



Board of Directors Meeting

Wednesday, September 19, 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.

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. Appoint Labor Negotiators (Action Item)

Appoint the following Board members as Labor Negotiators:

- A. Chair Kalb;
- B. Vice-Chair Martinez; and
- C. Director Mendall

5. Closed Session

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset

- B. CONFERENCE WITH LABOR NEGOTIATORS under California Government Code section 54957.6, EBCE Designated Representatives: Dan Kalb, Diane Martinez, and Al Mendall Unrepresented Employee: Chief Executive Officer

6. General Counsel Report out of Closed Session

CONSENT AGENDA

- 7. Approval of Minutes from July 17, 2019
- 8. Contracts entered into (Informational Item)
- 9. Out of State Travel (Informational Item)
- 10. Grant to Center for Climate Protection to Support Consideration of new CCAs in Central Valley
Approve a grant to the Center for Climate Protection for \$30,000 to support their Central Valley CCA project and delegate to the CEO to negotiate and execute a grant agreement
- 11. EBCE Rate Modifications (Informational Item)
Receive an update from staff regarding EBCE rate modifications

REGULAR AGENDA

- 12. CEO REPORT
 - A. Executive Committee Meeting;
 - B. Marketing, Regulatory and Legislative Sub-committee; and
 - C. Local Development Business Plan Update
- 13. Community Advisory Committee Report
- 14. Legislative Update (Informational Item)
Receive update from staff regarding Legislative matters.
- 15. Amendments to the Joint Powers Agreement (Action Item)
Discuss and recommend, if necessary, amendments to the East Bay Community Energy Joint Powers Agreement (JPA) and Direct staff to bring back proposed language relating to proposed JPA amendments.
- 16. Inclusion of New Communities (Informational Item)
Receive report on including new jurisdictions within EBCE's service area.

17. Approve Non-Standard Pricing Rate Agreement Policy and Adopt a Resolution Authorizing CEO to Negotiate and Execute Non-Standard Pricing Rate Agreements (Action Item)

Approve the Non-Standard Pricing Rate Agreement Policy and delegate to Chief Executive Officer (CEO) the authority to negotiate and execute long-term, non-standard pricing rate agreements with customers in EBCE's service area that have:

1. one or more accounts on Direct Access and place those accounts on EBCE service, and/or
2. have been granted new or additional Direct Access allocation and remain on EBCE service for those accounts

In order to retain significant foundational baseline load and avoid potential increases in greenhouse gas emissions associated with the electric service to large users within member communities.

18. Raceway North, LLC and Edwards Solar II, LLC Contract Approvals (Action Item)

A. Adopt two Resolutions authorizing the Chief Executive Officer to execute agreements with CA renewables Energy RFP awardees Raceway North, LLC and Edwards Solar II, LLC. Each agreement is expected to be operational in December 2022 and deliver all associated output, which includes energy, RECs and RA with pnode settled pricing:

1. 20-year 125MWac solar PV + 80MW/160MWh battery storage project based in Kern County with Raceway North, LLC, developed by sPower ("sPower Contract"); and\
2. 15-year 100MWac solar PV + virtual storage project in Kern County with Edwards Solar II, LLC, developed by Terra-Gen ("Terra-Gen Contract").

B. Discuss a memorandum of understanding (MOU) signed with Brookfield Renewable Partners to further discussions regarding an 80MW wind project located in Alameda County. The project was proposed into Southern California Public Power Authority's (SCPPA) recent 2019 RFP as a competitive solicitation.

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

20. Adjournment - to Date: Wednesday October 16, 2019

Location: City of Hayward
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