



Draft Agenda

Board of Directors Meeting

Wednesday, May 18, 2022

5:00 pm

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

Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)
Webinar ID: 870 2307 1843

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: Tiedemann (Albany), Hahn (Berkeley), Hu (Dublin), Cox (Fremont), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Kalb (Oakland), Cavanaugh (Piedmont), Narum (Pleasanton), Arriola (Tracy), Patino (Union City), Mutzenberg (CAC), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County)

Director Hahn served as an Alternate for Director Harrison (Berkeley).

Director Hu served as an Alternate for Director Kumagai (Dublin).

Director Cox served as an Alternate for Director Mei (Fremont).

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.*

Blair Beekman stated there are important questions regarding the future of renewable energies versus nuclear energy and the future of solar and storage issues by 2023. Blair Beekman noted that EBCE has made modifications that have helped define how renewable energy is discussed at the state level, and that it is not being run by the fossil fuel industry at this point, which is needed for the future of renewables.

Tom Kelly spoke regarding EBCE's generation rates, which are 3.5% higher than PG&E, and said since the beginning of 2022 PG&E's bundle customers have been charged a PCIA charge, and it looks like EBCE has added the generation charge and the PCIA charge to both rates and discounted the Bright Choice based on a combination of those two rates, which is not the way it was intended to be done and costs rate payers considerable money. Tom Kelly also stated that Bright Choice is the dirtiest electricity in Northern California, so the rate payers are paying a premium for electricity that produces much more greenhouse gas emissions than the other CCAs and PG&E. Tom Kelly hopes most of the EBCE's anticipated windfall will be put into better rates and reducing greenhouse gas emissions.

Aleta Dupree asked how the value proposition could be improved, and as renewables get cheaper how could they take advantage of that, especially with storage? Aleta Dupree stated here is a lot of curtailment happening in the system in the non-peak seasons and it should be captured and delivered to EBCE users. Aleta Dupree is passionate about solar, storage, and conservation and practices ways to reduce heat production in the afternoons so the air conditioner does not have to work so hard.

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.

Director Hu did not return from closed session.

CONSENT AGENDA

6. Approval of Minutes from April 7, 2022 and April 20, 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. Amendment to Rate setting protocol (Action Item)

Present proposed amendment to rate setting protocol

10. Amendment to Procurement Policy (Action Item)

Present proposed Amendments to clarify parts of Procurement Policy

Jessica Tovar, on behalf of East Bay Clean Power Alliance, supported the idea of continuing to have the full amount of public meetings in regard to rates in order to have more dialogue with the community and in general around EBCE operations.

Director Narum (Pleasanton) motioned to approve Items 6, 7, 8, and 10 from the Consent Agenda, with Item 9 moved to the regular agenda. Director Hahn (Berkeley) seconded the motion, which passed 12/0. Excused: Director Valle (Alameda County), Director Hu (Dublin) and Director Cox (Fremont).

REGULAR AGENDA

9. Amendment to Rate setting protocol (Action Item)

Present proposed amendment to rate setting protocol

The Board Discussed:

- Transparency in public meetings and the eventual return of in-person meetings.
- EBCE's broad service territory and a potential situation where if there is a significant proposal or need to change the value proposition or rates, EBCE would need to have meetings in three different parts of its service territory.
- Concerns regarding the number of people attending meetings and opportunities for education, and EBCE's efforts to promote and communicate with the community.
- Unique ways EBCE engages with its customers, such as in-person at non-energy related events, which allow EBCE to encourage customers to follow them on social media.

Director Tiedemann (Albany) motioned to move the item. Director Cox (Fremont) seconded the motion, which passed 12/0. Excused: Director Valle (Alameda County) and Director Hu (Dublin). Abstain: Director Kalb (Oakland).

11. CEO REPORT

12. Community Advisory Committee Report

- Vice Chair Mutzenberg asked for prayers for Reverend Ken Chambers as he undergoes transplant surgery.
- Vice Chair Mutzenberg reported that in the legislative update the CAC unanimously voted to support staff recommended positions for SB 1020 and AB 2070, but to keep a neutral position on AB 2765.

13. Legislative Update (Action Item)

Update on recommended bill positions and EBCE's bill tracker

Blair Beekman was interested in the future of EBCE's funding program that has a public oversight component and said renewable energy allows a proactive position on positive community sustainability. Blair Beekman stated that EBCE is making such a good effort with renewable energy, but it must sure it focuses on renewable energy and not the fossil fuel end of it.

The Board Discussed:

- Status of SB 881.
- Bills' fiscal impact or impact on local governments.
- CAC advises the Board maintain a neutral position on AB 2765 due to concerns regarding the stop and go of bill funding.

Director Kalb moved to approve the recommended bill positions as presented. Director Munro seconded the motion, which passed 13/0. Excused: Director Valle (Alameda County) and Director Hu (Dublin).

