



Draft Minutes

Special Board Meeting

Building Purchase

Friday, July 9, 2021

11:30pm

<https://us02web.zoom.us/j/82761497154>

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or
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Webinar ID: 827 6149 7154

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) 906-0491 or 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

Present: Directors: Valle (Alameda County), Hernandez (Dublin), Marquez (Hayward), Hannon (Newark), Kalb (Oakland), McCarthy (Piedmont), Narum (Pleasanton), Arriola (Tracy), Vice-Chair Lopez (San Leandro) and Chair Martinez

Excused: Directors: Tiedemann (Albany), Harrison (Berkeley), Mei (Fremont), Kiick (Livermore), Patino (Union City)

2. Public Comment

This item is reserved for persons wishing to address the Committee 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 Committee 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.

There were no speakers for public comment.

3. Building Purchase (Action Item)

Review and vote on purchase agreement.

The Committee discussed:

- Cell phone tower agreement
- Inspections and final price negotiations
- AT&T lease option expiration
- LEED Certification, building efficiency and tenant improvements
- Use of first floor as community meeting space or cooling center
- Oakland permits
- Refinancing options
- Parking and public transportation

Director Hannon motioned to approve the Purchase and Sales Agreement with the following modification:

- A. **The wording of the Purchase and Sales Agreement will include non-substantive changes as recommended by EBCE's real estate counsel and broker.**

Director Hernandez seconded the motion, which passed 10/0. Excused: Directors Tiedemann, Harrison, Mei, Kiick and Patino

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

Chair Martinez thanked staff upon completion of the Altamont Pass Windmill project.

5. Adjourned at 12:24pm.



Draft Minutes

Board of Directors Meeting

Wednesday, July 21, 2021

5:00 pm

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

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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) 906-0491 or cob@ebce.org.

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

1. Welcome & Roll Call

Present: Directors: Valle (Alameda County), Harrison (Berkeley), Cox (Fremont), Marquez (Hayward), Kiick (Livermore), Narum (Pleasanton), McCarthy (Piedmont), Lopez (San Leandro), Patino (Union City), Sutter (Community Advisory), Davis (Tracy), Vice-Chair Martinez (Emeryville) and Chair Kalb (Oakland)

Excused: Directors Tiedemann (Albany), Hernandez (Dublin), Hannon (Newark), McCarthy (Piedmont)

Director Cox served as alternate for Director Mei (Fremont)

Director Davis is served as alternate for Director Arriola (Tracy)

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 **one minute** per speaker and must complete an electronic [speaker slip](#). The Board Chair may increase or decrease the time allotted to each speaker.*

Blair Beekman asked that staff create a “closed session” option for the public comment request webpage.

4. Closed Session

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

5. General Counsel Report Out of Closed Session
No reportable actions were taken.

6. Public Comment following Closed Session:

Blair Beekman spoke regarding the length of closed session.

CONSENT AGENDA

7. Approval of Minutes from June 16, 2021

8. Contracts entered into (Informational Item)

9. Treasurer's Report
Status of EBCE cash accounts.

10. Contract Amendment for Chapman & Cutler
Amend existing contract with Chapman & Cutler LLP to increase scope.

R-2021-28

11. Increase NTE with PFM for Building Finance Advisory Services
Amend the current contract NTE to \$80,000 from \$40,000 to include building purchase financial advising services in scope

R-2021-29

12. Extension of Payment Policy Suspension
Extend our suspension policy until 9/30/21 to match PG&E moratorium.

R-2021-30

13. Amendment to Subscription Agreement with Myst AI Inc.
Resolution for Board to authorize CEO to negotiate and execute an amendment to the existing contract with Myst. Memo describing background; attachments

R-2021-31

14. Request to Change the Default Rate Product for Certain Residential & Commercial Customers in the Cities of Albany, Berkeley, and Hayward to Renewable 100
Seek Board approval for the requested default product transitions/citywide opt ups to R100 in the cities of Albany, Berkeley, and Hayward

R-2021-32

Director Patino motioned to approve the Consent Agenda. Director Harrison seconded the motion which passed 14/0. Excused: Director Harrison

REGULAR AGENDA

15. CEO REPORT

A. New Employee:

Karen Lee, Senior Power Resource Associate

16. Community Advisory Committee Report

Chair Sutter announced that there will be a public meeting to discuss Environmental and Social Justice Metrics on Thursday, September 2, 2021 from 6-8pm. This meeting will be open to the public.

17. Prepay Transaction Review & Approval (Action)

Review and approve 30-year energy prepayment transaction with Morgan Stanley

R-2021-33

Blair Beekman spoke in support of creating an economy based on renewable resources and that avoids fossil fuels.

Director Hannon motioned to approve the staff recommendation. Director Narum seconded the motion which passed 13/0. Excused: Directors Valle (Alameda County) and Davis (Tracy)

18. Reimbursement Resolution for Financing Office Building Purchase (Action)

Adopt a Resolution declaring EBCE's intent to incur debt to reimburse the costs of purchasing real property for an office site at 251 8th Street, in Oakland.

R-2021-34

Blair Beekman spoke in support of the office building purchase.

Vice-Chair Lopez (San Leandro) motioned to support the staff recommendation. Director Kalb (Oakland) seconded the motion, which passed 13/0. Excused: Directors Valle (Alameda County) and Davis (Tracy).

19. Power Resources RFO Contract Approval (Action)

Approval of contracts from EBCE's 2020 Long-Term Resource RFO

R-2021-35 - 18A - Tecolote Wind

R-2021-36 - 18B - Clearway Contract

R-2021-37 - 18C - Terra-Gen Contract

R-2021-38 - 18D - Intersect Contract

The Committee discussed:

- CAC Chair Sutter provided a summary of the CAC's discussion of this item and stated that CAC members look forward to additional project development from within EBCE's service area.

Blair Beekman spoke in support of the RFO Contract Approval and in opposition to PG&E's cancellation of its battery storage contract for the Jack London Square peaker plant.

Director Cox (Fremont) motioned to approve the following resolutions:

A. R-2021-35 - 18A - Tecolote Wind

B. R-2021-36 - 18B - Clearway Contract

C. R-2021-37 - 18C - Terra-Gen Contract

D. R-2021-38 - 18D - Intersect Contract

Director Patino (Union City) seconded the motion, which passed 12/0. Excused: Directors Valle (Alameda County), Narum (Pleasanton) and Davis (Tracy).

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

Chair Martinez thanked CAC Chair Sutter for her contribution to EBCE.

21. Adjournment to Wednesday, September 22, 2021