



Draft Minutes

Board of Directors Meeting

Wednesday, July 20, 2022

5:00 pm

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

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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: Valle (Alameda County), Tiedemann (Albany), Hahn (Berkeley), Eldred (Community Advisory Committee), Kumagai (Dublin), Cox (Fremont), 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: Valle (Alameda County), Arriola (Tracy)

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

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

Director Kumagai joined the meeting at 5:07pm.

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.*

There were no speakers for public comment.

CONSENT AGENDA

4. **Approval of Minutes from June 15, 2022 and July 6, 2022**
5. **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).
6. **Contracts entered into (Informational Item)**
7. **Pisenti & Brinker Contract Extension**
Amend Financial Auditor consulting services agreement to extend for two (2) years.
8. **Sunrun Resource Adequacy Amendment**
Amend Sunrun Resource Adequacy contract.
9. **Celery Design Contract Amendment**
Amend Celery Design contract.
10. **Acterra Amendment**
Second Amendment to consulting services agreement with Acterra.
11. **TRC Amendment**
Fourth Amendment to consulting services agreement with TRC Engineers.
12. **Treasurer's Report**
Report on the cash position as of June 30, 2022.

There were no speakers for the Consent Agenda.

Director Hannon motioned to approve the Consent Agenda. Director Patino seconded the motion which passed 12/0. Excused: Directors Arriola, Kumagai, and Valle.

REGULAR AGENDA

13. CEO REPORT

- A. Executive Committee
- B. Special Board Retreat - Power Procurement
- C. New Staff

14. Community Advisory Committee Report

- Chair Eldred reported that the CAC met July 18th:
 - Welcomed Member Souza as a full member to replace Mary Sutter.

- Received public comment primarily focused on concern regarding the proposed \$15 million grant to Benioff Children's Hospital, and the power content label.
- Heard the request from CAC Members and the public to learn what is preventing the implementation of a virtual net energy metering project.
- Discussed whether EBCE is looking at the life cycle of solar panels, and the customer relationship with solar leasing contracts that are endorsed by EBCE.

15. Legislative Update (Action Item)

Update on recommended bill positions and EBCE's bill tracker.

There were no speakers for public comment.

CAC Chair Eldred Reported:

- The CAC voted six in favor of staff's recommendation of opposition unless amended on SB 1385, the Cortese bill, with one abstention.

Director Munroe moved to adopt staff's recommendation of opposition unless amended for SB 1385. Director Cavanaugh seconded the motion which passed 13/0. Excused: Directors Arriola and Valle.

16. Prepay Transaction Summary (Informational Item)

Summary of Prepay #2 transaction closing details.

There were no speakers for public comment.

17. Joint Rate Mailer and Draft 2021 Power Content (Informational Item)

Overview of the contents in the upcoming Joint Rate Mailer.

Aleta Dupree said EBCE was doing a good job, but needs to explain why it still has 1.7% of nuclear and 40% of "unspecified power," and asked why EBCE is buying so much of its power in unspecified product as opposed to large hydro? Aleta Dupree added that unspecified power has a very high CO2 content.

Tom Kelly stated that EBCE had promised to beat PG&E on greenhouse gases, but it has not done so, and it has fallen below PG&E on renewables as well.

CAC Chair Eldred Reported:

- Comments and questions from the CAC and the public included a desire to understand more about the unspecified power and to see a lower amount of that unspecified power in the mix, and questions regarding the future potential to offer Renewable 100 at a price on parity with PG&E.

The Board Discussed:

- Why large hydro is not included in EBCE's renewables.
- Challenges ahead for EBCE and cities that have not yet transitioned to Renewable 100.
- The future of nuclear energy.

18. Director and CAC Stipend Update (Action Item)

Increase the stipend to account for inflation and set a limit up to four (4) stipends per calendar month.

There were no speakers for public comment.

The Board Discussed:

- Lowering barriers to public participation as a member of the Community Advisory Committee.
- COLA increase for Board members and the Community Advisory Committee.
- The importance of stipends to CAC members.
- The differences between CAC and Board members.
- CAC's role as an integral part of EBCE
- Compensation strategies of comparable regional agency advisory committees
- Whether the Executive Committee should consider if stipends paid to EBCE Board members should be reconsidered in terms of an amendment to the JPA.

Director Hannon motioned to support staff's recommendation to increase the CAC stipend to \$75 per meeting, including the COLA. Director Cox seconded the motion.

Director Hahn motioned to bring the CAC stipend to exact parity with the Board members, which is \$100 plus a CPI of \$120.07, and the exact terms. Director Tiedemann seconded the motion.

Director Kalb offered a friendly amendment that a dollar amount for CAC compensation be set by a vote of the Board.

Director Hahn, the maker of the motion, accepted the friendly amendment to the motion.

Director Tiedemann, the seconder of the motion, accepted the friendly amendment.

Director Hannon withdrew his motion.

Director Cox withdrew her second to the motion.

Director Hahn restated the motion, with the friendly amendment, to set the compensation for CAC members at \$100 plus cost of living and on the same terms as Board members with a CPI of \$120.07, with up to four meetings per month. The motion passed 12/0.

Excused: Directors Arriola, Patino, and Valle.

19. Chair and Vice-Chair Elections (Action Item)

Elections for EBCE Chair and Vice-Chair.

There were no speakers for public comment.

Director Kalb motioned to nominate Chair Martinez and Vice Chair Lopez as Chair and Vice Chair for the remainder of the 2022 calendar year. Director Marquez seconded the motion which passed 12/0.

Excused: Directors Arriola, Patino, and Valle.

20. Schedule EBCE Board Meeting (Informational Item)

Schedule EBCE Board meeting to approve AB 361 legislation.

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

Director Munro requested a subcommittee be formed to address questions of public participation and compensation.

Director Marquez echoed Director Munro's recommendation and requested an update on the current makeup of the CAC, the number of vacancies, the recruitment process, and how many alternate positions are available.

Director Kalb announced that the 20th anniversary of Oakland's Art and Soul free outdoor festival would be held on Saturday, July 23rd.

Director Cox announced the Fremont free concert series at Lake Elizabeth every Thursday until August 11th, the Fremont Arts and Wine Festival on the first weekend in August, and the India Independence Day parade on August 20th.

22. Adjournment to Wednesday, September 21, 2022 at 5:00pm.



Board of Directors Special Meeting

Draft Minutes

Monday, July 25, 2022

2:00pm

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Excused: Members: Harrison (Berkeley), Mei (Fremont), Kalb (Oakland) and Vice-Chair Lopez (San Leandro)

2. Pledge of Allegiance

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There were no speakers for public comment.

4. 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).

Member Kumagai moved to approve the motion. Member Narum seconded the motion, which passed unanimously.

Yes: Members: Valle (Alameda County), Tiedemann (Albany), Kumagai (Dublin), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Cavanaugh (Piedmont), Narum (Pleasanton), Arriola (Tracy), Patino (Union City), Eldred (Community Advisory Committee) and Chair Martinez (Emeryville).

Excused: Members: Harrison (Berkeley), Mei (Fremont), Kalb (Oakland) and Vice-Chair Lopez (San Leandro)

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

There were no announcements or requests to place items on future Board agendas.

6. Adjournment to Wednesday, September 21, 2022 at 5:00pm