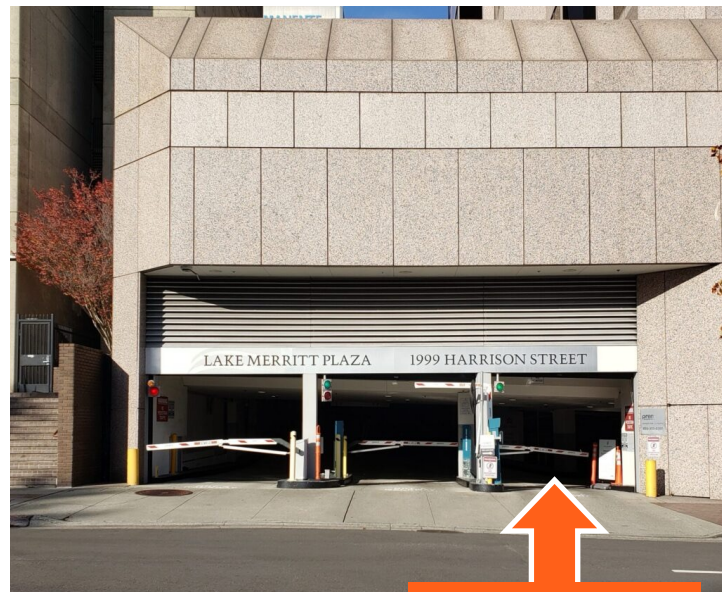
Directions to Parking Garage via Car

The entrance to the building's attached garage is located on Harrison Street. If you're driving northbound on Harrison Street, as soon as you cross 19th St. the garage entrance is 3/4 down on your left-hand side. If you're heading east on Thomas L Berkeley Way/20th St. Continue East then make a right turn on Harrison Street, and the garage entrance is a quarter block up on your right-hand side.

When you arrive, enter via the gate labeled "Public Parkers". There are four floors of the parking garage, and you will need to take the elevator in the parking garage to the first floor. The parking attendant or an Ava representative will provide access into the building lobby.

The parking garage entry gate will be open until 8pm for CAC and BOD meetings. Attendees can exit the parking garage until 11pm.

Note that the garage's parking fee is \$30 per use. Street parking is widely available near the building and free after 6pm.



Public Parkers entrance

Check-in at Security Desk

When you arrive at our building, please check in with the security desk in the lobby to get access to the elevators. If you have questions or need assistance, an Ava representative will be stationed and identifiable in the lobby. They can be reached at: 510-393-0492.



Draft Minutes (corrected)
Board of Directors Meeting
Wednesday, March 18, 2026
6:00 pm

In Person:

Board Room
Ava Community Energy
1999 Harrison St, Ste 2300
Oakland, CA 94612

Or from the following locations:

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- Stockton City Hall – 425 N El Dorado St., Stockton, CA 95202
- City of Union City's Administrative Offices, Council Conference Room - 34009 Alvarado-Niles Road, Union City, CA 94587

Via Zoom:

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

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(6:28) Chair Andersen passed the gavel for this meeting to **Member Roche**.

1. (7:03) Welcome & Roll Call

Present: Members: Marquez (Alameda County), Lopez (Albany), Tregub (Berkeley), Morada (Dublin), Kaur (Emeryville), Roche (Hayward), Barrientos (Livermore), Del Catancio (Newark), Brown (Oakland), Balch (Pleasanton), Rickman (San Joaquin County), Blower (Stockton), Nygard (Tracy), Sakakihara (Union City), CAC Chair Souza (Community Advisory Committee) and Chair Andersen (Piedmont)

Not Present: Members: Keng (Fremont), Diallo (Lathrop), and Vice-Chair Gonzalez (San Leandro)

Alternate Member Blower served as representative for the City of Stockton (Fugazi). **CAC Vice Chair Balkissoon** served as the representative for the Community Advisory Committee (Souza).

Member Barrientos joined the meeting at 6:22 pm.

Chair Andersen passed the gavel for this meeting only to **Member Roche**.

2. (8:13) Pledge of Allegiance

Presiding Chair Roche led the body in the **Pledge of Allegiance**.

3. (8:38) Public Comment

This item is reserved for persons wishing to address the Board on any Ava-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.

There were no speakers for public comment.

CONSENT AGENDA

4. (9:20) Approval of Minutes from February 18, 2026

5. Contracts Entered Into (Informational Item)

6. Execute agreements to name US Bank as successor Trustee and Custodian for Ava's existing energy prepayment financing transactions

R-2026-3

Staff recommendation to name US Bank as successor trustee and custodian

7. Execute Third Amendment to Reclaimed Wind, LLC Energy Storage Resource Adequacy Agreement **R-2026-4**

Staff recommendation to extend the agreement deadline and revise Commercial Operation Date

There were no speakers for public comment.

Member Balch motioned to approve the Consent Calendar. Member Tregub seconded the motion, which was approved 14/0/0/0/4 (yes/no/abstain/recuse/not present):

Yes: Members: Marquez, Lopez, Tregub, Morada, Kaur, Roche, Del Catancio, Brown, Balch, Rickman, Blower, Nygard, Sakakihara and Chair Andersen

No: none

Abstain: none

Recuse: none

Not Present: Members: Keng, Diallo, Barrientos and Vice-Chair Gonzalez

REGULAR AGENDA

8. (11:23) CEO Report

Howard Chang, CEO, presented the CEO Report and answered questions from the Board. A written version of the report is available in the March 18, 2026 agenda packet.

There were no speakers for public comment.

9. (21:51) CAC Report

CAC Vice-Chair Balkissoon presented the CAC Report and answered questions from the Board. A written version of the report is available in the March 18, 2026 agenda packet.

There were no speakers for public comment.

10. (26:17) Board Member Conference Policy (Action Item)

R-2026-5

Present for approval a policy, vetted by Executive Committee, to permit Ava to reimburse Directors for expenses related to two designated conferences

John Perkins, Legal Director, presented the Board Member Conference Policy item and answered questions from the Board.

There were no speakers for public comment.

Alternate Member Blower motioned to approve the Board Member Conference Policy, with an amendment to use the Ramp application rather than Ironclad for receipt reimbursements. Member Barrientos seconded the motion which passed 15/0/0/0/3 (yes/no/abstain/recuse/not present):

Yes: Members: Marquez, Lopez, Tregub, Morada, Kaur, Roche, Barrientos, Del Catancio, Brown, Balch, Rickman, Blower, Nygard, Sakakihara and Chair Andersen

No: none

Abstain: none

Recuse: none

Not Present: Members: Keng, Diallo and Vice-Chair Gonzalez

11. (38:30) 2026 California Legislative Position Recommendations (Action Item)

R-2026-6

Staff recommendation to support AB 1761 and SB 1138

Sam Sadle, Principle Legislative Manager, presented the 2026 California Legislative Position Recommendations item and answered questions from the Board.

There were no speakers for public comment.

Alternate Member Blower motioned to approve the 2026 California Legislative Position Recommendations. Member Tregub seconded the motion which passed 15/0/0/0/3 (yes/no/abstain/recuse/not present):

Yes: Members: Marquez, Lopez, Tregub, Morada, Kaur, Roche, Barrientos, Del Catancio, Brown, Balch, Rickman, Blower, Nygard, Sakakihara and Chair Andersen

No: none

Abstain: none

Recuse: none

Not Present: Members: Keng, Diallo and Vice-Chair Gonzalez

12. (58:59) 2026 California Legislative Preview (Informational Item)

2026 California legislative preview

Sam Sadle, Principle Legislative Manager, introduced the item and answered questions from the committee. Sam was joined by **Dominic Faria, Senior Policy Coordinator** and **Kendall Downie, Public Policy Coordinator**.

There were no speakers for public comment.

13. (1:31:30) Board Member and Staff Announcements including requests to place items on future Board of Directors Meeting Agendas

Member Morada thanked Ava for attending the City of Dublin's Saint Patrick's Day parade.

14. Adjourn

The meeting was adjourned at 7:28 pm.

The next Ava Board of Directors meeting will be held on Wednesday, April 15, 2026 at 6pm.

3/18/26 – Ava Board of Directors

AI Generated Courtesy Summary - not official minutes

This summary has not been reviewed for accuracy

1. Welcome & Roll Call

The meeting was called to order at 6:02 PM by Presiding Chair Julie Roche, Vice Chair of the Executive Committee, who assumed gavel duties on behalf of Board Chair Betsy Andersen, who was present but unable to preside. The meeting was held at Ava Community Energy headquarters, 1999 Harrison Street, Oakland, in the Ultimate Conference Room. Members of the public were informed they could participate via the raise hand function in Zoom or by pressing star-9 if joining by telephone.

Present: Alameda County, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Newark, Oakland, Pleasanton, Stockton, Tracy, Union City, San Leandro, Community Advisory Committee, Anne Peacock. A quorum was established.

Absent/Not Confirmed Present: Lathrop, Livermore, San Joaquin County (noted as present during roll call vote on action items).

2. Pledge of Allegiance

The Pledge of Allegiance was led by the Clerk.

3. Public Comment

No members of the public, either in the room or attending remotely, wished to address the Board on non-agenda items. Public comment was closed.

CONSENT AGENDA

Presiding Chair Roche noted that the approval of the February 18, 2026 minutes was included as part of the Consent Calendar. No members requested to pull any items for separate discussion, and no public comments were received on the consent calendar.

Motion to approve the Consent Calendar, including Items 4 through 7, was made by Pleasanton and seconded by Stockton. The motion carried unanimously.

REGULAR AGENDA

8. CEO Report

The CEO provided the Board with updates across several areas.

Recent Subcommittee Activity: The Executive Committee met on March 4, 2026, and discussed the conference sponsorship policy for board members, which appeared later on the agenda. The next XCOM meeting is scheduled for April 1 at 3:00 PM. The Marketing, Regulatory, and Legislative (MRL) Subcommittee met on March 6 and received an update on regulatory and legislative priorities and Ava's outreach strategy. The Finance, Procurement, and Administrative Subcommittee meeting scheduled for later in the month was canceled due to no active items requiring attention.

Credit Rating Reaffirmation: Standard & Poor's reaffirmed Ava's "A" credit rating, originally received in 2021. The CEO noted this is a routine reaffirmation process and emphasized that it is a positive signal given the financial volatility and challenges the organization has been navigating, including utilization of rate stabilization funds and reserves. S&P acknowledged the challenging regulatory environment and exposure to further PCIA reform but expressed confidence in Ava's management of those risks. The reaffirmation letter will be posted in Ava's key documents section.

Unincorporated San Joaquin County Enrollment: Enrollment of approximately 60,000 customers in unincorporated San Joaquin County is scheduled to begin in May 2026. Customer notifications began in March and will continue through April, with additional follow-up notifications after enrollment. Staff highlighted the variety of communication channels being used—including social media—and acknowledged the productive engagement with San Joaquin County staff to ensure a smooth rollout and timely response to customer inquiries.

Federal Administration Updates: The CEO provided awareness-level updates on three recent federal actions with potential indirect implications for Ava:

- The Trump administration issued a final rule on February 12 rescinding the 17-year-old EPA Endangerment Finding, which had provided legal justification for federal regulation of greenhouse gas emissions. Seven groups have since filed suit, setting up a likely lengthy court battle.
- The IRS issued interim guidance on the Prohibited Foreign Entity rules related to the Investment Tax Credit and Production Tax Credit, which govern federal incentives for renewable energy projects based on the origin of materials. Staff noted the guidance does not provide full clarity and is being closely tracked.
- The U.S. Supreme Court ruled on February 20 that a significant portion of import tariffs imposed under the International Emergency Economic Powers Act are unconstitutional. In response, the President rescinded those tariffs and imposed a new temporary 10% across-the-board tariff. The CEO noted this adds uncertainty to Ava's PPA and balance-sheet project planning.

Community Engagement: Ava's spring and summer events calendar is actively ramping up, with a notable concentration of events in unincorporated San Joaquin County in preparation for the May launch.

Smart Home Battery Incentive Program Launch: The CEO announced that Ava officially launched the first phase of its Smart Home Battery Incentive Program on Monday, March 16. New behind-the-meter residential battery installations are now eligible for incentives. Future phases will address existing batteries participating in Virtual Power Plant (VPP) aspects of the program, and work continues on the Community Resilience Hub incentive through pilot projects and technical evaluation.

No questions were raised by Board members or the public. Public comment was closed with no speakers.

9. CAC Report

CAC Vice Chair Indira Balkissoon delivered the report on behalf of CAC Chair Sousa.

The CAC held its most recent meeting on Monday, March 16, 2026. Minutes from the February 18, 2026 meeting were approved with one abstention, with a correction noted to the spelling of member Lutz's name. Chair Sousa provided a report on the February 19 Board of Directors meeting, including mention of the updated CEO budget projection showing improvement from a projected deficit of -\$133.7 million to -\$94.2 million for the January–June period. Member Hernandez inquired whether previously removed CARE and FERA customer credits might be revisited; Chair Sousa conveyed that the Board discussed waiting to see whether positive financial trends continue over the next six months before deciding on program restoration.

The CAC's Affordability Ad Hoc Committee met with Paul Finn and Henry Harris of Local Power. The presentation focused on demand-side reduction and distributed energy resource ownership opportunities, including dividend-paying ownership shares and shared use facilitation among neighbors. CAC members noted

that several implementation questions remained unanswered, including revenue models and barriers around currently illegal electron-sharing practices. The ad hoc committee is studying successful project implementations in Ithaca, New York, and Ann Arbor, Michigan.

A public commenter, Jessica Tovar, urged Ava to move away from IOU investment patterns and toward local community development, referencing Ava's original local development business plan and noting that Ava had declined to purchase power from a Hayward project that subsequently sold to PG&E.

The CAC also requested updates on the Demand Response program roadmap and RFP process, discussed expanding future CAC meetings to locations such as Stockton, and emphasized the importance of in-person community engagement in expanded territories. The Vice Chair indicated additional CAC comments would be reserved for the legislative agenda items.

No Board questions or public comments were received. Public comment was closed.

10. Board Member Conference Policy (Action Item)

Legal Director John Perkins presented a draft Conference Expenditures Reimbursement Policy for Board Directors, developed in response to recurring requests from board members for clarity on conference reimbursements. The policy, which was reviewed and refined by the Executive Committee, designates two specific conferences eligible for reimbursement: the CalCCA Annual Conference and the CAISO Stakeholder Symposium. The policy covers all reasonable expenses, including Internet costs, as specifically requested by XCOM. Director Perkins noted one correction to the draft: the reimbursement platform should reference RAMP, not Ironclad as listed in the distributed materials.

Discussion among Board members addressed several points. A director asked whether the policy would preclude the Board from approving reimbursement for other mission-aligned conferences in the future. The CEO and Legal Director clarified that, as with any board policy, this document can be amended at any time by Board action, and that the two designated conferences represent a deliberate starting point rather than a permanent ceiling. The former Board Chair noted the policy originated from situations where board members sought reimbursement for various conferences, and the Executive Committee worked to identify the two most clearly mission-aligned events as an initial framework.

A director raised a question regarding whether the GSA per diem standard—used as a reimbursement benchmark in the policy—would remain a reliable reference point given potential changes under the current federal administration. Legal Director Perkins clarified that the policy does not mandate strict adherence to the GSA rate but uses it as a reasonable reference standard; if the GSA standard were to change in an unexpected direction, the policy's "reasonable expenses" standard would still govern. A question was also raised about estimated annual fiscal impact if all directors utilized both conferences; staff estimated the figure would be under \$60,000 annually, noting historically high variability in attendance.

The CAC Vice Chair noted that a CAC member had expressed interest in attending the CalCCA conference. Director Perkins indicated this requires further legal investigation, as CAC members are not elected officials. Presiding Chair Roche noted the issue remains open for future discussion, and the CAC Vice Chair suggested that even if direct attendance as a participant was not possible, a CAC or Ava representative could potentially present at the conference to highlight Ava's CAC model.

Motion to adopt the Conference Expenditures Reimbursement Policy for Ava Directors, with the amendment to reference RAMP rather than Ironclad as the reimbursement platform, was made by Pleasanton and seconded by Stockton. The motion carried unanimously.

11. 2026 California Legislative Position Recommendations (Action Item)

Legislative Affairs Lead Sam Sadle presented staff recommendations to formally support two CalCCA-sponsored bills, describing them as the first-ever bills sponsored by CalCCA.

AB 1761 – PCIA Data Transparency: Staff provided background on the Power Charge Indifference Adjustment (PCIA) and noted that in early 2025, CPUC staff asserted that Resource Adequacy (RA) Market Price

Benchmarks were flawed and issued a rapid revision in May 2025 that was formally adopted in June. Ava and other CCAs have been unable to effectively audit or forecast the PCIA because data requests submitted as early as February 2025 were delayed 17 times, with only partial information received as of the meeting date.

AB 1761, authored by Assembly Member Rogers (a former board member at Sonoma Clean Power), would require the CPUC to release data underlying any proposal or analysis that informs changes to the PCIA, regardless of whether the data originated from an IOU, CPUC staff, or another party. Market-sensitive data would be made available through a neutral third party rather than shared directly with load-serving entities, using existing data-sharing agreements and structures. The bill is officially sponsored by CalCCA and is supported by most CCAs statewide. Southern California Edison and SDG&E have registered opposition—SCE arguing the data is already accessible, and SDG&E citing compliance burdens. Staff noted that the bill passed the Assembly Utilities and Energy Committee 10-0 earlier in the day, with indications that committee amendments may address SDG&E's specific concerns.

SB 1138 – RA Transactability: Staff explained that since California moved to an hourly RA compliance regime beginning in 2022, a misalignment has existed between the compliance standard (hourly) and the transactability standard (non-hourly), forcing load-serving entities to over-procure RA at an estimated annual cost of approximately \$180 million. The CPUC has acknowledged this issue would save customers money but indicated it was not yet ready to act administratively. SB 1138 would require the CPUC to allow RA transactability between LSEs, capped at 25% of an LSE's compliance portfolio, with transactions required to occur in the same unit of time as the compliance obligation. No opposition has been registered by any party, including the IOUs. The bill has not yet been scheduled for a senate committee hearing, with a hearing anticipated in the second half of April.

Board discussion included questions about the data security and destruction protocols for information shared under AB 1761 (staff committed to follow up), the legislative timeline for both bills, the absence of PG&E from the opposition list for AB 1761, and the significance of these being the first CalCCA-sponsored bills. The CEO, who testified in support of AB 1761 in Sacramento earlier in the day, highlighted the strong showing of CCA support at the hearing with no opposing testimony present.

The CAC Vice Chair reported that the CAC voted unanimously to support both bills, with public commenter Dohee Kim from the Local Clean Energy Alliance also voicing support at the CAC level.

Motion to approve the staff recommendation to support AB 1761 and SB 1138 was made by Director Blauer (Berkeley) and seconded by Director Ochregoom. The motion carried unanimously.

12. 2026 California Legislative Preview (Informational Item)

Legislative staff—Sam Sadle, Dominic Faria, and Kendall Downey—presented a broad overview of the 2026 California legislative session as it relates to Ava's work. Staff noted that approximately 1,800 bills were introduced this session (the lowest count in 20 years), of which roughly 80 are relevant to Ava's operations. Of those, 37 bills (updated from 33 since additional bills moved from intent to text) are currently under active cross-functional analysis, with a first round of formal position recommendations to be brought to the April Board meeting.

Staff organized the bills into thematic areas:

Energy Affordability and Rate Reform: Several bills are attempting to address California's status as having the second-highest electricity rates in the nation. Approaches include directing the CPUC to consider infrastructure spending in cost approvals (AB 1975), requiring consideration of affordability and hardship in rate determinations (AB 2611, SB 924), examining RA values (AB 2266), and requiring the CPUC to study IOU return on equity (AB 2463).

Transmission and Grid Infrastructure: Bills in this area target the delays and costs associated with grid expansion. AB 2493 would require IOUs to retain independent third-party auditors for transmission-related CPUC submissions. AB 2239 would allow expedited energy project development in underserved areas and impose penalties on utilities for missing energization timelines. AB 2516, the California Grid Manufacturing Initiative, would enable the state to aggregate procurement of critical energy components such as transformers and switchboards, and incentivize in-state manufacturing.

Large Load and Data Centers: This emerged as a significant area of legislative activity, with staff organizing their analysis around four themes: (1) preventing cost shifts to non-benefiting ratepayers, (2) protecting grid

reliability and California's climate goals, (3) improving transparency around large load development, and (4) preserving customer choice and CCA participation. Bills of note include SB 886 (comprehensive cost tracking for large loads), AB 2383 (new large load tariffs, treating some transmission costs as system-wide benefits), SB 887 (removing CEQA exemptions for data centers and requiring storage capacity), AB 1577 and SB 978 (transparency and disclosure requirements), SB 943 (electrification incentives for industrial large loads), and SB 1168 (natural gas surcharge on data centers with proceeds directed to low-income programs). Staff noted that several bills establishing new large load tariffs contain language that could unintentionally exclude CCAs as generation providers, and Ava is actively advocating in Sacramento and in a CPUC Rule 30 proceeding to protect CCA participation rights.

Utility-Scale Decarbonization: AB 1156 would facilitate solar and storage development on agricultural land facing water insecurity. SB 1295 would establish a statewide 40-gigawatt energy storage mandate by 2040, with LSE compliance shares assigned proportionally.

Distributed Energy Resources: SB 868 would exempt qualifying balcony or plug-in solar systems from interconnection requirements. AB 2612 would require building standards to accommodate such systems. SB 222 would streamline local permitting and cap fees for heat pump water heaters and HVAC systems (a re-introduction of last year's SB 282). A budget bill would transfer unused program funds to the Demand Side Grid Support (DSGS) program.

Transportation Electrification: AB 1942 would require Class 2 and 3 e-bikes to be registered and plated with the DMV, which would affect Ava's e-bike program (though the program is scheduled to conclude before the bill's effective date). SB 1167 would instead require disclosure to purchasers when a vehicle falls outside the standard e-bike classification. SB 1215 would require IOUs to triple their installed Level 2 and 3 EV charger ports in multifamily housing. SB 1282 would advance vehicle-to-grid regulations.

Dynamic Rates: AB 1787 would require IOUs to offer dynamic rate options once a smart meter is installed. AB 710 would require offering a dynamic pricing option from the outset with a phased rollout.

Miscellaneous: SB 1187 is a Brown Act update building on SB 707, which the Board supported in 2025. Two bills address diversity in PUC appointments. SB 327 is a re-introduction of last year's SB 24 (IOU spending restrictions), which was vetoed due to a drafting error that has now been corrected.

Staff noted that a full list of all 80 tracked bills, with direct links to bill text, is included in the meeting materials. Board members were invited to flag any bills not currently on the tracking list for staff's attention.

Board discussion was largely complimentary. Directors praised the thematic organization of the presentation, particularly the data center buckets, and expressed appreciation for the early engagement on the legislative portfolio. A director asked about Ava's coordination process with CalCCA; staff explained that Ava and CalCCA work collaboratively on a daily basis through tiger teams assigned to individual bills, with a formal endorsement process that runs through CalCCA's legislative committee and CEO-level board. The CEO noted that Ava actively advocates within CalCCA for its own priorities in that process.

No public comments were received. The CAC Vice Chair noted that CAC discussion centered on energy affordability, data center impacts on water and affordability, fossil fuel avoidance, cost isolation, and the opportunities presented by balcony solar.

13. Board Member and Staff Announcements including requests to place items on future Board of Directors Meeting Agendas

Director Morada extended thanks on behalf of the City of Dublin to Ava for attending Dublin's Saint Patrick's Day parade and festival and for sharing information about Ava's services and programs with the community.

No other announcements were made by Board members or staff.

14. Adjourn

Presiding Chair Roche adjourned the meeting at 7:28 PM. The next Ava Community Energy Board of Directors meeting will be held on Wednesday, April 15, 2026, at 6:00 PM.



Consent Item 5

To:	Ava Community Energy Authority
From:	Howard Chang, Chief Executive Officer
Subject:	Contracts Entered Into
Date:	April 15, 2026

RECOMMENDATION

Accept the CEO's report on contracts that Ava Community Energy has entered into, as required by the Administrative Procurement Policy, from March 14, 2026 through April 10th, 2026.

Counterparty Name	Record Name	Record Type	Contract Purpose	Contract Value	Not To Exceed	Expiration Date	City	State	Ironclad Id
Alan Comnes d/b/a New Energy Works Consulting	March 2026 Amendment to the Consulting Services Agreement	Consulting Services Agreement	Contract Purpose: Power Resources consulting; Amendment Purpose: Amendment to renew contract for one more year	\$0 (this contract had sufficient funds remaining that no more were needed.)	N/A	2027-06-30	Portland	Oregon	IC-2686
BPcubed, Inc.	March 2026 Purchase Rider	Purchase Rider	Support in conceiving, managing, and executing a comprehensive public relations campaign for the CMF program	\$20,000	\$20,000	2027-03-12	Sacramento	California	IC-2636
Chocolate Soup, Inc.	March 2026 Purchase Rider	Purchase Rider	Purchase Office & staff materials	\$7,500	\$7,500	2027-09-27	Waterloo	Ontario	IC-2645
Choice Digital Corp	CHOICE DIGITAL MASTER SERVICES AGREEMENT	Vendor Purchase Template	Use Choice Digital to send out NEM/SBP payouts and unclaimed funds	\$30,000	\$30,000	2027-04-02	Broomfield	Colorado	IC-2616

Counterparty Name	Record Name	Record Type	Contract Purpose	Contract Value	Not To Exceed	Expiration Date	City	State	Ironclad Id
DataEndure	Quote #DATQ25452-01	Vendor Purchase Template	Purchase OKTA - Essentials Suite	\$31,483.76	N/A	2027-06-30	Santa Clara	California	IC-2728
DeSpain and Associates Inc (dba DAI Source)	DAI Source Order Form #159453619	Vendor Purchase Template	Appoint IBM Environmental Intelligence Suite	\$6,000	\$6,000	2027-03-20	Irving	Texas	IC-2683
DNV Energy, USA, Inc.	March 2026 Amendment to the Consulting Services Agreement	Consulting Services Agreement	Contract Purpose: To support Ava during the Engineering Procurement and Construction agreement negotiation phase for PV+BESS; Amendment Purpose: To extend expiration date	\$0	N/A	2026-12-31	Katy	Texas	IC-2615
Gurobi Optimization, LLC	Gurobi Optimization Order Form # Q-29565	Vendor Purchase Template	SaaS product license	\$49,000	N/A	2027-05-25	Beaverton	Oregon	IC-2672
Ironclad, Inc.	Order Form	Vendor Purchase Template	Addition of clickwrap functionality.	\$4,430.14	N/A	2026-09-15	San Francisco	California	IC-2689

Counterparty Name	Record Name	Record Type	Contract Purpose	Contract Value	Not To Exceed	Expiration Date	City	State	Ironclad Id
LegalEng Consulting Group, Inc.	February 2026 Purchase Rider	Purchase Rider	Procure consulting services for Ironclad.	\$32,500	\$35,000	2027-03-20	Encinitas	California	IC-2594
Mercer	Mercer Statement of Work	Vendor Purchase Template	Define the work Mercer will perform for Ava Community Energy related to the 2026 Compensation Study, including the scope of services, responsibilities, timeline, and payment terms	\$60,000	\$60,000	2026-12-31	Los Angeles	California	IC-2617
Pleasanton Girls Soccer Association, Inc.	February 2026 Purchase Rider	Purchase Rider	Marketing Sponsorship	\$5,000	\$5,000	2026-09-01	Pleasanton	California	IC-2604
Sacramento Municipal Utility District	AMENDMENT 13 TO EXHIBIT A: SCOPE OF SERVICES Task Order 3 – Data Management and Call Center Services	Vendor Purchase Template	Add additional services and enhancements to existing order.	\$24,150	N/A	N/A	Sacramento	California	IC-2618

Counterparty Name	Record Name	Record Type	Contract Purpose	Contract Value	Not To Exceed	Expiration Date	City	State	Ironclad Id
San Leandro Improvement Association	2026 SPONSORSHIP AGREEMENT	Vendor Purchase Template	San Leandro Cherry Festival Sponsorship	\$5,000	\$5,000	2026-12-31	San Leandro	California	IC-2687
Strategic Energy Innovations	Climate Corps Agreement Contract #00001788	Vendor Purchase Template	SEI will hire Climate Corps Fellows (an intern of SEI) to be hosted at Ava Community Energy.	\$76,000	\$76,000	2027-03-31	San Rafael	California	IC-2560
Talon Audio Visual, Inc.	March 2026 Purchase Rider	Purchase Rider	Engage A/V services for meetings	\$14,200	\$14,200	2026-03-26	Davis	California	IC-2685
Weather Source, LLC	Weather Source, LLC Service Order #WS000336	Vendor Purchase Template	Supply data used directly as inputs into Ava's Short Term Load Forecast model	\$9,742.24	\$9,742.24	2027-04-09	Salem	New Hampshire	IC-2722
Yes Energy, LLC	March 2026 Vendor Purchase Template	Vendor Purchase Template	Provide short-term load forecast products	\$32,000	\$32,000	2027-05-31	Boulder	Colorado	IC-2677



Consent Item 6

To:	Ava Community Energy Authority
From:	Cait Cady, Public Engagement Specialist
Subject:	Resolution of the Board of Directors of the Ava Community Energy Authority approving appointments to Ava’s Community Advisory Committee
Date:	April 15, 2026

Summary/Recommendation

Adopt a Resolution approving appointments to the Community Advisory Committee (“CAC”) in order to fill all open seats on the CAC.

Financial Impact

No new fiscal impact. Current stipends are \$128 per meeting, which amounts to approximately \$1,408 per year per member, if members attend all scheduled eleven meetings (i.e., one meeting per month, less the August recess). CAC Members are also offered reimbursements for their parking to attend meetings, which amounts to \$30 per meeting, per Member.

Analysis and Context

Section 4.9 of the Joint Powers Agreement called for the Board of Directors to establish a Community Advisory Committee, and set its structure and procedures in a Board-approved Community Advisory Committee Guide (Attachment B). On November 20, 2019, the Board of Directors approved the first Community Advisory Committee Guide and appointment process, which outlined membership qualifications and the process of appointing new Members.

On December 17, 2025, the Board of Directors approved changes to the Community Advisory Committee Guide, which established new regional seat allocations and implemented several administrative improvements. These structural changes included increasing the size of the CAC

to 13 Members and allocating the newly added seat to the San Joaquin County Region, reflecting the recent inclusion of unincorporated San Joaquin County (see table1).

Table 1: Current CAC Seat Allocations (as of December 2025)

Region	CAC Seat Allocation	Alternate Seat Allocation
North Albany, Berkeley, Oakland, Emeryville, and Piedmont	3	1
East Dublin, Livermore, and Pleasanton	1	1
South Fremont, Union City and Newark	2	1
Central Hayward, San Leandro, and Alameda County Unincorporated	2	1
San Joaquin County Tracy, Stockton, Lathrop, and San Joaquin County Unincorporated	3	1
At-large	2	0
Total	13	5

The updated CAC Guide also standardized CAC terms to run from May 1 (year of appointment) to April 30 (two years later) and extended terms for all current Members to April 30, 2026, to achieve alignment among all seats.

To accommodate the new standardized terms and prepare for current Member terms expiring on April 30, 2026, Ava staff launched an open application and reappointment process on January 14, 2026. The deadline for submitting an application was Friday, February 20, 2026.

As part of the reappointment process, Ava staff emailed all current CAC Members and made announcements at CAC meetings to explain the reappointment process and communicate the deadline for requesting reappointment.

The open application period was announced through multiple communication channels, including, but not limited to, the following:

- Emailing all Ava Board Members and Board Alternates draft language, a flyer, and links to the application to disseminate to their constituents;
- Creating a banner message on Ava’s website/homepage;
- Including a description and link to the application in the [January edition of Ava’s Direct Current Newsletter](#);

- Posting about the opportunity on Ava’s social media channels (e.g., Facebook, LinkedIn, Instagram);
- Announcing the application period to Ava’s municipal staff partners in every JPA member-jurisdiction, and creating outreach materials that cities could use in their newsletters and social media channels;
- Email outreach to Community Based Organizations (CBOs) across Ava’s service area, including Ava Local Sponsorship recipients;

Ava received 22 completed applications by the end of the application period.

For regional seats, Ava staff distributed the completed applications and solicited appointment nominations from the Board Members representing the CAC region of each respective applicant. For the At-large seats, staff solicited volunteers among the Board Members from each of the five regions to convene an ad hoc committee to make nominations for the two At-large seats. All appointment nominations from Board Directors are summarized below:

Ava Service Area Region	Appointment Nominations
North Albany, Berkeley, Oakland, Emeryville, and Piedmont	Indira Balkissoon Katharine Bierce Emma Riley Andrew Krulewitz (Alternate)
East Dublin, Livermore, and Pleasanton	Thomas Edmunds
South Fremont, Union City and Newark	Shiva Swaminathan Vijay Lakshman
Central Hayward, San Leandro, and Alameda County Unincorporated	Lorraine Mickey Souza Rachel DiFranco Christopher Epperson (Alternate)
San Joaquin County Tracy, Stockton, Lathrop, and San Joaquin County Unincorporated	Davis Harper Zapata Gorgina Halaufia Karl Knodt
At-Large	Brodie Roberts Tanisha Raj

Committee Recommendation

The appointment nominations of the Board Members from each respective Ava service area region and At-large ad hoc committee are summarized in the table above.

Attachments

- A. Resolution
- B. Community Advisory Committee Guide

RESOLUTION NO. R-2026-XX
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVA COMMUNITY ENERGY AUTHORITY APPROVING
APPOINTMENTS TO AVA'S COMMUNITY ADVISORY COMMITTEE

WHEREAS Ava Community Energy Authority ("Ava") was formed as a community choice aggregation agency ("CCA") on December 1, 2016, under the Joint Exercise of Powers Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of Ava and parties to the Joint Powers Agreement ("JPA") in November of 2019. The city of Stockton was added as a member to Ava in September of 2022. The city of Lathrop was added as a member to Ava in September of 2023. San Joaquin County was added as a member to Ava in July 2024. On October 24, 2023, Ava legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception.

WHEREAS Section 4.9 of the JPA Agreement established the Community Advisory Committee ("CAC") to advise the Board of Directors on subjects related Ava's operations, and Members are appointed by the Board of Directors and will represent diverse cross-sections of the service area.

WHEREAS, current terms for all CAC Members end on April 30, 2026.

WHEREAS, from January 14 to February 20, 2026, Ava hosted an online application where members of the public could apply to be considered for nominations to the CAC and appointed by Ava's Board of Directors.

WHEREAS twenty-two completed applications were received during the application period, including at least one from every CAC region.

WHEREAS in the months of March and April, the Directors from each of Ava's CAC regions reviewed the applications from their respective regions and nominated applicants to be appointed by the Board of Directors.

WHEREAS an ad hoc committee of Board Directors, comprised of Directors invited from each CAC region, reviewed applications for At-large positions and nominated applicants to be appointed to the CAC by the Board of Directors.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF AVA COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Board of Directors hereby authorizes the appointments of the following Community Advisory Committee Members and Alternate Members:

Ava Service Area Region	Appointment Nominations
North Albany, Berkeley, Oakland, Emeryville, and Piedmont	Indira Balkissoon Katharine Bierce Emma Riley Andrew Krulewitz (Alternate)
East Dublin, Livermore, and Pleasanton	Thomas Edmunds
South Fremont, Union City and Newark	Shiva Swaminathan Vijay Lakshman
Central Hayward, San Leandro, and Alameda County Unincorporated	Lorraine Mickey Souza Rachel DiFranco Christopher Epperson (Alternate)
San Joaquin County Tracy, Stockton, Lathrop, San Joaquin County Unincorporated	Davis Harper Zapata Gorgina Halaufia Karl Knodt
At-Large	Brodie Roberts Tanisha Raj

ADOPTED AND APPROVED this 15th day of April, 2026.

Betsy Andersen, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Community Advisory Committee Guide

Purpose

Advise the Board of Directors on subjects related to the operations of the CCA program as set forth in the work plan adopted by the Board of Directors.

Authority

Established by the Board of Directors. See JPA section 4.9

Agency

Ava Community Energy (Ava)

Qualifications

Ava service area resident; or those who have owned and actively operated a business in Ava service area for a period of at least five 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 six months to reestablish residency before no longer meeting eligibility requirements.

Staff Person

The Clerk of the Board and Ava's Public Engagement team (contact: cob@avaenergy.org).

Composition

The Advisory Committee consists of 11 regional seats and two at-large seats for a total of 13 seats. Regional seats are allocated by the Board based on JPA Voting Shares in Sec. 4.12.2 and Exhibit C of the JPA. The 11 regional seats each represent the following areas:

Region	CAC Seat Allocation*	Alternate Seat Allocation
North Albany, Berkeley, Oakland, Emeryville, and Piedmont	3	1
East Dublin, Livermore, and Pleasanton	1	1
South Fremont, Union City and Newark	2	1
Central	2	1

Hayward, San Leandro, and Alameda County Unincorporated		
San Joaquin County Tracy, Stockton, Lathrop, and San Joaquin County Unincorporated	3	1
At-large	2	

*CAC seat allocations are based on the corresponding Voting Shares Vote described in JPA Sec. 4.12.2

Application Process

The application process will occur at least once a year and should be held early in the calendar year. If subsequent, unanticipated vacancies emerge on the Committee that prevent a quorum, additional application and appointment cycles may be held at any time at the discretion of staff or the Board. Any person residing or owning and actively operating a business in the Ava service area interested in serving on the Advisory Committee should complete the Advisory Committee application during the specified application period. Ava will announce the start of the application window via meeting announcements, Ava email distribution list, and the Community Advisory Committee site: <https://avaenergy.org/governance/>. The application period will last for at least 30 days from the time it is first announced

Sitting CAC Members who are eligible to serve another term can submit a request for reappointment that will affirm their eligibility and interest in seeking reappointment. Staff will share the reappointment form with eligible Members ahead of the upcoming appointment cycle and distribute responses to Board Members for consideration.

Applicants will receive an automated email response to their application submission with the appointment target date. Ava 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.

The Executive Committee and/or an ad hoc committee of the Board will review applications and recommend the appointment of members to the full Board for approval. Executive or ad hoc committee members have the option to interview applicants and/or call references as part of their review.

Once the Executive Committee or ad hoc committee has finalized their recommended appointment(s), staff will notify the applicants and confirm their continued interest in the appointment. If a selected applicant declines the appointment invitation, another candidate may be selected from the same pool of applicants. Applications will be retained for 30 days after appointments are made. In the event a vacancy is created during these 30 days, Ava 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

Committee Members are appointed by the Board of Directors based on the qualifications outlined above.

Term

Appointments shall be for staggered two-year terms, with each term beginning on May 1 and ending on April 30 of their respective appointment years. Members in regionally allocated seats may serve up to four full terms or any combination thereof for a total of eight years, or at the pleasure of the Board, from the date of appointment. No appointee to a regional seat shall serve more than a total of four terms.

In the event of a CAC Member resignation, an Alternate or off-cycle appointee who completes one year (i.e., half the term) of the previous appointee's term will remain eligible for another seven years of CAC service. Those who complete less than one year of the previous appointee's term will remain eligible for another eight years of CAC service.

At-large Members may serve up to two consecutive terms and the same CAC region cannot be represented in an At-large seat for more than two consecutive terms. In the event of an At-large Member resignation, an off-cycle appointee who completes one year (i.e., half the term) of the previous appointee's term will remain eligible for another three years of CAC service. Those who complete less than one year of the previous appointee's term will remain eligible for another eight years of CAC service.

