



Draft Minutes

Board of Directors Meeting

Wednesday, June 17, 2020

5:00pm

<https://us02web.zoom.us/j/87023071843>

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If you have anything that you wish to be distributed to the Committee, please email it to the clerk by 4:00 pm the day prior to the meeting.

1. Welcome & Roll Call

Present: Haggerty (Alameda County), Pilch (Albany), Arreguin (Berkeley), Hernandez (Dublin), Mei (Fremont), Mendall (Hayward), Munro (Livermore), Hannon (Newark), Pentin (Pleasanton), Hernandez (San Leandro), Arriola (Tracy), Patino (Union City), Vice-Chair Martinez (Emeryville), and Chair Kalb (Oakland)

Excused: Director Rood (Piedmont)

2. Pledge of Allegiance

3. Closed Session

- A. Public Employee Performance Evaluation pursuant to Government Code § 54957. Title: Chief Executive Officer.
- B. Conference with Legal Counsel - Anticipated Litigation, pursuant to Government Code § 54956.9(b): (1 case)

4. General Counsel Report Out of Closed Session

The Board took no reportable action in closed session.

5. 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.

Ceyda Dumas - Thanked the Board of Directors for rejecting the nuclear carbon-free allotment and shared on other CCAs who have also rejected the allotment.

Jessica Tovar - Spoke regarding Local Clean Energy Alliance works for equity and clean energy and in spirit with the Black Lives Matter movement and uprising, wanted to define what LCEA means by equity and vulnerable communities. Black, Indigenous people, people of color, low-income, disabled, elderly, youth, immigrants, renters, and the unhoused community. Communities that are systematically excluded, made invisible, marginalized, and often sacrificed for people of privilege to reap the benefits. LCEA advocated for a LDBP to bring community benefits to these communities. would like to call on EBCE to uplift these communities by its investments, hiring- including EBCE staff hiring and contracting. Stating that not doing so is participating in system inequities that affect the East Bay's most vulnerable communities.

Blair Beekman - Spoke regarding the Monday, 6/15/20 CAC Monday stating it was nice to hear public input at meeting and requested that the Board take the community input to heart. B. Beekman also spoke regarding the power content.

Tom Kelly - Spoke requested staff and the Board to take an expansive view on the Brown Act and requested that attachment items be available as soon as possible.

Aleta Dupree - Spoke regarding interest in EBCE's work and mentioned challenges to sourcing electricity during summer months, thanked staff for the work they have done to keep rates stable. A. Dupree also spoke regarding energy renewables content, consumption, ways to flatten the Duck Curve and requested staff to assist in battling the power safety. A. Dupree requested that everyone remember to include the Service-Disabled Veterans in the vulnerable communities and equity measures.

CONSENT AGENDA

6. Approval of Minutes from May 20, 2020

7. Contracts entered into (Informational Item)

8. Second Amendment to Agreement with TRC Engineers

Adopt a Resolution authorizing the CEO to negotiate and execute the Second Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to add new scope and personnel, and allocate an additional \$20,000 to the Agreement, for a total amount not to exceed \$240,000.

9. First Amendment to Consulting Services Agreement with Recurve Analytics

Adopt a Resolution authorizing the CEO to execute a First Amendment to the Consulting Services Agreement with Recurve Analytics (“Recurve”) to extend the term, to add to the scope, and to increase the compensation by \$125,000, for a total amount not to exceed \$225,000.

R-2020-10

Director Hernandez (SL) Motioned to approve the Consent Calendar as amended:

A. Correct May 20, 2020 minutes to reflect General Counsel signing authority struck from Sponsorship Policy

Director Arreguin Excused: Directors Hernandez (Dublin), Rood, Chair Kalb

REGULAR AGENDA

10. CEO REPORT

- A. Executive Committee;
- B. Finance, Administrative and Procurement Subcommittee;
- C. Marketing, Regulatory and Legislative Subcommittee; and
- D. Marketing and Account Services Update

11. Community Advisory Committee Report

Vice-Chair Franch recognized CAC member Brinda Thomas who completed a 2-year term on the advisory committee.

12. Consideration of a merit bonus for the Chief Executive Officer, Pursuant to the Employment Agreement Between the East Bay Community Energy Authority and Nicolas Chaset, Dated October 17, 2018, as Amended Effective December 16, 2019 (Action Item)

The Board Discussed:

- CEO performance and Leadership
- Economic Situation and challenges
- CEO Contract and Comparison to other CCA CEOs
- CEO’s response to Covid-19

Audrey Ichinose - Spoke regarding the current events and requested the Board consider other ways to reward and compensate the CEO and consider a salary increase for staff in solidarity with those in the EBCE community facing financial uncertainty due to current events surrounding Covid-19 and Black Lives Matter.

Jessica Tovar - Echoed previous comments and mentioned similar agencies who have frozen staff pay increases due to the financial situation facing the community at this time.

Tom Kelly - Spoke in opposition of granting the CEO a merit bonus due to the optics surrounding current events and the proposed EBCE budget. T. Kelly also recommended deferring the merit bonus to 2021.

Vice-Chair Martinez motioned to approve a merit bonus of 3.5% for the CEO. Director Pentin seconded the motion which passed 11/1/1; No: Director Haggerty; Abstained: Director Pilch; Excused: Director Rood and Chair Kalb

- 13. Extension of Temporary Revision to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy (Action Item)**
Adopt a Resolution to Extend the Temporary Suspension of Certain Customer Terms and Conditions and Administrative Policies for an Additional Period of 90 Days During the COVID-19 Pandemic, and extend the suspension of the "Failure to Pay" section of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 90 days.

