



Draft Minutes

Board of Directors Meeting

Wednesday, September 21, 2022

5:00 pm

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

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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: Tiedemann (Albany), Harrison (Berkeley), Kumagai (Dublin), Cox (Fremont), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Cavanaugh (Piedmont), Arriola (Tracy), CAC Chair Eldred, Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

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

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.*

Jane Kelly spoke regarding EBCE's seven-year plan to create a carbon-free default product, stating that this timeline should be accelerated. Jane Kelly noted that other

Northern California CCAs are already within percentage points of carbon-free electricity.

Blair Beekman stated that the nuclear energy in EBCE's power content mix is not discussed sufficiently. Blair Beekman also urged EBCE to invest in nuclear-free clean energy technologies.

Jessica Tovar, East Bay Clean Power Alliance, stated that EBCE should focus its investments in the development of clean energy technologies for the local communities in its service area.

Tom Kelly spoke regarding EBCE's Power Content Label, noting that the carbon emissions for EBCE's Bright Choice product compares unfavorably to PG&E. Tom Kelly stated that he hopes to work with local cities to create 100% renewable programs that are also nuclear-free.

Alan Marling (read from written statement):

"I am in favor of nuclear energy. There is a large amount of fear regarding the technology, due to the availability heuristic and the fixation on past disasters on outdated equipment. Nuclear power plants made to new standards are safe and will help avert the climate crisis.

This is not to say we should pursue nuclear energy exclusively but instead as part of a green energy portfolio, with wind and solar. I mentioned this because NIMBY's against solar farms will often show up and say that nuclear energy is better. I suspect they also attend planning meetings for nuclear power plants to say solar energy is far safer. The reality is we will need both."

Chair Martinez moved that Item 15 - Update on Integrated Resource Planning Analysis (Informational Item) be heard after Item 11 - Stockton JPA Membership.

CONSENT AGENDA

4. Approval of Minutes from July 20, 2022 and July 25, 2022
6. Contracts entered into (Informational Item)
8. Resolution to Authorize CEO to Negotiate and Execute Lease for EBCE HQ (1999 Harrison)
Requesting the Board to delegate authority to EBCE CEO to complete negotiations and sign the contract

Chair Martinez moved Item 5, AB 361 - Finding for Continued Remote Meetings, from the Consent Agenda to the Regular Agenda.

Community Advisory Committee (CAC) Chair Eldred moved Item 7, 2021 Power Source Disclosure Annual Report and Power Content Label, from the Consent Agenda to the Regular Agenda.

Vice-Chair Lopez motioned to approve Consent Agenda Items 4, 6, and 8. Director Arriola seconded the motion. The motion passed 11/0. Excused: Directors Valle, Kalb, Narum, and Patino.

Jim Lutz spoke regarding Consent Agenda Item 6, Contracts Entered Into, stating that more information should be provided about contracts.

Blair Beekman spoke regarding EBCE's power content label and urged EBCE to increase its transparency and accountability to the public.

REGULAR AGENDA

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).

The Board Discussed:

- The ongoing risk of contracting COVID
- Alternative hybrid meeting locations in Fremont and Pleasanton
- Preferences for in-person meeting times
- Hybrid meeting options
- Questions about the ability of Board members to participate while maintaining privacy about health matters
- Community Advisory Committee future meeting arrangements
- Identifying best practices

Vice Chair Lopez motioned to approve the findings for continued remote meetings. Director Harrison seconded the motion, which passed 11/0. Excused: Directors Valle, Kalb, Narum, and Patino.

7. 2021 Power Source Disclosure Annual Report and Power Content Label

Requesting the Board to accept and attest to the 2021 Power Source Disclosure Report and Power Content Label

The Board Discussed:

- Clarification of "unspecified energy" in the Bright Choice power content label
- Power content label public education and outreach

Director Munro motioned to approve the 2021 Power Source Disclosure Annual Report and Power Content Label. Director Cox seconded the motion, which passed 11/0. Excused: Directors Valle, Kalb, Narum, and Patino.