Chair and Vice-Chair

The Committee shall elect a new Chair and Vice-Chair annually. Members may serve as Chair or Vice-Chair for one year and for no more than two 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 stipend per meeting with a maximum of four meetings per month. Stipends are set and adjusted by the Board of Directors, with regular adjustments for inflation.

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 every regular CAC meeting, which occur on a monthly basis. Members must inform the Clerk of the Board of a planned absence.

Absences may not be communicated solely through the Chair, although the member should include the Chair in any attendance communications with the Clerk. Members are also expected to coordinate directly with the Alternate for their region when they cannot attend a meeting. 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

Vacant Regional and At-large seats on the Committee will be filled on an annual basis early each calendar year, or more frequently when necessary to achieve quorum. During an application and appointment cycle, Ava will announce the vacancy and the start of the application period via meeting announcements, Ava email distribution list(s), and the Community Advisory Committee site: avaenergy.org/governance/. If the seat vacated is a Regional seat, an Alternate may be appointed immediately following the vacancy 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. A Member's attendance record may also be taken into account if/when they seek reappointment for additional terms.



Consent Item 7

To:	Ava Community Energy Authority
From:	Russell Mills, Chief Financial Officer & Treasurer
Subject:	Presenting the Treasurer’s Report for Fiscal Year 2025-2026 Q3 (Informational Item)
Date:	April 15, 2026

Summary/Recommendation

Receive report on Ava’s cash position.

Background and Discussion

For the quarter ending March 31, 2026, Ava has maintained a positive cash balance on all Ava bank accounts. Below is a summary of account balances, cash received, and outstanding loan balances.

Account Balances as of 03/31/2026

Accounts Held	Amount
River City Accounts	
Operating	
Internal Operating	\$ 6,101,544
Operating Fund	\$ 112,151,486
Lockbox	\$ 12,690,430
Interest Bearing	
Money Market	\$ 122,441,809
Insured Cash Sweep Checking	\$ 111,387,429
Insured Cash Sweep Saving	\$ 5,215,010
CDARS	\$ 50,000,000
US Bank	
Checking	\$ -
Reserve Balance	\$ 330,873,400
Invested Capital	\$ 22,471,366
Wells Fargo	
Security Margin	\$ 168,200
Total	\$ 773,500,674

Cash Received by Month into Lockbox Account

Jan	2026	\$	91,718,890
Feb	2026	\$	79,339,742
Mar	2026	\$	58,504,680
<hr/>			
Total		\$	229,563,312

Outstanding Loan Balances:

PNC Credit Facility: \$0.00

Customer Delinquency:

As of March 31, 2026

31 – 60 Days:	\$ 8,809,677
61 – 90 Days:	\$ 5,844,983
91 - 120 Days:	\$ 4,275,468
120+ Days:	\$ 61,042,419



Consent Item 8

To:	Ava Community Energy Authority
From:	Sam Sadle, Principal Legislative Manager
Subject:	2026 Legislative Program Administrative Update
Date:	April 15, 2026

Recommendation

Approve resolution updating the Legislative Program to ensure it accurately reflects the Agency's 2026 staffing and priorities.

Analysis and Context

Ava staff has worked to implement the Board approved Legislative Program since its initial adoption in July of 2019. The Legislative Program provides a framework for the Ava legislative team to identify, assess, track, and (with Board approval) take advocacy-related action regarding proposed legislation. Furthermore, the Legislative Program guides staff in identifying which of the more than 2,000 bills per year that are introduced in Sacramento are important to Ava and relevant to our services.

As part of the Ava legislative team's efforts to ensure coordination, clarity, and timeliness of our legislative work, we undertake an annual administrative review of the Legislative Program and present updates for the Board's review. This annual review helps us ensure that the Agency's priorities are properly reflected, and the current state of our staffing and third-party partners are correctly documented. This year, we have proposed to the Board several non-substantive changes:

1. Clarified and simplified descriptive language in the Legislative Program;

2. Added *Autonomy* as a standalone entry in the list of Ava Public Policy Positions. In previous iterations, *Autonomy* was embedded within the other positions listed; and
3. Retitled the *Legislative Program* to the *Legislative Platform* to more appropriately reflect its role in our internal deliberative process and better matches industry standards.

Committee Recommendation

This matter was discussed at the April 10 Marketing, Regulatory, and Legislative Subcommittee meeting.

Attachments

- A. Legislative Program Updated April 2026 Resolution
- B. Legislative Program Updated April 2026

RESOLUTION NO. R-2026-XX
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVA COMMUNITY ENERGY AUTHORITY ADOPTING THE AVA
LEGISLATIVE PROGRAM – APRIL 2026 UPDATE

WHEREAS Ava Community Energy Authority (“Ava”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, under the Joint Exercise of Powers Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of Ava and parties to the Joint Powers Agreement (“JPA”) in March of 2020. The city of Stockton was added as a member to Ava in September of 2022. The city of Lathrop was added as a member to Ava in October of 2023. San Joaquin County was added as a member to Ava in July 2024. On October 24, 2023, Ava legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception;

WHEREAS the federal and state governments consider numerous legislative proposals throughout the year that can have a beneficial or negative impact Ava and its customers;

WHEREAS Ava’s Legislative Program was first adopted in 2019 and has been updated frequently since then;

WHEREAS Ava must from time to time update its Legislative Program to include new staff and advocates, simplify language, and address changes in Sacramento and Washington, DC; and

WHEREAS Ava seeks to advance policy positions on a variety of issues including nonbypassable charges; disadvantaged communities; environmental sustainability; finance; education, neighborhood and social services; distributed energy resources; clean energy tax credits; streamlining energy permitting and regulatory compliance; and Community Choice Aggregator autonomy.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF AVA COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Board of Directors hereby adopts the Ava Legislative Platform – April 2026, attached hereto.

Section 2. The Board of Directors authorizes Ava staff to advocate on behalf of the principles and objectives outlined in the Ava Legislative Platform – April 2026 before relevant governmental bodies.

ADOPTED AND APPROVED this 15th day of April, 2026.

Betsy Andersen, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

Legislative Platform

State and Federal Policy Legislative Priorities

Updated April 2026



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Introduction

The Ava Community Energy (“Ava”) Legislative Policy Platform outlines the priorities and positions that guide Ava’s engagement and advocacy with leaders and key decisionmakers across the legislative policy landscape. These priorities are intended to support our Agency’s core purpose of providing clean, reliable, and affordable electricity to the communities we serve.

Ava has five major policy priorities: Making Electricity More Affordable, Protecting Community Choice, Accelerating Decarbonization, Promoting Local Development, and Increasing Bill Transparency and Understanding. Ava’s decision to support legislation is contingent upon the legislation supporting one or more of these priorities.

This document provides direction to Ava leadership, staff, and legislative advocates in Sacramento and Washington, DC, and serves as the foundation for any action taken by the Ava Board of Directors regarding State or Federal legislation. It empowers Ava staff to draft letters, direct our legislative advocates, propose legislation or legislative language, or otherwise speak on behalf of the Agency regarding the priorities this document outlines.

Any correspondence signifying Ava’s support for or opposition to a given bill must be approved by the Ava Board of Directors, the Board’s Executive Committee, or the CEO in accordance with the delegation of authority provided by the Board to the CEO on time-sensitive matters.

Any questions regarding this Legislative Policy Platform should be directed to Sam Sadle, Principal Legislative Manager, at 510.753.5248 or ssadle@AvaEnergy.org.

Sincerely,

Howard Chang

Chief Executive Officer, Ava



Ava Board of Directors

Alameda County

Supervisor Elisa Márquez

Albany

Mayor Robin López

Berkeley

Councilmember Igor Tregub

Dublin

Councilmember John Morada

Emeryville

Vice Mayor Sukhdeep Kaur

Fremont

Councilmember Teresa Keng

Hayward

Councilmember Julie Roche

Lathrop

Councilmember Minnie Diallo

Livermore

Councilmember Ben Barrientos

Newark

Councilmember Julie Del Catancio

Oakland

Councilmember Rowena Brown

Piedmont

Mayor Betsy Andersen (Chair)

Pleasanton

Mayor Jack Balch

San Joaquin County

Supervisor Robert Rickman

San Leandro

Mayor Juan González III (Vice Chair)

Stockton

Mayor Christina Fugazi

Tracy

Councilmember Dotty Nygard

Union City

Vice Mayor Scott Sakakihara

Community Advisory Committee (non-voting)

Lorraine "Micky" Souza, Chair



Contact Information

Mailing Address

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Oakland, CA 94612

Program Staff

Chief Executive Officer

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Principal Legislative Manager

Sam Sadle
510.753.5248
ssadle@AvaEnergy.org



Legislative Advocates

State Legislative Advocate

Omni Government Relations

Mandy Isaacs-Lee
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Sacramento, CA 95814

916.425.8481
mandy@omnigr.com

Federal Legislative Advocate

Townsend Public Affairs

Joseph Melo

600 Pennsylvania Avenue SE, Suite 207
Washington, DC, 20003

202.546.8696
jmelo@townsendpa.com



Guiding Policy Principles

Ava has five guiding policy principles that serve as the foundation for the legislative platform and all legislative actions Ava will take, including advocating for legislation, initiatives, or regulatory proposals that promote those same guiding priorities.

Public policy encompasses a myriad of subject and topic areas. As these policies intersect at the local level, they have the potential to impact Ava's finances, customers, local programs, and/or administrative discretion and control. Ava will support policies that make electricity more affordable, protect community choice, accelerate decarbonization, promote local development, increase bill transparency and understanding, or that accomplish any combination thereof. If a given policy does not meet these criteria, Ava will oppose, support if amended, or in some cases take no stance on that policy or legislation.

The General Legislative Principles for Ava are:

Making Electricity More Affordable

- Ava supports policies that put downward pressure on electricity rates, reducing the financial burden on ratepayers and lowering barriers to electrification.

Protecting Community Choice

- Ava supports policies that bolster the stability and competitiveness of the Community Choice model and opposes policies that undermine Ava's ability to achieve our mission.

Accelerating Decarbonization

- Ava supports policies that incentivize and accelerate decarbonization, including those that improve energy efficiency, reduce barriers to clean energy and storage development, and increase the adoption of impactful behind-the-meter distributed energy resources.

Promoting Local Development

- Ava supports policies that enhance local environmental and economic resilience, empower disadvantaged communities, invest in workforce training programs, and create a cleaner, more robust, and more equitable economy for everyone.

Increasing Bill Transparency and Understanding

- Ava supports policies that make it easier for customers to understand what they're paying for and why. Ava also supports increased transparency in the utility ratemaking process so that customers can meaningfully participate in decisions affecting their daily lives.



Ava Public Policy Positions

Based on the above Guiding Policy Principles, Ava has identified the following specific policy positions to more clearly articulate the Agency's stance on several priority issues. The list of policy positions below is by no means exhaustive, and Ava reserves the right to add to or amend this list at any time, subject to approval by the Board of Directors.

1.1 Nonbypassable Charges

- A. Support policies that promote a level playing field between Community Choice Aggregators and other market participants, including those that ensure a fair and just calculation of the Power Charge Indifference Adjustment.
- B. Oppose policies that increase or are likely to lead to an increase in nonbypassable charges.

1.2 Disadvantaged Communities

- A. Support policies and initiatives that increase funding for and access to bill credits, energy projects, and electrification programs that serve disadvantaged communities and low-income customers within Ava's service territory.
- B. Support policies and initiatives that reduce local air pollution, health outcome disparities, and other negative impacts associated with energy production and consumption.
- C. Support policies that enhance the stability and impact of programs that reduce energy bills for low-income customers and assist them with paying their energy bills.
- D. Oppose policies that have the potential to disproportionately and negatively impact disadvantaged communities and/or low-income customers, especially those within Ava's service territory.

1.3 Environmental Sustainability

- A. Support policies and initiatives that increase and/or stabilize funding for the creation of sustainable energy infrastructure, innovative renewable energy sources, and energy efficiency programs.
- B. Support policies and initiatives that encourage efficient energy consumption and the overall conservation of energy resources.
- C. Support policies and initiatives that reduce and mitigate the effects of climate change and enhance local resiliency.

1.4 Finance

- A. Support policies that enhance the financial standing of Community Choice Aggregators (CCAs) and their ability to receive a positive credit rating.
- B. Oppose policies that remove the tax-exempt status of municipal bonds or otherwise interfere with CCAs' ability to leverage bond markets to secure customer savings.
- C. Oppose any policies that would divert Community Choice energy revenues to the State or other governmental entities.



1.5 Educational, Neighborhood, and Social Services

- A. Support policies that aid or help Ava’s mission to provide energy support services, electric bill and home electrification education, and opportunities for reducing energy costs to people who are low-income, seniors, veterans, and/or people with disabilities.
- B. Support policies that enhance ratemaking transparency and customer energy bill transparency and understanding.

1.6 Distributed Energy Resources

- A. Support policies that increase funding for and facilitate the adoption and deployment of distributed energy resources (DERs), including batteries, electric heat pump water heaters, thermostats, and electric vehicle charging infrastructure.
- B. Support policies and initiatives that encourage the effective development and deployment of dynamic load-shifting capabilities and technology, including managed charging.
- C. Oppose policies that threaten CCA autonomy over DER program implementation and virtual power plant (VPP) configuration and cost-recovery.

1.7 Clean Energy Tax Credits

- A. Support policies that maintain and/or expand financial incentives for investing in and developing clean energy projects, including renewable energy component manufacturing and electricity generation.
- B. Support policies that maintain and/or expand financial incentives for households and property owners to install effective clean energy technologies and invest in energy efficiency home upgrades.
- C. Support policies that maintain and/or expand financial incentives for consumers, businesses, and local governments to purchase new or used zero emission vehicles and charging infrastructure.
- D. Oppose policies that reduce, repeal, or create barriers to accessing clean energy tax incentives.

1.8 Streamlining Energy Permitting and Regulatory Compliance

- A. Support policies that reduce administrative and regulatory barriers to developing renewable energy generation and transmission projects, including through implementing more efficient permitting processes, without jeopardizing environmental standards and local community and stakeholder input.
- B. Support policies that reduce and/or streamline certification requirements and permitting processes necessary to install energy efficient electric appliances and home battery systems, making it easier and more affordable for Ava customers to electrify their homes.
- C. Support policies that eliminate outdated and duplicative compliance reporting requirements that save administrative overhead costs and increase customer savings.
- D. Oppose policies that unjustifiably increase burdensome regulatory requirements, including for energy project development and load serving entity compliance.

1.9 Autonomy

- A. Support policies that enhance the autonomy and flexibility of CCAs to meet procurement goals and targets, develop local programs, and set rates that best serve our communities and customers.
- B. Oppose policies that restrict, limit, or otherwise interfere with Ava’s ability to procure energy products to meet policy goals, budget for local programs and initiatives, or set rates to serve any customer class.



Legislative Program Coordination

Legislation can be brought to the attention of Ava through a variety of channels:

- State and federal legislative advocates
- Elected representatives
- CalCCA
- LEAN Energy US
- Ava Board members
- Ava Staff
- Ava Community Advisory Committee members
- Ava customers and community members
- Other associations and partners

All legislative position requests will be directed to Ava’s Public Policy department. Ava staff will then review the legislation in coordination with relevant departments to analyze whether the legislation aligns with Ava’s guiding legislative priorities. Staff will then monitor and track the legislation, providing updates when necessary.

Concurrent with this evaluation, Ava’s Public Policy department will recommend a position and course of action.

Legislative Review Process and Timeline

The California state legislature routinely introduces thousands of bills during each legislative session, approximately half of which are passed by both chambers and sent to the Governor’s desk. Although the exact number fluctuates year to year, typically one hundred bills or so each session are related to energy, utilities, or local governance – the policy areas in which Ava takes a particular interest.

Bringing every energy or local government-related bill to the Board of Directors for a position vote each year would be unfeasible and inefficient. Ava’s Public Policy department, in partnership with Ava’s legislative advocates and trade associations, is therefore responsible for tracking this full suite of legislative activity, identifying bills that have or could have an impact on Ava’s operations, and ultimately selecting a smaller subset of bills to prioritize and bring to the Board of Directors for a position vote, based on the following general criteria:

1. Taking action (for, against, or neutral) on this legislation will align with Ava’s legislative principles;
2. Ava has a unique interest in this legislation;
3. Should Ava take no action, it is unlikely that other relevant stakeholders will lead the push for or against this legislation; and/or
4. The impacts of this legislation on Ava are substantial/existential.

Ava staff typically spends the first few months of the legislative session (January-March) monitoring bill introductions and tracking all relevant legislation. As bills are amended in March and April, staff will conduct deeper bill analyses and determine the final slate of bills that is brought to subcommittees and the full Board of Directors for input and feedback. Starting in April, staff will recommend the Board take a specific position on each bill included in the previously identified slate. (Support, Support if Amended, Oppose, Oppose Unless Amended, Neutral)

Ava staff will follow a similar set of criteria when evaluating federal legislation. However, because the Congressional legislative cycle is generally less predictable than California’s and the volume of bills passed each



year by Congress is typically much smaller, federal bill position recommendations will be brought to the Board on an ad-hoc basis.

Legislative Action

There are six primary actions, which may be taken independently or in combination, all of which are coordinated by the Principal Legislative Manager or their designee:

- 1. Direction to lobbyists to advocate in support, support if amended, oppose unless amended, or opposition to legislation**
 - a. Pursuant to direction from the Ava Board of Directors, the Board's Executive Committee, or the CEO in accordance with the delegation of authority provided by the Board to the CEO on time-sensitive matters, Ava staff will notify advocates of Ava's stance on legislation and direct them to take appropriate action with legislators.
- 2. Ava correspondence with relevant legislators**
 - a. In conjunction with providing direction to lobbyists once Ava has determined its stance on legislation, Ava staff will correspond with appropriate policymakers.
- 3. Ava Board-approved resolution**
 - a. Ava staff will draft a staff report and resolution for consideration by the full Ava Board of Directors. Approved resolutions will be forwarded along with a letter signed by the Chief Executive Officer or his/her designee to the appropriate legislators.
- 4. Ava Board outreach**
 - a. Ava staff will draft talking points and other relevant information for individual Board Members to personally contact appropriate legislators to advocate on behalf of Ava.
- 5. Travel to Sacramento or Washington, D.C.**
 - a. Ava staff and/or Board Members may decide to advocate in person. Staff will coordinate with the appropriate advocates to organize meetings or attend other advocacy events.
- 6. Draft or Sponsor Specific Legislation**
 - a. Ava staff and legislative advocates will work with Ava's legislative representatives to articulate Ava's stance and work to ensure said stance is codified in statute.



CEO Report Item 9

TO: Ava Community Energy Board of Directors
FROM: Howard Chang, Chief Executive Officer
SUBJECT: CEO Report (Informational Item)
DATE: April 15, 2026

Recommendation

Accept Chief Executive Officer (CEO) report on update items below.

Executive Committee Meeting

An Executive Committee meeting was held on Wednesday, April 1, 2026. Members received updates on the procurement policy and the Ava Charge program. The next meeting will be held on Wednesday, May 6, 2026 at 3 pm.

Finance, Administration and Procurement Subcommittee Meeting

The March 25, 2026 meeting of the Finance, Administration and Procurement Subcommittee was cancelled. The next meeting will be held on Wednesday, May 27, 2026 at 3:30 pm.

Marketing Regulatory and Legislative Subcommittee Meeting

A Marketing, Regulatory and Legislative Subcommittee meeting was held on Friday, April 10, 2026. Members received updates about the 2026 policy platform and recommended legislative positions. The next Marketing, Regulatory and Legislative Subcommittee meeting will be held on Friday, June 12, 2026 at 10 am.

Unincorporated San Joaquin County Enrollment

Ava will begin providing electricity generation service to unincorporated San Joaquin County's 60,000 customers starting in May 2026. The first pre-enrollment notices were sent throughout March, totaling 34,000 letters and 29,000 emails.

The second pre-enrollment notice will go out in April. Post-enrollment notices will be sent in May and June. The 1,800 customers with a true-up date in May and June will receive their first notification in April.

As of April 6, around 1,500 customers have opted out of Ava service, meaning that just 2.5% of customers have thus far chosen to stay with PG&E for generation service.

Marketing & Outreach

Ava continues its marketing outreach in unincorporated San Joaquin County to inform residents about the upcoming mass enrollment.

In April, we are running targeted digital ads for residents in unincorporated areas, maintaining four strategically placed billboards, and continuing print advertising in SJ Mag and Latino Times. In May, we plan to refresh our creative to support the official service launch.



Ad examples currently running in Latino Times, SJ Mag, and Lincoln Center Small Digital Board

In addition, throughout April and May, Ava is hosting a series of live webinars to give unincorporated San Joaquin County residents the opportunity to connect with our staff and learn more about Ava. Below is a list of past and upcoming webinars:

April

- April 2, 2026 [Introduction to Ava for Residents in San Joaquin County](#)
- April 9, 2026 [Ava Para Residentes En El Condado De San Joaquín](#)
- April 7, 2026 [Introduction to Ava for Agricultural Accounts in San Joaquin County](#)
- April 14, 2026 [Introduction to Ava for Businesses in San Joaquin County](#)

May

- May 5, 2026 [Introduction to Ava for Businesses in San Joaquin County](#)
- May 12, 2026 [Introduction to Ava for Agricultural Accounts in San Joaquin County](#)
- May 19, 2026 [Introducción a Ava para Cuentas Agrícolas en el Condado de San Joaquín](#)

Long Term Project Online Date Announcement

A Solar and Battery Storage project that Ava has under contract achieved its Commercial Operation Date on April 1, 2026.

1. **Sun Pond:** The Sun Pond project is a 42.5 MW solar facility paired with a 42.5 MW/170 MWh battery energy storage system (“BESS”) located in Maricopa County, Arizona, delivering renewable energy into California for Ava customers. The Sun Pond project is developed and operated by Longroad Energy and will generate enough electricity to power approximately 35,000 average American homes. Sun Pond is part of the larger

Longroad Sun Streams Complex which is currently comprised of three additional projects across approximately 6,000 acres. With Sun Pond, the combined facilities will contain 973 MW of solar and 600 MW / 2,400 MWh of storage. Sun Pond achieved Commercial Operation on April 1st, 2026.



1 Sun Pond Energy Storage Facility, Maricopa County, AZ

Longterm Renewable Portfolio Update

Rosamond Central was Ava’s first long-term Agreement to reach commercial operations in late 2020. Since then, Ava’s portfolio of online projects has grown to 640 MW of solar and wind generation, and 395 MW of battery storage capacity. The table below lists the online projects in Ava’s portfolio of long-term wholesale energy agreements, providing renewable generation and storage capacity to California for Ava customers.

Ava's Online Renewable Generation & Storage Projects	Technology	Start of Delivery	Generation Capacity (MW)	Storage Capacity (MW)
Rosamond Central	Solar	2020	112	
Altamont	Wind	2021	54.8	
Tecolote	Wind	2021	100	
Henrietta	BESS	2022		10
Luciana	Solar	2022	55.83	
Daggett	Solar + Storage	2023	50	12.5
Oberon	Solar + Storage	2024	125	125
Scarlet I	Solar + Storage	2024	100	30
Tumbleweed	BESS	2024		50
Kola	BESS	2025		125
Sun Pond	Solar + Storage	2026	42.5	42.5
Total			640.13	395

Ava in the Community - April

To raise awareness of Ava's service, support our community, and connect customers to our offerings, Ava sponsors and staffs events throughout our service territory all year long. Additionally, we also deliver presentations to community groups. Below is a list of upcoming events we're participating in between 4/15 and 5/20. Learn more at <https://avaenergy.org/about-ava/meetings-events/events/>

Date	Event	Type	Location
4/16/2026	Lockeford CMAC	Presentation	Lockeford Community Center
4/17/2026	Stockton Ports game (Disability Awareness Night)	Sponsoring & Tabling	Banner Island Ball Park
4/18/2026	Fremont Earth Day	Tabling	Fremont Downtown Event Center
4/19/2026	Stockton Earth Day	Sponsoring & Tabling	Stockton Victory Park
4/22/2026	Energy Equity Workshop with WOEIP	Presentation	West Oakland
4/25/2026	Ride 4aReason	Sponsoring	Oakland Technical High School
4/25/2026	Tracy Earth Day	Sponsoring & Tabling	Downtown Tracy
4/25/2026	Friends Outside	Sponsoring & Tabling	Stockton Memorial Civic Auditorium
4/25/2026	Berkeley Home Electrification Fair	Sponsoring & Tabling	David Brower Center
4/26/2026	Asparagus Festival	Sponsoring & Tabling	SJC Fairgrounds
4/28/2026	City of Berkeley Climate Corp Fellows Meet and Greet	Presentation	City of Berkeley Office
5/2/2026	Berkeley Bay Festival	Tabling	Shorebird Park
5/3/2026	Cinco de Mayo Festival	Sponsoring & Tabling	San Joaquin County Fairgrounds
5/12 - 5/14	CalCCA Conference	Tabling	Sacramento
5/14/2026	Bike to Wherever Day (Energizer Station)	Sponsoring & Tabling	Downtown Oakland

5/15/2026	Stockton Ports Game (Local Heroes Night + Sling Bag Giveaway)	Sponsoring & Tabling	Banner Island Ball Park
5/21/2026	French Camp CMAC	Presentation	French Camp Elementary

Community Advisory Committee
Meeting minutes for April 13th, 2026

During the public comment portion initiating the meeting, Jessica Tovar spoke of:

1. Her support of the board's resolution that would bar contractors from working with ICE, but she is concerned that this policy has an expiration date of 12-1-2028.
2. She also expressed distress over the loss of more than half of the committee, noting that this undermines the value of staggered terms.

Chair Souza penned a letter—signed by other CAC members and to be read to the board—echoing regret over the loss of CAC members, but clarified that the letter was commentary rather than a motion, and that The Board has the ultimate decision. Please note that due to technical issues and lack of time, the signatures for members Swaminathan and Landry were signed with their authorization.

C3. The meeting minutes from March 16 were approved unanimously.

C5. Regarding our legislative outreach efforts, Jim recommends that we expand our engagement beyond paid lobbyists and direct staff contacts. We should actively include local and statewide nongovernmental organizations and labor unions where appropriate. Collaborating with these entities could significantly increase the reach and potency of the agency's advocacy efforts. Staff member Sadie directed us to a slide listing the nongovernmental agencies involved in shaping of AVA's legislative agenda.

C6. Concerns

AB 1975 - Katherine Beers, a member of the public, voiced concern over raising limits on the grid in light of wildfires and grid stress. Chair Souza noted that PG&E does have a monitoring system for grid stress and raising the percentages of grid usage is a concern that needs careful analysis.

SB 222. Chair Souza advised that AVA should review current Title 24 building codes which include duct testing of HVAC systems, proper airflow and refrigerant charge, and system sizing to keep these parts of consumer installation verification intact for the protection of consumers, energy efficiency, and potential problems associated with a fairly new HVAC technology. It is noted that heat pumps can be far more effective than the best gas appliance when installed correctly, and the CAC highly supports this technology.

SB 868: Member Lutz discussed supporting this bill even without amendment because adding the cost of batteries may be cost-prohibitive for low-income households. He also made a second recommendation for AVA to support battery deployment for customers. Staff pointed out that because solar operates during the day when most people are out of the house, batteries would be a significant improvement for residents. Supporting batteries that are not connected to the grid, would be complex and may not be under the purview of AVA. Member Lutz later withdrew the proposed change.

SB 913 - Member Hernandez asked for clarification around the surcharge and whether it would include fossil fuel-emitting fuels being used as DERS (Distributed Energy Resources.) Staff emphasized that the initiative discouraged fossil fuel as a means for electricity generation. The CAC agrees that any effort to curb the use of fossil fuels for electric generation, directly or indirectly, should be prohibited, and strongly opposed.

Item C7: Health-e Communities

The CAC and public lamented the lack of households participating in the program because the data proves the beneficial impact it made in households moving from gas to electric cooking. The data showed how impactful moving away from gas cooking was on unhealthy levels of nitrogen dioxide, which has proven detrimental health effects, especially to children, and on carbon monoxide levels, which are also linked to sickness and are the leading cause of accidental poisoning deaths in the United States. The program reduced both of these toxins from unsafe to safe levels when electric induction ranges were deployed.

Even so, the study was a soaring success in the data collected and learnings gathered from implementation by Franklin Energy. Learnings include that outreach to local community organizations could have greatly increased participation, and remote assessments of homes for electrical viability and currently installed appliances can help greatly in reducing program cost.

Further suggestions include sharing the data with governments and health organizations for use in determining priorities in further effort in removing gas cookware and other gas appliances for the health of our local communities.

C8. Ad Hoc committee update. The CAC will combine the current Ad Hocs into the Energy Affordability Ad Hoc and refrain at this time from moving to a CCA 3.0 Ad Hoc. Jim Lutz, on his own dime, is going to the CALCCA and we await his findings from this important event.

C9. The CAC and staff appreciate the members who have served for so many years, volunteering their time, institutional knowledge, commitment, and dedication to advancing what they and the greater CAC believe is one of the most important organizations that is worthy of support during this time of community stress and climate change.

Regarding the Loss of Over Half of The Community Advisory Committee Members

To: The AVA Board of Directors

By: The Remaining Members of the 2026-2027 AVA Community Advisory Committee

Dated: April 12, 2026


The (CAC) Community Advisory Committee and its members are both honored and pleased to serve AVA Community Energy, and the community it serves. Being the voice of a community is both rewarding and at times difficult, especially when serving a community in need may go opposite to the logic of commercial budgetary constraints and financial prudence. This complexity runs into not just budgetary risks, but differing demographic needs such as weather, climate change stressors, available technologies, and the prioritization of financial and human resources.


The CAC provides over a decade of institutional knowledge dating back to the inception of Community Choice Aggregation. Our members maintain vital connections to labor, energy technology sectors, community leaders, and governing institutions throughout the Bay Area.


We are concerned that the current proposal to turnover six of our eleven members—more than half of the committee—may compromise our efficacy. While we welcome new perspectives, the loss of several founding members, some of whom have a longer tenure than senior staff, represents a significant loss of institutional history.

We respectfully request that the Board reconsider the non-renewal of members who wish to continue their service. In particular, we advocate for the retention of Jim Lutz and Ernest Pacheco. Neither has reached their term limit, and both offer invaluable expertise and established relationships with energy technology and labor institutions within AVA territory.


Signed,


Lorraine "Mickey" Souza


Davis Harper Zapata (Apr 12, 2026 16:15:05 PDT)
Davis Harper Zapata


Indira Balkissoon (Apr 13, 2026 14:49:39 MDT)
Indira Balkissoon

Shiva Swaminathan
Shiva Swaminathan


Ed Hernandez

Cynthia Landry



Staff Report Item 11

To:	Ava Community Energy Authority Executive Committee
From:	John Perkins, Deputy General Counsel
Subject:	Updating Ava’s Administrative Procurement Policy to reflect requirements leveraged by Ava’s member municipalities.
Date:	April 15, 2026

Summary/Recommendation

Staff recommends adopting the updates to Ava’s Administrative Procurement Policy and its Consulting Services Agreement template set forth in the accompanying presentation in order to align with contracting priorities modeled by member cities Oakland and Berkeley.

Financial Impact

Though these proposed changes create the possibility of fiscal impact due to operational encumbrances and vendor selection, such financial impact is speculative.

Analysis and Context

This Staff Report proposes tailored updates to Ava’s Administrative Procurement Policy as well as Ava’s Consulting Services Agreement template to respond to the concerns that arose at the November 2025 meeting of the Ava Board of Directors that a proposed vendor “had contracts with the U.S. Immigrations and Customs Enforcement (ICE) agency”.

Ava Staff and attorneys reviewed the steps that all 18 member municipalities had taken and now propose a practicable approach to mitigate concerns without unduly encumbering the operations or competitiveness of the agency.

Ava proposes the following to align with its member municipalities and address the concerns raised in November:

1. Add a section to its Administrative Procurement Policy prohibiting new or renewed contracts with any counterparty that provides Data Brokerage or Extreme Vetting services to ICE.
2. Maintain exceptions similar to those of Oakland and Berkeley for broadly available goods and services.
3. Include boilerplate language in its contracts where the counterparty represents and warrants that it does not provide the prohibited services.

Attachments

- A. Resolution
- B. Draft: Administrative Procurement Policy
- C. Draft: Consulting Services Agreement (template)
- D. Presentation: Proposed Updates to Ava's Administrative Procurement Policy

RESOLUTION NO. R-2026-XX
A RESOLUTION OF THE BOARD OF DIRECTORS
OF AVA COMMUNITY ENERGY AUTHORITY UPDATING AVA'S
ADMINISTRATIVE PROCUREMENT POLICY TO REFLECT
REQUIREMENTS LEVERAGED BY AVA'S MEMBER MUNICIPALITIES

WHEREAS Ava Community Energy Authority ("Ava") was formed as a community choice aggregation agency ("CCA") on December 1, 2016, under the Joint Exercise of Powers Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of Ava and parties to the Joint Powers Agreement ("JPA") in March of 2020. The city of Stockton was added as a member to Ava in September of 2022. The city of Lathrop was added as a member to Ava in October of 2023. San Joaquin County was added as a member to Ava in July 2024. On October 24, 2023, Ava legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception.

WHEREAS staff proposes updates to Ava's Administrative Procurement Policy to respond to the concerns that arose at the November 2025 meeting of the Ava Board of Directors.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF AVA COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Adopt the changes to the Administrative Procurement Policy proposed by Staff at the April 15, 2026 meeting of the Board of Directors.

ADOPTED AND APPROVED this 15th day of April, 2026.

Betsy Andersen, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Administrative Procurement Policy

Policy Number 1.12

October 22, 2025

- I. Background and Purpose
- II. Policy Compliance Steps for Ava Staff: 3 Steps

Required Documentation

Transaction Types

Power procurement

Power procurement transaction requirements

Combination

Combination transaction requirements

Micro-purchase

Micro-purchases transaction requirements

Mission-critical products and services

Mission-critical products and services transaction requirements

Exigent or emergency

Exigent or emergency transaction requirements

Routine administrative

Routine administrative transaction requirements

Sole source

Sole source transaction requirements

Cooperative purchasing

Cooperative purchasing transaction requirements

Regulated

Regulated transaction requirements

Professional services

Professional services transaction requirements

General products and services

General products and services transaction requirements

Transaction Requirements



- Universal requirements
 - Multiple Transactions with a Counterparty
- Contracting requirements
- Solicitation requirements
 - Solicitation exception
 - Mid-negotiation changes
- Compliance requirements
- Board Approval
 - Board Approval: Amendments, Recurrences, and Multiple Transactions
- III. Formal RFP/RFQ Procedures
- IV. Contracting Operations
 - Signing Authority for Expenditures
 - Signing Authority for incremental additional purchases or amendments
 - Signing Authority for non-purchase documents
 - Signing Authority delegation
 - Prohibition on Contracting
 - Solicitation and Notification
 - Exceptions
- V. Implementation of Policy Updates
- VI. Definitions and Topics

I. Background and Purpose

It is in the interest of Ava Community Energy (“Ava”) to establish procurement practices for high-quality materials, finished goods, and services that balance the following:

- facilitating efficient business operations;
- providing fair compensation and local workforce opportunities; and
- maximizing value for cost

whenever possible within a framework of competitive offerings.



II. Policy Compliance Steps for Ava Staff: 3 Steps

Staff shall follow the steps below to comply with this policy:

1. Collect [required documentation](#) (page 2).
2. Match the transaction to its [transaction type\(s\)](#) (page 3).
3. Complete the [transaction requirements](#) for the transaction type (page 9).

NOTE: Any manager may apply additional requirements at their discretion provided those requirements are communicated to the Relationship Manager and the Legal team.

The 3 steps in this section represent the full scope of responsibility for Staff serving as Relationship Managers coordinating transactions. Other requirements, such as assigning a signatory and collecting approvals, are the responsibility of the Legal team.

Required Documentation

Staff shall collect the following information prior to entering into a procurement transaction:

- Taxpayer identity documentation.
 - W-9 for a US-based vendor.
 - W-8BEN for an international vendor.
- The full name and email address of the principal vendor contact.
- The full address of the vendor's place of business (either headquarters or the regional office most relevant to the transaction).

Transaction Types

Review each transaction type below to determine which types apply to your purchase.

Ava categorizes transactions into the types below in order to apply an appropriate balance of safeguards and latitude to each purchase type. Ava recognizes the following types of transactions:

1. [Power procurement](#)
2. [Combination](#)
3. [Micro-purchase](#)
4. [Mission-critical products and services](#)
5. [Exigent or emergency](#)
6. [Routine administrative](#)
7. [Sole source](#)
8. [Cooperative Purchasing](#)
9. [Regulated](#)
10. [Professional services](#)
11. [General products and services](#)



Power procurement

Power procurement transactions are those that transact for power resources, such as energy, renewable energy credits (RECs), or resource availability (RA). Power procurement transactions are not governed by this policy.

Power procurement transaction requirements

Power procurement transactions may only be executed under the management of Ava's Power Resources team and in accordance with Ava's [Energy Risk Management Policy](#).

Combination

A combination transaction is a transaction that spans more than one of the categories below.

Combination transaction requirements

For a purchase that meets the criteria for more than one type of transaction, the Relationship Manager must meet the requirements for all transaction types.

For instance, a transaction for a [micro-purchase](#) that uses federal funds (making it a [regulated](#) transaction) must meet both [Universal requirements \(page 9\)](#) and [Compliance requirements \(page 11\)](#).

Micro-purchase

A transaction qualifies as a micro-purchase if it meets all of the following criteria:

Price:	The total price (or not-to-exceed price) does not exceed \$10,000.
Subject matter:	The purchase is exclusively for one or both of the following: <ul style="list-style-type: none"> ● Physical goods. ● Services that <i>exclude</i> construction or installation services, or related services such as mechanical designs or building plans.
Governance:	The transaction does <u>not</u> involve any of the following: <ul style="list-style-type: none"> ● A written agreement. ● A purchase document (e.g. order form) <i>containing legal terms</i>. ● A purchase document with a link or other reference <i>to legal terms</i>.
Non-recurring:	The transaction may not commit Ava to a series of purchases, though Ava may reserve the right to make subsequent purchases in accordance with this policy.

Micro-purchases transaction requirements

Staff shall complete the following:



- [Universal requirements \(page 9\)](#)

NOTE: Staff shall submit the related purchase document to Ava’s Legal team to route for signature. Ava’s Legal team shall maintain a process for all documents that require signature.

Mission-critical products and services

Transactions for products and services that are, for all practical purposes, essential to Ava’s day-to-day operations qualify as purchases of mission-critical products and services.

Ava categorizes these transactions separately because they regularly raise considerations that require individualized attention and do not fit effectively into a one-size-fits-all strategy for purchasing. Mission-critical products and services can include essential technology infrastructure, commercial real estate procurement, billing/payment services, and customer service.

Ava evaluates whether a transaction qualifies as mission-critical on a case-by-case basis. To confirm whether a transaction is mission critical, Staff shall seek approval from either:

- The CEO; or
- Both the Functional Lead of your department and either the Legal Director or the General Counsel.

Considerations for whether a transaction is mission critical include the following:

- The extent to which Ava’s essential operations are dependent upon the product or service.
- The difficulty level of finding and transitioning to an alternative supplier that meets Ava’s requirements.
- The degree of financial and/or reputational harm Ava would face in the event of an outage or other material instance of unavailability.