Jessica Tovar - Spoke in support of the extension of temporary Revisions to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy due to huge financial impacts to the community.

Aleta Dupree - Spoke in support of the extension stating that it helps the community and the EBCE brand as a community supported program. A. Dupree also commented on how the extension helps reach vulnerable communities, such as Service-Disabled Veterans.

Blair Beekman - Echoed previous speakers and thanked EBCE for the extension of the temporary suspension.

Director Arreguin motioned to approve the Extension of Temporary Revisions to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy, Director Patino seconded the motion which carried 14/0; Excused: Director Rood

R-2020-11

- 14. Enrollment of New Communities: Pleasanton, Newark, and Tracy (Informational Item)**
Receive information report from staff on proposed enrollment of customers within the new member communities of Pleasanton, Newark, and Tracy during the month of April 2021.
Presented

The Board Discussed including the new member cities in the marketing strategy planning.

15. EBCE Resilience Program (Action Item)

- A. Approve the selection of two vendors in response to the Distributed Resource Adequacy (RA) Request for Proposals to deliver RA in the form of Load Modification from behind-the-meter solar and storage installations delivering resilience to EBCE commercial and residential customers.
- B. Authorize the CEO or his designee to negotiate and execute a Load Modifying Agreement with Sunrun Inc. for Load Modification up to 5.75MW/23MWh through December 31, 2032.
- C. Authorize the CEO or his designee to negotiate and execute a Load Modifying Agreement with Enel X in substantially the same form as the Sunrun agreement for Load Modification up to 5MW/20MWh through December 31, 2032.

The Board Discussed:

- RFP Process
- CAC Recommendation
- Thanked staff for the project and work involved

Al Weinrub - Called the program innovated and positive and in line with requests from the community to build community resilience. A. Weinrub also spoke regarding concerns with the distribution of funding which may leave the most vulnerable communities' projects underfunded.

Colin Miller - Requested that the Board reject these contracts in favor of seeking local vendors to increase community benefits and proceed sharing, requesting the Board increase the local hire requirement to 100%.

Crystal Huang - Gave a brief history of People Power Solar, a recipient of a community innovation grant. Thanked EBCE for the innovation of joining solar and storage. C. Huang also spoke regarding the agency's duty to increase community ownership, profit sharing and fight against systemic racism.

Ceyda Durmaz Dogan - Requested the Board increase the percentage of the system capacity in disadvantaged communities.

Audrey Ichinose - Spoke regarding comments made by previous speakers. A. Ichinose also recommended that the Board focus on subsidies to help the local religious community that help provide support for unhoused members of the community.

Jessica Tovar - Requested the Board to increase the percentage focused on disadvantaged communities to include the medical baseline ratepayers and spoke in opposition of contracting with agencies outside of the community.

Aleta Dupree - Spoke regarding electricity usage and in support of the agreements to begin creating resiliency.

Blair Beekman - Thanked staff for presenting this item at the CAC meeting on Monday and spoke in support of the program. B. Beekman also spoke against the use of smart meters.

Director Pilch motioned to approve the EBCE Resilience Program. Vice-chair Martinez seconded the motion which carried 14/0; Excused: Director Rood

R-2020-12

16. Update on 2020 Integrated Resource Plan (Informational Item)

Receive the informational update on process and status of Integrated Resource Planning (IRP) analysis.

Presented

Aleta Dupree - Spoke in support of using a mix of geographic sources for energy procurement, hedging and energy storage.

17. Fiscal Year 2020-2021 Budget (Action Item)

- A. Approve the presented budget for fiscal year 2020-2021
- B. **Modify the Bright Choice Value Proposition to a 0.5% discount as compared to PG&E Rates, effective July 1, 2020.**
- C. Modify the Brilliant 100 Value Proposition to a 2.5% premium as compared to PG&E Rates, effective September 1, 2020.
- D. Set a renewables procurement floor at the current year RPS, while maintaining 100% carbon-free content for Brilliant 100 for fiscal year 2020-2021

The Board Discussed:

- Budget scenarios
- Review process
- Value proposition
- CALeVIP

17 members of the public spoke regarding:

- Increasing the Local Development funding
- Cooperative ownership/community projects
- Black Lives Matter
- Systemic Racism
- Environmental justice and equity
- The value propositions
- Power Mix
- Personnel budget
- Budget/rate setting transparency
- Economic crises
- Building resilience
- Equity metrics
- PCIA Increases
- Donating solar + Storage systems
- Disadvantaged communities
- Creating local clean jobs
- Reducing the EV budget or diverting to public transportation

Director Arreguin motioned to approve the Non-Covid scenario lowering the Bright Choice discount from 1.5% to 1%. Director Pentin seconded the motion which carried 13/1;No: Director Haggerty; Excused: Rood

18. Legal Services Contracts Approval (Action Item)

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute contracts with select legal firms in accordance with the legal budget, totaling \$970,000 for fiscal year 2020-2021.

Director Pentin motioned to approve the Legal Services Contracts Approval. Director Arreola seconded the motion which carried 14/0;Excused: Director Rood

R-2020-13

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

Chair Kalb requested the July 1, 2020 Board retreat begin at 4:00pm.

Director Arriola acknowledged Pride month and wished everyone a Happy Pride

20. Adjourned

Key:

R - Resolution

C- Contract

P - Policy