9. CEO REPORT

- A. Executive Committee Meeting
- B. Finance, Administration and Procurement Subcommittee Meeting
- C. Marketing, Regulatory and Legislative Subcommittee Meeting
- D. New Staff
- E. Marketing and Account Services Update

10. Community Advisory Committee Report

- CAC Chair Eldred reported that Member Jane Franch had stepped down from the CAC, effective September 19, 2022. Lisa Hu accepted the appointment from CAC alternate to member representing the North region.
- CAC Chair Eldred stated that the CAC has two alternate positions open with no at-large alternates to fill these positions.
- CAC Chair Eldred stated that the CAC received public comment regarding Tom Kelly's public records request about the proposed \$15 million grant to UCSF Benioff Hospital.
- CAC Chair Eldred stated that CAC members have requested information about EBCE job creation, including union job creation, and the progress of EBCE's Diversity, Equity, and Inclusion goals.

11. Stockton JPA Membership (Action Item)

Board to vote to add Stockton to JPA and EBCE Service Territory

City of Stockton Council Member Dan Wright (read from written statement):

“Chair Martinez, Vice Chair Lopez, and members of the Board,

My name is Dan Wright, councilmember from the City of Stockton. I am sorry I am unable to speak in person tonight, but I am in Washington, DC, advocating for the San Joaquin Valley as a member of the San Joaquin Valley Regional Policy Council. I enthusiastically support your approval of Item 11: Stockton JPA Approval. Our council unanimously approved this request earlier this month, and we feel Stockton will be an active and supportive member of the Joint Powers Authority. We examined many JPAs before beginning our collaboration with your agency, and I truly believe our partnership will be synergistic and mutually beneficial. Special thanks go to Board member Arriola, CEO Nick Chaset, and staff members Scott Haggerty and Alex DiGiorgio for their guidance as Stockton sought membership in EBCE. I look forward to your approval of Item 11 and am ready to begin work toward full implementation immediately. Thank you for your consideration.”

Jim Lutz asked if the Community Advisory Committee would be expanded as a result of the inclusion of Stockton in EBCE's Joint Powers Authority.

Tom Kelly spoke in opposition to the inclusion of Stockton in EBCE's Joint Powers Authority, stating that the Board should not approve Stockton's application unless EBCE can guarantee that the City of Stockton's carbon dioxide emissions from Bright Choice will be lower than PG&E's offer.

Blair Beekman spoke in support of developing organizational techniques that maximize openness, transparency, and public accountability.

Aleta Dupree spoke in support of the inclusion of Stockton in EBCE's Joint Powers Authority, stating that this expansion would provide an opportunity for EBCE to move solar power resources to the Central Valley and offer more clean energy options to its residents.

Larry Walter (read from written statement):

"This is to support accepting Stockton's request for membership in the East Bay community energy coverage area. I think it's important to expand access to affordable clean energy as widely as possible in California. Thank you."

Marcie Kates (read from written statement):

"I am a happy EBCE electricity payer. I strongly support including Stockton in the EBCE service area because I believe that all communities -- especially communities that have been traditionally underserved -- should have the opportunity to get clean, sustainable energy. Stockton should have the benefit of EBCE's expertise, just as I do. Thank you."

Matt Renner (read from written statement):

"I support including Stockton in the JPA because it's time to support Central Valley frontline communities in our excellent community choice program. Equity must be a central tenant of climate action and Stockton is an ideal community to support and help benefit from the powerful CCE we've built here in the east bay. Thank you!"

Trudy Garber (read from written statement):

"I support EBCE including the City of Stockton within our service area."

Enrico DiGiorgio (read from written statement):

"I support EBCE including the City of Stockton within our service area."

Miriam Walter (read from written statement):

"Dear East Bay Community Energy. I believe it is important to bring community-controlled energy choices to as many cities as possible. Therefore, I support allowing Stockton to join."

David Oppenheimer (read from written statement):

"I write to congratulate you on expanding the East Bay clean energy project to Stockton. This is an important step toward addressing climate change. Your foresight is admirable."

