



## **Board of Directors Meeting**

Wednesday, September 16, 2020

5:00 pm

Please click the link below to join the webinar:

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

Or Telephone:

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*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 [cob@ebce.org](mailto:cob@ebce.org).*

*If you have anything that you wish to be distributed to the Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.*

1. **Welcome & Roll Call**
2. **Pledge of Allegiance**
3. **Closed Session A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset.**
4. **General Counsel Report Out of 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.*

## **CONSENT AGENDA**

6. **Approval of Minutes from July 15, 2020**

**7. Contracts entered into (Informational Item)**

**8. Adopt a Resolution Limiting Overhead Costs and/or Indirect Expenses in Contracts and Grants with Universities**

Adopt a Resolution limiting overhead costs and/or indirect expenses in contracts and grants with universities to 15 % of the contract or grant value.

**9. Adopt a Resolution Authorizing EBCE CEO to Negotiate and Execute an Agreement with Selected Vendor to Implement a Pay-for- Performance Energy Efficiency Program for EBCE's Residential Customers**

Adopt a Resolution Authorizing the CEO to Negotiate and Execute a Consulting Services Agreement with Selected Vendor to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Residential Customers, for a total amount not to exceed \$250,000 through December 31, 2021.

**10. Portfolio, Risk, and Valuation Management Software with cQuant.IO, Inc.**

Adopt a Resolution authorizing the CEO to negotiate and execute an EBCE Consulting Services Agreement with cQuant.IO, Inc. (“

”), for portfolio, risk, and valuation management software services for a 3-year subscription term with annual payments not to exceed \$151,000 in year 1, \$162,000 in year 2, and \$173,000 in year 3 with a one-time configuration and implementation fee of \$75,000 split of two payments of \$35,000 at contract signing and \$40,000 in July 2021. The total contract amount is not to exceed \$561,000.

**11. Printing and Mailing Services**

Approve a first amendment to a contract with FinalOption Corp, dba Pacific Printers, for printing and mailing services, for the period of October 1, 2020 - June 30, 2021, in an amount not to exceed \$305,000.

**REGULAR AGENDA**

**12. CEO REPORT**

- A. Executive Committee Meeting;
- B. Subcommittee Meetings;
- C. New Staff; and
- D. Marketing and Account Services update;

**13. Community Advisory Committee Report**

The CAC strongly urges that the Executive Meeting on 9/25 include a discussion of the updated policy for CAC appointments. We now have 6 members and no alternates and need to have the CAC built back up as soon as possible.

**14. CEO Employment Agreement Amendment and Bonus Consideration (Action Item)**

**15. Brilliant 100 Options for 2021 (Informational Item)**

Receive a presentation on Brilliant 100 options for 2021 and vote on the selected option at the October Board meeting.

The CAC had a null motion on this item. Our motion to advise the board on inclusion of a third rate option had a split vote with 3 for the motion and 3 opposed.

- Those supporting the motion (the motion was to not include a third rate option) put forward the lack of support for nuclear in any form with any product. Also, this appeared to be revisiting a controversial item that the board has already decided on.
- Those opposing the motion described being aware of the reduced local government revenue due to the pandemic and the tension of local governments to continue to meet GHG goals when revenue is low. There was mention of this type of option taking the choice to a very local level and the discussion moving to City Councils.

CAC members were interested in understanding other possible products being considered by staff that do not include nuclear, are at parity with PG&E, yet could meet a GHG free needs of the local governments.

There continued to be significant public dismay and rejection of a rate that includes nuclear.

**16. Prepay Overview and Approval of Counsel (Action Item)**

Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreements with the following firms for legal representation on EBCE's energy prepayment transaction:

- A. Orrick, Herrington & Sutcliffe - roles of Bond Counsel and Tax Counsel for an amount not to exceed \$400,000
- B. Chapman & Cutler LLP - roles of Disclosure Counsel and Issuer's Counsel for an amount not to exceed \$235,000

**17. August Heat Wave Summary (Informational Item)**

Receive a presentation on the historic heat wave and state-wide rolling blackouts during August 14th and 15th 2020.

**18. Integrated Resource Plan Update (Informational Item)**

Receive update on EBCE's Integrated Resource Plan (IRP) Compliance Filing.

The CAC heard this item, but has no specific advice for the board.

**19. Resolution to adopt a Rate Stabilization GASB 62 Fund (Action Item)**

Adopt a Resolution to create a Rate Stabilization GASB 62 Fund to create a more stable short-term financial position by allowing EBCE to defer revenue in years when financial results are strong.

The CAC heard this item, but has no specific advice for the board.

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

**21. Adjournment - to Date: Wednesday, October 20, 2020  
Time: 5:00 pm**