To request that a product or service be considered mission critical, take the following steps:

1. Draft a request to management (email preferred) to label the product/service as mission critical, setting forth in detail:
 - a. Why the product/service is essential to core operations, compliance, or safety;
 - b. Why the product/service has no practicable substitutes or work-arounds; and
 - c. What severe financial, reputational, or legal harm Ava would face from the failure/unavailability of the product/service.
2. Review the proposal with your Functional Lead.
3. Deliver the proposal to the CEO and/or General Counsel/Legal Director for approval.

Mission-critical products and services transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)



- [Board Approval \(over \\$250,000\) \(page 12\)](#)

Exigent or emergency

Exigent transactions are those (1) that a reasonable person would find must be executed without delay, and (2) where no intentional action or inaction by Ava Staff materially contributed to the urgency, for instance:

- Hiring a plumber to fix a leak.
- Abating a pest infestation or addressing a health hazard.
- Remediating compromised access to a facility.
- Finding a replacement for a vendor that became unavailable due to a reasonably unforeseeable circumstance.

Any Ava personnel of Job Level 11 (such as Director) or higher, or the General Counsel, may designate a transaction as an exigent transaction.

Emergency transactions are those that are directly related to or in response to extraordinary circumstances, such as:

- An unexpected occurrence requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, including the provision of energy or power to Ava customers.
- An immediate need to prepare for national or local defense.
- A breakdown in infrastructure or an essential service which requires the immediate purchase of supplies or contractual services to protect public health, safety, or property.
- The declaration of an emergency or disaster by a valid public authority.

Only Ava's CEO or General Counsel may designate a transaction as an emergency transaction.

Exigent or emergency transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)

Routine administrative

Routine administrative transactions must meet all of the following criteria:

Price (or not-to-exceed price):	Not in excess of \$35,000.
Subject matter:	Routine administrative transactions are limited to the following areas of goods and services: <ol style="list-style-type: none"> 1. Food services, including restaurants and catering.



	<ol style="list-style-type: none"> 2. Team-building and employee-appreciation events. 3. Travel, including flights and hotel accommodations. 4. Office supplies, representing consumable items regularly used in an office environment.
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Transactions for restaurants and other food-service providers, such as caterers, as well as hospitality providers such as hotels are highly regulated in the United States and most other jurisdictions. Additionally, spend on such services tends to be intermittent and of a low dollar spend compared to other materials and services. Team building services tend to be unique or limited in terms of options, and of a low spend compared to other services. For these reasons, this policy grants Ava Staff broad leeway in transactions of this type.

Routine administrative transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)

Sole source

A sole-source transaction is one where the goods or services are only available from one source either because the brand or trade name article, goods, or product or proprietary service is the only one which will properly meet the needs of Ava or the item or service is unique and available only from a sole source. It is authorized when the goods or services contemplated are only able to be performed by a sole provider, such as the holder of an exclusive patent or franchise, for the purchase of unique or innovative goods or services including but not limited to computer software and technology, or for purchases of goods or services when there is a demonstrated need for compatibility with an existing item or service used by Ava.

Only the CEO, CCO, General Counsel, or functional lead of the relevant department may designate a purchase as sole-source.

Sole source transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)
- [Board Approval \(over \\$250,000\) \(page 12\)](#)



Cooperative purchasing

Cooperative purchasing transactions as those where either (1) Ava is purchasing from another government agency; or (2) Ava is adopting an agreement all or largely identical to one negotiated by another government agency where that agreement has undergone that agency's procurement process and such process is not in conflict with California law.

Cooperative purchasing transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)
- [Board Approval \(over \\$250,000\) \(page 12\)](#)

Regulated

Regulated transactions are those that are subject to additional requirements due to applicable law, regulation, or other valid governing authority. A transaction is regulated for the purposes of this policy if it meets either of the following criteria:

- The transaction is for installation, construction, or construction-related services for an amount in excess of \$1,000.
- Ava will pay for the transaction in whole or in part with any amount of federal funds (e.g. funds received from a federal grant).

Regulated transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)
- [Solicitation requirements \(page 10\)](#)
- [Compliance requirements \(page 11\)](#)
- [Board Approval \(over \\$250,000\) \(page 12\)](#)

Professional services

Professional services are those that require a government license or certification, including but not limited to the following:

- legal services,
- licensed contractor services (for a dollar value less than or equal to \$1,000 after which threshold the transaction is [Regulated](#), as set forth above),
- audit services, and
- engineering services.

Providers of these services possess a high degree of specialized skill or expertise, not always adaptable to competitive bidding.



Professional services transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)
- [Board Approval \(over \\$250,000\) \(page 12\)](#)

General products and services

A transaction that does not meet the criteria, in whole or in part, of any of the categories above is a transaction for general products and services, for instance the procurement of cleaning services or the purchase of office furniture. The majority of Ava's purchase transactions qualify under this category.

General products and services transaction requirements

Staff shall complete the following:

- [Universal requirements \(page 9\)](#)
- [Contracting requirements \(page 10\)](#)
- [Solicitation requirements \(page 10\)](#)
- [Board Approval \(over \\$250,000\) \(](#)

Transaction Requirements

The requirements below apply based on the transaction type, as detailed above.

Universal requirements

Staff shall:

- Confirm whether Ava will use federal funds to pay for the purchase in whole or in part. (**NOTE:** if such funds will be used, the transaction qualifies as [Regulated](#).)
- Undertake reasonable due diligence to procure satisfactory goods or services at an appropriate price under the circumstances.
- Confirm that the purchase represents an appropriately complete scope (see [Multiple Transactions with a Counterparty](#), below) and open a ticket with Ava's Legal team if you have any questions:
 - Confirm that no transaction has been divided into multiple purchases to avoid approval thresholds.
 - Confirm that no transaction has been segmented to avoid regulatory requirements.
 - Confirm whether the transaction would increase the total spend with the vendor for the current fiscal year over the board-approval threshold.
- Confirm compliance with Ava's [Conflicts of Interest Code](#).



- Confirm that Ava has budgeted for the first fiscal year (or remainder of the fiscal year, if applicable) of the transaction.
- Confirm that the term of the transaction does not exceed 5 years or that any extension of an existing engagement does not extend the term beyond 5 years.
- **Open a ticket with Legal to process the transaction and include the [Required Documentation](#) plus any related documentation if applicable.**

Multiple Transactions with a Counterparty

When analyzing whether multiple transactions with the same counterparty should be collectively subject to a procurement threshold or evaluated individually, Staff must consider the substance and timing of the transactions, their relationship to one another, and whether they reflect a single underlying procurement need.

Only the **Functional Lead** of the relevant group, the **CEO**, the **CCO**, or the **General Counsel** has the authority to determine whether multiple purchases with the same counterparty qualify as distinct transactions or one transaction. If you are unsure whether multiple transactions must be aggregated for the purpose of complying with this Policy, escalate to your Functional Lead.

If the transactions are closely related in purpose, scope, or timing—such as purchases of similar goods or services made within a short period—they may constitute a deliberate or de facto division of a larger procurement and should be aggregated to determine whether the applicable threshold is met.

If the transactions serve distinct purposes, arise from separate and independently justified needs, and occur over a more extended timeframe, it may be appropriate to evaluate them individually. The goal is to prevent circumvention of procurement requirements while allowing legitimate, unrelated transactions to proceed without undue aggregation.

Contracting requirements

Include in the Legal ticket the following information:

- A summary of the transaction that sets forth what you intend to purchase and why, even if it seems obvious.
- Any related deadline(s) and the source of the deadline.
- Any approvals, if applicable (e.g. confirming a [mission-critical](#) purchase or [exigent](#) purchase, or [sole source](#) purchase).
- Any related documentation, such as an order form.

The Relationship Manager must engage Ava's Legal team to execute a governing agreement. It is the responsibility of Ava's Legal team to execute the agreement in accordance with Ava's [Contracting Operations](#).



Solicitation requirements

Solicitation requirements apply only to transactions that commit (or are conservatively estimated to commit) to an amount greater than \$10,000 during one fiscal year.

Illustrative scenarios:

- A two-year contract that commits Ava to \$6,000 in the first year and \$6,000 in the second year does not implicate this requirement.
- A two-year contract that commits Ava to \$6,000 in the first year and \$12,000 in the second year must meet solicitation requirements.
- A one-year contract for a time-and-materials transaction with an uncertain cost that reasonably could exceed \$10,000 in one year must meet solicitation requirements.

If the transaction will or reasonably may exceed the value below, the Relationship Manager must meet the associated requirements (unless a transaction satisfies one of the [solicitation exceptions](#) below).

Threshold	Requirement
>\$100,000	<ul style="list-style-type: none"> • Conduct an RFQ if the purchase is exclusively for goods (including software products provided the transaction does not also include implementation or consulting services.) • Conduct an RFP if the purchase materially includes services.
>\$50,000	Solicit three (3) written quotes.
>\$10,000	Solicit three (3) written or verbal quotes.

Solicitation exception

A Relationship Manager does not need to meet solicitation requirements in situations where all of the following are true:

1. Ava has previously transacted with a vendor; and
2. Ava selected that vendor after meeting solicitation requirements; and
3. The date of the previous transaction was less than five (5) years ago; and
4. Ava intends to transact with the vendor for an amount that will not exceed \$35,000.

Illustrative scenario:

- In 2023, Ava solicited quotes for movers for a transaction of \$12,000. Based on the quotes, Ava selected Moving, Inc. In 2024, Ava reaches out to Moving, Inc. for a second



engagement and receives a quote for \$10,500. Ava may transact with Moving, Inc. without soliciting additional quotes.

Mid-negotiation changes

Where Ava has begun negotiations with a vendor in the good faith belief that a transaction would fall below a threshold set forth in the table above, and in the course of negotiations the price rises above a threshold, Ava may continue with the transaction provided that the price increase is less than or equal to fifteen percent (15%) of the original expectation. If the price increase exceeds that amount, the Relationship Manager must satisfy the requirements applicable to the new threshold.

Compliance requirements

The Relationship Manager must meet and confer with Ava's Legal team to alert the team to the proposed transaction and develop a compliance plan.

Board Approval

A contract for a committed spend of greater than \$250,000 in one fiscal year requires the approval of the Board of Directors in the form of a signed resolution or such other form as the Board may authorize from time to time.

Board Approval: Amendments, Recurrences, and Multiple Transactions

- Where: (1) a transaction changes, amends, or otherwise alters a previous transaction; and (2) that previous transaction did not meet the threshold for Board approval; and (3) the new transaction in combination with the previous transaction exceeds \$250,000; and (4) the dollar value of the new transaction alone is less than or equal to fifteen percent (15%) of the previous transaction, then no additional Board approval is required - but any addition in excess of fifteen percent (15%) requires Board approval.
- Where: (1) a contract spans multiple contract years; and (2) the aggregate committed spend is greater than \$250,000; but (3) the spend does not exceed \$250,000 in any one fiscal year, Board approval is not required.
- Where: (1) Ava conducts one or more transactions with a vendor for the same or similar products or services in the same fiscal year, the total of which does not exceed \$250,000; and (2) Ava intends to conduct a subsequent transaction with the same vendor in the same fiscal year for the same or similar products or services; and (3) the total of the foregoing transactions will or is likely to exceed \$250,000, then the subsequent transaction requires the approval of the Board.
- Where: (1) Ava has conducted a transaction with a vendor for an amount in excess of \$250,000 with the approval of the Board; and (2) Ava intends to conduct a subsequent transaction with the same vendor for the same or similar services (or amend an existing agreement to increase spend) in the same fiscal year, no additional Board approval is required.



III. Formal RFP/RFQ Procedures

Except for categories of purchases exempt from RFP/RFQ procedures or as otherwise specifically directed in writing by the CEO, agreements for the purchase of [General products and services](#) for a total amount that exceeds \$100,000 per fiscal year shall be procured as follows:

- Formal RFP/RFQ Invitations. Invitations to participate in the Request for Proposal/Request for Qualifications (RFP/RFQ) process shall include a general description of the supplies or services sought by Ava, and shall specify the time, place and date for opening responses.
- Evaluation. Proposals received through a competitive solicitation shall be subject to evaluation by relevant Ava Staff and such additional personnel as the CEO may direct at their discretion. Such evaluation shall take into consideration factors that Ava Staff determines are material to the prospective transaction as well as (a) whether the applicant maintains a principal place of business within Ava's service territory; (b) whether and to what extent the applicant employs union labor; (c) whether the applicant is a Disabled Veteran Business Enterprise registered with the California Department of General Services; and (d) whether the applicant maintains a principal place of business in a Disadvantaged Community (DAC) as identified by the California Environmental Protection Agency's (CalEPA) CalEnviroScreen Tool. To the extent a project is materially related to energy offtake, Ava Staff shall take into consideration the priorities of the [Ava Community Energy Workforce and Environmental Justice Project Selection Criteria](#) or such successor criteria as it may develop.

IV. Contracting Operations

- Except as otherwise noted here, any transaction for an amount in excess of \$35,000 shall require approval as to form, as evidenced by a contract signature or equivalent indicator, by an authorized Ava attorney. The General Counsel shall always qualify as an authorized attorney, and may designate other attorneys at their discretion.
 - Where such a signature or indicator is not practicable (for instance, in an electronic form contract), Ava may execute the agreement without approval as to form upon written approval by Level 14 (SVP) personnel or above.
 - For transactions governed by standard form agreements where negotiation is generally unavailable in the market (e.g. credit card agreements, software license agreements, utilities agreements), Ava may execute the agreement without approval as to form upon approval by the CEO or CCO.
 - Any agreement executed on an Ava template with no changes to legal terms and no additional legal terms, as verified by Ava's legal team, does not require a signature for approval as to form.
- Ava shall report on all new contracts, regardless of scope or contract value, at each Board meeting, except non-disclosure agreements, personnel contracts, and Power Purchase Agreements.
- Ava's legal team shall not execute, extend, or renew any agreement for a term in excess of five (5) years without the approval of the General Counsel.
- Ava's Legal team is responsible for maintaining compliance with applicable law and



regulation, including but not limited to the Uniform Public Construction Cost Accounting Act and the California Labor Code.

- Ava's Legal team shall provide continuing instruction to Relationship Managers regarding best practices for statements of work and other purchasing documents to develop clear, functional, and minimally ambiguous purchase requirements.
- Ava's Legal team shall maintain and refine procedures for tracking compliance with this Policy, such as capturing necessary approvals. Such processes shall be available to Staff, and the Legal team shall provide periodic training sessions to all of Staff.

Signing Authority for Expenditures

Dollar threshold	Authorized signatory
Up to \$10,000	Job Level 11 (Director) or above.
Up to \$35,000	Job Level 12 (Senior Director) or above.
Up to \$100,000	Job Level 13 (Vice President) or above, or the General Counsel.
Up to \$150,000	Job Level 14 (Senior Vice President or Chief Officer) or above, or the General Counsel.
Up to \$250,000	CEO or their delegate.
Greater than \$250,000	CEO or their delegate or the General Counsel following the approval of the Board of Directors.

Signing Authority for incremental additional purchases or amendments

Where: (1) a transaction changes, amends, or otherwise alters a previous transaction; and (2) the new transaction in combination with the previous transaction exceeds the signing authority of the original signatory; and (3) the dollar value of the new transaction is less than or equal to fifteen percent (15%) of the previous transaction, the original signatory may sign - but any addition in excess of fifteen percent (15%) requires the next level of signature authority.

Where an amendment makes a non-monetary change to an existing agreement (e.g. extending the term without changing the price), the amendment must be signed by a member of Staff with the same or greater signing authority as the original signatory.

Signing Authority for non-purchase documents

The following signing authorities shall apply, after review and approval of the agreements by the General Counsel or their designee, except where in conflict with the Joint Powers Agreement or applicable law:



- Non-Disclosure Agreements – Job Level 11 (Director) and above.
- Banking and Treasury Administration – CEO; CFO; or Treasurer.
- All other documents - Job Level 13 (Vice President) and above.

Signing Authority delegation

Any manager at Ava who has signing authority may delegate their signing authority to a direct report, a peer, or the General Counsel by providing notice via email to legal@avaenergy.org or by completing a Legal ticket with this information and by providing an expiration date not later than thirty (30) days following the date of delegation.

Prohibition on Contracting

Ava shall seek to not enter into a new contract or amend or extend an existing contract with any Provider of Data Brokerage or Extreme Vetting services to ICE. Ava's Legal team shall maintain contract language in Ava's contract templates for this purpose. All public works, construction bids, requests for qualifications, requests for proposals, or any other solicitation issued by Ava shall include notice of the prohibition under this policy.

Exceptions

Notwithstanding the foregoing, this policy shall not apply to contracts with a Provider of Data Brokerage or Extreme Vetting services that provides the following categories of goods or services to ICE:

1. Widely available consumer products, including but not limited to food, beverages, office supplies, household goods, and other commodities sold in the general commercial market.
2. Broadly available commercial products or services that are offered to the general public or to a wide class of customers on similar terms, including standardized cloud or software offerings, telecommunications, payment processing, or other commodity services, provided the services or goods are not customized by the contractor for ICE for Data Brokerage and/or Extreme Vetting.

Additionally, this prohibition shall not apply where (A) no qualified vendor is available who meets this requirement; (B) the purchase qualifies as exigent or emergency as defined above; (C) application of the prohibition results in substantial cost differences; or (D) the relevant vendor has ended its contractual relationship with ICE. This Prohibition on Contracting expires on December 31, 2028.



V. Implementation of Policy Updates

Ava Staff may update this policy upon the approval of the CEO and General Counsel, with the exception of changes to dollar-value thresholds. Any such updates shall be reported to the Board within forty-five (45) days.

Any changes to dollar value thresholds herein require the approval of the Board of Directors.

VI. Definitions and Topics

1. Data Brokerage - "Data Brokerage" means (A) the collection of information, including information about consumers, from multiple sources for the purpose of reselling that information to private-sector businesses and government agencies; and (B) the aggregation of data that was collected for another purpose from that for which it is ultimately used.
2. Extreme Vetting - "Extreme Vetting" means data-mining, threat modeling, predictive risk analysis, or other similar service.
- ~~1-3.~~ Functional Lead - at Ava, a Functional Lead is a department head responsible for a dedicated function.
4. ICE - "ICE" means the United States Immigration and Customs Enforcement, and any subdivision thereof.
5. Provider - "Provider" means a natural person or legal entity entering into contracts to sell goods and/or services, as well as (i) any third party with the lawful right or effective ability to direct that natural person or legal entity and (ii) any organization, subsidiary, affiliate, or division under operating control of such person or entity. Government entities and employees are expressly excluded from this definition.
- ~~2-6.~~ PO - See "Purchase Order," below.
- ~~3-7.~~ Purchase Order - A purchase order (PO) is a formal document issued by a buyer to a vendor to authorize a purchase. It originates from the buyer's procurement system and specifies items, quantities, and prices. POs serve as a binding agreement and help track and control spending within approved budgets. A PO is always issued by the buyer to formally request goods or services from a seller. In response, the seller may issue an invoice, sales order, or order confirmation. As of the publication of this policy, Ava only leverages purchase orders in the rare event that they are required by a vendor. For the most part, a purchase order is not a contract, does not supersede a contract, and may not be used in place of a contract.
- ~~4-8.~~ Relationship Manager - at Ava, the Relationship Manager is the member of Staff principally responsible for managing the business engagement related to a contract with a vendor.
- ~~5-9.~~ Request for Proposal - A Request for Proposals (RFP) is a formal solicitation issued by a buyer to seek competitive proposals for goods or services. It outlines needs



and evaluation criteria. Vendors respond with detailed proposals, enabling the buyer to assess qualifications and select the best-value offer.

~~6.10.~~ Request for Quotation - A Request for Quotation (RFQ) is a procurement document issued by a buyer to solicit price quotes for specific goods or simple services. Originating from the buyer's purchasing department, RFQs are used when specifications are clear and selection is based primarily on price rather than qualitative factors.

~~7.11.~~ RFP - see "Request for Proposal," above.

~~8.12.~~ RFQ - see "Request for Quote," above.

[Month] [Year] Consulting Services Agreement

Ava Community Energy Authority ("Ava")	Signature:	
	By:	
	Date:	
	Approval as to Form:	
	Address:	1999 Harrison Street, Suite 2300 Oakland, CA 94612
	Ava Notice Emails:	legal@avaenergy.org with a cc to: [Ava representative email]
	Relationship Manager:	[Ava representative]
[Counterparty] ("Consultant")	Signature:	
	By:	
	Date:	
	Notice Attn:	[Counterparty representative]
	Phone:	
	Notice Address:	
	Notice Email(s):	
Effective Date		
Expiration Date		
Not To Exceed ("NTE")		
Summary		

~~June-February 2025-2026~~ template.

This Consulting Services Agreement (the "Agreement") is made by and between Ava Community Energy Authority, a joint powers authority formed under the laws of the State of California ("Ava"), and the counterparty set forth above ("Consultant") as of the Effective Date. Ava and Consultant are herein referred to as "Parties" or individually as a "Party."

1. Recitals

- 1.1. Ava Recitals. Ava is an independent joint powers authority duly organized under the provisions of the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 et seq.) with the power to conduct its business and enter into agreements.
- 1.2. Consultant Recitals. Consultant possesses the skill, experience, ability, background, certification and knowledge to complete the Work described in Section 3 of this Agreement pursuant to the terms and conditions described herein.

NOW THEREFORE, for good and valuable consideration, the amount and sufficiency of which is hereby acknowledged, the Parties to this Agreement, agree as follows:

2. Term. The term of this Agreement begins as of the Effective Date of this Agreement ends as of the Expiration Date, unless terminated earlier pursuant to Section 8 (Termination).
3. Scope of Work/Compliance with Laws and Regulations.
 - 3.1. Work. Consultant agrees to perform the scope of work (the "Work") in Exhibit A in accordance with the schedule in Exhibit B.
 - 3.2. Requirements. Consultant represents and warrants that it has the skill and expertise to perform the Work. Consultant agrees to obtain any and all necessary licenses, approvals or permits necessary to perform the Work. Consultant further represents and warrants that, to the best of the Consultant's knowledge upon reasonable diligence, the Consultant has not contracted to provide Data Brokerage or Extreme Vetting services to the United States Immigration and Customs Authority since January 2025. Consultant agrees not to provide such services during the Term of the Agreement. For the purposes of this provision, (i) "Data Brokerage" means (A) the collection of information, including information about consumers, from multiple sources for the purpose of reselling that information to private-sector businesses and government agencies; and (B) the aggregation of data that was collected for another purpose from that for which it is ultimately used; and (ii) "Extreme Vetting" means data-mining, threat modeling, predictive risk analysis, or other similar service.
 - 3.3. Legal Compliance. Consultant and its contractors, consultants, sub-suppliers, affiliates, agents and any other person or entity with whom the Consultant contracts in furtherance of this Agreement (collectively "Subconsultants") must comply with all federal, state and local laws and regulations in performing the Work under this Agreement. Without limiting the foregoing, if work required to be performed by the Consultant is a "public work" as defined in California Labor Code Section 1720, then pursuant to the provisions of Labor Code Sections 1725.5 and 1771, the Consultant shall be registered with the Department of Industrial Relations ("DIR"), and will pay and require subcontractors to pay the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of worker needed to perform this Agreement, as established by the DIR. As of the execution of this Agreement, these rates may be obtained at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. Consultant shall provide a copy of prevailing wage rates to any staff, contractor and/or Subconsultant hired by Consultant for this Agreement and shall pay the adopted prevailing wage rates as a minimum. Consultant shall comply with the provisions of Sections 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the Labor Code. Pursuant to the provisions of 1775 of the Labor Code, Consultant shall forfeit to Ava, as a penalty, the sum of \$200.00 for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, is paid less than the applicable prevailing wage rates for any work done under this Agreement, by them or by any subcontractor under them, in violation of the provisions of the Agreement.
4. Consultant Staffing. Exhibit C contains a list of Consultant's principal and all team members. Consultant will not change or substitute the principal or any team members or add additional team members without consultation with Ava.
5. Subconsultants.
 - 5.1. Approved Subconsultants. Consultant agrees to use only those Subconsultants listed on Exhibit D. Consultant shall notify Ava within a reasonable period of time of any changes, additions, or removals of a Subconsultant.

5.2. Subconsultant Compliance. Consultant agrees to require all Subconsultants to comply with the terms of this Agreement, including without limitation, the public works requirements in Section 3.3, the insurance obligations under Section 9, the confidentiality requirements under Section 11, and the requirement to indemnify Ava as provided in Section 12.

6. Invoicing and Payment.

6.1. Time and Materials. If the Work under this Agreement is to be performed on a time and materials basis, Consultant must submit invoices to Ava on a monthly basis, complete with the name of the individual that conducted the Work, the time spent, and a brief description of the tasks performed during that time. If requested by Ava, Consultant must include the contract number provided by Ava and the total compensation remaining on the Agreement on each monthly invoice. Notification to Ava should be provided once the contract budget has been used up by 80% (including invoiced work and work that may not have been invoiced yet) the amount of which is set forth in Exhibit E. Invoices must be submitted to Ava by the 20th of the month following the month in which Consultant performed the Work.

6.2. Milestone. If the Work under this Agreement is to be performed on a task or project basis, the Consultant will submit an invoice within thirty (30) days of completing the project to the satisfaction of Ava for full payment, unless other arrangements have been made.

6.3. Markups. Ava will not agree to pay any markups on Subconsultant services or supplies unless such markups are included in Exhibit E, Compensation/Budget and such markups were included in Consultant's bid, if applicable.

6.4. Payment Processing. The following are conditions on Ava's obligation to process any payments under this Agreement:

6.4.1. If the Consultant is a U.S. based person or entity, the Consultant must provide to Ava a properly completed Internal Revenue Service Form W-9 before Ava will process payment. If the Consultant is a U.S. based person or entity but has neither a permanent place of business in California nor is registered with the California Secretary of State to do business in California, the Consultant must provide Ava with a properly completed California Franchise Tax Board form related to nonresident withholding of California source income before Ava will process payment.

6.4.2. If the Consultant is not a U.S. based person or entity, the Consultant must provide Ava with the applicable Internal Revenue Service form related to its foreign status and a California Franchise Tax Board form related to nonresident withholding before Ava will process payment.

6.5. Payment. Ava agrees to pay undisputed invoices within forty-five (45) days of receipt. Invoices may be sent to Ava by U.S. mail or electronic mail to AP@avaenergy.org. Invoices will be deemed received on the next business day following the date of receipt via electronic mail or three days after receipt via U.S. mail. Notwithstanding anything to the contrary in this Agreement or any related document, Ava shall have no obligation to remit payment for fees in excess of the NTE.

6.6. Members. Ava, as a joint powers authority, is a separate public entity from its constituent members and will be solely responsible for all debts, obligations and liabilities accruing and arising out of this Agreement. Consultant acknowledges that it will have no rights and agrees not to make any claims, take any actions or assert any remedies against any of Ava's constituent members in connection with this Agreement.

7. Records Retention and Ownership of Work Product.

7.1. Records. The Consultant must retain all ledgers, books of accounts, invoices, vouchers, cancelled checks, background materials, or other records relating to its performance under this Agreement for a period of three (3) years following termination of this Agreement.

7.2. Ownership. Ava owns all rights, including without limitation, all licenses, copyrights, service marks and patents, in and to all Work Product(s), whether written or electronic, without restriction or limitation upon their use and immediately when and as created by the Consultant, any Subconsultants, or any other person engaged directly or indirectly by the Consultant to perform under this Agreement. "Work Product(s)" means all writings, reports, drawings, plans, data, video, media, photographs, renderings,

plans, software, models, and other similar documents and materials developed or created by Consultant or its Subconsultants on behalf of or for use by Ava under this Agreement. All Work Product(s) will be considered "works made for hire," and together with any and all intellectual property rights arising from their creation will be and remain the property of Ava without restriction or limitation upon their use, duplication or dissemination by Ava. Consultant agrees not to obtain or attempt to obtain copyright protection in its own name for any Work Product.

8. Termination.

- 8.1. Upon Notice. Ava may terminate this Agreement for any reason by giving Consultant written notice. The termination notice may set the date of termination, but if no such date is given, termination is effective seven (7) days following the date of the written notice.
- 8.2. For Breach. Ava may terminate this Agreement immediately upon written notice for any material breach of this Agreement by Consultant or any of its Subconsultants. If Ava terminates this Agreement for cause and obtains the same services from another consultant at a greater cost, the Consultant is responsible for such excess costs in addition to any other remedies available to Ava.
- 8.3. Completion Option. Upon termination for any reason, Ava has the option of requiring the Consultant to complete work up to the date of termination or to cease work immediately. Ava has the further option to require Consultant to provide Ava any finished or unfinished Work or Work Product prepared by the Consultant up to the date of termination.
- 8.4. Payment. Ava will pay Consultant the reasonable value of services satisfactorily rendered by the Consultant to Ava up to the date of written notice of termination. If Ava authorizes Consultant to continue performing the Work through the date of termination, Ava will pay Consultant the reasonable value of services satisfactorily rendered up through the date of termination, providing such services are in compliance with the Compensation/Budget in Exhibit E.
- 8.5. Return of Work Product. Upon termination of this Agreement, and at no cost to Ava, Consultant, its Subconsultants and anyone working for Ava under control of Consultant must return all Work Product to Ava and cooperate with any subsequent consultant during any transition. Consultant may only retain copies of the Work Product by express written permission of Ava.

9. Insurance

- 9.1. Proof of Insurance. Consultant must procure, maintain and comply with the insurance requirements in Exhibit F throughout the full term of this Agreement. Consultant must provide proof of insurance either in the form of a certificate of insurance or, if requested by Ava, a copy of the insurance policy, prior to performing any work under this Agreement.
- 9.2. Ongoing Coverage. Consultant agrees to stay in compliance with the insurance coverage requirements during the term of this Agreement. Consultant must give Ava ten (10) days written notice and obtain Ava's written approval prior to making any modifications that would reduce its insurance coverage.
- 9.3. Subconsultant Coverage. Consultant must either include Subconsultants under its insurance policies or require each Subconsultant to comply with the insurance obligations in Exhibit F.

10. No Discrimination or Conflict of Interest

- 10.1. Non-Discrimination. Consultant represents and warrants, on behalf of itself and its Subconsultants, that it has not and will not discriminate against anyone based on his/her age, color religion, sex, sexual orientation, disability, race, national origin, or any other protected category under state or federal law.
- 10.2. Conflict of Interest. Consultant represents and warrants, on behalf of itself and its Subconsultants, that it is familiar with local, state and federal conflict of interest laws, that in entering into this Agreement it is not violating any of the conflict of interest laws, that it will avoid any conflicts of interest during the term of this Agreement, and that it will notify Ava immediately if it identifies any conflicts of interest Consultant understands that violations of this Section 10 could result in immediate termination of this Agreement and disgorgement of compensation.

11. Confidentiality

- 11.1. **Non-Disclosure.** Except as authorized by Ava or as otherwise required by law, Consultant shall not disclose to any third party any draft or final Work Product, discussions or written correspondence between Consultant and its Subconsultants or discussions or written correspondence between Consultant and Ava staff. In the event Consultant receives a request from any third party requesting disclosure of any Work Product, discussions, communications or any other information Consultant is prohibited from disclosing, Consultant will immediately notify Ava and wait for direction from Ava before disclosing the information.
- 11.2. **Third Parties.** For the purposes of this Section 11, “third party” refers to any person or group other than Ava staff and Board members. For example, “third parties” include community groups, Board advisory groups, other governmental agencies, other consultants or members of the community.
- 11.3. **Confidentiality Survival.** This Section 11 will survive the expiration or termination of this Agreement.
- 11.4. **Public Records Act.** **The Parties understand and agree that (1) this Consulting Services Agreement is subject to public disclosure under the California Public Records Act (“CPRA”); (2) a request pursuant to the CPRA may obligate Ava to disclose this Agreement, in whole or in part, to the requestor; and (3) Consultant is solely responsible for the inclusion of any information herein that Consultant may consider sensitive and should not include sensitive information within this Agreement.**

12. Indemnity

- 12.1. **General Indemnity.** Except with regard to any matter involving professional negligence, Consultant agrees, at its sole cost and expense, to indemnify, defend with counsel reasonably approved by Ava, and protect and hold harmless Ava, its officers, directors, employees, agents, attorneys, designated volunteers, successors and assigns, and those Ava agents serving as independent contractors in the role of Ava staff (collectively “Ava Indemnitees”) from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, penalties, judgements, liens and losses of whatever nature (“Claims”) that arise, directly or indirectly, in whole or in part, out of or are in any way related to Consultant’s or Subconsultant’s performance or failure to perform the Work under this Agreement, regardless of whether the Consultant or its Subconsultants acted or failed to act intentionally, willfully, recklessly or negligently. Consultant agrees that its indemnity and defense obligations include all costs and expenses, including all attorney fees, expert fees, mediation, arbitration, or court costs in connection with the defense. Consultant further agrees to indemnify, defend, protect and hold harmless Indemnitees from and against any breach of this Agreement and any infringement of patent rights, trade secret, trade name, copyright, trademark, service mark or any other proprietary right of any person(s) caused by Ava’s use of any services, Work Product or other items provided by Consultant or its Subconsultants under this Agreement.
- 12.2. **Professional Negligence.** With regard to any matter involving professional negligence, Consultant agrees, at its sole cost and expense, to indemnify, defend with counsel reasonably approved by Ava, and protect and hold harmless the Ava Indemnitees from and against any and all Claims to the extent arising out of or resulting from Consultant’s or Subconsultant’s negligence, recklessness, or willful misconduct. In no event shall the cost to defend charged to Consultant exceed the Consultant’s proportionate percentage of fault.
- 12.3. **Exceptions.** Consultant’s obligations in Subsections 12.1 and 12.2 do not apply to the extent any Claim results from the negligence or willful misconduct of the Ava Indemnitees.
- 12.4. **Indemnitees.** Except as limited by Subsection 12.2, Consultant’s obligation to defend Ava applies to the maximum extent allowed by law and includes defending Indemnitees as set forth in California Civil Code sections 2778 and 2782.8.
- 12.5. **Insurance.** The Consultant’s obligations under Section 12 apply regardless of the existence or amount of insurance the Consultant carries or has made available to Ava.

12.6. Indemnification Survival. The Parties agree that this Section 12 survives the expiration or earlier termination of the Agreement.

13. Consultant is an Independent Contractor

13.1. Relationship of the Parties. Consultant and its Subconsultant(s) are and at all times will be independent contractors. Consultant has complete control over its operations and employees and is not an agent or employee of Ava and must not represent or act as Ava's agent or employee. Consultant agrees, on behalf of itself and its employees and Subconsultants, that it does not have any rights to retirement benefits or other benefits accruing to Ava employees, and expressly waives any claim it may have to any such rights.

13.2. Relationship of Subconsultants. As an independent contractor, Consultant has complete control over its Subconsultants. Subject to the requirements of Section 5 of this Agreement, Consultant is solely responsible for selecting, managing and compensating its Subconsultants, and for ensuring they comply with this Agreement.

14. Miscellaneous Terms and Conditions

14.1. Ava Authority. The Chief Executive Officer or his/her designee is authorized to take all actions under this Agreement, including without limitation, amendments that fall within the Chief Executive Officer's signing authority, termination or modification of terms.

14.2. Waiver. Waiver by either party of any one or more conditions, Sections, provisions or performance of this Agreement will not be a waiver of any other provision; nor will failure to enforce a provision or Section in one instance waive the right to enforce such provision or Section in the future. In no event will payment by Ava to Consultant constitute or be construed as a waiver by Ava of any breach or default of this Agreement, nor will such payment prejudice any of Ava's other rights or remedies.

14.3. Governing Law. Consultant and Ava agree that this Agreement will be interpreted under the laws of the State of California.

14.4. Venue. Any litigation resulting from this Agreement will be filed and resolved by a state court in Alameda County, California, or if appropriate, the federal courts in the Northern District of California located in San Francisco.

14.5. Audit Rights. All records or documents required to be kept pursuant to this Agreement must be made available for audit at no cost to Ava, at any time during regular business hours, upon written request by Ava. Copies of such records or documents shall be provided to Ava at Ava's offices unless an alternative location is mutually agreed upon.

14.6. Recitals and Exhibits. The Recitals in Section 1 above are intentionally made a part of this Agreement. All Exhibits and any other documents incorporated by reference are a part of this Agreement.

14.7. Notices. Notices to Ava shall be effective upon delivery to all email addresses in Ava Notice Emails, above. Any notices required to be given to Contractor under this Agreement must be made in writing and may be delivered a) personally, in which case they are effective upon receipt; b) by U.S. Mail, in which case they are effective three (3) days following deposit in the U.S. Mail, unless accompanied by a return receipt in which case, they are effective upon the date on the receipt; or c) by electronic mail, in which case they are effective upon confirmation of receipt, and if no confirmation of receipt, they are effective one day after transmission. All notices to Contractor must be sent to the Notice Address or Notice Email(s).

14.8. Assignment. Except to the extent this Agreement authorizes Consultant to use Subconsultants, Consultant will not assign any part of this Agreement without Ava's prior written consent. Ava, at its sole discretion, may void this Agreement if a violation of this provision occurs.

14.9. Integrated Agreement. The Recitals, this Agreement and the Exhibits attached to this Agreement contain the complete understanding between Ava and Consultant and supersedes any

prior or contemporaneous negotiations, representations, agreements, understandings and statements, written or oral respecting the Work up through the Effective Date of this Agreement.

- 14.10. Amendments. Any and all amendments or modifications to this Agreement must be made in writing and signed by each Party before such amendment will be effective.
- 14.11. Government Claims Act. Nothing in this Agreement waives the requirements to comply with the California Government Claims Act (Government Code Section 810 et seq.), where applicable.
- 14.12. Severability. If a court of competent jurisdiction holds any Section or part of this Agreement to be invalid or unenforceable for any reason and the Work can still be performed, the Parties agree to sever the invalid or unenforceable Section from this Agreement and that all remaining Sections or parts of this Agreement will continue to be enforceable.
- 14.13. Counterparts. This Agreement may be executed in one or more counterparts, all of which taken together will constitute one and the same instrument and each of which will be deemed an original.
- 14.14. No Party Deemed Drafter. This Agreement will be considered for all purposes as prepared through the joint efforts of the Parties and will not be construed against one Party or the other as a result of the preparation, substitution, submission, or other event of negotiation, drafting or execution hereof.
- 14.15. Supplier Diversity. Ava is required to report to the California Public Utilities Commission ("CPUC") on their diverse suppliers, as defined by CPUC General Order 156. Consistent with the California Public Utilities Code and California Public Utilities Commission policy objectives, Consultant agrees to document and provide information to Ava regarding Consultant's status and any engagement of women, minority, disabled veteran, persons with disabilities, and LGBT owned business enterprises in its completion of the Work under this Agreement. Specifically, Consultant agrees to complete Ava's Supplier Diversity questionnaire, which may be updated or revised during the term of the Agreement, and otherwise reasonably cooperate with Ava to provide the information described above. Consultant shall provide such information in the timeframe requested by Ava and in no event later than January 31 of the year following the Effective Date of this Agreement.

