



Draft Agenda

Board of Directors Special Meeting

Wednesday, April 7, 2022

10:00 am

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

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Webinar ID: 870 2307 1843

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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), Tiedemann (Albany), Kumagai (Dublin), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Kalb (Oakland), Cavanaugh (Piedmont), Narum (Pleasanton), Patino (Union City), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Harrison (Berkeley), Mei (Fremont), Arriola (Tracy), Edlred (CAC)

2. 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 **two 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.

REGULAR AGENDA

3. Closed Session

- a) **Conference with Labor Negotiations pursuant to Government Code 54957.6 (Labor negotiators: Dianne Martinez, Board Chair; Corina Lopez, Executive Committee Chair) (Unrepresented employees)**

4. General Counsel Report Out of Closed Session

No reportable actions were taken in closed session.

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

There were no announcements or future Board agenda item requests.

6. Adjournment to Wednesday, April 20, 2022 at 5pm.



Draft Agenda

Board of Directors Meeting

Wednesday, April 20, 2022

5:00 pm

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1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Harrison (Berkeley), Kumagai (Dublin), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Kalb (Oakland), Cavanaugh (Piedmont), Arriola (Tracy), Patino (Union City), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County), Narum (Pleasanton), Patino (Union City)

Director Harrison (Berkeley) joined the meeting at 5:07pm.

Director Kumagai (Dublin) left the meeting before 7:30pm.

Director Harrison (Berkeley) left the meeting before 8:00pm.

Director Hannon (Newark) left the meeting before 8:00pm.

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

Jessica Tovar, on behalf of East Bay Clean Power Alliance, spoke regarding four Transformative Climate Communities Grants, one of which is for \$35 million dollars, which could be used toward community-based micro-grids, decarbonization upgrades, and electrification upgrades, but it is just one of many examples of potential state and federal money outside EBCE's funds that EBCE could apply for and regrant to community groups in EBCE territory. Jessica Tovar announced that Dave McCord from the Sierra Club and who was active in advocating for EBCE had passed away.

Chair Martinez indicated that Item 17 would be heard after the Consent Agenda.

4. Closed Session

- a) Conference with Labor Negotiations pursuant to Government Code 54957.6 (Labor negotiators: Dianne Martinez, Board Chair; Corina Lopez, Executive Committee Chair) (Unrepresented employees)

5. General Counsel Report Out of Closed Session

No reportable actions were taken in closed session.

Board Clerk Bankhead indicated that Directors Tiedemann (Albany) and Kalb (Oakland) were present at the meeting, although not reflected in the roll call.

CONSENT AGENDA

6. Approval of Minutes from March 16, 2022

7. AB 361 - Finding for Continued Remote Meetings

Find that conducting in person meetings of the Board would present imminent risks to attendees' health and authorize the Board to continue meeting via teleconferencing pursuant to Government Code Section 54953(e).

8. Contracts entered into (Informational Item)

9. Treasurer's Report (Informational Item)

Report on cash balances.

10. 2021 Supplier Diversity Report Overview (Informational Item)

Overview of 2021 Supplier Diversity Report to CPUC

11. Amendment to CSA with Acterra (Action Item)

Amend existing CSA with Acterra to correct errors in the CSA and add budget for local procurement of cooktops

Tom Kelly pointed out that the Consent Calendar includes financial reports, but other committees have seen more extensive reports. Tom Kelly did not believe the Board could

adequately analyze issues like Agenda Item 17, Renewables Procurement, without actually seeing a more in depth report on the agency's financial status.

Director Hannon (Newark) motioned to approve the Consent Agenda. Director Cox (Fremont) seconded the motion, which passed 11/0. Excused: Valle (Alameda County), Narum (Pleasanton), Patino (Union City)

REGULAR AGENDA

17. Renewables Procurement (Action Item)

Adopt a schedule with annual power procurement goals for renewable and carbon-free electricity purchases as a path to reach zero emission electricity by 2030.

Tom Kelly stated this is not a plan to get to 100% renewable by 2030; it is a plan to get to 60% renewable by 2030 and 100% carbon free. Tom Kelly noted that in 2019 EBCE's Bright Choice had already 60% renewable content, but it would take another eight years to get to that point if the Board approves this plan. Tom Kelly took exception to CEO Chaset's contention that this is something that can be changed in the future and stated the Board is giving the agency a plan that will lock them into some decisions that would be different if the Board rejected this plan and instituted something more aggressive. Tom Kelly noted that a number of CCAs are at 100% renewable already, with PCE promising to get to 100% carbon free by 2025, and add that the IRP is really a document required by the CPUC to ensure the agency will be able to deliver electricity to its customers, but does not constrain EBCE from taking a more aggressive approach to reducing carbon emissions.

Chris Gilbert stated something missing from the presentation is any reference to other CCAs, utilities, etc., to see how they are doing, but it is important to measure EBCE's progress against how others are doing, and while increasing renewable and decreasing emissions is reasonable, is it the best way? Chris Gilbert stated that Tom Kelly's letter shows that EBCE is off the chart for emissions compared to other CCAs, and asked if that would be changed with this plan? Chris Gilbert urged the Board to look at others in the field and not just rely on internal projections.