The Board Discussed:

- The financial stress test and the impacts on the rest of the CCAs.
- Options for Central Valley communities other than EBCE or PG&E.
- Potential shares vote changes
- Timeline for Stockton seat inclusion on the Board of Directors.

Director Cox motioned to adopt two resolutions:

- 1. To authorize the City of Stockton to join the EBCE as a member agency and signatory to the JPA Agreement, with customer enrollments to begin in 2024; and**
- 2. To authorize staff to update EBCE's Implementation Plan to reflect the inclusion of the City of Stockton, and to submit the updated Implementation Plan to the California Public Utilities Commission (CPUC) before the end of calendar year 2022.**

Director Arriola seconded the motion, which passed 11/0. Excused: Directors Valle, Kalb, Narum, and Patino.

12. Credit Facility Approval (Action Item)

Request the Board approve the new credit facility with Union Bank

Aleta Dupree spoke in favor of approval of the credit facility with Union Bank, stating that the contract will lower interest rates and carrying costs, and would favorably impact EBCE's credit rating.

Director Hannon motioned to authorize staff to move forward with financing and executing a revolving credit agreement with Union Bank. Director Marquez seconded the motion, which passed 10/0. Excused: Directors Valle, Kalb, Cavanaugh, Narum, and Patino.

13. Legislative Update (Informational Item)

Informational update on the 2022 state and federal legislative process

Jim Lutz spoke regarding SB 846. Jim Lutz requested information about the permits that Diablo Canyon will need to continue operation for another five years. Mr. Lutz also asked about the impact of Diablo Canyon's continued operation on the Power Charge Indifference Adjustment (PCIA).

Blair Beekman stated that he hopes that the operation of Diablo Canyon will not be extended beyond the current five-year term.

The remainder of Item 13 was deferred to the October 19, 2022 EBCE Board of Directors meeting.

14. Update on EBCE's Electric Vehicle Fast Charging Network Development (Informational Item)

Informational update on progress on EBCE's EV fast charging network including strategy, coordination with JPA member cities, selection of financing partners, and next steps

Aleta Dupree spoke in support of developing an EV fast charging network, stating that this network will provide increased options for renters who own electric vehicles. Aleta Dupree also stated that EBCE's EV fast charging network will provide clean and inexpensive energy, and lower demand on the grid.

Jim Lutz, spoke in support of developing an EV fast charging network, and asked about the availability of daytime commuter parking facilities that can provide access to cheap and clean daytime power. Looking forward, Jim Lutz also asked if the network that is being developed can incorporate the vehicle-to-grid-technology advances that will be developed in the next five years.

Blair Beekman spoke in support of EBCE's EV fast charging network, stating that the network will provide access to EV charging for renters and residents of low-income neighborhoods.

The Board Discussed:

- Infrastructure development
- Investment plan for municipalities
- Plan for community feedback
- Ratio of EV charging stations on private property to the total number of units
- Cost of electric vehicle structures located on private property
- Potential rate structure and pricing.
- Modeling locations for EV charging stations relative to multi-family hot spots
- Live price signaling models

15. Update on Integrated Resource Planning Analysis (Informational Item)

Informational update on progress in IRP analysis ahead of October meeting in which Board must review and approve EBCE's compliance filing, due November 1

Blair Beekman requested to know what information related to the Integrated Resource Plan can be made publicly accessible in 2023 and in the future.

The remainder of Item 15 was deferred to the next Executive Committee meeting.

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

Chair Martinez requested that staff provide an analysis of possible impacts of the passage of SB 846 on the PCIA and power mix. Chair Martinez also requested for staff to provide a contextual brief for legislators.

CAC Chair Eldred requested for staff to assess the feasibility of finding a sponsor for a trailer bill that can provide relief to CCAs for PCIA charges related to the extension of Diablo Canyon's operational lifespan.

17. Adjournment to Wednesday, October 19, 2022 between 5:00pm and 6:00pm