LIST OF EXHIBITS

EXHIBIT A: SCOPE OF WORK

EXHIBIT B: SCHEDULE

EXHIBIT C: CONSULTANT STAFFING

EXHIBIT D: SUBCONSULTANTS

EXHIBIT E: COMPENSATION/BUDGET

EXHIBIT F: INSURANCE REQUIREMENTS

Exhibit A

SCOPE OF WORK

[Draft Scope of Work here and remove italicized language below when finalizing]

A Scope of work should aim to be as concise as possible while ensuring all necessary details of the services are captured. A good Scope should include:

- Summary of Services
- Purpose and Objectives of Services (This could be in narrative form and provide the general purpose of the services)

And may include:

- Definitions of any Critical Terms (Any definitions, clarifications could be included here)
- List of any Supplemental Documents (If there is a lengthy document that does not make sense to copy and paste into the Scope of Work it could be referenced here)
- Tasks and Deliverables
 - o List each task (and any related subtasks)
 - o List required updates/reports on progress
 - o List deliverable for each task
 - o List schedule/due date for each task and for each deliverable
 - o List any other milestone dates
- Exclusions/Exceptions and Additional Services (If there is anything that is specifically excluded from the Scope of Work that can be listed here. If there are additional services or costs (such as new services or travel costs), we can list the proposed costs and the process for selecting them here)
- Any Other Conditions (If there is something unique to the project that does not fit into the other categories).

Additional Services:

Consultant will not provide additional services outside of the services identified in Exhibit A, unless it obtains advance written authorization from the project manager or lead Ava representative prior to commencement of any additional services.

Exhibit B

SCHEDULE

[Schedule - can be detailed or as simple as "As directed by Ava."]

Exhibit C

CONSULTANT STAFFING

[Include names of all team members who will be providing Ava services.]

Exhibit D

SUBCONSULTANTS

[If subconsultants are authorized in advance, they should be listed here, otherwise it can state either of these: "Subconsultants are not authorized under this Agreement." or "Subconsultants must be authorized in advance, in writing by Ava."]

Exhibit E

COMPENSATION/BUDGET

[If the compensation is hourly, a table of hourly rates by title should be included. If fixed fee, describe what amounts are to be paid based on what milestones]

For the purposes of Section 6.1 (Time and Materials), 80% of the total compensation under this agreement (see NTE on page 1) is [\$\$\$]

Exhibit F

INSURANCE REQUIREMENTS

A. Minimum Scope and Limits of Insurance. Consultant must procure, and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

- 1) Commercial General Liability Insurance with a minimum limit of One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of Two Million Dollars (\$2,000,000.00) per project or location. If Consultant is a limited liability company, the commercial general liability coverage must be amended so that Consultant and its managers, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.
- 2) Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of One Million Dollars (\$1,000,000.00) per accident for bodily injury and property damage.
- 3) Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of One Million Dollars (\$1,000,000.00) per accident for bodily injury or disease. If Consultant has no employees while performing the Work under this Agreement, workers' compensation policy is not required, but Consultant must execute a declaration that it has no employees.
- 4) Professional Liability/Errors & Omissions Insurance with minimum limits of Two Million Dollars (\$2,000,000.00) per claim and in aggregate.

B. Acceptability of Insurers. The insurance policies required under this Exhibit F must be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest edition of the A.M. Best Insurance Rating Guide.

C. Additional Insured/Additional Named Insured. The automobile liability policies must contain an endorsement naming Ava, its officers, employees, agents and volunteers as additional insureds. The commercial general liability policy must contain an endorsement naming Ava, its officers, employees, agents and volunteers as additional named insureds.

D. Primary and Non-Contributing. The insurance policies required under this Agreement must apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to Ava. Any insurance or self-insurance maintained by Ava, its officers, employees, agents or volunteers, will be in excess of Consultant's insurance and will not contribute with it.

E. Consultant's Waiver of Subrogation. The insurance policies required under this Agreement will not prohibit Consultant and Consultant's employees, agents or Subconsultants from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against Ava.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by Ava. At Ava's option, Consultant must either reduce or eliminate the deductibles or self-insured retentions with respect to Ava, or Consultant must procure a bond guaranteeing payment of losses and expenses.

G. Cancellations or Modifications to Coverage. Consultant agrees not to cancel any insurance coverage during the term of this Agreement. Consultant further agrees not to reduce or otherwise modify the insurance policies required by this Agreement during the term of this Agreement, without the prior written approval of Ava. The commercial general and automobile liability policies required under this Agreement must be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail thirty (30) days' prior written notice to Ava. If any insurance policy required under Agreement is canceled or reduced in coverage or limits, Consultant must, within two (2) business days of notice from the insurer, phone and notify Ava via electronic mail and certified mail, return receipt requested, of the cancellation of or reductions to any policy.

- H. **Ava Remedy for Noncompliance.** If Consultant does not maintain the policies of insurance required under this Agreement in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements of this Exhibit F, Ava may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, Ava may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant must promptly reimburse Ava for any premium paid by Ava or Ava, in its sole discretion, may withhold amounts sufficient to pay the premiums from payments due to Consultant.
- I. **Evidence of Insurance.** Prior to the performance of the Work under this Agreement, Consultant must furnish Ava with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Agreement. The endorsements are subject to Ava's approval. Ava may request, and Consultant must provide complete, certified copies of all required insurance policies to Ava. Consultant must maintain current endorsements on file with Ava. Consultant must provide proof to Ava that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant must furnish such proof at least two (2) weeks prior to the expiration of the coverages.
- J. **Indemnity Requirements not Limiting.** Procurement of insurance by Consultant will not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify Ava under Section 12 of this Agreement.
- K. **Subconsultant Insurance Requirements.** Consultant's insurance coverage must include its Subconsultants or Consultant must require each of its Subconsultants that perform Work under this Agreement to maintain insurance coverage that meets all the requirements of this Exhibit F.



Proposed Updates to Ava's Administrative Procurement Policy



Background:

- Context & Considerations
- Oakland & Berkeley's Approaches
- Ava's Proposed Approach



Context & Considerations

The content of this presentation addresses the concern that arose at the November 2025 meeting of the Ava Board of Directors that a proposed vendor “had contracts with the U.S. Immigrations and Customs Enforcement (ICE) agency”.

- The issue raised centered primarily on the concerning aggressive activity of ICE under the current administration
- No requirements or restrictions related to ICE were contained in the RFP that Ava had issued, which is standard in Ava’s RFP process to date.
- In response to the concerns, Ava Staff undertook to understand how member municipalities had addressed this issue (if at all) and to propose a practicable approach to mitigate concerns, while not overly encumbering the operations or competitiveness of Ava.

Staff reviewed this proposal with an ad-hoc committee of the board and the Executive Committee meeting held on Wed April 1, 2026.



Context & Considerations, cont'd.

Research and Analysis:

- Ava's outside counsel conducted a comprehensive review of Ava's 18 member jurisdictions to understand how each has approached this issue.
- The research found that two member jurisdictions, Berkeley and Oakland, have addressed this issue directly in their procurement policies, as detailed below.
- Ava continues to monitor the responses of other member jurisdictions.

Distinguishing Ava's role and mandate:

- Where our member cities and counties have broad authority and a broad array of responsibilities as municipalities, Ava's specific mission is far more narrowly focused around providing clean, affordable, and reliable energy to its member jurisdictions.
- As noted below, member cities and counties are able to leverage their status as Sanctuary Cities, a status implicitly unavailable to Ava.



Context & Considerations, cont'd.

Considerations:

- Responding appropriately and proportionately to public input.
- Maintaining Ava's ability to efficiently and cost effectively contract with skilled service providers to most effectively and rapidly further the agency's priorities around clean, affordable, and reliable energy.



Oakland & Berkeley's Approaches

- **Berkeley** prohibits contracting with any person or entity that provides an Immigration Authority with any "Data Broker" or "Extreme Vetting" services.
 - "Immigration Authority" means any person or agency engaging in efforts to investigate, enforce, or assist in the investigation or enforcement of federal immigration law against natural persons.
 - "Data Broker" means one who engages in (A) the collection of information, including information about consumers, from multiple sources for the purpose of reselling that information to private-sector businesses and government agencies; and (B) the aggregation of data that was collected for another purpose from that for which it is ultimately used.
 - "Extreme Vetting" means data-mining, threat modeling, predictive risk analysis, or other similar service.
 - Berkeley expressly excludes computer-network health and performance tools and cybersecurity technologies and systems from its definition.



Oakland & Berkeley's Approaches, cont'd.

- **Oakland** prohibits contracting with any person or entity that provides the United States Immigration and Customs Enforcement (ICE), United States Customs and Border Protection (CBP), or Department of Health and Human Services Office of Refugee Resettlement (HHS/ORR) with any “Data Broker”, “Extreme Vetting”, or “Detention Facilities” services.
 - “Data Broker” - same as Berkeley.
 - “Extreme Vetting” - same as Berkeley.
 - “Detention facilities” means any private party that provides operational support to a facility intended or used for immigration detention purposes.



Oakland & Berkeley's Approaches, cont'd.

- Both cities require contractors to certify that they do not provide such services to immigration authorities.
- Both cities leverage their status as Sanctuary Cities as the basis for their prohibitions by issuing and amending Sanctuary City ordinances and related certifications.
- Flexibility:
 - Both cities use the terms "Data Broker" and "Extreme Vetting" to allow staff to efficiently search databases and narrowly tailor the prohibitions so that routine or incidental commercial relationships with ICE (e.g., commodity sales) are not unintentionally barred.
 - Both cities allow waivers when "no reasonable alternative exists."
 - Oakland also provides four explicit exemptions: no other vendors available; emergency response needs; substantial cost differences; or vendors that have ended relationships with ICE/CBP.



Ava's Proposed Approach

- Ava seeks to not enter into contracts with any person or entity that provides the United States Immigration and Customs Enforcement (ICE) with Data Brokerage or Extreme Vetting services.
- Ava intends to implement this approach as follows:
 - Add a section to its Administrative Procurement Policy prohibiting new or renewed contracts with any counterparty that contracts to provide Data Brokerage or Extreme Vetting services to ICE.
 - Maintain exceptions similar to those of Oakland and Berkeley for broadly available goods and services.
 - Include boilerplate language in its contracts where the counterparty represents and warrants that it does not provide the prohibited services.
- These proposed changes have been reviewed with an ad hoc committee of the board of 7 members, as well as with the Executive Committee.



The Proposed Implementation: What & Why



What (1 of 3) - Procurement Policy

Why

Prohibition on Contracting

Ava shall seek to not enter into a new contract or amend or extend an existing contract with any Provider of Data Brokerage or Extreme Vetting services to ICE. Ava's Legal team shall maintain contract language in Ava's contract templates for this purpose. All public works, construction bids, requests for qualifications, requests for proposals, or any other solicitation issued by Ava shall include notice of the prohibition under this policy.

Exceptions

Notwithstanding the foregoing, this policy shall not apply to contracts with a Provider of Data Brokerage or Extreme Vetting services that provides the following categories of goods or services to ICE:

1. Widely available consumer products, including but not limited to food, beverages, office supplies, household goods, and other commodities sold in the general commercial market.
2. Broadly available commercial products or services that are offered to the general public or to a wide class of customers on similar terms, including standardized cloud or software offerings, telecommunications, payment processing, or other commodity services, provided the services or goods are not customized by the contractor for ICE for Data Brokerage and/or Extreme Vetting.

Additionally, this prohibition shall not apply where (A) no qualified vendor is available who meets this requirement; (B) the purchase qualifies as exigent or emergency as defined above; (C) application of the prohibition results in substantial cost differences; or (D) the relevant vendor has ended its contractual relationship with ICE. This Prohibition on Contracting expires on December 31, 2028.

This is an addition to the Contracting Operations section of the Procurement Policy setting forth Ava's position on contracting with providers of data collection to ICE.

- The addition notes that language reflecting this position will be maintained in both Ava's contract templates and RFP template.
- The addition includes two common exceptions that are necessary so the policy is not impracticable.
- **The burden is on the vendor to represent that it is compliant, not on Staff to verify. Non-compliance qualifies as breach.**

What (2 of 3) - Procurement Policy

Why

VI. Definitions and Topics

1. Data Brokerage - "Data Brokerage" means (A) the collection of information, including information about consumers, from multiple sources for the purpose of reselling that information to private-sector businesses and government agencies; and (B) the aggregation of data that was collected for another purpose from that for which it is ultimately used.
2. Extreme Vetting - "Extreme Vetting" means data-mining, threat modeling, predictive risk analysis, or other similar service.
4. Functional Lead - at Ava, a Functional Lead is a department head responsible for a dedicated function.
5. ICE - "ICE" means the United States Immigration and Customs Enforcement, and any subdivision thereof.
6. Provider - "Provider" means a natural person or legal entity entering into contracts to sell goods and/or services, as well as (i) any third party with the lawful right or effective ability to direct that natural person or legal entity and (ii) any organization, subsidiary, affiliate, or division under operating control of such person or entity. Government entities and employees are expressly excluded from this definition.
7. PO - See "Purchase Order," below.

Adds definitions pertinent to Ava's position, above.

What (3 of 3) - CSA

Why

3.2 Requirements.- Consultant represents and warrants that it has the skill and expertise to perform the Work.- Consultant agrees to obtain any and all necessary licenses, approvals or permits necessary to perform the Work. Consultant further represents and warrants that, to the best of the Consultant's knowledge upon reasonable diligence, the Consultant has not contracted to provide Data Brokerage or Extreme Vetting services to the United States Immigration and Customs Authority since January 2025. Consultant agrees not to provide such services during the Term of the Agreement. For the purposes of this provision, (i) "Data Brokerage" means (A) the collection of information, including information about consumers, from multiple sources for the purpose of reselling that information to private-sector businesses and government agencies; and (B) the aggregation of data that was collected for another purpose from that for which it is ultimately used; and (ii) "Extreme Vetting" means data-mining, threat modeling, predictive risk analysis, or other similar service.

Provides language prohibiting engagements with such providers.

NOTE: As a reminder, this provision and the updates to the Procurement Policy apply only to goods and services other than power resources procurement.

Summary and Key Points

- 1) Staff requests that the Board approve the resolution to adopt the updated Administrative Procurement Policy.
- 2) The updates provide a consistent, thoughtful, and practical response to the concerns raised at the November meeting and are consistent with the actions of our member communities.





Staff Report Item 12

To:	Ava Community Energy Authority
From:	Sam Sadle, Principal Legislative Manager
Subject:	Approval of Staff Recommended Legislative Positions
Date:	April 15, 2026

Summary/Recommendation

Since 2019, Ava staff has worked to implement the Board approved Legislative Program. The Legislative Program provides a framework for staff to identify, assess, track, and (with Board approval) take advocacy-related action regarding proposed legislation.

Ava staff recommends the Board adopt a “**support**” position on three bills:

- **Senate Bill 222 (Wiener)** - Streamlines permitting for installations of residential heat pump water and HVAC systems;
- **Senate Bill 1168 (McNerney)** - Establishes new surcharges on natural gas consumption by large data centers, with revenues collected to be directed toward wildfire costs currently embedded in customer rates; and
- **Assembly Bill 2266 (Schultz)** - Requires the use of a consistent method across regulatory proceedings for calculating how much reliability value different energy resources provide, so that short-term, mid-term, and long-term procurement programs all count resources the same way.

Ava staff recommends the Board adopt a “**support if amended**” position on five bills:

- **Senate Bill 868 (Wiener)** - Sets rules for “plug in” or “balcony” solar systems;
- **Senate Bill 913 (Becker)** - Allows aggregated distributed resources to serve as Resource Adequacy capacity;
- **Assembly Bill 1577 (Bauer-Kahan)** - Requires monthly reporting on data center energy usage;

- **Assembly Bill 1975 (Schultz)** - Establishes a “grid utilization metric” that calculates load as a percentage of rated distribution capacity; and
- **Assembly Bill 2389 (Irwin)** - Extends a property tax exemption for customer-sited solar.

Financial Impact

- **SB 222 (Wiener) – Support:** Unlikely to have a direct fiscal impact on Ava.
- **SB 1168 (McNerney) – Support:** Unlikely to have a direct fiscal impact on Ava. May reduce bill surcharges for Ava customers.
- **AB 2266 (Schultz) – Support:** Possible reduction in regulatory reporting costs.
- **SB 868 (Wiener) – Support if Amended:** Unlikely to have a direct fiscal impact on Ava. Depending on how the legislation is implemented, it may increase available resources for virtual power plant initiatives.
- **SB 913 (Becker) – Support if Amended:** Depending on how the program is implemented it may lessen Resource Adequacy compliance costs.
- **AB 1577 (Bauer-Kahan) – Support if Amended:** Unlikely to have a direct fiscal impact on Ava.
- **AB 1975 (Schultz) – Support if Amended:** Unlikely to have a direct fiscal impact on Ava. May lead to a lessening of transmission and distribution charges for Ava customers.
- **AB 2389 (Irwin) – Support if Amended:** Unlikely to have a direct fiscal impact on Ava. Depending on how the legislation is implemented, it may increase available resources for virtual power plant initiatives.

Analysis and Context

- **SB 222 (Wiener) – Support:** If passed, SB 222 would standardize and streamline local permitting for residential heat pump water heaters and heat pump HVAC systems, in part, by requiring an option for asynchronous inspections and online automated permitting. The bill would support the State’s target of installing six million heat pump systems by 2030, an objective the State is currently set to miss by roughly two million units. In 2025, Ava supported SB 282 (which contained largely the same language). This bill supports Ava’s electrification-related policy objectives.
- **SB 1168 (McNerney) – Support:** If passed, SB 1168 would impose surcharges on electricity and natural gas consumption by large data centers. Revenues collected would fund wildfire-related costs currently embedded in customer rates. The bill aims to ensure that rapidly growing data center loads contribute to system costs and affordability programs. SB 1168 supports Ava’s affordability objectives and the State’s decarbonization goals.

- **AB 2266 (Schultz) – Support:** AB 2266 would require the California Public Utilities Commission (PUC), when setting certain resource adequacy and resource procurement obligations for load-serving entities such as Ava, to use a single capacity valuation method to assess the reliability contribution of each resource type. The bill would also require the Commission, to consolidate certain compliance reporting. The current system of multiple standards across multiple obligation types adds unneeded complexity and increases regulatory costs. Ava has supported this type of standardization in regulatory forums. AB 2266 supports Ava’s affordability objectives by decreasing compliance costs.
- **SB 868 (Wiener) – Support if Amended:** SB 868 would legalize small-scale “plug in” or “balcony” solar installations and under certain conditions exempt these installations from participating in the interconnection process. To be eligible, systems must not exceed a maximum output of 1,200 watts, align with National Electric Code standards and Underwriters Lab certification, and feature a mechanism that isolates the device from the building’s electrical system to prevent back feeding. The bill also prohibits a utility from requiring utility permission for the device or utility fees for installing the system or the electricity generated by it. The bill does allow utilities to require customers to notify the utility of the address and size of the portable solar generation device. Ava recommends using this bill as an opportunity to promote the evolution of residential self-generation systems. Pairing “plug in” and “balcony” solar with storage maximizes its value, making it potentially eligible for Ava’s Virtual Power Plant initiative. Accordingly, staff recommends that Ava condition its support for the bill on amendments that would require eligible portable solar devices to be paired with storage.
- **SB 913 (Becker) – Support if Amended:** SB 913 would require the PUC to “enhance existing market-integrated pathways” for distributed energy resources (DERs) to qualify as Resource Adequacy (RA) capacity and authorize load serving entities (LSEs), such as Ava, to include distributed capacity resources in RA filings and PUC-ordered procurement. SB 913 aligns with Ava’s policy priorities related to customer affordability, decarbonization, and promoting local development by allowing aggregated DERs (such as those enrolled in a Virtual Power Plant (VPP) program) to receive compensation based on the capacity value they provide to the grid and enable LSEs to count aggregated DERs toward RA compliance. These reforms have the potential to incentivize DER adoption and VPP participation, reduce emissions, and lower customer bills through avoided capacity procurement and infrastructure buildout. However, Ava staff supports amending the bill to ensure DERs are eligible to be used for RA compliance obligations with the same status as traditional RA products.
- **AB 1577 (Bauer-Kahan) – Support if Amended:** AB 1577 would require the PUC to establish a process for data centers to submit specified energy and water usage data monthly. The bill would also require the PUC, as part of the 2029 edition of the integrated energy policy report, to include an assessment of electrical load trends for data centers and annually publish the information submitted in an anonymized and

aggregated format. AB 1577 supports Ava’s decarbonization policy objective by requiring transparent public reporting. However, Ava staff recommends pursuing an amendment to allow adequate reporting timelines to ensure the Agency does not inadvertently run afoul of new reporting obligations due to forces outside of the Agency’s control.

- **AB 1975 (Schultz) – Support if Amended:** AB 1975 requires the PUC to establish a “grid utilization metric” that calculates electrical load as a percentage of rated distribution capacity and creates performance-based incentives and Investor-Owned Utility (“IOU”)-run programs for utilities to meet annual minimum grid utilization metrics. AB 1975 supports Ava’s affordability objective by supporting increased utilization of the existing distribution grid to avoid unnecessary infrastructure costs and support customer affordability. However, staff supports improving AB 1975 through the inclusion of amendments that ensure Community Choice Aggregators (CCAs) can be rewarded for supporting greater grid utilization through demand response and load flexibility.
- **AB 2389 (Irwin) – Support if Amended:** AB 2389 would extend the “newly constructed” property tax exemption for customer-sited solar systems of 2MW or less and for new systems that are sited on the property of a public entity from 2026 to 2031. The California Constitution generally limits the maximum property tax rate to 1% of the appraised value of the property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Existing property tax law excludes any “active solar energy system” (including storage) from the definition of “newly constructed” through the 2025–26 fiscal year. This means that if a property owner installs a new solar system or adds to an existing system, that action alone would not trigger a new property assessment. As discussed in connection with AB 868, incentives for self-generation should be technology-forcing. Accordingly, staff recommends Ava condition support of AB 2389 on a requirement that solar installations be paired with battery storage to qualify for the property tax exclusion.

Committee Recommendation

This matter was discussed at the April 10 Marketing, Regulatory, and Legislative Subcommittee meeting.

Attachments

- A. Resolution in Support of SB 222, SB 1168, AB 2266 and Support if Amended of SB 868, SB 913, AB 1577, AB 1975, and AB 2389
- B. SB 222 Fact Sheet
- C. SB 1168 Fact Sheet
- D. AB 2266 Fact Sheet
- E. SB 868 Fact Sheet
- F. SB 913 Fact Sheet

- G. AB 1577 Fact Sheet
- H. AB 1975 Fact Sheet
- I. AB 2389 Fact Sheet
- J. Presentation - "2026.04.15 Board Item 13 2026 California Legislative Position Recommendations"

RESOLUTION NO. R-2026-XX
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVA COMMUNITY ENERGY AUTHORITY IN
SUPPORT OF

SB 222 (WIENER), SB 1168 (MCNERNEY), AND AB 2266 (SCHULTZ) AND
SUPPORT IF AMENDED SB 868 (WIENER), SB 913 (BECKER), AB 1577
(BAUER-KAHAN), AB 1975 (SCHULTZ), AND AB 2389 (IRWIN)

WHEREAS Ava Community Energy Authority (“Ava”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, under the Joint Exercise of Powers Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of Ava and parties to the Joint Powers Agreement (“JPA”) in March of 2020. The city of Stockton was added as a member to Ava in September of 2022. The city of Lathrop was added as a member to Ava in October of 2023. San Joaquin County was added as a member to Ava in July 2024. On October 24, 2023, Ava legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception;

WHEREAS the California state legislature considers numerous legislative proposals throughout the year that can have a beneficial or negative impact on Ava and our customers;

WHEREAS Ava’s Legislative Program was first adopted in 2019 and has been updated frequently since then;

WHEREAS Ava seeks to advance policy positions on a variety of issues including rate affordability, transmission affordability, managing data center growth, utility scale decarbonization, industrial and large load decarbonization, distributed energy resources, transportation electrification, dynamic rates, among others; and

WHEREAS the 2026 state legislative session is ongoing and bills are moving through the legislative process.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF AVA COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Board of Directors hereby expresses its support for Senate Bill 222 (Wiener), Senate Bill 1168 (McNerney), and Assembly Bill 2266 (Schultz).

Section 2. The Board of Directors hereby expresses its support if amended for Senate Bill 868 (Wiener), Senate Bill 913 (Becker), Assembly Bill 1577 (Bauer-Kahan), Assembly Bill 1975 (Schultz), and Assembly Bill 2389 (Irwin).

ADOPTED AND APPROVED this 15th day of April, 2026.

Betsy Andersen, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Senator Scott Wiener, 11th Senate District

SB 222- Heat Pump Access Act

SUMMARY

SB 222, the Heat Pump Access Act, saves Californians on energy bills, reduces indoor air pollution, mitigate the effects of extreme weather, and reduces greenhouse gas emissions by improving access to safe heat pump water heater and HVAC systems.

SB 222 requires automated permitting for standard heat pump water heater and HVAC installations, streamlining the permitting process for a key affordability and climate technology.

BACKGROUND/EXISTING LAW

Heat pumps are a win-win-win climate solution— they provide efficient, cost-saving, zero-emission cooling and heating that can displace dirty and hazardous fossil fuel furnaces with a single appliance.

Because heat pumps are highly energy efficient, the average household in the US can save nearly \$400 a year by switching to a heat pump.¹ When paired with solar and/or battery systems, and outfitted with demand response capabilities, heat pumps can save residents even more.

Water and space heating through gas water heaters and furnaces are responsible for the majority of greenhouse gas emissions from residential buildings. Buildings— including both residential and commercial — are responsible for 25% of California’s greenhouse gas emissions. . To be on track for meeting California’s climate goals, at least 20% of existing buildings will need to convert their fossil-powered appliances to electric alternatives by 2030.²

Replacing these gas appliances with highly efficient electric heat pump devices not only reduces emissions but also improves the health and safety of buildings. According to the Rocky Mountain Institute (RMI), a heat pump installed in California today will cut emissions from space heating by 93% over the lifetime of the equipment compared to a gas furnace. By replacing oil and propane heating systems, heat pumps can reduce harmful pollutants like carbon monoxide, NO₂, and volatile organic compounds both inside the home and in the air outside.³ Heat pumps also provide potentially life-saving AC as our climate warms, regulate humidity, and automatically filter air to boost air quality indoors.

California has already taken action to reduce permit barriers for homeowners seeking to electrify and decarbonize their homes. State laws mandate automated permitting processes for solar photovoltaics and home batteries ([Senate Bill 379](#), Wiener, 2021), require expedited solar permitting and restrict reasons for denying solar permits ([Assembly Bill 2188](#), Muratsuchi, 2014), and limit high fees for solar permits ([AB 1132](#), Friedman, 2023). For electric vehicle charging stations, California requires an expedited and simplified permit process focused solely on a health and safety review ([AB 1236](#), Chiu, 2015), and limits jurisdictions to a simple nondiscretionary permit type ([AB 970](#), McCarty, 2021).

Heat pumps have yet to receive such streamlining — despite heat pump contractors regularly citing time-consuming and cost-driving complexities associated with local permitting and despite ambitious clean air rules and state climate targets

¹ A Guide to Cutting Costs with Heat Pumps | Rewiring America

² Neumann, Ingrid. “Key Building Decarbonization Strategies towards California Climate Goals.” PowerPoint

presented at Redwood Energy Zero Carbon Retreat, January 21, 2021

³ American Lung Association, “Literature Review on the Impacts of Residential Combustion,” July 2022

setting the stage for enormous heat pump growth. In 2023, the Bay Area Air Quality Management District (AQMD) passed a rule to require newly installed space and water heaters to be zero-emission. CARB is considering similar rules for residential customers. Similarly, Governor Newsom has set a building decarbonization goal of installing 6 million heat pumps statewide by 2030.

PROBLEM

Meeting California's climate goals will require a considerable wave of residential heat pump appliances to be installed quickly and cost-effectively over the coming years. However, a patchwork of burdensome local permitting requirements adds cost, time, and hassle to these clean appliance retrofits. In interviews, heat pump installers say that a number of barriers at the local level are slowing installations of heat pump equipment, including long inspection wait times, local architectural requirements, wide variations in requirements across jurisdictions, high permit fees, and the need to obtain multiple permit types for a water heater installation.

These burdensome requirements can drive up the cost of installations for homeowners, and limit the time that qualified contractors have to work on other projects, further tightening the supply of labor available to meet increasing demand for heat pumps and other appliances. Because public rebate and direct install programs for heat pumps require permit verification, onerous permit requirements risk impacting the efficiency of hundreds of millions in funding for heat pumps, much of which is targeted toward low-income customers. This problem is costly for California - a recent Energy Commission study estimated that permitting noncompliance for the 2022 Energy Code will cost the state \$2.8 billion.

California has only 5 years left to install over 4 million heat pumps in order to meet Governor Newsom's ambitious target of installing 6 million heat pumps statewide by 2030.

SOLUTION

Heat pump permitting must be modernized in line with other pro-climate technologies to improve access to a cost-saving technology and meet California's ambitious climate goals.

This bill would streamline heat pump permitting and ensure California meets its climate goals by:

1. Mandating automated permitting for standard Heat Pump installations
2. Prohibiting HOAs from imposing architectural review on clean appliance installations
3. Requiring a maximum of one permit for heat pump water heater installations
4. Prohibiting excessive setbacks, noise restrictions, or documentation requirements on heat pump installations
5. Capping fees for heat pump permits to the reasonable cost of providing service

SUPPORT

- **Building Decarbonization Coalition, Sponsor**
- **San Francisco Bay Area Planning and Urban Research Association (SPUR), Sponsor**
- **Bay Area Air District, Sponsor**
- 350 Humboldt Action
- 350 Sacramento
- AO Smith Corporation
- Active SGV
- California Environmental Voters
- California Association of Sheet Metal and Air Conditioning Contractors National Association
- California Center for Sustainable Energy
- California Climate Action
- California State Pipe Trades Council
- Carbon Free Palo Alto
- Carbon Free Silicon Valley
- Carrier Global Corporation
- Center for Biological Diversity
- Citizens Climate Lobby Long Beach
- Climabridge
- Climate Action California
- Climate Health Now Action Fund
- Climate Reality Project, Orange County Chapter
- Climate Resolve
- Earthjustice
- Efficiency First California
- Electrify My Home

- Evergreen Action
- Green Building Initiative
- LG Electronics USA
- Mothers Out Front Silicon Valley
- Natural Resources Defense Council (NRDC)
- QuitCarbon
- Redwood Energy
- RRI: Resource Renewable Institute
- RAMP: Regional Asthma Management & Prevention
- Resource Renewal Institute
- Rewiring America
- San Diego Building Electrification Coalition
- San Francisco Climate Emergency Coalition
- StopWaste
- The Climate Center
- Western States Council of Sheet Metal Workers
- US Green Building Council

FOR MORE INFORMATION

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Senate Bill 1168

Data Centers Pay Their Fair Share

Senator Jerry McNerney (SD 5)

THIS BILL

Californians pay some of the highest utility rates in the country. And rates are expected to climb even higher with the rapid development of data centers, because they require large amounts of energy and often cause utilities to spend ratepayer dollars on infrastructure upgrades.

SB 1168 would protect Californians from bearing the costs associated with data centers in their communities. This bill would impose an energy usage surcharge on electricity and natural gas use by data centers and use that money to pay down the largest driver of rate increases – wildfire spending.

ISSUE

Silicon Valley innovation has been a driver of the state's economy, providing economic growth, general fund revenue, and jobs to the state. But the industry's need for huge amounts of data processing power has led to growth in data centers in California and around the nation. [According to DataCenterMap](#), California is home to the third largest number of data centers in the United States.

The California Independent System Operator (CAISO) expects data center load to grow by 2.3 gigawatts by 2030. The CA Energy Commission reports in their [2025 Integrated Energy Policy Report \(IEPR\)](#) that data centers have requested 18.7 GW of new power over the next several years, [enough to power 18 million homes](#). PG&E alone expects 10 GW of new load from data centers in the next 10 years.

This rapidly increasing demand for power, along with the need for transmission and distribution upgrades to deliver that power, could raise utility rates for all ratepayers. Californians are already paying the second-highest price for energy bills in the nation, due to wildfire mitigation, extreme heat, and catching up on deferred maintenance by the state's investor-owned utilities.

According to the Public Advocate's Office of the Public Utilities Commission, wildfire costs are one of the biggest drivers of utility rates, making up between 10 percent to 24 percent of total investor-owned utility revenue requirements.

According to Stanford University, [over \\$37 billion was spent on AI infrastructure in 2024 alone](#). Another report from McKinsey estimated an investment total of [\\$5.2 trillion in data centers by 2030](#) to power artificial intelligence. This level of investment shows that AI companies and investors have the means to cover their own costs without harming all ratepayers. Funding wildfire costs, one of the main drivers of utility rates, is one way of offsetting data centers' cost to society.

SOLUTION

SB 1168 would:

- Impose an excess energy usage surcharge on data centers over 20 MW
- Use the surcharge funds to pay down wildfire related costs included in rates, leading to cost savings for residential ratepayers

CONTACT

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AB 2266 – CPUC Power Procurement Process Streamlining

Summary:

Determinations of how much energy is necessary to meet California’s power needs are currently performed via a patchwork of separately enacted clean energy programs. AB 2266 directs the CPUC to streamline these planning decisions into one cohesive workflow, to use consistent methodologies across all programs, and to improve accountability through a yearly evaluation of the real-world impact of their calculations on actual energy purchases.

Background:

Reliability is the backbone of what keeps the lights on in California. When wildfires, heat waves, or climate change-induced weather events push our power usage to its max, whether California’s energy providers bought enough power makes all the difference.

Reliability of energy supply is currently influenced by three separate CPUC programs: the [Renewables Portfolio Standard](#) program, the [Integrated Resource Plan](#), and the [Resource Adequacy](#) program. As a result, determinations are performed in separate programs using separate calculations.

The agency does its best to collaborate and share across programs, but such complex filings are difficult to track and have different standards against which they are measured. This overlap creates inefficiencies, increases the likelihood for over or under-calculations, and results in longer processes, all of which cost California ratepayers.

With the substantive foundation for clean energy policy already laid, the next step is to streamline the regulatory processes and integrate the three major procurement programs to ensure consistency, increase confidence in reliability determinations, and reduce costs for ratepayers.

Problem #1: Reliability is assessed across multiple CPUC programs, workflows, and reports.

Solution #1: Create consistent reliability assessments by streamlining reliability evaluations to a single compliance reporting workflow. This bill directs the CPUC to begin the process of consolidating the inter-related reliability

components of these statutes into a central procurement compliance filing. It does not dictate the precise process. Instead, it gives the CPUC flexibility – and almost 4 years – to develop and implement a centralized reporting and compliance review workflow.

Problem #2: Different CPUC programs use different reliability valuation methods.

Solution #2: Improve accountability by using consistent evaluation methods across all procurement programs. This bill creates internal and cross-program consistency by directing the CPUC to use the same capacity valuation – the technical term for how reliable a particular power source is when needed by the grid operator – across all programs when evaluating short-, mid-, and long-term reliability power needs.

Problem #3: CPUC and the California Independent System Operator (CAISO) use different valuation methods for reliability.

Solution #3: Require the CPUC to do an after-the-fact analysis when the CAISO is required to use expensive backstop procurement to fill a reliability gap. The bill ensures accountability by directing the CPUC to yearly evaluate the root cause for the purpose of continuously improving the CPUC reliability program.

Support:

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Senator Scott Wiener, 11th Senate District

SB 868 – Plug And Play Solar Act

SUMMARY

To save Californians on energy bills and increase the number of homes installing safe solar energy systems, Senate Bill 868, the Plug And Play Solar Act, streamlines approvals and establishes safety standards for portable solar energy devices. Plug-in solar, also known as balcony solar, are portable solar energy devices that increase consumer access to safe, clean, and low-cost energy, especially on hot summer days when air conditioning needs are at their highest.

Portable solar energy devices are a win-win climate and energy affordability solution. SB 868 will cut red tape for this key affordability and climate-friendly technology, expand access to clean energy to renters and apartment dwellers, save Californians on energy bills, and help meet our state's ambitious greenhouse gas emissions reduction targets.

BACKGROUND/EXISTING LAW

Californians are faced with record high energy prices. Electricity rates for PG&E customers increased nearly 40% between 2022 and 2025 and increased 100% in the last decade.¹ As a result, Californians now pay higher rates for electricity than any other state except Hawaii.²

Solar arrays can lower energy costs for consumers and reduce reliance on investor-owned utilities. SB 868 expands those options to even more households, especially for renters, condo owners, and those with older or shaded roofs.

California has long been a leader in the transition to clean energy. Senate Bill 379 (Wiener, 2022) boosted safe solar energy system installations in homes by requiring certain-sized jurisdictions to provide an online instant solar permitting process.

Rooftop solar systems have been a major driving force behind California's clean energy transition. Portable solar energy devices, also known as "plug-in" or "balcony" solar, while smaller and therefore less powerful, offer a new way for consumers to generate safe, clean and low-cost electricity using California's abundant sunshine. The portability of these devices makes them ideal for many different types of consumers especially renters with access to a patch of sunlight on a balcony, patio, or small backyard.

This exciting technology consists of a few movable solar panels along with an integrated microinverter that allows the system to plug directly into a standard outlet where the solar electricity flows backwards, through the existing wires, to immediately power other appliances within the home, such as air conditioners, computers and lights, and refrigerators.

Where a rooftop solar system tends to be 5,000-10,000 watts in size for a typical home, plug-in solar systems are much smaller, sized around 400-1200 watts. These systems can cover up to 1/5th of a household's average energy usage, and with prices starting at \$500, offer an affordable solution that can reduce energy costs and allow a broad range of people to directly access the benefits of solar energy.

Because they are so small and mobile, plug-in solar systems provide a new entry point and more flexibility to access clean affordable energy, especially renters. An estimated 44% of California households are renters, a larger percentage than every state except New York. And, while the rooftop solar market serves hundreds of thousands of rental units, plug-in solar systems are an additional and

¹ San Francisco Chronicle, "PG&E rates actually going down in 2026. Here's how much," December 30, 2025

² San Francisco Chronicle, "California electricity prices now second-highest in U.S.: 'Everyone is getting squeezed,'" May 2, 2024

powerful tool for expanding access to clean energy in the Golden State.

Plug-in solar has already taken off in Europe. In Germany, consumers facing high power prices and energy-security concerns have installed an estimated four million plug-in systems, adding multiple gigawatts of distributed clean energy. With California's superior sunshine and high energy costs, the potential for this technology to take off here is even greater.

Despite the small scale of these systems and their potential to save consumers significant funds, utilities like PG&E are pushing for plug-in solar systems to require full interconnection agreements, as they would for large-scale utility solar projects.

Portable solar energy devices have also begun to advance in other parts of the United States. In 2025, Utah enacted H.B. 340, a bipartisan law unanimously approved by the Legislature that exempts portable plug-in solar devices from the full interconnection process, which in turn has encouraged companies to begin selling plug-in systems in the state and to plan expansions to other states with supportive policies. Similar legislation has recently been introduced in states like Vermont, Virginia, Maryland, New Hampshire, Pennsylvania, and New York.

PROBLEM

California consumers need immediate relief from rising energy bills. Growing the market for portable solar devices will create economies of scale that will lower per unit costs making clean energy even more affordable for more consumers.

While portable solar energy devices are a safe and lower-cost solution for consumers, unnecessary utility red tape adds prohibitive costs and has delayed the adoption of this critical technology.

