



Summary Minutes
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

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

Present: Directors: Haggerty (Alameda County), Pilch (Albany), Arreguin (Berkeley), Hernandez (Dublin), Bacon (Fremont), Mendall (Hayward), Carling (Livermore), Rood (Piedmont), Hernandez (San Leandro), Patino (Union City), Vice-Chair Martinez (Emeryville), Chair 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. The Board Chair may increase or decrease the time allotted to each speaker.

Jessica Tovar - Spoke regarding East Bay Clean Power Alliance's concerns over nuclear energy consideration and requested the Board make an informed decision.

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

There was no reportable action taken in closed session

CONSENT AGENDA

6. Approval of Minutes from September 18, 2019

7. Contracts entered into (Informational Item)

8. 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.

Director Mendall motioned to approve the Consent calendar except for items 8 Changes to Amendment to Administrative Procurement Policy and 10 East Bay Community Energy 2018 Emissions Factor. Director Pilch seconded the motion which passed 11/0: Excused: Director Bacon

Contract 2019-100
Resolution 2019-30

REGULAR AGENDA

9. 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.

The Board confirmed keeping current threshold of <\$100,000 for full Board approval.

Director Pilch motioned to adopt the Resolution to amend the Administrative Procurement Policy. Director Rood seconded the motion which carried 12/0

Resolution 2019-31

10. East Bay Community Energy 2018 Emissions Factor (Informational Item)

Receive report on East Bay Community Energy's 2018 Bright Choice emissions factor.

Presented

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

The Board discussed Public Safety Power Shutoff impact on Customer opt-up.

12. Community Advisory Committee Report

The Chair provided a report on the CAC Monday, 10/21/19 meeting where the committee met to discuss internal processes, worked with staff to create metrics for the LDBP Projects and provided feedback on how information is shared with the committee.

13. Chief Executive Officer Employment Agreement (Action Item)

Continued to December 18, 2019

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

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

SC

Approved

12/18/19

The Board discussed:

- **Audit letter language**
- **Accuracy of data**

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.

The Board thanked staff for management of the budget and requested a glossary of terms for ease of reading.

16. Treasurer's Report (Informational Item)

Receive quarterly report on EBCE Cash position.

The Board discussed:

- Credit Rating
- Reserve Funding minimum threshold
- Discussing reserve policy with Finance, Administrative and Procurement subcommittee

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

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

The Board discussed:

- Community Advisory committee interest in participating in the collection agency selection
- Customer communication
- Collection hierarchy

Cynthia Landry - Spoke in support of maintaining the current collections threshold.

Jessica Tovar - Spoke regarding EBCPA recommendation to create a program similar to SMUD which prevents customers from being shut off for non-payment.

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.

The Board discussed:

SC
Approved
12/18/19

- Prioritizing resiliency hubs and special consideration for multifamily residences.
- Deliverable schedule

Jessica Tovar - Spoke regarding EBCPA's support for the program, the creation of additional programs, and more resiliency hubs in different communities.

Director Arreguin motioned to adopt a Resolution to add \$500,000 in funding to the Fiscal Year 2020 Local Development Program Budget. Director Pilch seconded the motion which carried 12/0

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.

The Board discussed:

- Anticipated enrollment timeframe
- Voting shares

Director Haggerty motioned to adopt a Resolution to include the cities of Tracy, Pleasanton and Newark within EBCE's Joint Powers Authority service area and selection Voting share Option "A". Director Martinez seconded the motion which passed 11/0; Excused: Director Arreguin

**Resolution 2019-33
Resolution 2019-34**

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.

Director Mendall motioned to approve the Community Advisory Committee Guide. Director Bacon seconded the motion which carried 11/0; Excused: Director Arreguin

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

22. Adjourned