



Board of Directors Meeting

Wednesday, February 20, 2019

6:00 pm

City of Hayward
Council Chambers
777 B Street,
Hayward, CA 94544

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) 736-4981 or Scabrera@ebce.org.

If you have anything that you wish to be distributed to the Board, please hand it to the clerk who will distribute the information to the Board members and other staff. Please bring at least 25 copies.

1. Welcome & Roll Call

2. Pledge of Allegiance

3. Appoint Labor Negotiators (Action Item)

Appoint the Following Board members as Labor Negotiators

- A. Jessie Arreguin;
- B. Scott Haggerty;
- C. Dan Kalb;
- D. Diane Martinez; and
- E. Al Mendall

4. Closed Session

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION under California Government Code Section 54957: Performance Evaluation of General Counsel
- B. CONFERENCE WITH LABOR NEGOTIATORS under California Government Code section 54957.6, EBCE Designated Representatives: Diane Martinez, Jesse Arreguin, Al Mendall, Scott Haggerty and Dan Kalb, Unrepresented Employee: General Counsel
- C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (under Paragraph (1) of subdivision (d) of Section 54956.9) In Re PG&E corporation and Pacific Gas and Electric Company, Debtors, Bankruptcy Case No. 19-30088(DM), United States Bankruptcy Court, Northern District of California

5. General Counsel Report out of Closed Sessions held on 1/16/19 and 2/20/19

6. 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 three minutes per speaker. The Board Chair may increase or decrease the time allotted to each speaker.

CONSENT AGENDA

7. Approval of Minutes from January 16, 2019

8. Contracts entered into (Informational Item)

9. Audit Report (Action Item)

Accept report on audited financial statements for Fiscal years ending June 30, 2017 and June 30, 2018.

REGULAR AGENDA

10. CEO REPORT

- A. Executive Committee Meeting;
- B. Marketing and Outreach update;
- C. Local Development Business Plan Update and
- D. Update on Opt-out

11. Community Advisory Committee Report

12. Update on General Counsel Contract Negotiation: Executive Committee Chair Martinez to Report

13. Amendments to Net Energy Metered (NEM) Policy for Solar Customers (Action Item)

- A. Approve an amendment to the Net Energy Metering (NEM) policy to revert EBCE's policy and tariff to original surplus payment calculations for new NEM customers.
- B. Update the Electric Schedule NEM - Net Energy Metering Service to include an annual review in May of the financial outcomes of "existing" NEM accounts (interconnected before June 2018) that have 1) made payment to EBCE in the prior 12 months and 2) held a balance of at least \$100 in April. Assess whether these accounts would have had better financial outcomes on PG&E service, and if so, issue a credit or check for the difference.

14. Update on PG&E Rate Setting Timeline and EBCE Rate Setting Process (Informational Item)

Receive update and provide feedback on proposed EBCE rate setting process.

15. Local Development Business Plan Update (Informational Item)

Accept Local Development Plan update on planned activities during the remainder of FY18-19 and planning activities for FY19-20.

16. Local Development Plan and Reach Codes program (Action Item)

Adopt a resolution authorizing the CEO to negotiate and execute a contract, in a form substantially similar to the EBCE Consulting Services Agreement, with TRC Consulting, an engineering, management and construction firm with offices in Alameda county with extensive experience with Reach Codes in California, for a period of 12 months, in an amount not to exceed \$200,000 in total compensation.

17. California Renewable Energy RFP Power Purchase Agreement Review and Update (Informational Item)

Review a summary of EBCE's form Power Purchase Agreement (PPA) for renewable energy procurement and receive a status update on the California Renewable Energy Request for Proposals.

18. WeWork Lease Renewal (Action Item)

Authorize EBCE to extend office space lease with WeWork for up to 12 months at a cost not to exceed \$50,000 per month, to allow staff to continue search for office space that meets the criteria set forth by the Board of Directors on 1/16/19:

1. Within ¼ mile of a BART station
2. Class A or B office space able to accommodate 30 to 40 staff
3. Large enough conference room to host Community Advisory Committee, Executive Committee and Sub-Committee meetings
4. 2019 lease cost within EBCE's approved budget
5. Seismically retrofitted or newly constructed

19. Proposed 2019 EBCE Meeting Schedule (Action)

Review and accept proposed 2019 Board and Executive Committee meeting schedule.

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

21. Adjournment - to Date: Board Retreat

Wednesday, March 6, 2019

Location: Castro Valley Library,

Chabot Room

3600 Norbridge Ave.,

Castro Valley, CA 94546