California utilities treat even very small customer-sited solar systems as if they are large arrays triggering complex multi-page interconnection agreements, expensive building permits, and time-consuming utility approvals. All this red tape makes installing plug-in solar more expensive and time-consuming, effectively cutting off consumer access.

While plug-in solar is now widespread in Europe and emerging in other U.S. states, these systems have not taken off in California due in part to these challenges and uncertainty around consumer ease of access.

SOLUTION

By treating qualifying plug-in solar systems as simple, household appliances rather than full-scale power plants, the bill will unlock a new market for affordable, DIY solar among renters and apartment dwellers who are otherwise stuck with the high costs charged by their utilities.

Allowing access to these cost-saving clean energy devices will reduce peak demand especially on hot summer days when air-conditioning loads are high while also supporting California's efforts to cut greenhouse gas emissions and protect public health.

Meanwhile, by establishing statewide safety standards, the bill will ensure consumers have access to safe, high-quality plug-in solar systems.

In sum, SB 868 lowers consumer energy bills, diversifies energy resources, reduces strain on the electric grid, and helps cut air pollution by:

- Defining a portable solar energy device as a small device that meets a consumer's on-site electricity needs;
- Establishing mandatory safety standards for a portable solar energy device;
- Prohibiting unnecessary red tape;
- Driving economies of scale for portable solar energy devices to help lower costs for all consumers.

SUPPORT

- **Environmental Working Group, Sponsor**
- **The Abundance Network, Co-Sponsor**
- Bright Saver
- California Public Interest Research Group (CALPIRG)
- California Solar & Storage Association (CALSSA)
- Center for Biological Diversity
- Environment California
- Solar Rights Alliance

- The Climate Center
- Caroline Torosis, Mayor, City of Santa Monica
- 350 Bay Area Action
- US Green Building Council
- Quantum Energy
- Greenbank Associates
- QuitCarbon
- Indivisible Santa Cruz County
- 350 Humboldt
- Samuel Lawrence Foundation
- West Orange County
- Clean Coalition
- Glendale Environmental Coalition
- Recolte Energy
- Albany Climate Action
- Our Green Challenge
- Vote Solar
- SocioEnergetics Foundation
- Climate Action Campaign
- Climate Action Mendocino
- Center for Community Energy
- Climate Crisis Workgroup of Grassroots Institute
- Third Act Sacramento
- Neighbors for Progressive Action
- Elders Climate Action NorCal Chapter
- 350 Conejo/San Fernando Valley
- Citizens' Climate Lobby
- SCV Eco Alliance
- GRID Alternatives
- Long Beach Alliance for Clean Energy
- Active San Gabriel Valley
- Orange County Environmental Justice
- Healing and Justice Center
- Pasadena-Foothills Chapter of Citizens Climate Lobby
- Acterra: Action for a Healthy Planet
- Greenbank Associates
- West Berkeley Alliance for Clean Air and Safe Jobs
- Laudate Deum Prayer Network for Climate Healing
- 350 Berkeley Hub
- California Alliance for Community Energy
- City of Santa Monica
- Climate Health Now Action Fund
- Community Renewable Solutions LLC
- Democratic Club of West Orange County
- Elders Climate Action (ECA) Southern California (SoCal) Chapter
- Greenpeace USA
- Humboldt Progressive Democrats
- Local Clean Energy Alliance
- Local Government Sustainable Energy Coalition
- Pacifica Climate Committee
- Pacifica Housing For All (PH4A)
- Project Green Home
- Reclaim Our Power: Utility Justice Campaign
- Sonoma County Climate Activist Network (SoCoCAN!)
- Sustainable Mill Valley
- Sustainable San Mateo County
- Sustainable Systems Research Foundation
- The Energy Coalition
- Third Act San Francisco Bay Area
- Third Act SoCal
- Western Center on Law and Poverty

FOR MORE INFORMATION

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Senator Josh Becker, 13th Senate District

SB 913 – Clean Local Power Act

SUMMARY

SB 913 creates an improved pathway for customer-owned resources (e.g., home batteries, electric vehicles, thermostats), to compete fairly with other resources (e.g., peaker plants, diesel generators) to offer the least cost option for providing reliability to the electric grid.

BACKGROUND

A key driver of increasing electricity rates has been the urgent need to increase the capacity of the electric grid to handle new customers and growing load. The California Energy Commission (CEC) projects an increase in electricity demand of 42-61% over the next two decades.¹

However, the grid reaches its maximum capacity for only a few hours on the hottest days of the year. During those hours the California Independent System Operator (CAISO) calls on old, polluting peaker plants to meet peak demand and avoid blackouts. Clean, customer-owned “distributed resources” could help the grid handle peak demand instead – with less pollution and at lower cost – but outdated rules have created barriers to organizing these customer-owned resources and using them to their full potential.

Millions of California homes already possess technologies that can help the grid during peak demand events: smart thermostats, electric vehicle chargers, battery storage, and others. These devices can be coordinated and aggregated to provide electricity and reduce energy use during hours of peak demand. And the numbers are growing every day: the CPUC reports that over 8,000 customer batteries totaling more than 100 megawatts (MW) are installed monthly, adding enough capacity *every month* to replace a peaker plant.

¹ [California Energy Commission 2025-2045 Demand Forecast](#)

Currently, more than 1000 MW of these distributed resources support the grid by participating in CAISO’s markets through the CEC’s Demand Side Grid Support Program (DSGS), and the potential capacity to support the grid is growing every day as Californians install smart thermostats, EV chargers, and other controllable devices. DSGS has been much more successful at scaling up participation than traditional “Resource Adequacy” (RA) programs governed by the Public Utility Commission (PUC) because the CEC has tested innovative approaches to remove barriers and to allow customer-owned resources to maximize their contributions, including:

- making the enrollment process much simpler
- allowing participants to enroll multiple devices (i.e., their thermostat and their EV) instead of limiting participation to a single device per customer
- monitoring performance at the device level (e.g., how much power a battery is providing) rather than only at the utility meter
- allowing devices to export power back to the grid rather than limiting devices to reducing the building’s load to zero.

PROBLEM

DSGS has been very successful at providing critical emergency capacity to support the grid, funded by taxpayers (rather than ratepayers) as part of the Strategic Reliability Reserve. The challenge is that as funding for DSGS remains uncertain over the coming years, we risk losing access to all this low-cost capacity from customer-owned resources unless the traditional PUC-governed RA participation models adopt the innovations that were tested and proven out by DSGS. That could leave huge amounts of low-cost capacity sitting untapped in Californians’ homes at a time when we need cheaper ways to support the grid and lower electricity bills.

As the state plans for more load growth, we need to allow all types of resources, including customer-owned resources, to compete on a level playing field to support the grid in the least costly way. Shifting customer-owned resources from a taxpayer-funded emergency program into normal RA participation models is smart policy in the long run, but only if the RA program adopts the innovations proven out by DSGS to give customer-owned resources an easier way to participate and compete to provide the best value to the grid.

EXISTING LAW

Current law requires electricity providers to purchase RA to meet their peak demand forecast and directs CPUC to establish rules for what can be counted as RA. However, current rules prevent customer-owned resources from being compensated for exporting energy to the grid, and requirements for participation and measuring performance are prohibitive and discourage participation in the RA program.

THIS BILL

SB 913 updates existing rules to align them more closely to those which have allowed the DSGS program to successfully scale up participation of customer-owned resources. Specifically, the bill levels the playing field by ensuring rules don't create barriers to customer enrollment, allowing customers to enroll multiple devices, allowing performance to be monitored at the device level, and allowing customers to export energy back to the grid. By increasing market competition, and enrolling resources that Californians have already invested in themselves, these updates will help defer the types of infrastructure investments that are rapidly increasing electric rates.

To meet increasing demand California can either build, build, build at the expense of ratepayers or it could make better use of the existing resources that Californians have already purchased and are available to help, if they can just be signed up and coordinated. SB 913 will ensure we make the best use of those customer-owned resources

by modernizing existing programs to integrate these resources better.

SUPPORT

The Climate Center (Co-sponsor)
 Environment California (Co-sponsor)
 350 Bay Area Action
 350 Humboldt
 Active San Gabriel Valley
 Advanced Energy United
 California Alliance for Community Energy
 California Efficiency + Demand Management Council
 California Solar and Storage Association
 CALPIRG
 Center for Biological Diversity
 Center for Community Energy
 Center for Environmental Health
 Ceres
 Clean Coalition
 CleanEarth4Kids.org
 Climate Action California
 Climate Action Campaign
 Climate Health Now Action Fund
 Community Environmental Council
 Deploy Action
 Derapi
 Environmental Defense Fund
 Environmental Protection Information Center
 Environmental Working Group
 Ev.energy
 Immaculate Heart Community Environmental Commission
 Leap
 Local Clean Energy Alliance
 NextGen California
 Pesticide Action and Agroecology Network
 Qcells
 Reclaim Our Power: Utility Justice Campaign
 Santa Cruz Climate Action Network
 Sierra Club California
 Silicon Valley Youth Climate Action
 Solar Energy Industries Association
 Solar United Neighbors Action
 Tesla, Inc.
 The Energy Coalition
 Uniting the Central Coast for Action, a Program of the SLO Climate Coalition
 USGBC California
 Voltus, Inc.

Vote Solar

FOR MORE INFORMATION

Erika.Romero@sen.ca.gov

FACT SHEET



ASSEMBLYMEMBER
Rebecca Bauer-Kahan
DISTRICT 16



AB 1577 – Data Center Energy Accountability Act

Summary

AB 1577, the Data Center Energy Accountability Act, improves grid reliability by creating statewide transparency standards around data center energy usage and efficiency.

Background

The rapid development of the artificial intelligence (AI) industry is fueling a boom in data center construction in California. These facilities, which house the servers and hardware needed to train and operate advanced AI, require vast amounts of electricity. According to a recent commentary from the Public Utility Commission’s Public Advocates Office:

“As demand for data center services grows, companies are racing to develop new facilities as quickly as possible. Interconnecting these data centers to the grid poses risks for ratepayers because of the enormous infrastructure costs required to serve them. These costs may ultimately be passed on to all ratepayers, especially if the facilities use less energy than projected or shut down before the utility has recovered its associated interconnection costs. Data centers are unique in their extraordinary energy intensity, consuming 10 to 50 times more energy per square foot than a typical commercial office building. Data center developers in California increasingly plan to develop facilities with loads exceeding 50 to 100 megawatts at a single site – roughly the equivalent of the residential energy use of Santa Rosa or Huntington Beach.”¹

The California Energy Commission helps ensure California’s energy infrastructure is ready to meet the needs of its population and economy by analyzing trends in energy consumption and

forecasting future demand. Accurate facility-level data is essential to this work, particularly for energy-intensive buildings such as data centers. The Commission also establishes energy efficiency standards for buildings, appliances, and industrial processes, with the goal of reducing energy waste, lowering greenhouse gas emissions, and promoting sustainability.

Problem

The rapid expansion of the AI industry is driving the construction of large, energy-intensive data centers across California. The resulting growth in energy demand, combined with the grid infrastructure development needed to serve these facilities, risks increasing energy costs for Californians. At present, California lacks accurate statewide information on how many data centers exist, where they are located, how much electricity and water they consume, how efficiently they operate, and how they affect California’s power grid. This information gap limits the ability of state and local agencies to plan infrastructure, evaluate efficiency opportunities, and protect ratepayers.

What the Bill Does

AB 1577 requires data centers to report specified energy usage and efficiency information to the California Energy Commission on a monthly basis, consistent with transparency frameworks established under the European Union’s Energy Efficiency Directive, and requires proposed data centers to provide estimated information to local agencies prior to beginning construction.

Support

Audobon California
California Initiative for Technology &
Democracy

¹ [How Will Data Center Growth Impact California Ratepayers?](#)

City of Monterey Park
Little Hoover Commission

Contact

Slater Sharp | Senior Consultant

Slater.Sharp@asm.ca.gov

(916) 319-2673



AB 1975 – Electric Rate Reduction Through Grid Utilization

Summary:

AB 1975 reduces electricity rates by requiring utilities to make better use of the electric grid we have already built and paid for. The bill requires the state's three investor-owned utilities to measure and increase grid utilization through load flexibility programs.

Background:

Utilities have traditionally expanded the electric grid whenever they estimate there may be a need to deliver more energy. With electrification and data centers, this need could increase faster than ever, driving up electric rates.

Expanding substations and upsizing other components on the electric grid is expensive, pushing up rates. By comparison, building highways large enough so there is never a rush hour slowdown would be extremely expensive. Grid expansion is also slow. Utilities may not be able to expand the grid fast enough, at any cost, to enable transportation and building electrification at the needed scale. A modern solution is needed to handle our increasing electrical needs at the lowest cost, via resources with the least environmental impact, and at a pace that works.

However, clean, distributed customer devices can be operated in coordinated fleets to balance electricity supply and demand within the constraints of the grid. The timing of electric vehicle charging can be flexible without impacting the needs of drivers. Batteries installed on houses, campuses, and other buildings throughout California can be networked and dispatched remotely in response to grid needs. Building energy controls for appliances such as heat pumps and HVAC can adjust the timing of electricity consumption. These assets all create grid flexibility.

Grid flexibility uses existing grid capacity more efficiently. Many circuits operate significantly below

capacity most of the time, and at full capacity for only a small number of hours per year. Expanding the size of grid equipment to serve a small number of hours of higher use wastes ratepayer dollars. We can get more out of the grid we have already paid for by harnessing batteries and appliance controls in the hours when usage peaks.

Utilities favor grid expansion over modern flexibility approaches because their profits are a percentage of dollars spent on the grid. Given expected increases in consumption, there will still be plenty of need for grid expansion even with extensive flexibility programs. However, utilities have been sidelining flexibility programs to limited pilots. Legislation is needed to require them to bring those programs to scale.

AB 1975:

- Requires the CPUC to create a grid utilization metric and to establish minimum standards for the state's three investor-owned utilities under that metric each year; and
- Requires the utilities to establish load flexibility programs that encourage customers to shift their electricity consumption from the grid to off-peak hours, increasing grid utilization and reducing the cost of grid upgrades.

Support:

Environment California (sponsor)

Contact:

Jim Metropulos
Office of Assemblymember Nick Schultz
916.319.2044
jim.metropulos@asm.ca.gov



AB 2389 (Irwin) Keeping Solar Affordable



SUMMARY

AB 2389 extends California's property tax exclusion for customer-sited solar energy systems through January 1, 2032, preserving a crucial incentive that promotes energy affordability, solar adoption, and progress toward California's energy goals.

BACKGROUND

Customer-sited solar energy systems are a vital tool for managing rising electricity costs. These systems are a form of distributed energy resources located close to where electricity is used, rather than relying on large, centralized power plants. By producing electricity locally these resources strengthen grid reliability and reduce the need for costly transmission infrastructure.

In 1980, Californians approved Proposition 7, establishing a property tax exclusion for solar energy systems. This exclusion applies to both directly owned systems and those financed through third-party arrangements such as leases and power purchase agreements (PPAs). These financing models are widely used by public entities and schools as 87% of public schools rely on third-party financed solar projects.

The exclusion is set to sunset on January 1, 2027, effectively triggering property tax reassessments for solar installations. This couldn't come at a worse time as the 30% federal tax credit incentive for residential solar has phased out. State policies, including this property tax exclusion, have historically helped keep solar adoption financially accessible during periods of rising energy costs.

Customer-sited solar also plays a crucial role in helping California achieve its goal of 100% clean electricity by 2045. Of the 7,000 megawatts (MW) of clean energy interconnected to the grid in 2024, 23%

came from customer-sited solar and storage. Maintaining incentives that support continued adoption will be critical to ensuring these distributed energy resources remain a significant contributor to the state's clean energy transition.

NEED FOR THIS BILL

If the Legislature fails to extend this property tax exclusion, consumers will face higher annual property tax assessments when installing solar energy systems, discouraging investment in clean energy. Schools and local governments who lease solar energy systems from third parties will also face higher costs, even though as public entities they are excluded from property taxes as their third-party partners will incur property tax assessments that will be factored into future lease agreements. Reduced adoption of customer-sited solar and battery storage will also weaken distributed energy resources that support grid affordability for all Californians.

THIS BILL

AB 2389 extends California's property tax exclusion for an additional five years. The bill applies to customer-sited solar energy systems up to 2 megawatts, all solar energy systems installed on property owned by schools and other public entities, and battery storage systems installed alongside qualifying solar. By preserving the exclusion, the bill ensures these systems do not trigger higher tax assessments, therefore, keeping distributed energy resources financially accessible.

SUPPORT

Environment California

CONTACT

Senay Zedingel | Office of Assemblymember Irwin
Senay.Zedingel@asm.ca.gov | (916) 319-2042

2026 California Legislative Session: Recommended Bill Positions

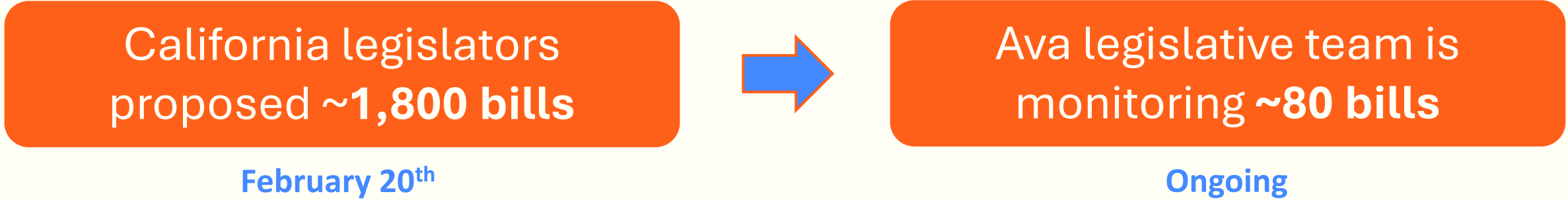
Sam Sadle, Kendall Downie, Dominic Faria – April 15, 2026



2026 California Legislative Timeline

<p>January</p> <p>5: Legislature reconvenes 10: Governor submits budget</p>	<p>February</p> <p>20: Bill introduction deadline</p>	<p>March</p>	<p>April</p> <p>24: Policy cmtes move fiscal bills to fiscal cmtes (1st chamber)</p> <p>We are here</p>
<p>May</p> <p>1: Policy cmtes move non-fiscal bills to floor (1st chamber) 29: Last day for bills to be passed by 1st house</p>	<p>June</p> <p>15: Budget bill must be passed</p>	<p>July</p> <p>2: Policy cmtes move bills to fiscal cmtes or floor (2nd chamber)</p>	<p>August</p> <p>14: Fiscal cmtes move bills to floor (2nd chamber) 31: Last day for each chamber to pass bills</p>
<p>September</p> <p>30: Last day for Governor to sign/veto bills</p>	<p>October</p>	<p>November</p>	<p>December</p>

2026 Bill Review

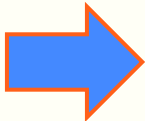


"The purposes [of Ava]... include securing electrical energy supply for customers in participating jurisdictions, addressing climate change by **reducing energy related greenhouse gas emissions, promoting electrical rate price stability, and fostering local economic benefits** such as jobs creation, community energy programs and local power development. It is the intent of this Agreement to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to State, regional and local solar and wind energy production."

[Ava Community Energy's Joint Powers Agreement](#)

2026 Bill Review

Ava legislative team is monitoring **~80 bills**



Cross-functional analysis of **33 bills**
(Internal, CalCCA, Board)

Ongoing

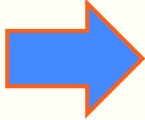
March



[Ava Community Energy Legislative Platform](#)

2026 Bill Review

Cross-functional analysis of
33 bills
(Internal, CalCCA, Board)



Staff recommends Board take
a position on **8 bills**

March Board Meeting

Today

- 1. Directly impacts our operations or legislative program.
- 2. Supports the JPA's vision of an affordable, sustainable, and local energy ecosystem and has broad-based support.
- 3. Ava's perspective has specific resonance with key decisionmakers and could impact the legislative language or path forward.

Staff Recommended Positions:

Support:

SB 222 (Wiener)

Streamlines permitting for residential heat pump water heaters and HVAC systems

SB 1168 (McNerney)

Establishes new surcharges on natural gas use by data centers

AB 2266 (Schultz)

Standardizes RA valuation across multiple procurement programs

Support If Amended:

SB 868 (Wiener)

Sets rules for "plug in" solar system

SB 913 (Becker)

Allows aggregated DERs to serve as RA capacity

AB 1577 (Bauer-Kahan)

Requires monthly data center energy use reporting

AB 1975 (Schultz)

Establishes "grid utilization" metric and associated incentives

AB 2389 (Irwin)

Extends property tax exemption for customer solar

Staff Recommended Positions:

Oppose

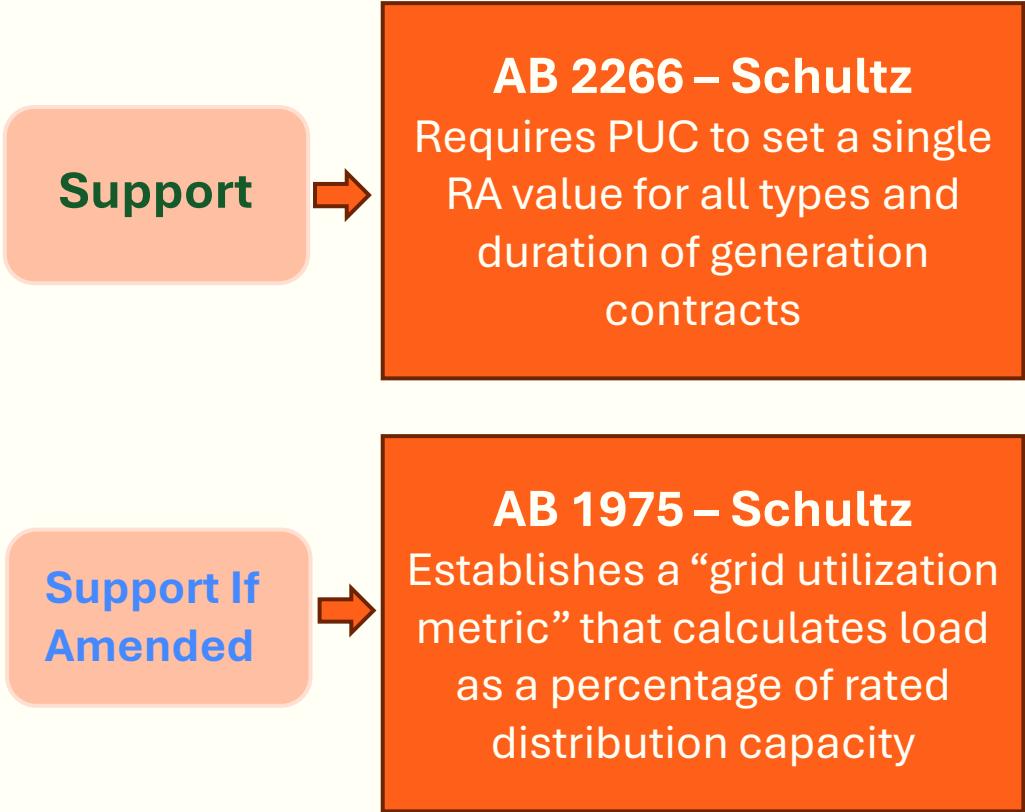
None

Oppose Unless Amended

None

Making Electricity More Affordable

Rate affordability via PUC process and consideration changes



Making Electricity More Affordable

Rate affordability via PUC process and consideration changes

AB 1975 Electrical corporations: grid utilization metric (Schultz):

- Requires the PUC to establish a grid utilization metric to measure electrical load as a percentage of system capacity; requires IOUs to publicly report on that metric; sets increasing minimum utilization targets; and establishes performance-based incentives or disincentives, while requiring utilities to propose programs to meet those targets.

Proposed amendments: Ensure CCAs can participate in and benefit from grid utilization programs while preventing IOU-only implementation.

Support:



Oppose:

(None yet registered)

Staff proposed action:

Ava Community Energy

Support if Amended
AB 1975
(Schultz)

Making Electricity More Affordable

Rate affordability via PUC process and consideration changes

AB 2266 Electricity: load-serving entities (Schultz):

- Requires the use of a consistent method across regulatory proceedings for calculating how much reliability value different energy resources provide, so that short-term, mid-term, and long-term procurement programs all count resources the same way.
- Requires the PUC to consolidate specified compliance reporting requirements and to provide additional reporting on the use of backstop procurement authority.

Support:

(None yet registered)

Oppose:

(None yet registered)

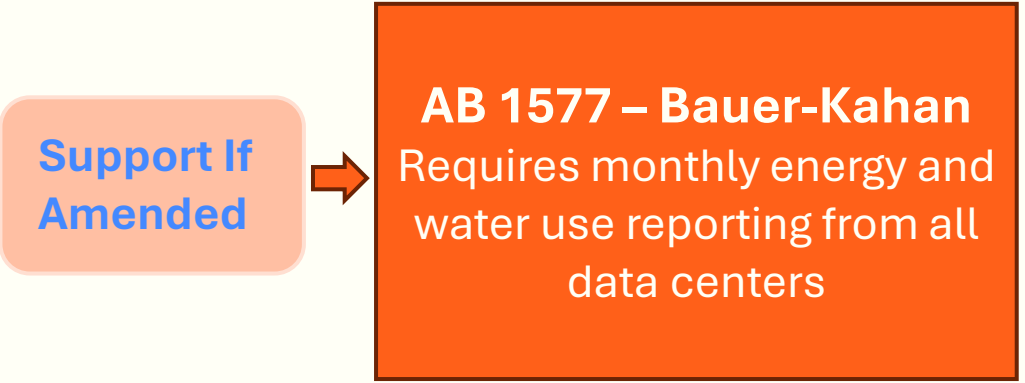
Staff proposed action:



Support
AB 2266
(Schultz)

Protecting Community Choice

Managing data center growth



Protecting Community Choice

Managing data center growth

AB 1577 Data Centers: reporting (Bauer-Kahan):

- Requires the Energy Commission to establish a process for data center owners to submit monthly reports on energy and water usage, including specified operational metrics. Would also require the CEC to publish aggregated data and incorporate data center load trends into future energy policy reports, and would require similar information to be provided to local agencies for planning and environmental review purposes, while protecting confidential customer information.

Proposed Amendments: Align reporting timelines with IOU-to-CCA data flows and prevent penalties for delays outside LSE control to ensure feasible implementation.

Support:



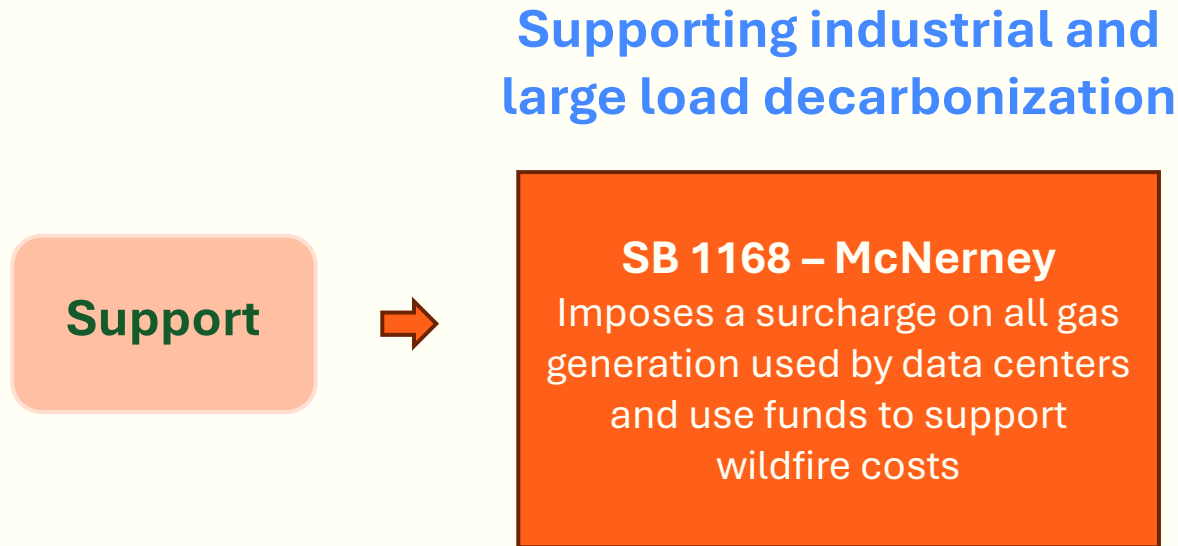
Oppose:



Staff proposed action:



Accelerating Decarbonization



Accelerating Decarbonization

Supporting industrial and large load decarbonization

SB 1168 Data centers: natural gas and electricity: surcharges (McNerney - Coauthor Pérez):

- This bill imposes annually set surcharges on electricity and natural gas consumed by data centers, including energy used to generate power for them. It requires utilities to collect these charges and deposits the revenues into a dedicated fund to help offset wildfire-related costs currently embedded in customer rates.

Support:

(None yet registered)

Oppose:

(None yet registered)

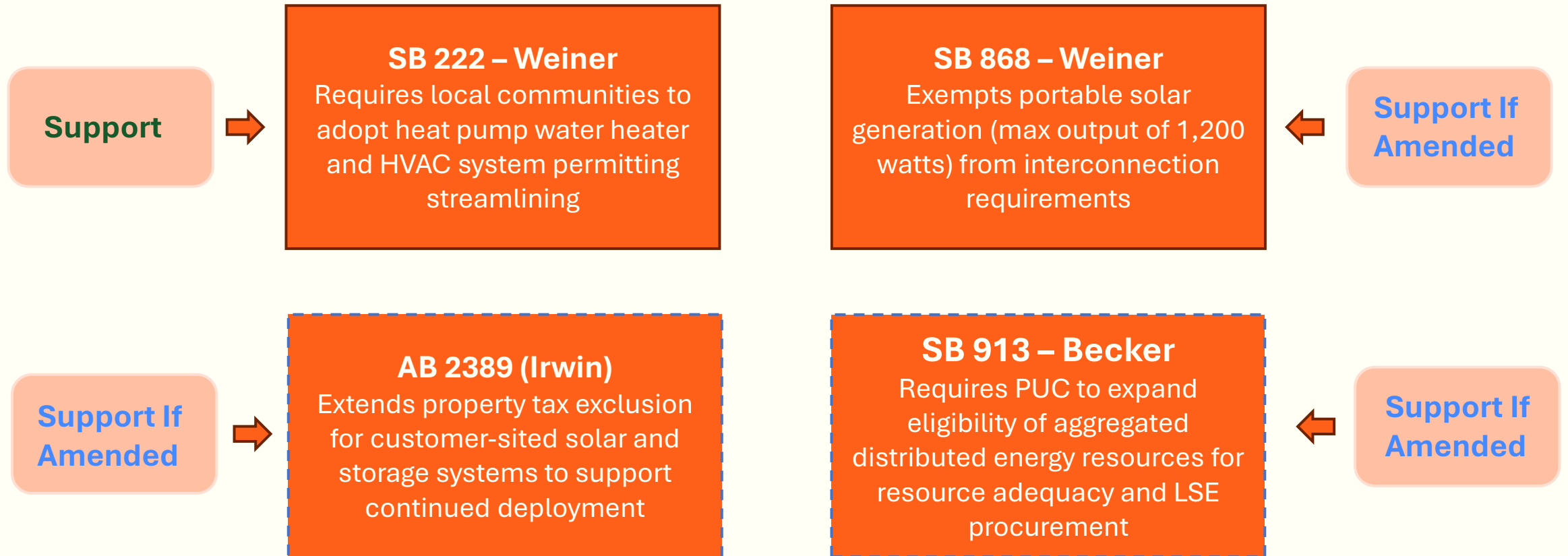
Staff proposed action:




Support
SB 1168
(McNerney)

Promoting Local Development

Distributed Energy Resources



 Entirely new bill text

Promoting Local Development

Distributed Energy Resources

SB 222 Residential heat pump systems: water heaters and HVAC: installations (Wiener - Coauthors: Allen, Becker, and Stern):

- Standardizes and streamlines local permitting for residential heat pump water heaters and heat pump HVAC systems, including by requiring an option for asynchronous inspections and online automated permitting. The bill would support the State’s target of installing six million heat pump systems by 2030, an objective the State is currently set to miss by roughly two million units.
- In 2025, Ava supported SB 282 (Wiener) which was largely the same language.

Support:



Oppose:



Staff proposed action:



Support
SB 222
(Wiener)

Promoting Local Development

Distributed Energy Resources

AB 2389 (Property taxation: active solar energy systems: customer sited: extension (Irwin - *Principal coauthor: McNerney, Coauthor: Blakespear*):

- Extends the property tax exclusion for certain customer-sited solar energy systems, including systems up to 2 megawatts and those located on public entity property, through January 2032.

Proposed amendments: Require new solar systems to include battery storage to qualify for the exemption, while preserving eligibility for existing and resilience-focused projects.

Support:



Oppose:



Staff proposed action:

Ava Community Energy

Support if Amended
AB 2389
(Irwin)

Promoting Local Development

Distributed Energy Resources

SB 868 Electricity: portable solar generation devices (Wiener - Coauthors: Arreguín, Becker, McNerney, Connolly, and Ward):

- Exempts portable solar generation devices from interconnection requirements and prohibits IOUs and POUs from imposing fees or other related requirements. Authorizes utilities to require basic notification of device installation through a simple registration process, as specified.

Proposed amendments: Require storage pairing and modern inverter standards for plug-in solar while maintaining basic oversight to protect grid reliability and mitigate cost impacts.

Support:



Oppose:



Staff proposed action:

Ava Community Energy

Support if Amended
SB 868
(Wiener)

Promoting Local Development

Distributed Energy Resources

SB 913 Resource adequacy: aggregated distributed capacity resources (Becker):

- Requires the PUC to enhance pathways for aggregated distributed energy resources to qualify as resource adequacy capacity and to allow load-serving entities to include those resources in resource adequacy compliance and procurement. Also requires coordination with state agencies and the ISO to update market participation frameworks to support aggregated distributed capacity resources.

Proposed amendments: Enable aggregated DERs as RA capacity while preserving CCA procurement flexibility and avoiding any implicit DER procurement mandate.

Support:



Oppose:

(None yet registered)

Staff proposed action:

Ava Community Energy

Support if Amended
SB 913
(Becker)

Increasing Bill Transparency and Understanding

None

Other

None

What comes next? Legislative session

First house

- **April 24:** First house policy committee deadline (fiscal)
- **May 1:** First house policy committee deadline (non-fiscal)
- **May 15:** First house Appropriations suspense deadline
- **May 29:** First house passage deadline

Budget

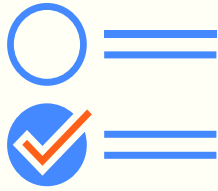
- **May 14:** Governor's budget revise
- **June 15:** Budget deadline
- **May to August:** Budget trailer and cleanup hearings

Second house

- **July 2:** Second house policy committee deadline
- **August 14:** Second house Appropriations suspense deadline
- **Aug 31:** Second house floor passage deadline
- **September 30:** Veto/signature deadline

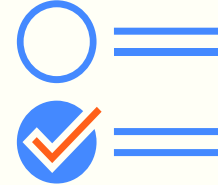
What comes next? Bill review and positions

April Board meeting



- **Two action items:**
 - Propose annual updates to the [Ava Legislative Program](#)
 - Propose bill positions (*Support, Support If Amended, Oppose Unless Amended, Oppose*) to MRL, CAC, and Board

May Board meeting



- **Possible action items:**
 - Propose additional bill positions (if needed) (*Support, Support If Amended, Oppose Unless Amended, Oppose*) to MRL, CAC, and Board

Full Universe of Ava Monitored Bills

AB 13	Ransom (D)	PUC membership and reporting
AB 34	Patterson (R)	Extends the authority of POU's to count large hydro towards RPS
AB 61	Pacheco (D)	Require PAO to analyze ratepayer impacts of mandated programs
AB 705	Boerner (D)	Creates independent PUC audit office
AB 706	Aguiar-Curry (D)	Fire fuel reduction procurement program
AB 710	Irwin (D)	Dynamic pricing and advanced metering mandate
AB 942	Calderon (D)	Changes climate credit
AB 1016	Gonzalez (R)	State certification exemption for geothermal power plants
AB 1020	Schiavo (D)	Requires IOUs to report taxpayer funding
AB 1117	Schultz (D)	Require IOUs to offer optional dynamic rate
AB 1156	Wicks (D)	Updates farmland solar-use easement statute
AB 1577	Bauer-Kahan (D)	Data Center Monthly Reporting
AB 1677	Boerner (D)	Require IOUs to cut rates by 25%
AB 1738	Carillo (D)	Requires local governments to offer remote inspections
AB 1761	Rogers (D)	PCIA data transparency
AB 1774	Boerner (D)	CPUC to audit past IOU wildfire spending before approving more

Full Universe of Bills

AB 1774	Boerner (D)	CPUC-conducted audit of IOU wildfire mitigation expenditures
AB 1787	Schultz (D)	Require IOUs to offer a dynamic tariff if smart meter infrastructure is in place
AB 1791	Sanchez (R)	Prohibits CARB from adopting regulations that would add consumer costs
AB 1813	Ward (D)	Require CEC evaluation of renewable energy programs
AB 1942	Bauer-Kahan (D)	Restrictions on class 2 and class 3 ebikes
AB 1975	Schultz (D)	Grid utilization metric
AB 1995	Patel (D)	State Fire Marshal lithium battery working group
AB 2057	DeMaio (R)	Prohibits city and counties from implementing gas bans
AB 2111	Papan (D)	Transmission planning alignment with affordability and FERC Order 1920
AB 2175	Garcia (D)	Removes advanced electricity storage from smart grid deployment objectives
AB 2181	Petrie-Norris (D)	Requires PUC commission diversity
AB 2182	Irwin (D)	Creates IOU run industrial decarbonization program
AB 2234	Papan (D)	CEQA exemptions for geothermal exploratory projects
AB 2239	Carillo (D)	Infrastructure-constrained energization areas and IOU energization timelines
AB 2266	Schultz (D)	RA valuation standardization
AB 2313	Berman (D)	Require gas corporations to offer electrification incentives

Full Universe of Bills

AB 2369	Rogers (D)	Enables partial RA, allowing energy-only resources earn RA value
AB 2383	Zbur (D)	Require creation of a large load customer class and rate schedule
AB 2389	Irwin (D)	Extension of customer-sited solar tax exemption
AB 2396	Irwin (D)	Authorizes CCAs to finance transmission infrastructure
AB 2408	DeMaio (R)	Require all PPPs be detailed on bill and an annual report to each ratepayer
AB 2459	Wallis (R)	Prevents withholding occupancy permits for nonprofits, re: EV Chargers
AB 2463	Petrie-Norris (D)	Require PUC to study IOU return on equity
AB 2464	Wicks (D)	Require PUC to study clean firm's role in 2045 goal
AB 2493	Petrie-Norris (D)	Require IOUs to have an interconnection auditor
AB 2508	Hoover (R)	Creates PPP vehicle to spend GGRF funds on EE programs run by RENs
AB 2516	Petrie-Norris (D)	California Grid Manufacturing Initiative
AB 2518	Sharp-Collins (D)	Requires SDG&E to prioritize and fast-track affordable housing energization.
AB 2589	Irwin (D)	Requires PUC to analyze OBBBA and adjust rates to reflect impacts Require PUC to develop rates that do not impose an "unreasonable hardship" on low-income communities in hot climate zones
AB 2611	Bains (D)	
AB 2612	Schultz (D)	Building standards for plug-in solar systems
AB 2647	Calderon (D)	Bans new nuclear power plants without fuel reprocessing capacity or adv tech

Full Universe of Bills

AB 2688	Zbur (D)	Spot bill – offshore wind
AB 2699	Zbur (D)	Spot bill -- utilities
AB 2700	Gallagher (R)	Requires a report to reduce electricity rates by at least 30%
AB 2710	Bauer-Kahan (D)	Intent of legislature to make changes in IOU bankruptcy processes
AB 2748	Quirk-Silva (D)	Revert EV regulations to 2022 state building code for BMR housing
AB 2762	Boerner (D)	Spot bill -- rates
SB 222	Weiner (D)	Heat pump water heater and HVAC system permitting streamlining
SB 327	McNerney (D)	Prohibits IOUs from using ratepayer funds for advocacy activities related to municipalization
SB 330	Padilla (D)	Transmission infrastructure financing pilots
SB 332	Wahab (D)	Study breaking up IOUs
SB 453	Stern (D)	Microgrid incentive program
SB 742	Perez (D)	IOUs to remove unused transmission facilities
SB 842	Stern (D)	Report on firm zero-carbon resources
SB 868	Wiener (D)	Plug-in solar interconnection exemption
SB 875	Wiener (D)	PG&E municipalization advancement

Full Universe of Bills

SB 886	Padilla (D)	Large load cost shift prevention
SB 887	Padilla (D)	Large load CEQA application
SB 905	Becker (D)	Utility Cost and Performance Reform
SB 913	Becker (D)	Resource Adequacy for aggregated distributed capacity resources
SB 924	Hurtado (D)	PUC to consider affordability when looking at home weatherization
SB 925	McNerney (D)	Requires state strategy and permitting framework to advance fusion energy
SB 943	Becker (D)	Industrial billing and NBC/TAC reform
SB 978	Perez (D)	Special tariff for large load customers
SB 1035	Strickland (R)	Suspend gas tax for one year
SB 1097	Weiner (D)	Streamlines CEQA for grid upgrades and certain clean energy projects
SB 1138	Padilla (D)	RA transactability
SB 1158	Stern (D)	Adds status of utility transmission upgrades and electrical grid infrastructure to Reliability Planning Assessment
SB 1167	Blakespear (D)	Clarifies ebike definition and bans advertising of non-eligible bikes
SB 1168	McNerney (D)	Data center gas usage surcharge
SB 1187	Durazo (D)	Brown Act meeting updates
SB 1215	Cortese (D)	Require IOUs to 3x the number of multifamily level 2 and 3 chargers

Full Universe of Bills

SB 1219	Strickland (R)	Requires PUC to consider discontinuation of nonperforming EE programs within 180 days
SB 1233	Allen (D)	Requires enhanced justification of CPUC findings tied to utility returns
SB 1245	Stern (D)	Intent of legislature to address cost containment of renewable integration into grid
SB 1282	Becker (D)	V2G standards
SB 1295	Stern (D)	Requires PUC to consider procurement of 40GW of storage and allocate procurement to LSEs
Budget Trailer	Dept of Finance	Reallocates outstanding funding from the Distributed Energy Backup Assets (DEBA) program to the Demand Side Grid Support (DSGS) program
Budget Trailer	Dept of Finance	Transitions 2026 DSGS participants to the Emergency Load Reduction Program (ELRP) or an equivalent CPUC load reduction program.



