



## **Board of Directors Meeting**

Wednesday, November 20, 2019

6:00 pm

City of Hayward  
Council Chambers  
777 B Street,  
Hayward, CA 94544

*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) 736-4981 or [Scabrera@ebce.org](mailto:Scabrera@ebce.org).*

*If you have anything that you wish to be distributed to the Board, please hand it to the clerk who will distribute the information to the Board members and other staff. Please bring at least 25 copies.*

### **1. Welcome & Roll Call**

### **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. The Board Chair may increase or decrease the time allotted to each speaker.*

### **4. Closed Session**

#### **A. Conference with Legal Counsel - Existing Litigation (\$ 54956.9)**

California Public Utilities Commission Proceeding 1909016: Order Instituting Investigation on the Commission's Own Motion to Consider the Ratemaking and Other Implications of a Proposed Plan for Resolution of Voluntary Case filed by Pacific Gas and Electric Company, pursuant to Chapter 11 of the Bankruptcy Code, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Corporation and Pacific Gas and Electric Company, Case No.19-30088

- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset
- C. **CONFERENCE WITH LABOR NEGOTIATORS** under California Government Code section 54957.6, EBCE Designated Representatives: Jesse Arreguin, Scott Haggerty, Dan Kalb, Diane Martinez, and Al Mendall Unrepresented Employee: Chief Executive Officer

**5. General Counsel Report out of Closed Session**

**CONSENT AGENDA**

- 6. **Approval of Minutes from September 18, 2019**
- 7. **Contracts entered into (Informational Item)**
- 8. **Changes to Amendment to Administrative Procurement Policy**  
Adopt a Resolution to amend the Administrative Procurement Policy. The amendments are meant to clarify procurement requirements, provide additional signing authority to the CEO, permit contracts under \$5,000 to be paid by purchase order without being Approved As To Form by General Counsel, and permit the extension of agreements with existing vendors to be amended for no more than a total term of up to five (5) years while still being subject to applicable signing authority.
- 9. **Authorize the CEO to Execute a Consulting Services Agreement with Frontier Energy, Inc.**  
Adopt a Resolution authorizing the CEO to execute a Consulting Services Agreement with Frontier Energy, Inc., retroactive to 11/1/19, to conduct services necessary to assist with the completion of municipal fleet electrification assessments and deployment plans on behalf of the cities of Albany, Berkeley, Dublin, and Oakland.
- 10. **East Bay Community Energy 2018 Emissions Factor (Informational Item)**  
Receive report on East Bay Community Energy's 2018 Bright Choice emissions factor.

**REGULAR AGENDA**

- 11. **CEO REPORT**
  - A. Finance, Administrative and Procurement Sub-committee;
  - B. Marketing, Regulatory and Legislative Sub-Committee;
  - C. Executive Committee Meeting;
  - D. New Staff;
  - E. Distributed Solar and Storage for Resource Adequacy and Customer Resilience RFP; and
  - F. Marketing and Outreach Update
- 12. **Community Advisory Committee Report**
- 13. **Chief Executive Officer Employment Agreement (Action Item)**

**14. Fiscal Year 2018-2019 Audited Financial Statements (Informational Item)**

Acknowledge and file the Fiscal Year 2018-2019 audited financial statements.

**15. Fiscal Year 2018-2019 Annual Results and Budget Comparison (Informational Item)**

Receive report comparing EBCE's financial expectations for the July 1, 2018 to June 30, 2019 fiscal year as presented in the approved, revised budget to the resulting 2018-19 fiscal year annual audit.

**16. Treasurer's Report (Informational Item)**

Receive quarterly report on EBCE Cash position.

**17. Delinquent Accounts and Collections Policy Review (Informational Item)**

Receive an update from staff reviewing the existing Delinquent Accounts and Collections Policy.

**18. Medical Baseline Customer Program Development Budget (Action Item)**

Adopt a Resolution to add \$500,000 in funding to the Fiscal Year 2020 Local Development Program Budget to develop and fund a program to address medical baseline customer needs during Public Safety Power Shutoffs.

**19. Inclusion of New Communities (Action Item)**

Receive update and analysis on including new jurisdictions within EBCE's service area;

A. Adopt a Resolution to include the Cities of Tracy, Pleasanton, and Newark within EBCE's Joint Powers Authority and service area, with customer enrollments to begin in 2021;

B. Direct staff to update Exhibit A ("List of Parties") of EBCE's Joint Powers Agreement to reflect the inclusion of new member jurisdictions;

C. Direct staff to update Exhibits B ("Annual Energy Use") and C ("Voting Shares Vote") of EBCE's Joint Powers Agreement with 2018 PG&E electric load data and to reflect the inclusion of new member jurisdictions; and

D. Adopt a Resolution to authorize staff to update EBCE's Implementation Plan to reflect the inclusion of new member jurisdictions, and to direct staff to submit the updated Implementation Plan to the California Public Utilities Commission (CPUC) before the end of calendar year 2019.

**20. Community Advisory Committee Guide (Action Item)**

Approve the proposed Community Advisory Committee Guide providing guidance on Advisory Committee candidate qualifications, membership and appointment process.

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

**22. Adjournment - to Date: Wednesday December 18, 2019**

Location: City of Hayward  
Council Chambers  
777 B Street  
Hayward CA 94544