Jim Lutz stated the presentation is about the Bright Choice mix, but EBCE has several cities opting up to make the renewable 100 their default. Jim Lutz asked what fraction of EBCE's total sales are Bright Choice now and how it is going to be changing with the different jurisdictions changing their defaults?

Jessica Tovar, on behalf of East Bay Clean Power Alliance, stated that in 2016 when they advocated for the East Bay Community Choice program one thing that came up was a huge emphasis on not using the unbundled RECs, what is referred to as the PCC-3 in the document, and they didn't want it because the RECs enable certain types of un clean energy to be sold and used as if it is. Jessica Tovar added that another thing they also emphasize is a strong commitment to not including nuclear energy. Jessica Tovar highlighted that forms of incineration are considered renewable in California, which is problematic with respect to environmental justice.

CAC Chair Eldred reported:

- Technically CAC voted to support the Renewables Procurement schedule, but that vote was 4 yes, 2 no, 3 abstentions, and 3 absences, so it did not pass with a majority.
- The presentation lacks important details on items CAC cares about, and CAC wished to see additional detail with respect to work force, risk, and local development.
- The vagueness of the presentation and the lack of detail in how this would affect EBCE constituencies in each community was evident in the inability to get strong support for a plan to reduce emissions, something CAC would usually be enthusiastic about.

The Board Discussed:

- Concern that the presentation does not show EBCE being at 100% by 2030, and how the presentation numbers weigh in with the demand of the jurisdictions that have opted up and will be opting up to be at 100% renewable by 2030.
- What is the path to make Bright Choice more renewable by next year?
- Cost to move the 100% renewable goal to 2025, which is the goal of many other CCAs.
- Budgeting for new renewable resource creation beyond what is represented in the presentation.
- Are behind the meter resources being explored?
- Is there any benefit to EBCE self-imposing a restriction where they would only do half as much as the state RPS allows for bucket 2 RECs, and would that get EBCE any more carbon free energy?
- Ways to structure PPC-2 transactions such that they carry zero emissions and is priced similar to a PPC-1.
- If EBCE created its Bright Choice product starting at 0.5% discount instead of 1%, would that help speed up the pathway in reducing the amount of dirty energy in the Bright Choice portfolio?
- Pathway to reducing rates more quickly in the next four years, allowing EBCE to take a pause before pushing on another four years to 2030.
- Providing additional savings to low-income residents in this time of skyrocketing electricity rates.
- Priority for EBCE to have cheaper rates than PG&E as EBCE moves into the Central Valley where customers are more concerned about economics than being green.

Director Kumara (Dublin) moved to adopt the schedule with annual power procurement goals for renewable and carbon free electricity purchases, with a path to zero emissions by 2030. Director Lopez (San Leandro) seconded the motion, which passed 12/0. Excused: Valle (Alameda County), Narum (Pleasanton), Patino (Union City)

12. CEO REPORT

13. Community Advisory Committee Report

- Chair Eldred reported that CAC is interested in agendaizing and bringing back to the Board the issue for the Community Innovation Grants.
- Chair Eldred reported that staff had made significant progress on metrics for measuring advances in equity in social, economic, and environmental balance of public projects, and will bring the item to the Board in the future.

14. Prepay Follow-on (Action Item)

Present a follow-on prepay transaction and seek approval to be enabled with consultants to facilitate the transaction.

There were no speakers for public comment.

Vice-Chair Lopez (San Leandro) motioned to approve the prepay follow-on. Director Cavanaugh (Piedmont) seconded the motion, which passed 11/0. Excused: Valle (Alameda County), Narum (Pleasanton), Patino (Union City)

15. Legislative Update (Action Item)

Update on recommended bill positions and EBCE's bill tracker

There were no speakers for public comment.

The Board Discussed:

- Backstory on AB 1960, which recommends the Governor consider certain geographic diversity, and potential for supporters try to make it a requirement and slip it through the assembly now.
- CAC urges the Board to take a support position in favor of staff's recommendations, with the exception of asking the Board to direct staff to change its support position for AB 2765, the Santiago bill, from a support position to a watch position.

Director Munro moved to accept the recommended bill positions with the caveat for AB 1960 that if the bill goes from considering to requirement that the Board or Executive Committee rediscuss the possibility of EBCE no longer supporting it; and with respect to AB 2765, should there be significant changes to the decision it be elevated to the Executive Board. Director Tiedemann seconded the motion, which passed 9/0. Excused: Valle (Alameda County), Narum (Pleasanton), Patino (Union City)

16. Approval of Default Product Change Requests: Emeryville and Dublin (Action Item)

Request Board of Directors approval for City of Emeryville to default residential (non-CARE) plus commercial customers to R100

There were no speakers for public comment.

The Board Discussed:

- Updated enrollment numbers for the cities that have most recently opted back down.

Director Tiedemann moved to approve City of Emeryville to default residential (non-CARE) plus commercial customers to R100. Director Lopez seconded the motion, which passed 9/0. Excused: Valle (Alameda County), Narum (Pleasanton), Patino (Union City)

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

There were no announcements or future agenda item requests.

19. Adjournment to Wednesday, May 18, 2022 at 5:00pm