Staff Report Item 13

To:	Ava Community Energy Authority
From:	Dan Bertoldi, Electrification Program Manager
Subject:	Update on the results of the Health-e Communities Pilot (Informational Item)
Date:	April 15, 2026

Summary/Recommendation

It is recommended that the Board of Directors receive a presentation on the results of the Health-e Communities pilot. This is an information item and no action is required.

Analysis and Context

Executive Summary

The Health-e Communities pilot (“Pilot”) was a kitchen stove electrification pilot program targeting low-income customers that measured indoor air pollution impacts of removing gas stoves. The Pilot used a “direct installation” program delivery model, which means Ava covered all costs associated with the installation (equipment and labor) with no cost to the customer. Ava also coordinated the temporary installation of indoor air quality monitoring. Indoor air quality monitoring was conducted before and after each installation of an all-electric induction stove to measure indoor air pollution levels within the participant’s living space.

Applications for the Pilot ran for approximately one year, from October 2024 to September 2025. Marketing efforts included direct outreach to approximately 56,000 income-qualified Ava customers via email to meet the goal of installing 200 electric induction stoves. Of that goal, 162 projects were successfully completed with an average cost of over \$7,000 per project. Despite the low conversion rate from marketing efforts, overall customer satisfaction remained high for those who did participate, even with longer than anticipated project completion timelines averaging 90 days.

At the end of the Pilot, staff concluded that it did not demonstrate a delivery model that is scalable, given the low conversion rate and the high costs resulting from equipment cost, administration costs and long installation timelines. Although the air quality study on the impact of removing gas stoves shows promising results for reductions in a key pollutant - nitrogen dioxide (NO₂), which is known to cause negative health effects - more research is needed to understand the impacts of this change. Further understanding would require expansion of the health-focused scope to accommodate additional research, resulting in significant additional resource requirements, logistical complexity, and customer burden for each project, further hindering scalability.

During the Pilot, staff identified key barriers to electrification projects that go beyond stove electrification, which are further detailed in this report. Staff will take the learnings from the Pilot and apply it to future planning for program development.

Background and Introduction

At its November 2022 meeting, the Board of Directors directed staff to develop a program proposal to deploy home electrification, specifically induction technology, to Ava customers with a focus on human health. In October 2023, Ava secured a grant totaling \$164,000 from the US Energy Foundation to support indoor air quality research efforts to support the Health-e Communities pilot. In February 2024, Ava executed an agreement with Berkeley Air Monitoring Group to provide indoor air quality monitoring services.

At its April 2024 meeting, the Ava Board of Directors approved staff's recommendation to adopt a resolution authorizing the CEO to execute a contract with Franklin Energy. On July 10, 2024, Ava and Franklin Energy entered into an agreement with a not to exceed amount of \$1.5 million to implement the Pilot, with a term ending on December 31, 2025. On October 1, 2025, Ava officially launched the Health-e Communities pilot and outreach campaign, with Ava leading marketing efforts for outreach and recruitment.

The Pilot set out to achieve the following objectives:

- Complete up to 200 induction stove retrofit projects
- Develop and refine effective program recruitment and enrollment tactics for a direct installation program
- Gain insights into direct install program management strategies for electrification
- Solicit Pilot feedback from all participants
- Conduct analysis of indoor air pollutant concentrations and impacts of cooking electrification for all participants
- Inform on larger programmatic effort linking electrification and health

Approach

Customer eligibility for the Pilot was limited to income-qualified Ava customers. To qualify, customers had to be enrolled in either the California Alternative Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) programs – or reside in a home that is designated as affordable housing. Both homeowners and tenants were eligible to apply, but property owner permission was required for tenant-occupied homes. Additionally, single-family homes or multifamily buildings with 4 units or less were eligible.

The Pilot's outreach campaign focused on customers living in areas with the highest asthma rates. Staff utilized the State's [CalEnviroScreen 4.0](#) to identify the target segments and, using Ava's customer data, identified CARE and FERA customers living within those target areas. In total, Ava reached out directly to approximately 56,000 residences between four to five times each to let them know about the Pilot. Marketing materials were provided in both English and Spanish.

Once a customer applied and was deemed eligible to participate, Franklin Energy provided in-home site assessments to determine the project's eligibility and install the air quality monitor for projects that were eligible. After at least one week of air quality monitoring, a contractor would install the induction unit and remove the gas unit. Franklin Energy returned to the home after another week of monitoring to retrieve the monitor and conduct an exit survey.

The air quality study component of the Pilot consisted of measuring four pollutants in the kitchen: nitrogen dioxide (NO₂), fine particulate matter (PM_{2.5}), carbon monoxide (CO), and carbon dioxide (CO₂). Indoor air quality monitors were placed in participant's kitchens for at least one week before and after each installation. Additionally, each participant was asked to fill out a questionnaire detailing their stove use habits and other factors that would affect study results. Participants were provided with a personalized indoor air quality report at the end of each successful monitoring period.

Results

Results across marketing and customer recruitment, direct installation, and air quality are listed below, with key pilot observations and lessons learned.

Marketing and Customer Recruitment

- Of the 56,000 customers reached through the pilot, less than 1% applied after four or five email attempts per customer (518 application submissions).
- Out of over 200K emails sent, the email open rate was 11%, while the click through rate was 0.66%. The application rate per email was 0.24%.
- 87% of application submissions met the basic customer eligibility criteria for a total of 451 eligible applicants.

Direct Installation Performance

- A total of 162 projects were successfully installed out of the goal of 200 (85% of the goal).

- On average, customer satisfaction was 9.9/10 out of 161 participants surveyed.
- Total applicant attrition rate (i.e. all applicants who applied that did not move forward) was 69%, with 356 of 518 applicants not moving forward.
- The eligible applicant attrition rate (i.e. eligible participant dropout, or number of customers who applied and were approved for an assessment) was 64%, with 289 of 451 projects dropping off for various reasons.
- The average installation took approximately 75 days to complete, from application approval to install.
- The average project completion took approximately 90 days, from application approval to final site visit and exit survey.
- The average cost per project for all labor, equipment, and administration was \$7,110.
- The customer benefit value was approximately \$5,000 on average for direct labor and equipment.

Air Quality Impacts

- Considerable reductions in nitrogen dioxide (NO₂) with most homes experiencing some level of NO₂ decrease.
 - The overall median concentration decreased by 70%, suggesting that large improvements were common across participants, not driven by a small number of outliers.
 - 98% of the study homes experienced a decrease in the number of minutes per day (median of 13 minutes/day to 0 minutes/day) that NO₂ concentrations exceeded 101 ppb, the US EPA threshold above which exposures are considered unhealthy for sensitive groups, including children.
- Reductions in carbon monoxide (CO) were moderate, showing an overall median CO concentration decreased by 17%.
- Carbon dioxide (CO₂) remained stable.
- Changes in particulate matter (PM_{2.5}) was variable, with a slight observed increase, although results were not statistically significant.

Key Pilot Observations

Staff summarized key observations to preserve learnings from the pilot.

Interest levels. Even with a high value offering (\$5,000 value to the customer), the Pilot faced lower than anticipated interest and high attrition for eligible customers that applied (64% attrition for eligible applicants). While specific reasons for participant drop out were often documented, some customers did not provide a reason. Additional market research could be useful to better understand why participants are not interested in a high value offering.

Timelines. The average project timeline of 90 days was largely attributed to logistical complexity, permitting timelines, and customer scheduling.

Project scoping. Almost half of projects required installation measures beyond “standard project”, meaning contractors had to provide other install services in support of the induction range installation, circuit run, and permit (i.e. tandem breakers, circuit sharing devices, etc.), resulting in higher program costs.

Electrical infrastructure and panel issues. A major contributing factor for the high attrition rate was existing electrical infrastructure issues. Nearly one quarter of homes that were assessed did not move forward because of either unsafe panels or panel capacity issues. Staff observed that electrification was not possible in the Pilot for range installation projects where the home had less than 100 amps of total panel capacity.

Air quality impacts. With the significant reduction in NO₂ observed in the Pilot and given the latest research linking NO₂ to pediatric asthma, a positive health outcome is likely attributable to stove electrification. However, more research is needed to understand the true impacts of human exposure to gas stoves.

Key Lessons Learned

Staff summarized lessons learned and will apply these key lessons for further program planning and execution.

One key learning focuses on permitting for a 240V circuit run/range installation, which was highly variable across permitting agencies in terms of requirements and timelines. Ample buffer time should be included in projected project timelines to allow for permit timeline flexibility, sometimes up to 4 weeks.

Related to permitting are learnings related to existing electrical infrastructure. Issues including panel capacity and unsafe electrical/panel conditions were common and should be considered when planning for attrition and delays, especially when targeting hard to reach communities. Adding a panel replacement measure would substantially decrease attrition, but at a high cost. Additionally, when permits are required, there should be consideration that additional code compliance issues - unrelated to the scope of the program - could be uncovered at homes/sites by the inspecting agency, which could then trigger project delays and increased costs.

One possible way to avoid permitting, electrical capacity, and equipment eligibility holdups is to consider virtual in-home assessments at the beginning stages of each project. This could reveal unsafe or insufficient panels, ineligible equipment, or other factors that would prevent a project from moving forward and reduce the amount of staff time on projects that are ineligible. Other program offerings available to Ava customers, such as the State’s Equitable Building Decarbonization program, may fill the need for a direct installation approach for induction stoves. These programs couple induction stove installation with other electrification measures like heat pump HVAC and water heater installation, and provide a greater impact for decarbonization, while streamlining administration.

Conclusion

The Health-e Communities pilot model did not demonstrate a scalable, cost-effective model that could serve a broad segment of Ava's customers. Adding further complexity with more invasive health-based research methods would further impair the viability of a large-scale program. Staff plans to take the learnings and data gathered in this pilot and apply it to future program planning efforts.

Financial Impact

As part of the annual budget adoption process for FY 2023-24 and FY 2024-25, the Board of Directors approved a total allocation of \$10 million for an induction stove program in the Local Development fund.

At its April 2024 meeting, the Board of Directors authorized the use of \$1.5 million from the Local Development fund to pay Franklin Energy Services to provide induction stove installation services to support the Health-e Communities pilot. A total of \$1,152,179 of Local Development funds was spent on Franklin's implementation services over the term of the pilot. Air quality monitoring services, provided by Berkeley Air Monitoring Group, were covered by the US Energy Foundation, which cost a total of \$119,523.

With the closing of the pilot, the remaining \$8.85M funds will be reallocated within the Local Development fund for future programs.

Attachments

- A. Presentation

Health-e Communities Update
Board of Directors
April 15, 2026



Health-e Communities Pilot Approach



- The Pilot offered induction stove installation for income qualified customers and measured air quality impacts
- Pilot objectives:
 - a. Measure indoor air pollution impacts for each stove installation
 - b. Test how to build a viable and scalable program using a direct installation delivery model for installing building electrification measures
 - c. Gain insights into electrification program delivery through data collection (e.g. panel capacities, customer interest, etc.)
 - d. Determine viability to scale pilot to a larger program
- The Pilot ran from Oct. 2024 – Sep. 2025
- The total cost of the Pilot was \$1.25 million for both implementation and air quality monitoring
- The Pilot required a high level of effort from Ava and vendors to deliver results (6 organizations and 2 Ava staff)



Pilot Results Summary

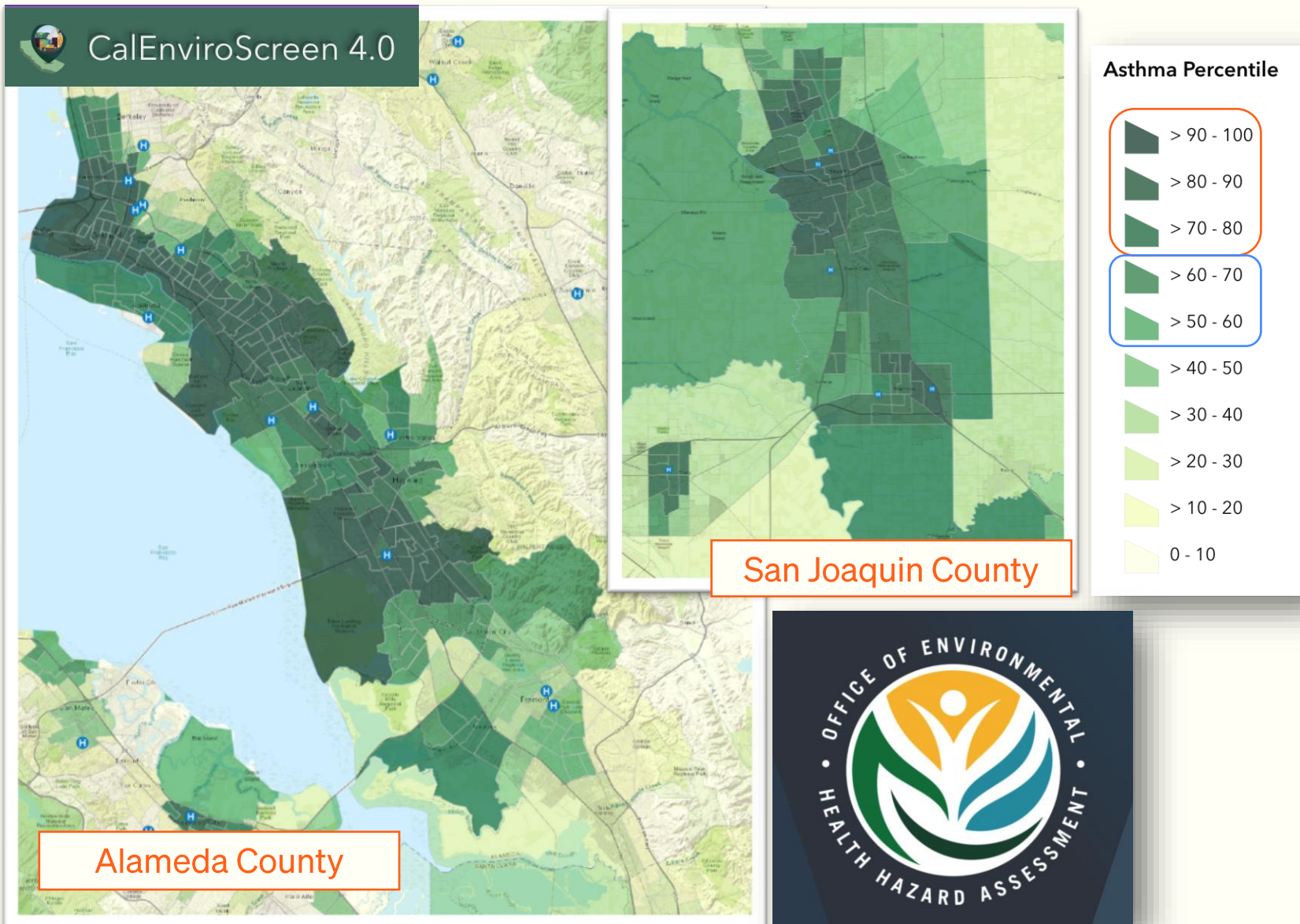
- 162 units installed across 15 jurisdictions
- Significant learnings were gained:
 - **Indoor air pollution impacts:** Promising results for reduction in nitrogen dioxide (NO₂) - known to impact human health; variable impacts to other indoor air pollutants
 - **Project timelines:** 90 days to project completion, permitting on widely variable timelines across jurisdictions, permit timelines varied from 0 - 65 days
 - **Panel and Electrical Insights:** 22% of assessed homes were ineligible due to unsafe electrical conditions or insufficient panel capacity
 - **Project Costs:** \$5K per installation, \$7K per project including administration.
 - **Customer interest:** 0.24% application rate; 35% of applicants cancelled due to lack of interest or were non-responsive
- The Health-e Communities pilot did not demonstrate a delivery model that is scalable given low uptake rate and high costs



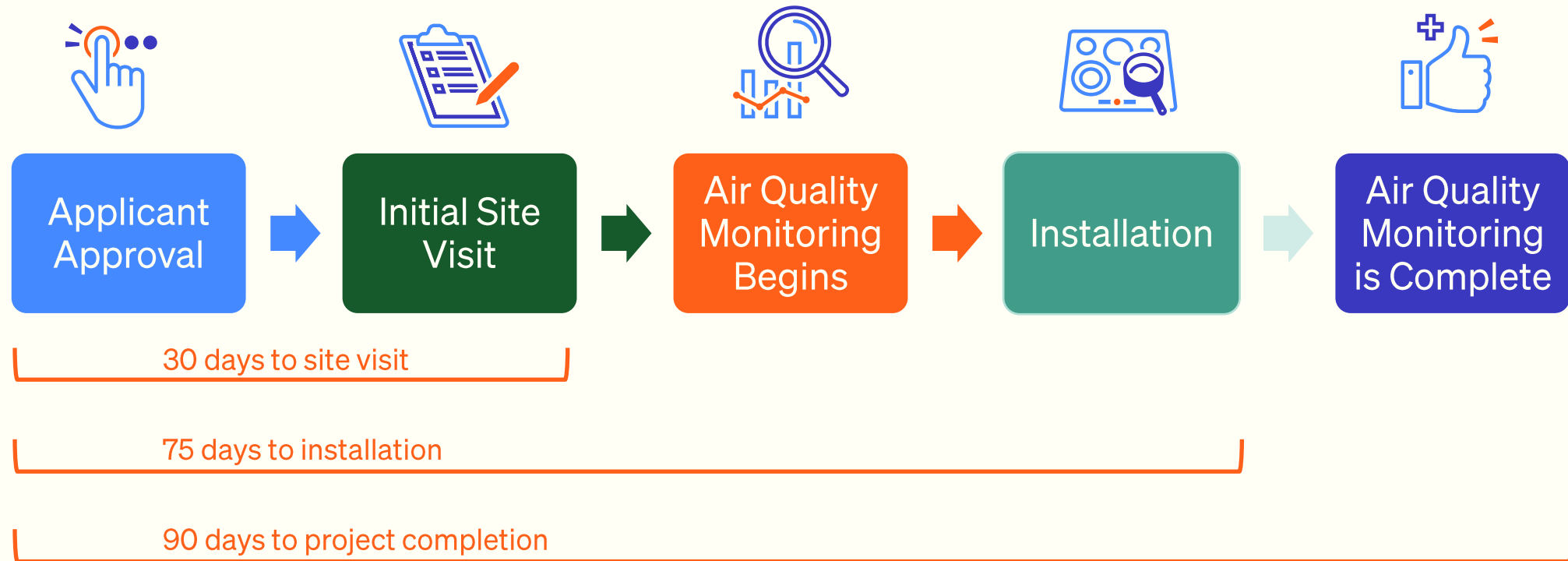
Marketing and Recruitment

Staff used the following criteria for targeted email outreach:

1. Active Ava customers
2. Verified enrollment in CARE or FERA programs
3. Located in areas with the highest asthma rates
 - Utilized the CalEnviroScreen 4.0 Asthma indicator
 - Began in areas in the 75th + percentile
 - Expanded outreach to 50 – 75th percentile
 - 56k (47% of CARE accounts) were emailed



Pilot Process and Average Project Timeline



Permitting Timelines

Jurisdiction	Avg Days to Approve Permit	Median	No. of Installs	Min	Max
Berkeley	31	29	10	7	58
Albany	30	30	1	30	30
Newark	29	29	1	29	29
San Leandro	27	29	12	3	65
Pleasanton	22	22	1	22	22
Union City	14	15	3	0	26
Emeryville	9	9	1	9	9
Lathrop	9	9	1	9	9
Uninc. Alameda Co.	9	6	3	6	15
Hayward	8	6	16	0	30
Stockton	6	3	33	1	20
Fremont	3	0	17	0	28
Tracy	1	1	3	1	1
Oakland	1	0	58	0	20

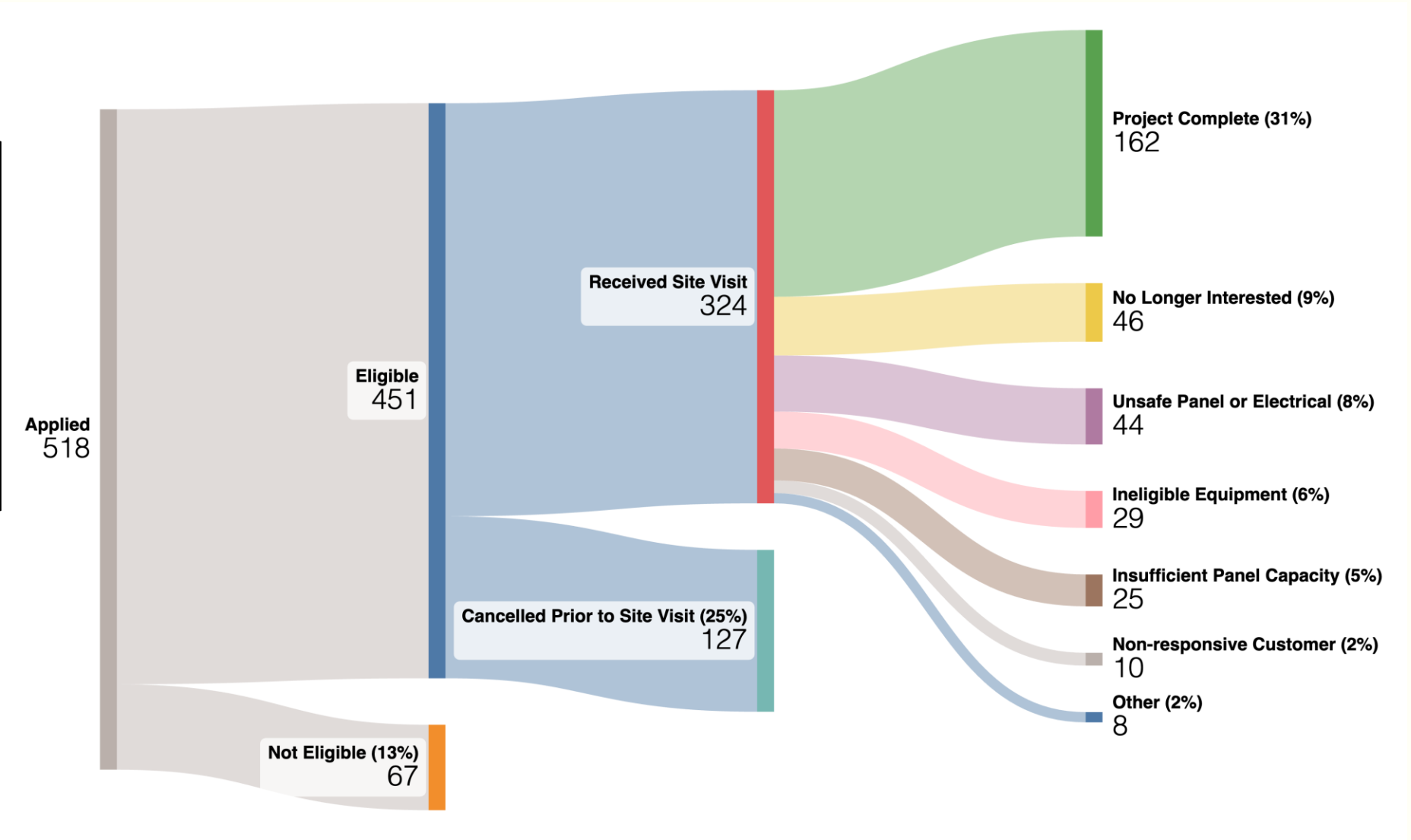
Highlights

- High degree of variability between jurisdictions
- Most projects required electrical permits for 240V circuit runs
- Average project permitting wait times was 8 days
- Reasons for permitting variation:
 - Permit center backlogs
 - Jurisdiction-specific requirements requiring more time and coordination
 - Inspector availability

Applicant Attrition Breakdown

Attachment Staff Report Item 13A

- 212k emails sent to 56k accounts (47% of CARE customers)
- 0.24% application rate
- 69% attrition for all applicants



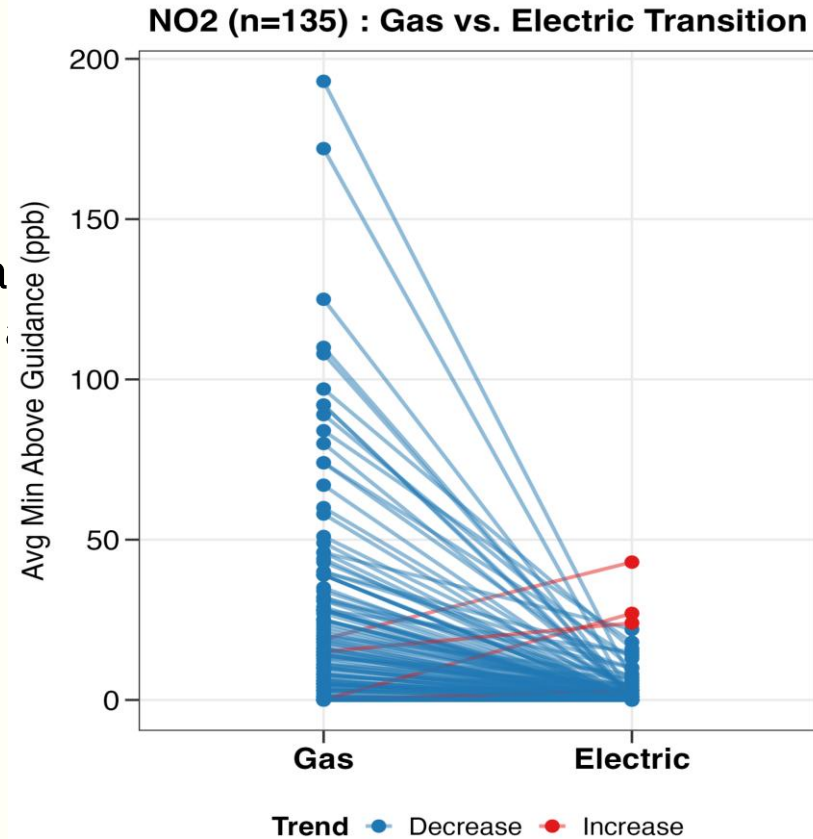
Air Quality Results

Significant and consistent reductions in nitrogen dioxide (NO₂)

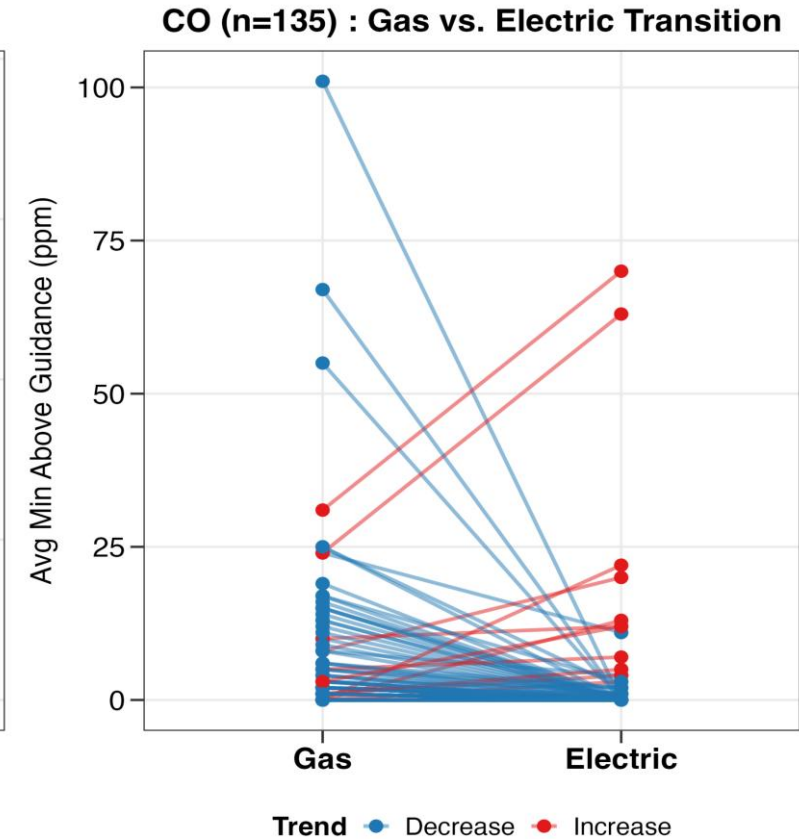
- The median NO₂ concentration decreased by 70%, indicating that a typical household experienced a substantial reduction.
- Median minutes above EPA threshold declined from 13 to 0 minutes per day (P<0.0001)

Reductions in carbon monoxide (CO) were moderate

- Median CO concentrations decreasing by 17%
- Median minutes above EPA threshold declined from 1 min/day to 0 min/day (p < 0.0001)



Average minutes per day with NO₂ concentrations exceeding the 101-ppb threshold.



Average minutes per day with CO concentrations exceeding the 9.5 ppm threshold

Next Steps

- Staff will apply learnings from the Pilot to future program planning and design efforts
 - Better understanding of electrical constraints across building stock in Ava's service area
 - Insights into electrification project costs, permitting constraints, and project timelines for better contractor coordination
 - Program offerings that gain more customer interest and program participation
- Remaining budget (~\$8.5MM) can be reinvested into future building electrification programs (e.g. potential heat pump water heater or heat pump HVAC programs)
- Berkeley Air Monitoring Group continues to advance health-focused research on air quality and stove electrification under a CEC grant, in coordination with the Equitable Building Decarbonization Program



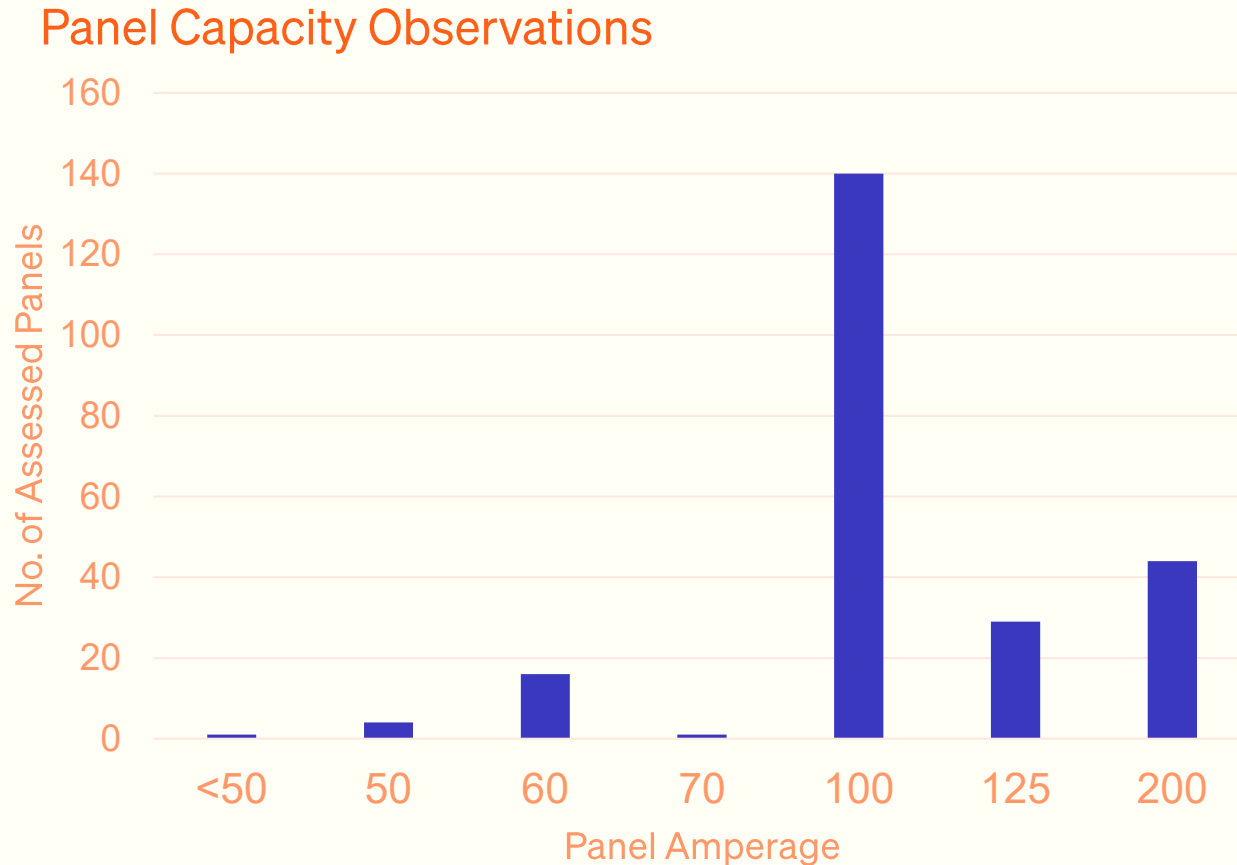
Thank you!

Dan Bertoldi

Electrification Program Manger

dbertoldi@avanenergy.org

Panel and Electrical Insights



Highlights

- 22% of total assessed homes (324) were cancelled because of panel and/or electrical issues
 - 14% unsafe panel/electrical (44)
 - 8% panel capacity (25)
- All completed projects were at homes with 100 amps+
 - It was not feasible to electrify with less than a 100-amp panel
- Recalled/unsafe panel brands include Zinsko, Stab-Lok, Sylvania, and Federal Pacific
- We also encountered melted breakers, pest infestations in panel box, missing panel enclosures, etc.