14. FY 2022-2023 Budget (Informational Item)

Present draft FY 2022-2023 Budget

Aleta Dupree supported EBCE's 2022-2023 budget, wants to see investments in buildings, cooking, and trucking go forward, and hopes energy prices will stay at a level to achieve all these things. Aleta Dupree supports the idea of being forward thinking and investing in and building new renewables, rather than just buying a product from someone else.

Amos White, on behalf of 100K Trees for Humanity, asked for EBCE's support to allocate \$9 million of the budget surplus to a Cooler Communities plan that would plant trees at scale in three frontline East Bay communities, West Oakland, San Leandro, and the Eden area, as a climate investment for reduced energy cost and increase savings. Amos White stated that planting 100K trees at scale over two years at a \$3 million investment in each one of those areas would reduce energy costs, provide over \$1.1 million in annual energy savings, sequester 2,000 tons of CO₂, cool communities, and improve the public's health overall.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, appreciated that the Community Innovation Grants are now back in the budget, but noticed there is a huge disparity between \$750,000 per year towards the Community Innovation Grants versus the \$15 million grant to the UCSF Benioff Children's Hospital, and stated that \$15 million could fund 60 resilience hub micro-grids of solar and battery storage, which would address the root causes of asthma triggers as well as adult onset asthma; or fully subsidize 395 low- to moderate-income electrification and energy efficiency projects; or electrify more public transit. Jessica Tovar echoed the CAC in stating that the Benioff Children's Hospital grant actually veers EBCE off its course.

Jennifer West, on behalf of StopWaste, commented on the \$15 million grant to the UCSF Benioff Children's Hospital and stated that StopWaste is part of Bay Area Regional Energy Network (BayREN), who is the lead for the Bay Area Multi-Family Building Enhancement Program (BAMBE). Jennifer West stated that BayREN is collaborating with Asthma Start in doing energy efficiency and electrification upgrades in multi-family buildings, which addresses some of the root causes for asthma and poor indoor air quality. Jennifer West is happy to see another opportunity for collaboration and partnership as these programs continue.

Blair Beekman spoke regarding the importance of tree canopies and stated that San Jose worked with the State of California Emergency Services Department and that potential emergencies in 2023 have to be considered in the future of tree canopy building.

Chair Martinez disclosed that she had met with representatives from UCSF Benioff Children's Hospital and had received their full presentation.

The Board Discussed:

- Community Advisory Committee discussion regarding UCSF Benioff Children's Hospital grants.
- The benefits of Benioff Children's Hospital three-year grant, and that the grant money be additional, not supplanted by other money.
- Requiring statements from the UCSF Benioff regarding how the grant dollars were spent and allowing more prevention calculated in terms of patients served.
- EBCE changing the premium for going 100% renewable, and extending the proposal down to be at parity relative to PG&E.
- Finding a path forward to get all 15 of EBCE's jurisdictions online with Renewable 100, and getting the participation of the most economically vulnerable.
- Whether the staff's recommended Bright Choice discount rate would be sustainable.
- Future mechanism to get EBCE grant money trickling down to community health centers, which are the first line of care before kids end up in the hospital.
- Spending the budget surplus on expenses that are time limited, rather than on necessary ongoing expenses, or finding a balance between the two.
- Ramping up the Community Innovation Grants to \$3 million for three years instead of \$2.25 million for that period, and the grants to different organizations being meaningful amounts, such as \$100,000 each year over two or three years.
- Spending surplus budget funds on planting trees, as suggested by Amos White of 100K Trees for Humanity, which would address CAC comments regarding how to prevent asthma in the first place, and as a way to address pollution and heat deserts.
- EBCE using its budget surplus funds for purposes more directly related to its mission and uses, such as helping people transition to clean energy.
- How the selection process will come about.
- Programs to get low-income people into electric vehicles by getting DC fast charging into communities where multi-family housing is most dense.
- The amount of current reserve funds.
- Factors involved in childhood asthma and how the \$15 million grant to UCSF Benioff Children's Hospital would fund science and studies that would inform EBCE programs that directly affects people in their homes.

15. Energy Prepay Transaction #2 Approval (Action Item)

Seek approval to enter into a second energy prepay transaction

There were no speakers for public comment.

The Board Discussed:

- Anticipated cost to be shared with Morgan Stanley if the transaction does not go through.
- Clause to protect EBCE by holding the price for the next ten years.

Director Hannon (Newark) motioned to approve Energy Prepay Transaction #2. Director Cox (Fremont) seconded the motion, which passed 10/0. Excused: Director Valle (Alameda County), Director Hahn (Berkeley), Director Hu (Dublin), Director Cavanaugh (Piedmont), Vice-Chair Lopez (San Leandro).

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

There were no announcements or future agenda requests.

17. **Adjournment** to Wednesday, June 15, 2022 at 5:00pm