



Draft Minutes

Board of Directors Meeting

Wednesday, April 22, 2020

5:00 pm

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1. Welcome, New Member Swear-in & Roll Call

Present: Directors: Haggerty (Alameda County), Pilch (Albany), Arreguin (Berkeley), Hernandez (Dublin), Munro (Livermore), Bacon (Fremont), Mendall (Hayward), Hannon (Newark), Rood (Piedmont), Pentin (Pleasanton), Hernandez (San Leandro), Arriola (Tracy), Patino (Union City), Sutter (Community Advisory), Martinez (Emeryville) and Kalb (Oakland)

2. Pledge of Allegiance

3. Public Comment

This item is reserved for persons wishing to address the Board on any EBCE-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 three 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 under Public Comment

CONSENT AGENDA

4. Approval of Minutes from March 18, 2020
5. Contracts entered into (Informational Item)

Director Arreguin motioned to approve the Consent Agenda. Director Bacon seconded the motion which carried 12/0; Abstained: Members: Arriola, Hannon and Pentin

REGULAR AGENDA

6. CEO REPORT

- A. Executive Committee Meeting;
- B. Finance, Administration, and Procurement Subcommittee;
- C. Marketing, Regulatory and Legislative Subcommittee; and
- D. Marketing and Account Services update

The Board Discussed:

- Value Proposition
- Bill Presentation
- Using Social media to advertise EBCE Community relief grants
- Supporting transit agencies
- Including new member cities in grant opportunities
- COVID-19 Grant processes

7. Community Advisory Committee Report

Chair Sutter reported that the Community Advisory Committee recognized the hard work done by staff in making material differences with the COVID-19 Grants. The CAC also like the opportunity to be on the community grant selection committee.

8. Treasurer's Report (Informational Item)

Receive report on EBCE Cash position.

The Board Discussed:

- 90 Day Funding
- Budget Reserves
- Budgetary impacts due to COVID-19
- Bill payment support for Customers

9. OCEI - Vistra Project Upsize (Informational Item)

Receive an update regarding an increase in the project size with Vistra Energy as part of the Oakland Clean Energy Initiative. We are increasing the project from 20MW/80MWh by 80% to 36.25MW/145MWh. There are no other material changes with the contract. The RA contract is expected to begin delivering resource adequacy in January 2022 for a period of 10 years.

The Board Discussed:

- Program impacts due to COVID-19
- Potential for Solar and wind in Tracy

10. Resolution Electing to Become Subject to the Uniform Public Construction Cost Accounting Act; Ordinance Establishing Informal Bidding Procedures (Action Item)

- A. Adopt a Resolution of the Board of Directors of the East Bay Community Energy Authority Electing to Become Subject to the Uniform Public Construction Cost Accounting Act; and
- B. Adopt Urgency Ordinance EBCE O-2020-1 and read by title only: AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY ESTABLISHING INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

The Board Discussed:

- Purchase Order Requirements
- On call services
- Types of public projects subject to UPCCAA
- Wind/solar projects do solicitation w/criteria that is included
- Awarding additional points for bidders employing Union and/or Local
- Cannot require PLA - give more points to firms that employ union labor and local development.

Barbara Stebbins - Requested clarity on community benefits of operating under the UPCCAA.

Director Haggerty motioned to adopt a Resolution Electing to Become Subject for the Uniform Public Construction Cost Accounting Act and Read title, waived reading of Ordinance in its entirety and adopt Urgency Ordinance O-2020-1. Director Mendall Seconded the motion with carried 15/0

**Resolution: R-2020-5
Ordinance: O-2020-1**

11. Power Content Procurement Floor (Action Item)

Amend the Bright Choice product power content guidelines to instill the clean energy procurement floor starting in 2020.

The Board Discussed:

- Reviewing Budgetary considerations before final decision
- Financial Implications of accepting or not accepting allotment
- Potential and implications of delaying Board decision
- Staff ability to propose additional hydro options
- Product content labels
- Economic impact of COVID-19

Director Arreguin motioned to accept the Power Content Procurement Floor for 2020. Director Haggerty seconded the motion which carried 15/0

12. PG&E Carbon-Free Allocations Decision (Action Item)

Staff is not making a specific recommendation to accept or not accept nuclear. Instead, staff has developed two distinct options to lay out the costs and benefits of accepting or not

accepting the nuclear allocation. The fundamental question for accepting nuclear or not comes down to a trade-off between having nuclear and lower greenhouse gas emissions, or not having nuclear and accepting higher greenhouse gas emissions.

The current staff position of neutrality on whether to accept the nuclear allocation is premised on the presumption that the EBCE Board of Directors has approved in a previous Board item the modification of EBCE's Bright Choice Power Content Guidelines, and in so doing, has removed any financial benefit to EBCE of accepting the nuclear allocation. If the Bright Choice Power Content Guidelines are not changed, the EBCE staff recommendation shifts to a position of supporting the nuclear allocation to allow EBCE to realize energy procurement cost savings.

The Board Discussed:

- Thanked speakers - Especially the Youth participants
- Reiterated accepted/non acceptance of the allotment has no influence on the Diablo Canyon decommissioning schedule
- Climate Change
- Pollutants - Natural Gas/Fossil Fuel
- Other CCA decision on the allotment
- Budgetary Impacts
- Potential to defer decision
- Thanked staff for materials and transparency
- Revisiting allotment decision at a later time
- Limiting length of allotment acceptance

86 members of the public spoke in opposition of accepting the nuclear carbon-free allotment

Director Haggerty motioned to accept Option B: Status Quo Carbon Free, No Nuclear (Hydro only) Director Arreguin seconded the motion which carried 10/5; Noes: Directors: Mendall, Hannon, Munro, Rood, and Pentin

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

The Board observed a moment of silence and adjourned in memory of

Emma Patino
April 24, 1936 - April 13, 2020

14. Adjourned