Pilot Interest by Jurisdiction

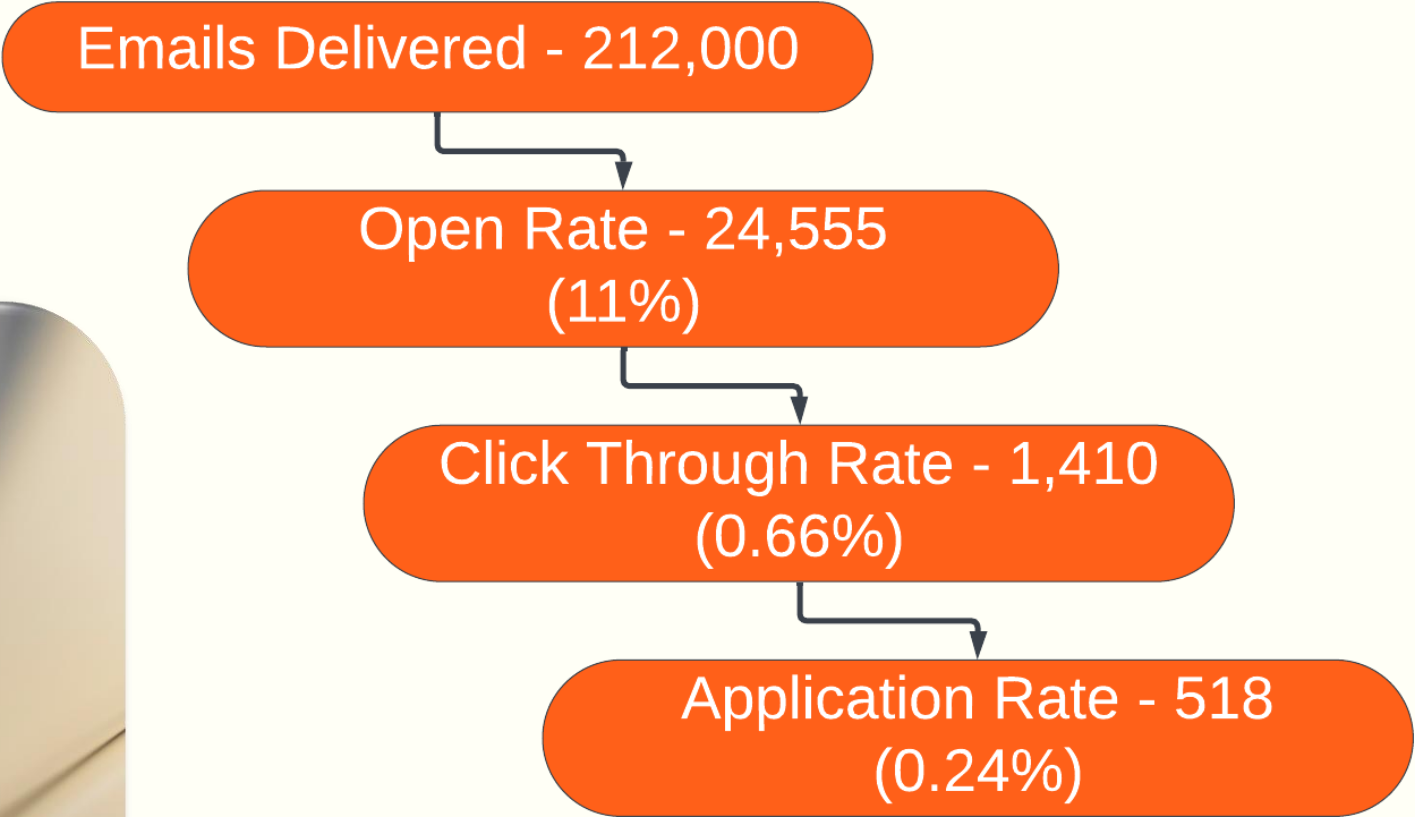
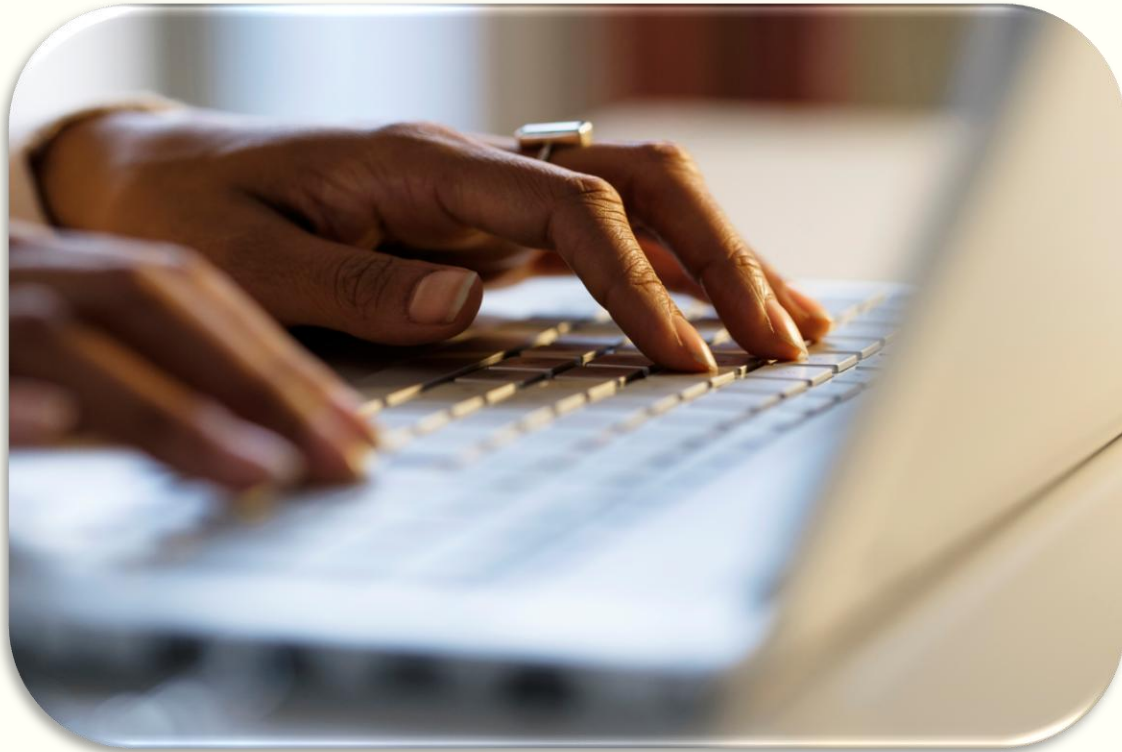
Jurisdiction	Approved Applications	Completed Installs	% Completed Projects by City
OAKLAND	156	58	35%
STOCKTON*	115	33	20%
FREMONT	29	17	10%
HAYWARD	36	14	9%
SAN LEANDRO	24	13	8%
BERKELEY	26	11	7%
UNINC ALAMEDA CO	21	5	3%
TRACY	17	3	2%
UNION CITY	7	3	2%
EMERYVILLE	3	1	1%
LATHROP*	7	1	1%
NEWARK	6	1	1%
ALBANY	2	1	1%
PLEASANTON	1	1	1%
DUBLIN	1	0	0%

*Pilot made available to these cities in May 2025

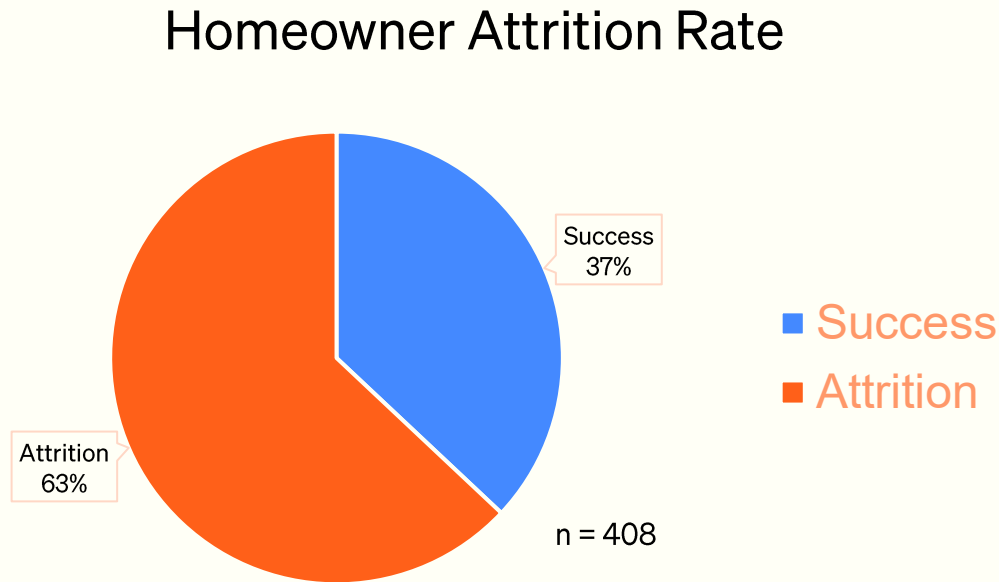
Highlights

- Stockton achieved 33 installs (20%) in just 4 months
- Stockton and Oakland account for more than half of installs – these cities had the highest CARE/FERA populations and highest concentration of asthma rates
- Staff was able to tap into the (designated) affordable housing market in Fremont with assistance from City staff

Outreach Email Statistics



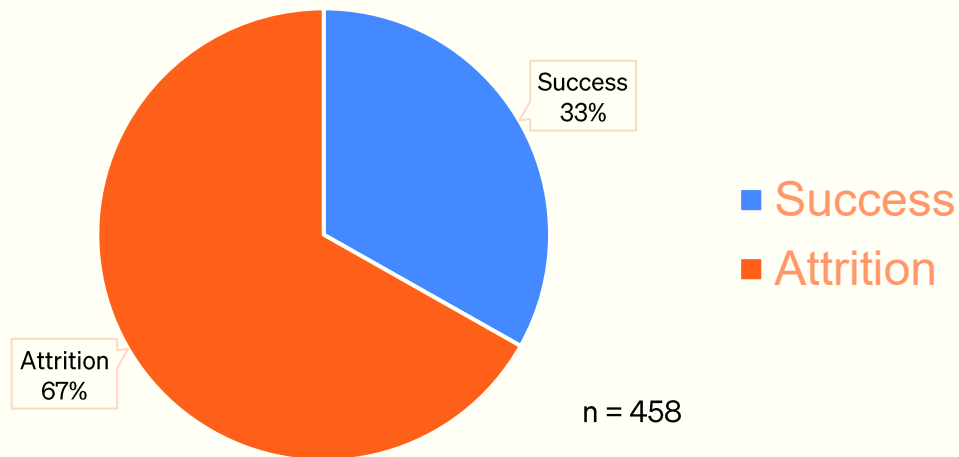
Attrition Rate Renters vs. Homeowners



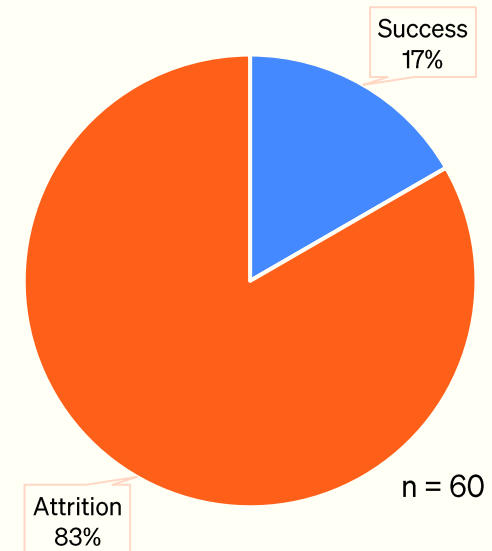
- Attrition was 90% for renters compared to 63% for homeowners.
- 26% of renting participants did not move forward because of panel or electrical issues, compared to 10% of homeowner participants

Attrition Rate Single Family vs. Multi-family

Single Family Attrition Rate



Multi-Family Attrition Rate



- Attrition was 83% for multi-family buildings compared to 67% for single-family homes.
- 27% of the multifamily homes observed didn't move forward because of panel or electrical issues, compared to 12% of homeowners

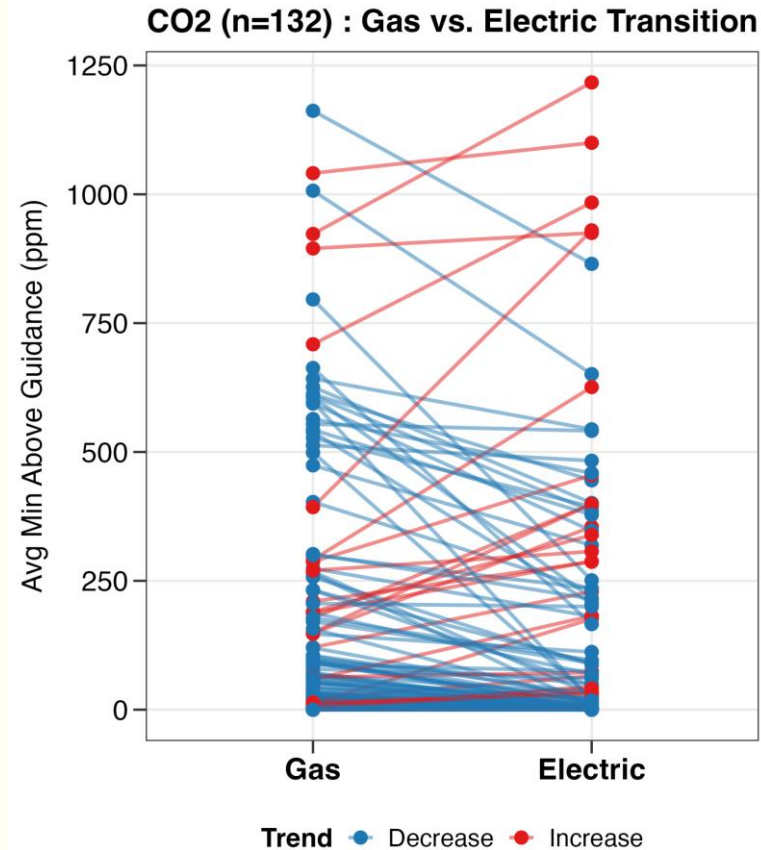
Air Quality Results

Carbon dioxide (CO₂) remained stable

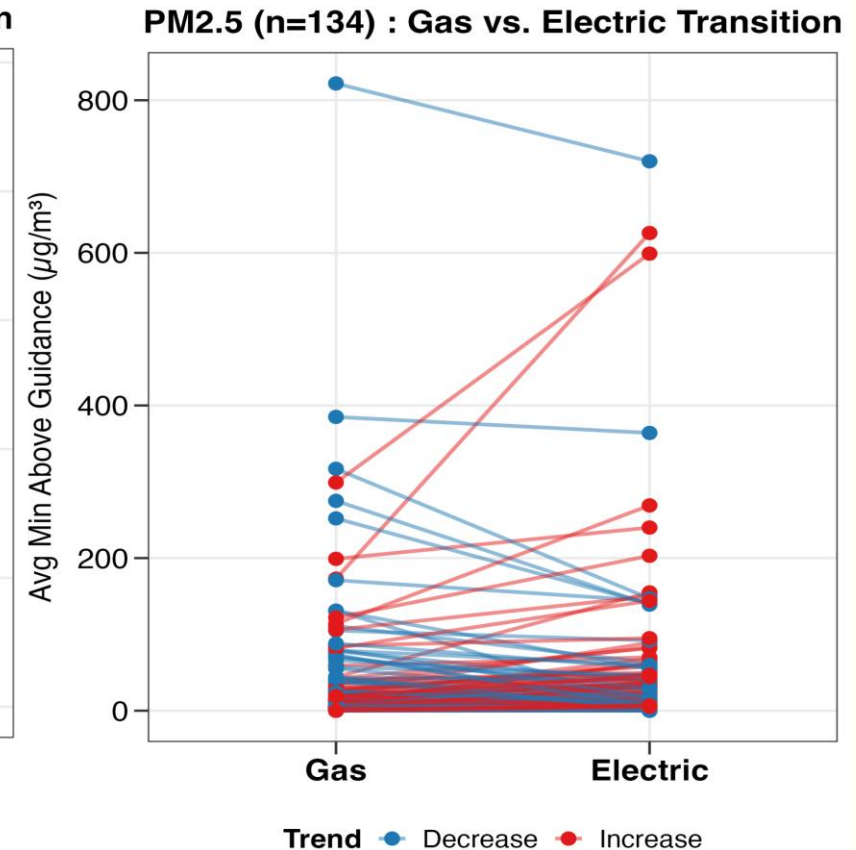
- Carbon dioxide concentrations remained largely stable following the stove transition. **Median CO₂ concentrations decreased slightly (4%),**

Particulate Matter (PM_{2.5})

- High variability, with PM_{2.5} being influenced by factors beyond stove fuel, including cooking practices, ventilation, and outdoor air infiltration.



Average minutes per day with CO₂ concentrations exceeding the 1100 ppm threshold (right).



Average minutes per day with PM_{2.5} concentrations exceeding the 35.5 µg/m³ threshold (right).

Direct Install Program Costs

	<u>Avg. Cost per Completed Project</u>	<u>Total Cost</u>
Direct Project Costs*	\$5,050	\$818,155
Admin ⁺	\$2,062	\$334,024
Total	\$7,112	\$1,152,179

*Includes costs for equipment, labor, assessments, and cookware

⁺Includes total admin costs program-wide

Key Observations: Site Conditions

- A major factor for the high attrition rate was existing electrical infrastructure.
 - Expect pre-existing site challenges for the targeted customer segment: uncovering electrical/panel issues and code violations was common.
 - A disproportionate number of renter and multifamily projects were cancelled because of electrical issues.
 - Stove electrification was not possible with less than 100 amps of total panel capacity.
 - Almost half of projects required installation measures beyond “standard project”, increasing the installed cost for those customers (i.e. required tandem breakers, circuit sharing devices, etc.)
- Virtual assessments may be a solution to reduce unnecessary site visits by uncovering electrical issues.
- Adding a panel replacement measure would substantially decrease attrition, but at a high cost. This would have the most impact on renters or customers who live in multifamily buildings.



Staff Report Item 14

To:	Ava Community Energy Authority
From:	Howard Chang, Chief Executive Officer
Subject:	Ava Impact Report
Date:	April 15, 2026

Recommendation

Receive an overview presentation on the inaugural Ava Impact Report

Analysis and Context

The Ava Impact Report provides city councils, municipal partners, and other policy makers with background information about Ava Community Energy and key achievements since we started service in 2018. It is an educational tool for individuals not already familiar with the Community Choice Aggregator (CCA) concept in general and Ava in particular.

Ava staff are actively working to schedule presentations with member jurisdictions to share the content of the Impact Report, as well as more detailed metrics specific to your city or county. Our goal is to inform other members of local governing bodies about the work done at Ava and the contributions it makes to local economic development and community impact.

The content of the Impact Report includes:

- | | | |
|---|--|---|
| <ul style="list-style-type: none">• Ava at a Glance• Who We Serve• Electricity Generation Service | <ul style="list-style-type: none">• Our Power Supply• Customer Programs• Public Infrastructure & Municipal Support | <ul style="list-style-type: none">• Community Reinvestment• Legislative and Regulatory Advocacy• Financial Sustainability |
|---|--|---|

Attachments

- A. Ava Impact Report
- B. Presentation



Impact Report

Serving our communities since 2018

Published March 2026



INTRODUCTION

A Message from the CEO

When Alameda County commissioned a feasibility study in 2015 to explore community choice aggregation, the question was whether public electricity service could work for our communities.

More than a decade later, the answer is clear.

As of March 2026, Ava Community Energy (Ava) serves a population of over 2 million: approximately 761,000 customer accounts across 18 member jurisdictions in Alameda and San Joaquin Counties. Service to unincorporated San Joaquin County will begin in May 2026. We're one of California's largest community choice aggregators (CCA), generating over 7,346 gigawatt-hours (GWh) of retail electricity load annually.

Our service area represents California's diversity. It spans urban centers and agricultural communities, high-tech industry and manufacturing, residential neighborhoods and commercial corridors. Among our customers, approximately 21% participate in income-qualified programs (CARE or FERA), 14% have installed solar systems, and 22% drive electric vehicles. Serving all these customers requires us to show up a little differently for each one, understanding different priorities rather than imposing one-size-fits-all solutions.

Ava was founded so our local communities could have a choice over where their electricity comes from and where their money goes. As a not-for-profit public agency, we aren't beholden to shareholders; we answer only to the residents, businesses, and local governments that make up our member jurisdictions. This accountability to our communities shapes everything we do.

Since launching service in 2018, Ava has helped add 2,452 megawatts (MW) of new renewable generation

and storage capacity to the grid. We've adopted the goal of providing 100% carbon-free electricity to all customers by 2030—fifteen years ahead of the state mandate. We've saved customers over \$183 million on their electricity bills relative to PG&E.

Our impact also shows up in our commitment to customer programs and community reinvestment. Whether we're helping build rooftop solar projects in disadvantaged communities, distributing thousands of e-bike rebates, or sponsoring a beloved local organization, everything we do brings us closer to a brighter future and helps ensure no one gets left behind in the clean energy transition.

The energy transition is complex. Procuring renewable energy, designing customer programs, and navigating a dynamic regulatory environment requires significant expertise, innovation, and discipline. What customers experience should be straightforward: reliable service, competitive rates, and investment that makes our communities healthier and stronger.

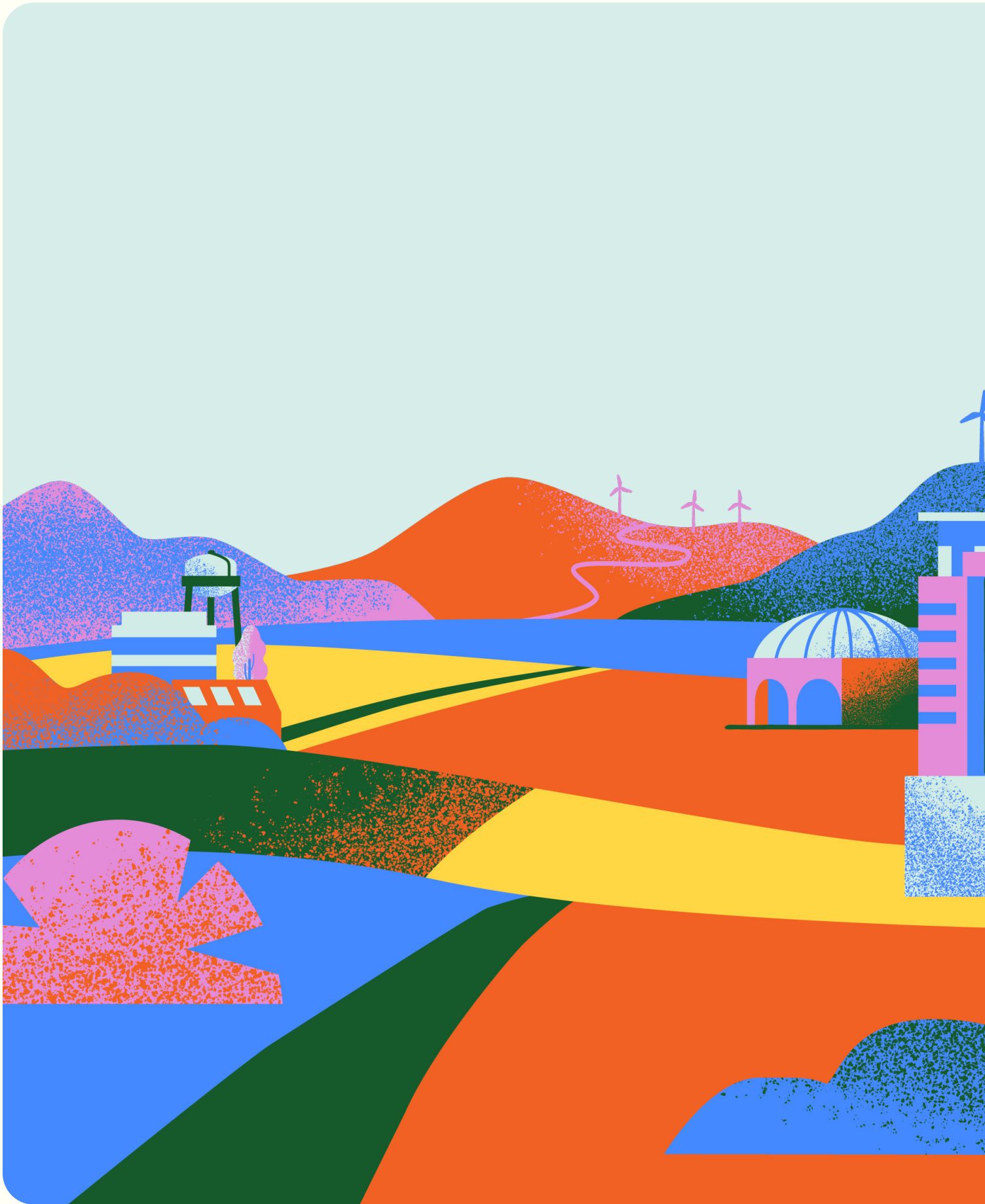
That's the promise of community choice energy. The pages that follow show what we've built together, where we're heading, and how we're fulfilling our mission.

Thank you for your support of this work.



A handwritten signature in black ink that reads "Howard Chang". The signature is written in a cursive, flowing style.

Howard Chang
Chief Executive Officer
Ava Community Energy



Executive Summary

Purpose

This report provides key highlights of Ava Community Energy's operations, service, and performance since beginning to enroll customers in 2018. It serves as a resource for Board members, city officials, community partners, customers, and other stakeholders who want to understand the full scope of Ava's work and impact.

What's Inside This Report

The report covers four major themes:

- **Mission and Operations:** How Ava functions as a public agency, the diverse communities we serve, and how local elected officials guide our work through transparent governance.
- **Renewable Power:** How we procure renewable energy and manage wholesale market operations, plus our virtual power plant strategy for coordinating batteries, electric vehicles, and other distributed resources to enhance reliability and reduce costs.
- **Community Investment:** How we reinvest in our service area through customer programs, public infrastructure projects, grants, sponsorships, and more, ensuring the energy transition benefits everyone.
- **Policy and Financial Stewardship:** Our principles for protecting affordability and advancing clean energy policy, plus the financial strategies that enable rate stability and operational resilience.

How to Use This Document

This report is designed for flexible navigation. You can read it sequentially for a complete picture of Ava's operations, or jump directly to sections relevant to your interests. Each section provides context for how we approach our work, the results we've achieved, and where we're headed.

This report will be updated periodically as our impact evolves.

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Ava at a Glance

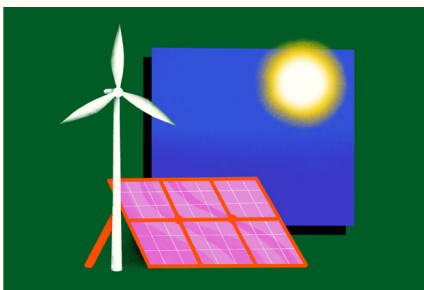
About Us

Ava Community Energy (Ava) is a community choice aggregator (CCA), a public electricity provider committed to providing clean energy, competitive rates, and community investment to Alameda and San Joaquin Counties.

Ava is the default provider of electricity generation service for all customers in the cities and counties we serve. Per state law, customers are automatically enrolled in Ava's service and are billed by PG&E.

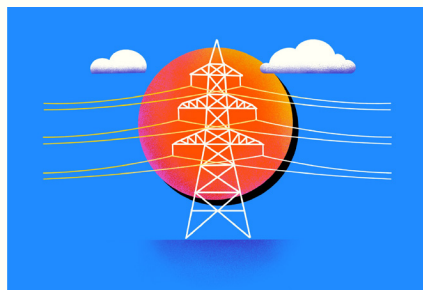
Ava was formed as a Joint Powers Authority (an independent local government agency) and is made up of 18 city and county members. Ava does not have shareholders, nor does it rely on tax dollars. Instead, Ava reinvests energy utility revenue back into the community through customer programs, grants, sponsorships, and bill savings.

How It Works



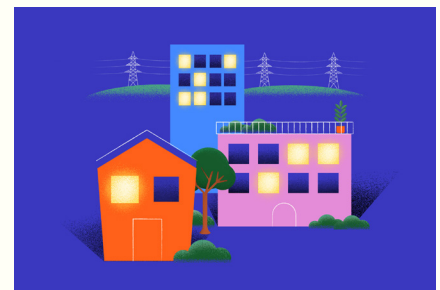
1. Ava generates clean power

Ava develops and contracts with clean power plants to add more renewable energy to the grid. Electricity flows through California's transmission infrastructure to local distribution lines.



2. PG&E delivers the power

Electricity is delivered through PG&E's transmission and distribution infrastructure. Customers continue paying PG&E for delivery, but no longer pay PG&E for generation.



3. Customers receive cleaner power and local benefits

The community benefits from more renewable energy, competitive rates, local governance, and programs designed for regional needs.

Our mission is to drive increasing access to clean energy, serving the needs of our customers and the well-being of our community.

By the Numbers:

As of March 2026:



761,096
accounts served



96%
overall participation rate



\$183.6 million
customer bill savings since 2018



18
member communities



2,452 MW
long-term renewable energy contracts



\$107.6 million
reinvested in our service area since 2018

Member Communities:

Albany

Berkeley

Dublin

Emeryville

Fremont

Hayward

Lathrop

Livermore

Newark

Oakland

Piedmont

Pleasanton

San Leandro

Stockton

Tracy

Union City

Unincorporated Alameda County

Unincorporated San Joaquin County (May 2026)

Who We Serve

Ava Community Energy serves residential, commercial, municipal, and agricultural customers across Alameda County and the cities of Tracy, Stockton, and Lathrop. In July 2024, Ava’s Board approved the membership request of unincorporated San Joaquin County, with service beginning in 2026.

Ava’s growth beyond Alameda County into San Joaquin County demonstrates that community choice energy works for all Californians. Serving a diverse geography—spanning urban, suburban, agricultural, and historically underserved communities—helps us advance energy equity, strengthens Ava’s voice in Sacramento, and enables us to pilot and scale programs across different community contexts.

Governance

Ava is governed by a Board of Directors comprising 18 elected officials (including City Councilmembers, County Supervisors, and Mayors) from each member community. The Board meets monthly, and all meetings are open to the public, ensuring transparency and accountability to the communities we serve.

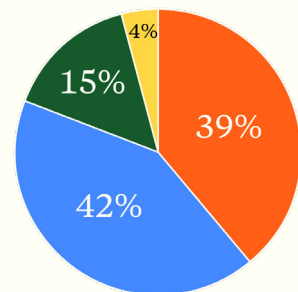
Ava’s Community Advisory Committee (CAC) brings together residents and business owners from across our service area to advise the Board of Directors on programs and initiatives, ensuring diverse community voices inform our work.

Key Demographics

As of March 2026:

761,096 accounts served
(population: ~2 million)

Customers By Load:

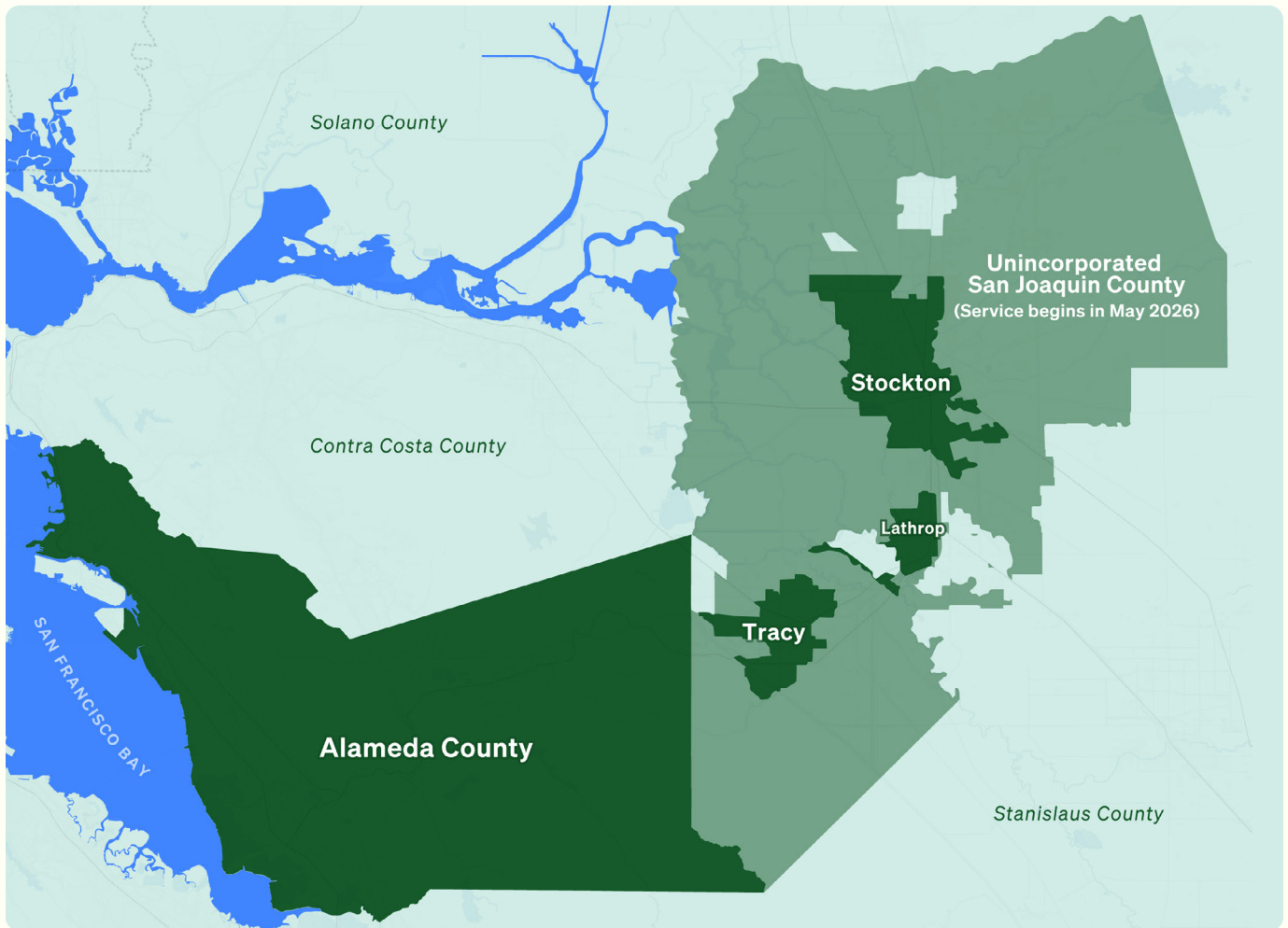


- Residential
- Commercial
- Industrial & agricultural
- Municipal & state government

160,078 CARE & FERA customers

108,668 solar customers

169,678 electric vehicles



Ava's service area

History In Brief

- 2015** — Alameda County commissioned a feasibility study to explore community choice aggregation
- 2016** — East Bay Community Energy formed as a Joint Powers Authority (JPA)
- 2018** — Launched service to residential and commercial customers in 11 cities and in unincorporated Alameda County
- 2019** — Cities of Tracy, Pleasanton, and Newark joined JPA
- 2021** — Service began in Tracy, Pleasanton, and Newark
- 2022** — City of Stockton joined JPA
- 2023** — City of Lathrop joined JPA; East Bay Community Energy rebranded as Ava Community Energy
- 2024** — Unincorporated San Joaquin County joined JPA
- 2025** — Service began in Stockton and Lathrop
- 2026** — Service to begin in Unincorporated San Joaquin County

i Why did we change our name to Ava?

Originally, we were named East Bay Community Energy. As we expanded beyond Alameda County, we evolved our name and brand to better represent all our constituents.

Ava unites “Alameda” with the “Valley.” The rebrand, launched alongside a refreshed visual identity, was designed to welcome new constituents from San Joaquin County and better communicate the benefits of community choice energy across all communities served.

CCAs Are a Proven Model in California

Community Choice Aggregators (CCAs) enable cities and counties to pool their electricity demand to procure clean energy and develop local programs as a public good on behalf of their own residents and businesses. CCAs partner with their region's investor-owned utility, which continues to deliver power and maintain grid infrastructure.

Ava is one of 25 CCAs operating in California and, with approximately 760,000 customer accounts, is one of the state's largest CCAs.

California CCAs have collectively contracted for over 21,000 megawatts (MW) of new clean energy generation capacity through long-term contracts called Power Purchase Agreements, or PPAs.

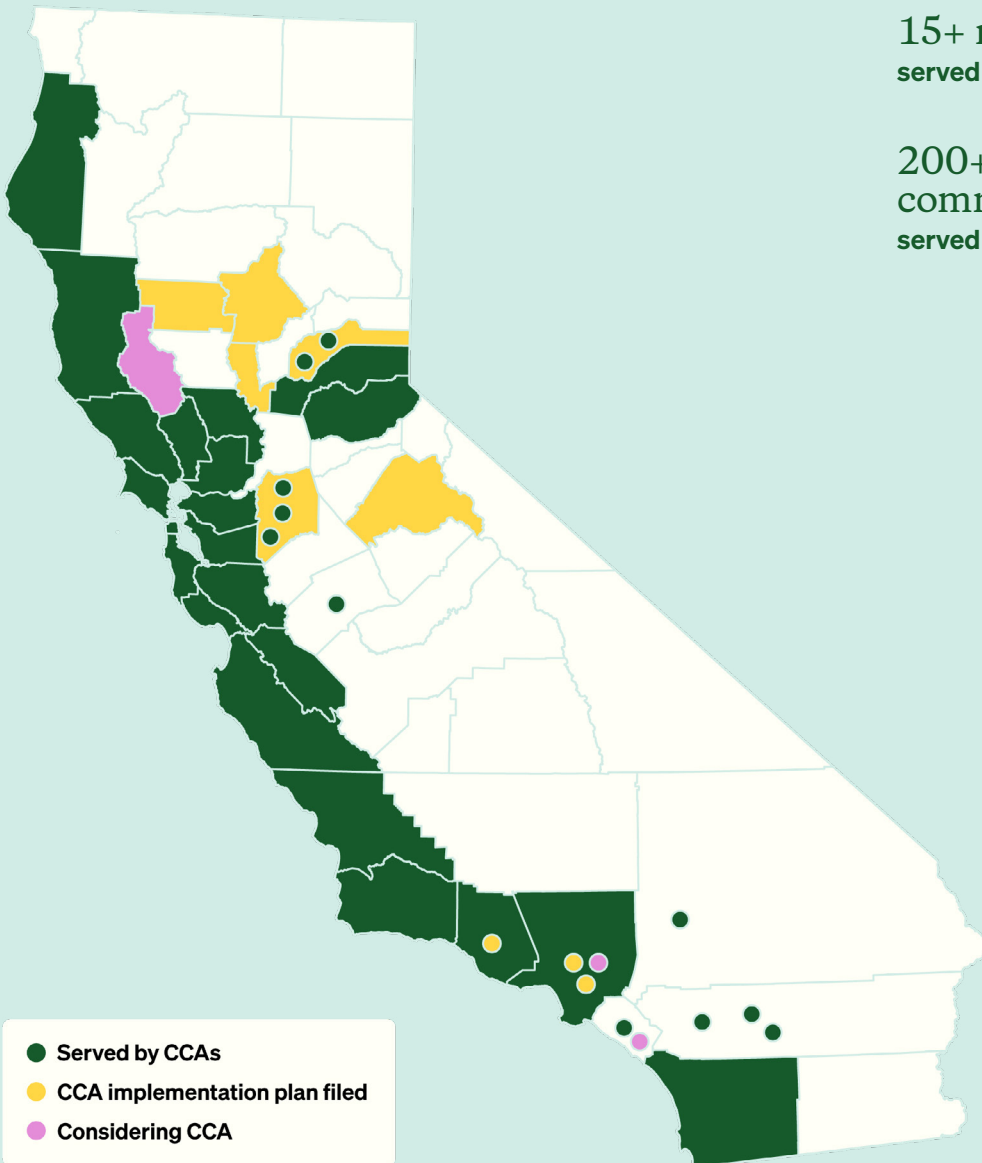
21,000+ MW of new clean generation capacity contracted through long-term Power Purchase Agreements by CCAs in CA

48,000+ construction jobs created by CCA renewable energy projects

58% of California's energy load served by CCAs

15+ million customers served by CCAs in California

200+ California communities served by a CCA



Electricity Generation Service

As the default electricity generation provider in our service area, Ava offers more renewable energy options at competitive rates. All customers retain access to PG&E’s rate schedules—including time-of-use and electric vehicle rates—and continue to receive the same CARE, FERA, and Medical Baseline discounts available with PG&E.

Ava Service Plans

Renewable 100



100% renewable energy priced 1¾ cents per kWh above PG&E rates

Bright Choice



61.8% eligible renewable energy (2024) priced 0.5% below PG&E rates

69% of customers are on Bright Choice

31% are on Renewable 100

Eligible Renewable:

■ Solar
 ■ Wind
 ■ Biomass & Biowaste, Geothermal, Eligible Hydroelectric

Other:
 ■ Hydro
 ■ Unspecified

Customer Choice

Each jurisdiction chooses its default plan, but customers can easily change their service plan at any time. We offer both a lower-cost option and a 100% renewable option so that customers can choose the one that best fits their budget and priorities.

How Rates Are Set

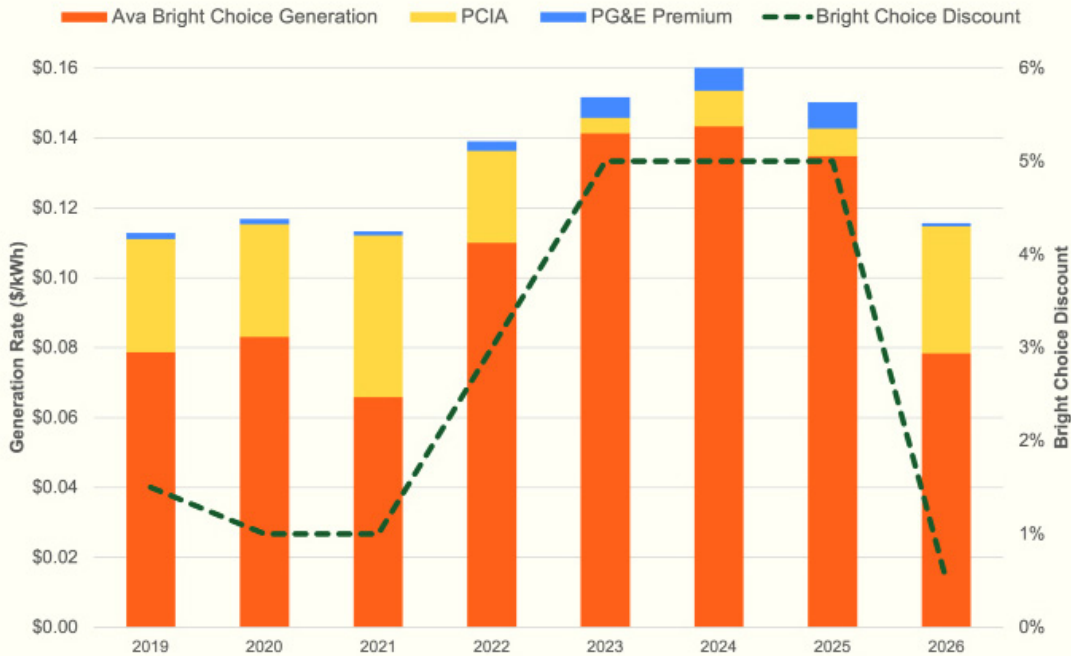
Ava sets generation rates through a transparent public process approved by our Board of Directors. Rates are based on market conditions and indexed to PG&E’s generation rates to maintain the Board-approved customer discount or premium for each service plan. When PG&E adjusts its generation rates, Ava’s rates are updated accordingly to preserve this value proposition.

The Bright Choice discount and Renewable 100 premium evolve as market conditions change. When rates are high, the discount increases; when rates are low, the discount decreases. Bright Choice customers have saved **\$139 million** from this discount since 2018.

AVA’S VALUE PROPOSITION OVER TIME

Ava Service Plan	June 2018–June 2020	July 2020–June 2022	July 2022–June 2023	July 2023–Dec. 2025	Jan. 2026–Present
Bright Choice	1.5% below PG&E	1% below PG&E	3% below PG&E	5% below PG&E	0.5% below PG&E
Renewable 100	1¢ per kWh above PG&E	1¢ per kWh above PG&E	¾¢ per kWh above PG&E	¼¢ per kWh above PG&E	1¾¢ per kWh above PG&E

AVERAGE GENERATION RATES OVER TIME



Ava’s average residential Bright Choice generation rates over time, compared to PG&E residential generation rates.

Carbon-Free by 2030

Ava’s Board of Directors has adopted the goal of providing 100% carbon-free power on an annual basis to all customers by 2030—fifteen years ahead of California’s statewide mandate.

For more about this emissions target, see page 11.

How Billing Works

Electricity service consists of two components: generation (producing power) and delivery (transmitting and distributing power to homes and businesses). Before Ava, customers paid PG&E for both services. Now, Ava provides generation service, and PG&E continues to provide delivery.

Customers receive a single monthly bill from PG&E that includes charges from both providers. PG&E credits customers for the generation charges it would have previously billed, so Ava's charges replace PG&E's generation charges.

Your Account Summary	
Amount Due on Previous Statement	\$173.19
Payment(s) Received Since Last Statement	-173.19
Previous Unpaid Balance	\$0.00
Current Electric Charges	\$124.29
Current Gas Charges	107.62
Total Amount Due by 01/17/2025	\$231.91


Generation and delivery charges combined on a single page called "Electric Charges"

PG&E bill before a customer joins Ava

Your Account Summary	
Amount Due on Previous Statement	\$173.19
Payment(s) Received Since Last Statement	-173.19
Previous Unpaid Balance	\$0.00
Current PG&E Electric Delivery Charges	\$80.33
Ava Community Energy Electric Generation Charges	41.59
Current Gas Charges	107.62
Total Amount Due by 01/17/2025	\$229.54

Generation and delivery split into separate charges

PG&E bill after a customer joins Ava



ENERGY STATEMENT
www.pge.com/MyEnergy

Account No: 12/27/2024
Statement Date: 01/17/2025
Due Date: 01/17/2025

Details of Ava Community Energy Electric Generation Charges

11/19/2024 - 12/19/2024 (31 billing days)


Service For: _____
Service Agreement ID: _____ ESP Customer Number: _____
11/19/2024 - 12/19/2024

Rate Schedule: ETOUC-Bright Choice			
Off-Peak Winter	229.889000 kWh @ \$0.13679	\$31.45	
Peak Winter	97.168000 kWh @ \$0.16347	15.88	
Power Charge Indifference Adjustment Credit		-3.13	
Franchise Fee Surcharge Credit		-0.34	
Bright Choice		-2.37	
Net Charges	41.49	0.10	

Energy Commission Tax
Bright Choice is priced below PG&E rates.
Renewable 100 is priced above PG&E rates.
Learn more about your service plan options at AvaEnergy.org/service
Ava respects your privacy. Please see Ava's customer confidentiality policy at AvaEnergy.org/confidentiality

Total Ava Community Energy Electric Generation Charges **\$41.59**

Rate Identification Number



USCA-XXEB-CYNB-0000
www.pge.com/rin
To program your smart device, scan the QR code or enter the RIN code above and follow the on-screen instructions.

Service Information
Total Usage 327.100000 kWh

For questions regarding charges on this page, please contact:
AVA COMMUNITY ENERGY
1-833-699-3223
www.avaenergy.org

Additional Messages
Ava Community Energy remains your public electricity provider, serving a growing list of communities in Alameda County and the Valley, including Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Tracy, Union City, and unincorporated Alameda County.

At Ava, we're committed to creating a brighter future in our communities and beyond. We do that by procuring clean electricity on your behalf and using our not-for-profit structure to invest in programs and incentives that enhance well-being, lower costs, and increase resilience for everyone.

Learn more about what our programs can do for you at AvaEnergy.org/programs and explore a customized list of local, state, and federal incentives with our interactive incentive finder at incentives.AvaEnergy.org.

On this bill, you'll see charges from both Ava and PG&E. That's because Ava procures electricity on your behalf (generation), and PG&E delivers that electricity through their physical infrastructure (delivery). You can learn more at AvaEnergy.org, or call 1-833-699-3223.

Visit www.pge.com/MyEnergy for a detailed bill comparison. Page 4 of 6

Example of the generation charges page in a PG&E bill showing Ava rates, the PCIA credit, and Franchise Fee Surcharge credit.

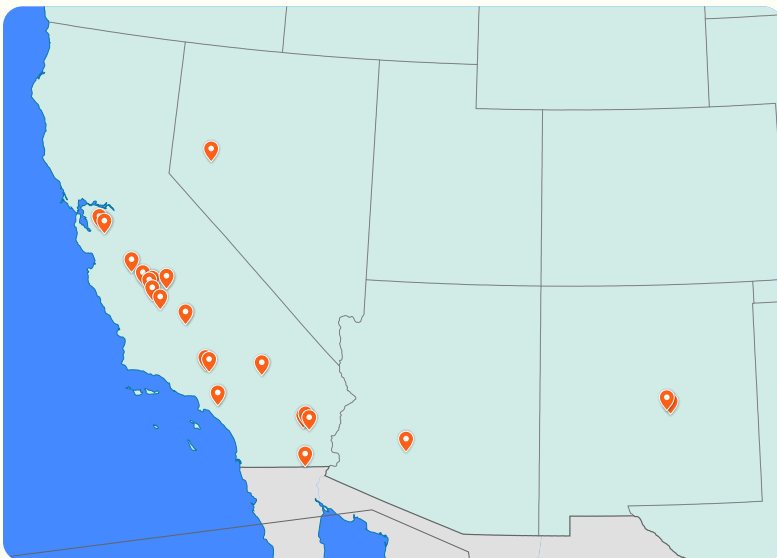
i Additional fees from PG&E—such as the Power Charge Indifference Adjustment (PCIA) and Franchise Fee Surcharge—are factored into Ava's rates to ensure that customers are not negatively impacted by these charges.

Our Power Supply

Ava purchases electricity through short- and long-term contracts. We're constantly expanding our clean energy portfolio to meet our goal of 100% carbon-free electricity for all customers by 2030.

Long-Term Renewable Energy Portfolio

Ava's portfolio of long-term contracted resources typically represents new projects being built, adding more clean energy to the grid than existed previously. This includes utility-scale wind, solar, geothermal, and battery storage projects across California and the western United States, as well as locally-sited rooftop solar installations within our service area. All projects are selected through a competitive solicitation process that evaluates technical feasibility, price, environmental attributes, and community benefits.



As of March 2026:

7,346 GWh
estimated retail load in 2025

27
long-term renewable power & energy
storage contracts

1,495 MW
new wind, solar, and geothermal built

957 MW
new energy storage built



The Scott Haggerty Wind Energy Center in Altamont Pass (Livermore)

Local Power Projects

Scott Haggerty Wind Energy Center

The 54.8 MW Scott Haggerty Wind Energy Center, named after Ava's founding Board Chair and Alameda County Supervisor, has been operational since 2021 in Altamont Pass. It generates enough electricity annually to power over 47,000 homes.

Aramis Solar Energy Generation and Storage Project

Located in the North Livermore Valley of unincorporated Alameda County, this project is a 100 MW solar and 100 MW battery energy storage system (BESS), planning to become operational by 2027. Ava is contracted for 25 MW of Resource Adequacy from the BESS with a 10-year delivery term.

Kola Energy Storage II

One of the largest standalone battery projects in the world, Kola will provide 400 MW of storage total—enough to power 300,000 homes for four hours at a time. Ava is one of two offtakers on the project, located in unincorporated San Joaquin County, and has contracted for 125 MW/500 MWh battery storage with a 20-year term.

MRP Tracy Battery Storage

In 2025, Ava partnered with two other CCAs to execute a long-term contract for a new long-duration battery that will be built at the existing MRP Tracy Natural Gas power plant. This 40 MW, 8-hour (320 MWh) battery will lessen the State's need to dispatch the natural gas power plant, reducing emissions in Ava's service area.

Disadvantaged Communities Solar Projects

California's Disadvantaged Communities Green Tariff (DAC-GT) program, called "Solar Discount" for Ava customers, provides CARE and FERA customers living in disadvantaged communities with 100% renewable energy and a 20% electricity bill discount. In 2024, Ava selected Prologis to develop five solar rooftop projects under DAC-GT. To expand this program to more communities, Ava has issued an RFO for an additional 11.25 MW of local solar with voluntary paired storage.

Location	Capacity	Online Date
Hayward	0.56 MW	Q3 2026
Oakland	0.72 MW	Q2 2026
San Leandro	1 MW	Q3 2026
Tracy	3 MW	Q1 2028
Tracy	2 MW	Q1 2027

The Path to Zero Carbon Emissions

In December 2020, Ava first proposed a goal of developing an annual emission-free portfolio by 2030. In April 2022, Ava's Board of Directors approved an emissions-reduction trajectory demonstrating how the agency will reduce annual emissions over time.

Below is the progress we've made to date in decarbonizing our power supply 15 years ahead of the State-mandated 2045 target established by Senate Bill 100 in 2018. Board-approved increases to our targets have helped accelerate our progress towards this goal.

PATH TO ZERO EMISSIONS TO DATE

Year	Ava Bright Choice Renewable %	Ava Bright Choice Carbon Free %	Ava Bright Choice PSDR* Emission Factor	CA-RPS% Renewable %
2020	40%	54%	591	33%
2021	42%	58%	564	36%
2022	49%	71%	496	39%
2023	55%	89%	370	41%
2024	62%	96%	221	44%
2025**	54%	97%	209	47%

*The Power Source Disclosure Report (PSDR) is filed annually on June 1 for the previous calendar year.

**2025 actuals will be released in June 2026.



Managing Risk in a Complex Market

Before the energy we contract for reaches our customers' homes and businesses, it passes through a sophisticated commodity market—one where Ava operates as a significant player managing considerable financial risk on behalf of the communities we serve.

How It Works

The California Independent System Operator (CAISO) manages the state's electricity grid. It is responsible for ensuring the reliability of the grid, and also operates a wholesale energy market where generators sell power and utilities purchase it to meet customer demand in the most cost-effective manner possible. Ava participates in CAISO's three interconnected markets: the Day-Ahead Market, where supply and demand are forecasted and scheduled 24 hours in advance; the Real-Time Market, which balances actual conditions in 15-minute and 5-minute intervals; and the Ancillary Services Market, which provides energy products to help maintain short-term grid stability and reliability.

Ava purchases renewable energy through long-term contracts (typically 10 to 20 years) at fixed or structured prices, providing rate stability and insulating customers from short-term market volatility. That contracted energy is sold into the CAISO market, where prices fluctuate constantly based on statewide supply and demand conditions. Market prices sometimes fall below Ava's contracted costs; other times they exceed those costs, creating value that benefits customers. Managing this exposure requires continuous monitoring, sophisticated financial analysis, and strategic hedging instruments to protect customer rates while meeting compliance obligations.

Procurement Advantages

As a public agency with an "A" credit rating from S&P Global Ratings, Ava is able to negotiate favorable contract terms and avoid posting collateral for the agency's long-term contracted resources. Ava also accesses tax-exempt financing structures unavailable to for-profit entities, reducing the cost of long-term renewable energy procurement.

Delivering Consistent, Reliable Results

The complexity of wholesale market operations and portfolio management happens behind the scenes. What customers experience is straightforward: reliable, competitively-priced electricity service backed by an increasingly clean energy supply.

Ava also procures other forms of power to ensure the cost effectiveness and reliability that our customers need. While emissions are measured and reported annually, power purchasing and market participation occur every hour of every day—matching customers' real-time energy needs with available resources and the financial tools used to manage risk. This continuous balancing requires technical expertise, disciplined analysis, and unwavering focus on the financial interests of the communities we serve.

i FAQ: How can Ava offer lower rates than PG&E?

As a public agency, Ava has three sustained competitive advantages:

- 1. Ava has no shareholders, which means we don't need to turn ratepayer dollars into shareholder profits.**
- 2. Ava has a lower tax liability than a for-profit entity.**
- 3. Ava has access to cheaper capital via municipal bond markets. In other words, we can borrow at lower rates than a for-profit entity.**

Customer Programs

Beyond providing clean electricity at competitive rates, Ava aims to accelerate the renewable energy transition throughout our service area. We reinvest a portion of our revenue into customer programs that promote electrification, support energy resilience, reduce barriers to clean energy adoption, and more.

Active and Upcoming Programs

Ava Bike Electric (2025-2026)

- Provides instant rebates that make e-bikes more affordable, increases access to clean mobility options, reduces carbon emissions, and supports local businesses.
- \$10 million total funding (\$6 million from Ava and \$4 million from Alameda County Transportation Commission). A minimum of 40% of program funding is dedicated to CARE/FERA customers.

Building Efficiency Accelerator (2023-2026)

- A CPUC-funded program supporting large non-residential customers in implementing energy efficiency and electrification measures, combining targeted incentives with hands-on energy coaching and technical support.
- Currently serving 15 high-usage facilities, with projects forecasted to save 12 GWh of energy over the program period.

SmartHome Charging (2025-2027)

- Reduces customer bills and grid strain during peak hours by optimizing home EV charging.
- Total budget of \$2.3 million for upfront and ongoing customer incentives.

SmartHome Battery (2026-2036)

- \$11.25 million committed to supporting residential solar and battery installations that contribute capacity to Ava's virtual power plant.
- Of that commitment, \$3.75 million is reserved for income-qualified (CARE/FERA) customers.

Completed Program Highlights

Since 2018, Ava has implemented dozens of programs to accelerate clean energy adoption, strengthen grid resilience, and invest in our communities. Below is a list of some, but not all, of the programs we've launched and learned from.

Health-e Communities Pilot (2024-2025)

- Replaced 160 gas stoves with induction ranges in income-qualified households and measured the resulting impact on indoor air quality, in partnership with Franklin Energy and Berkeley Air Monitoring Group.
- Participants experienced a meaningful reduction in nitrogen dioxide, a known air pollutant.

Induction Cooktop Lending Program (2023-2024)

- Supported 15 public lending sites and facilitated 475 individual lending sessions, enabling customers to use induction cooking technology.
- 68% of program participants experienced improved perception of induction cooking.

Heat Pump Water Heater Incentives (2024)

- Provided \$545,000 in \$1,000-per-unit incentives for 545 residential heat pump water heater installations, in partnership with StopWaste and BayREN.

Medical Baseline Battery Program (2021-2024)

- \$300,000 budgeted for distributing portable Yeti Goal Zero batteries to Medical Baseline customers in high fire risk zones.
- Distributed 50 no-cost batteries to income-qualified customers, and provided \$1,000 battery rebates to 150 additional customers.

Resilient Home Pilot (2020-present)

- Ava partnered with Sunrun to enroll roughly 1,200 residential battery systems that discharge energy to the grid during evening peak demand periods.
- 22% of portfolio capacity is from disadvantaged communities, income-qualified households, and Medical Baseline customers.
- This program is no longer enrolling but will continue to operate through 2031.

“ Thank you for this program. I describe my e-bike as not being a replacement for a traditional bicycle, but for driving a car. One less car!”

– Samuel, Ava Bike Electric rebate recipient

“ We kept getting notices that we could lose power with all the wildfires the last few years, and being on Medical Baseline where I have a CPAP machine, I was wondering, ‘Will I be able to keep that thing going?’”

– Ed, Medical Baseline Battery Program battery recipient



▶▶▶ Building a Virtual Power Plant

A virtual power plant (VPP) is a network of decentralized energy sources that work together to support the grid during periods of high demand. Through centralized software, electricity providers can tap the collective power of many small systems—such as solar panels, batteries, EVs, and EV chargers—instead of procuring power from a traditional power plant.

Ava is developing a VPP using Lunar Energy's GridShare platform and coordinating distributed resources through our SmartHome Charging and SmartHome Battery programs. These programs are designed to benefit customers through bill savings and incentive payments while we build our VPP to scale. In the future, VPPs may meaningfully impact procurement costs and grid flexibility, but our current focus is on learning about the reliability of VPPs while ensuring participation benefits our customers.

Public Infrastructure & Municipal Support

Working directly with our member jurisdictions and regional partners, Ava invests in public infrastructure projects and technical assistance that advance regional decarbonization goals.

Ava Charge

- To encourage electric vehicle adoption, Ava is building a network of EV fast charging stations powered by renewable energy and located where people work, live, and gather.
- The first Ava Charge station is located in downtown Oakland's City Center West Garage, surrounded by multi-family housing and local businesses.

Critical Municipal Facilities

Ava is developing solar and battery storage systems for essential city facilities in Berkeley, Fremont, Hayward, and Livermore.

Site Name	PV Nameplate Capacity (kW)	BESS Inverter Power (kW)	BESS Contract Capacity (kWh)
Berkeley Allston Corp Yard	151.20kW	100.00kW	490.00kWh
Berkeley Live Oak Rec Center	36.08kW	30.00kW	81.00kWh
Fremont Age Well Center	25.08kW	30.00kW	81.00kWh
Fremont Tri City Volunteers	47.08kW	30.00kW	81.00kWh
Hayward Corp Yard	50.40kW	30.00kW	81.00kWh
Hayward Fire Station #1	62.40kW	60.00kW	122.00kWh
Livermore City Council Chambers	50.62 kW	80.00kW	162.00kWh
Livermore Maintenance Service Center	66.00kW	100.00kW	244.00kWh

Municipal Fleet Electrification

- Between 2019 and 2023, Ava provided no-cost technical assistance to 13 member jurisdictions to develop comprehensive fleet electrification plans for 2,793 light-, medium-, and heavy-duty vehicles.
- The program helped cities navigate technology selection, infrastructure planning, and state regulatory compliance while securing \$18.8 million in external grant funding.

Additional Municipal Support

- 7 cities received grants and/or technical support for reach codes
- 13 jurisdictions received support for EV permitting compliance (as mandated by AB 1236)
- 5 jurisdictions received Affordable Multifamily Housing EV Charging Technical Assistance for 35 sites
- 5 jurisdictions received support for California Energy Commission grant applications
- \$750,000 no-interest loan for the beneficial electrification of Piedmont's municipal pool



The City of Piedmont's municipal pool, made all-electric with support from a no-interest loan from Ava.



Ava staff, Board members, and partners celebrate the launch of an Ava Charge site in Downtown Oakland's City Center West Garage.



Photovoltaic (PV) solar panels being installed on the roof of the Livermore City Council Chambers.

Community Reinvestment

Ava reinvests locally through grants, local sponsorships, bill assistance, and community outreach, ensuring our resources strengthen the communities we serve.



Community Investment Grants: \$1.89 million invested to date

Our grantmaking initiatives align with our strategic priority areas of resilience, energy efficiency, transportation, and building electrification. These are accomplished through education, workforce development, community empowerment, or innovation.

Active Grant Programs

Community Electric Vehicle Charging (2024-2027)

- California Interfaith Power and Light
- Green The Church

Community Organizing and Capacity Building for Resilience Hubs (2024-2027)

- Emerald Cities Collaborative

Clean Energy Jobs and Training for Youth (2024-2027)

- Advancing Green Apprenticeship Pathways for Efficiency Initiative
- Rising Sun Center for Opportunity

Past Grant Programs

Community Innovation Grants (2019-2020)

- Community Impact Hub
- Ecology Action
- People Power Solar
- RE-volv
- Rising Sun Center for Opportunity
- West Oakland Environmental Indicators Project



Rising Sun's workforce development programs help prepare youth, women, and individuals in reentry for careers in climate.

Community Resilience Hubs

Ava is supporting community-owned facilities with technical assistance and financial incentives to install battery backup systems that provide power during outages and emergencies, while serving as year-round gathering spaces. \$6.05 million is allocated for outreach and education, technical assistance, upfront installation rebates, and ongoing participation payments for eligible resilience hub sites.

COVID-19 Emergency Response

Ava's public structure allows us to act quickly in service of community well-being during times of crisis. When the pandemic hit in 2020, Ava directed over **\$2.1 million** where it was needed most:

- \$1.1 million directly distributed to our member cities and counties
- \$650,000 in grants to community-based organizations serving residents and businesses impacted by the health crisis
- \$245,000 to medical and healthcare organizations
- \$175,000 to local food banks and meal programs
- Offered flexible payment plans to customers navigating financial hardship
- Received \$13.8 million from the California Arrearage Payment Program to cover unpaid customer bills

Bill Credits

When our operations generate significant surplus revenue, the Board can vote to return portions of it to the communities we serve through direct on-bill credits.

ANNUAL BILL CREDIT HISTORY

	2022/23	2023/24	2024/25
CARE/FERA	\$6 million	\$6 million	\$11 million
Residential	-	\$4 million	\$4 million
Non-Residential	-	\$3 million	\$7 million
Total Returned to Customers	\$6 million	\$13 million	\$22 million

Local Sponsorships: \$1.4 million invested to date

See page 20 for local sponsorship highlights.

Sponsorship Spotlights

Habitat for Humanity East Bay/Silicon Valley

Since 2018, Ava has supported Habitat for Humanity East Bay/Silicon Valley’s mission to expand affordable homeownership in our communities. In 2024, we deepened this commitment by sponsoring Sequoia Grove—Habitat’s first fully electric development in Alameda County—bringing solar, battery storage, heat pumps, and induction cooking to ten new homeowners in Hayward.

“With Ava’s support, we’re building climate-friendly housing that makes sustainable homeownership accessible to East Bay families. Together, we’re creating homes with healthier indoor air quality, lower energy bills, and a more sustainable future for our entire community.”

– Janice Jensen, President and CEO, Habitat for Humanity East Bay/Silicon Valley



Bike East Bay

Ava has supported Bike East Bay’s work to make bicycling safe, fun, and accessible across the East Bay since 2019. Our partnership includes annual sponsorship of Bike to Wherever Day, supporting bike valets at local sporting events, and co-hosting community E-bike Test and Ride events that give people hands-on experience with cleaner, more affordable transportation options.

“We truly appreciate Ava’s support of the bike community and leadership in making quality e-bikes accessible and affordable. Their partnership is helping us build communities that are joyful, safe, and inclusive where people come first.”

– Jill Holloway, Co-Executive Director of People and Operations, Bike East Bay



Sports Sponsorships

Cheering for local teams brings our community together to root for a common goal. As your local community energy provider, we’re proud to support these hometown teams with our fellow fans.



Community Sponsorships

Three times per year, Ava gives grants of up to \$2,500 to local community-based organizations.

- 232 sponsorships given since 2019
- \$485,500 disbursed

Community Events

In addition to sponsoring organizations, we also support local community events.

- 77 events sponsored in 2025



Coastal Clean Up with Engineers and Scientists Acting Locally (ESAL)



Ava's solar-powered charging station at work in Stockton



LEAF in Fremont received a community sponsorship from Ava to further their work as an urban farm, food bank donor, and ecology educator



Ava helped bring native plants to a 1000 ft. pathway in Hayward with Down By the Bay Nursery



Ava invited our customers to join us at local public induction cooking demonstrations

Legislative and Regulatory Advocacy

Ava's legislative and regulatory engagement is guided by the agency's goal to provide clean electricity at competitive rates to the communities we serve. Our policy positions flow directly from this public purpose.

Ava operates within a defined legal framework while advocating for policies that strengthen the CCA model and benefit our communities, customers, and constituents.

California's Community Choice Framework

Community Choice Aggregation was established in 2002 under California Assembly Bill 117, to enable local governments to procure electricity on behalf of their constituents while maintaining the existing utility's role in transmission and distribution. The statute created CCAs as a public benefit: a mechanism for communities to exercise local control over their energy supply, accelerate renewable energy development, and provide rate alternatives to incumbent utilities.

How Ava Engages

Ava partners with the California Community Choice Association (CalCCA), legislative delegations representing member jurisdictions, and aligned stakeholder organizations to advance our priorities and communities' interests. The agency provides technical expertise to policymakers; submits testimony and comment letters on proposed legislation and regulations; and works collaboratively with state agencies, including the California Public Utilities Commission (CPUC), California Energy Commission (CEC), California Air Resources Board (CARB), and California Independent System Operator (CAISO).

All legislative positions are developed through internal analysis, reviewed by agency leadership, and approved by Ava's Board of Directors through a transparent public process. The agency's legislative program is updated annually to reflect emerging policy priorities while maintaining focus on the core principles outlined on the next page.

Legislative Principles

Ava's Board of Directors has established five core principles that guide the agency's legislative positions:

Make Electricity More Affordable

We support policies that put downward pressure on electricity rates, which in turn reduces the burden on households and businesses and lowers the barriers to electrification.

Protect Community Choice

Local control and the autonomy to make decisions that reflect the needs of our customers form the very foundation of community choice aggregation. We support legislation that bolsters the stability and competitiveness of the CCA model, and oppose policies that undermine Ava's ability to achieve our mission.

Accelerate Decarbonization

Ava takes a whole-of-society approach to address the growing threat of climate change and build healthier, more sustainable communities. We support policies that incentivize and accelerate decarbonization, including those that improve energy efficiency, reduce barriers to renewable energy and storage development, and increase the adoption of behind-the-meter distributed energy resources.

Promote Local Development

Decarbonizing our communities should also mean enhancing their environmental and economic resilience. We support policies that empower disadvantaged communities, invest in workforce training programs, and create a cleaner, more robust, and more equitable economy for everyone.

Increase Bill Transparency and Understanding

For many customers, combing through the charges, fees, rates, and acronyms on their utility bill can be confusing and time-consuming. Ava supports policies that make it easier for customers to understand exactly what they're paying for and why. We also support increased transparency in the utility ratemaking process so that customers can meaningfully participate in decisions affecting their daily lives.

Regulatory Priorities

After a bill becomes law, agencies such as the CPUC, CEC, CARB, and Federal Energy Regulatory Commission (FERC) are responsible for creating regulations that implement the law's requirements. Ava's Regulatory team participates in proceedings on behalf of our customers to advocate for fair and effective regulations. Our regulatory priorities are consistent with our legislative priorities, and include:

- Facilitating electrification and smarter energy use
- Accelerating renewable energy procurement
- Promoting fair and equitable rates
- Protecting Ava's autonomy

Financial Sustainability

Though Ava is a relatively young public agency, we have established the financial strength and foundation to deliver lasting impact.

“A” Credit Rating

Ava maintains an “A” credit rating from S&P Global Ratings. Our rating is the basis for counterparties, investors, and creditors to be comfortable doing business with Ava. Our creditworthiness allows us to operate in power markets and procure services to develop programs for our customers.

Reserves and Rate Stabilization Fund

The Board has established a reserve fund targeting 50% of annual operating expenses, designated as the base level of our financial strength and not intended for use unless catastrophic unforeseen events occur. To ensure we can absorb market volatility or unexpected cost changes without tapping reserves, the Board has also established a Rate Stabilization Fund. This fund is designed to be used as economic and operational cycles may require, enabling Ava to absorb short-term financial shocks without passing costs to customers.

Ava’s annual budgets, comprehensive financial reports, and independently audited financial statements are publicly available. The agency’s Board of Directors advises on and approves all major financial decisions through open public meetings. Ava’s fiscal year runs from July through June.

Prepayment Bond Financing

As a tax-exempt public entity, Ava issues bonds at lower interest rates than investor-owned utilities like PG&E can, using proceeds to prepay power contracts at substantial discounts. Since 2021, this innovative approach has generated over \$200 million in expected customer savings through 2035.



Ava pioneered the use of prepayment bonds, co-founding the California Community Choice Financing Authority (CCCFA) in 2021 with three other CCAs. CCCFA was named the nation’s top issuer of green municipal bonds in 2023 by the Climate Bonds Initiative and received The Bond Buyer’s ESG/Green Financing Deal of the Year award in 2024.





AvaEnergy.org

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Ava Impact Report

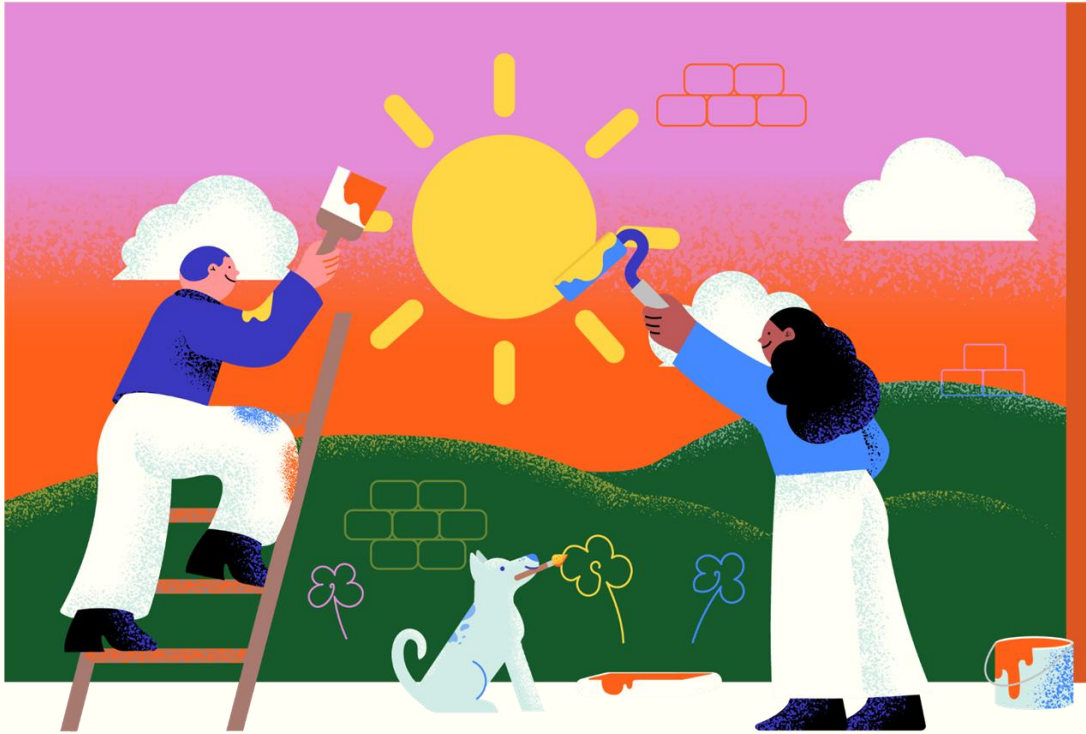


Overview



- Inaugural ~25-page report available online and as a printed/bound hard copy
- Intended to provide city councils, municipal partners, and other policy makers with background information about Ava and key achievements since starting service in 2018
- Will be presented at local council and board meetings with more specifics on the impact in your local jurisdiction
- May be issued on a regular basis

Report Contents



- **Ava at a Glance**
- **Who We Serve**
- **Electricity Generation Service**
- **Our Power Supply**
- **Customer Programs**
- **Public Infrastructure & Municipal Support**
- **Community Reinvestment**
- **Legislative and Regulatory Advocacy**
- **Financial Sustainability**

Ava at a Glance

- About us
- How our electricity offering works
- Top line impact numbers
- Ava's jurisdictions

Who We Serve

- Our governance
- Key demographics
- History in brief
- Background on CCAs in California

By the Numbers:

As of March 2026:



761,096
accounts served



96%
overall participation rate



\$183.6 million
customer bill savings since 2018



18
member communities



2,452 MW
long-term renewable energy contracts



\$107.6 million
reinvested in our service area since 2018

Electricity Generation Service

- Service plan options
- How rates are set:
 - Rate factors
 - Ava's value proposition over time
 - Ava's generation rates over time
- Carbon-free by 2030 goal
- How billing works:
 - Generation vs. Delivery
 - Ava vs. PG&E fees and credits



Renewable 100
100% renewable energy from sources like wind and solar priced slightly above PG&E rates



Bright Choice
61.8% renewable energy at rates below PG&E

PG&E bill after joining Ava.

PG&E STATEMENT
[e.com/MyEnergy](#)

Account No:
Statement Date:
Due Date:

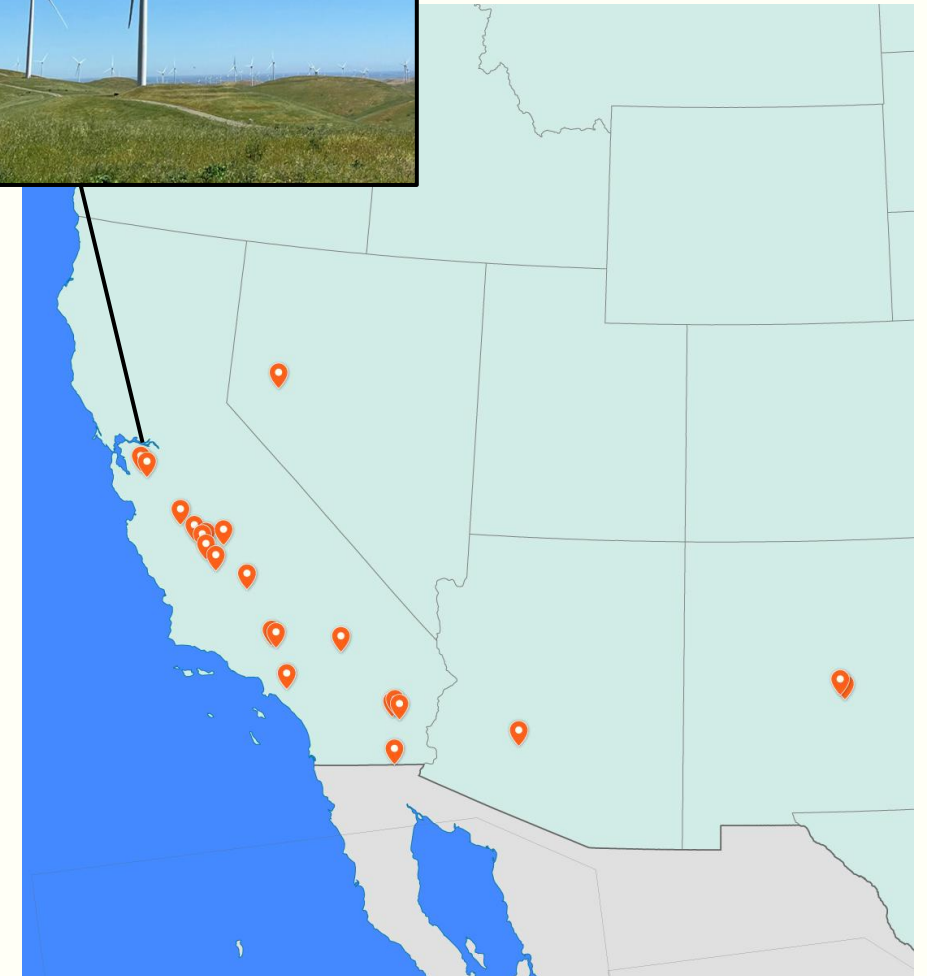
Your Account Summary

Amount Due on Previous Statement	\$283.36
Payment(s) Received Since Last Statement	-283.36
Previous Unpaid Balance	\$0.00
Current PG&E Electric Delivery Charges	\$76.63
Ava Community Energy Electric Generation Charges	48.08
Current Gas Charges	83.99
Total Amount Due by 12/27/2023	\$208.70

Generation and delivery split into separate charges

Our Power Supply

- Our long-term renewable energy portfolio
- Local power projects
- The path to zero carbon emissions
- Managing risk in a complex market:
 - How it works (CAISO and the electricity market)
 - Ava's procurement advantages
 - Balancing supply and demand for consistent, reliable results



Customer Programs

Summary of active and upcoming programs and completed programs:

Active and Upcoming Programs:

- Ava Bike Electric (2025-2026)
- Building Efficiency Accelerator (2023-2026)
- SmartHome Charging (2025-2027)
- SmartHome Battery (2026-2036)

Completed Programs:

- Health-e Communities Pilot (2024-2025)
- Induction Cooktop Lending Program (2023-2024)
- Medical Baseline Battery Program (2021-2024)
- Resilient Home Pilot (2020-present)
- Heat Pump Water Heater Incentives (2024)



“We kept getting notices that we could lose power with all the wildfires the last few years, and being on Medical Baseline where I have a CPAP machine, I was wondering, ‘Will I be able to keep that thing going?’”

– Ed, Medical Baseline Battery Program battery recipient

Public Infrastructure & Municipal Support



Initiatives activated with member partners:

- Ava Charge (network of EV fast charging stations)
- Critical Municipal Facilities (solar and battery storage systems for essential city facilities)
- Municipal fleet electrification
- Additional municipal support

Community Reinvestment

Summary of how Ava reinvests in its communities via:

- Community Investment Grants (active and past)
- Community resilience hubs
- COVID-19 emergency response
- Customer bill credits
- Local sponsorships and events



Legislative and Regulatory Advocacy

Outlines principles and priorities for public policy engagement:

Legislative Principles:

- Make electricity more affordable
- Protect community choice
- Accelerate decarbonization
- Promote local development
- Increase bill transparency and understanding

Regulatory Priorities:

- Facilitating electrification and smarter energy use
- Accelerating renewable energy procurement
- Promoting fair and equitable rates
- Protecting Ava's autonomy

Financial Sustainability

Highlights of the financial strength and foundation Ava has established to deliver lasting impact:

- "A" Credit Rating
- Reserves and Rate Stabilization Fund
- Prepayment bond financing

Next Steps

- Share the Impact Report (online and hard copy)
- Schedule and deliver a presentation at each member's council or supervisor meeting that details Ava's impact, including savings, program participation, and other localized content
- Ava staff will be reaching out to Board directors for additional support in scheduling, as appropriate and necessary

