



**Agenda including Addendum  
Board of Directors Meeting**

Wednesday, January 16, 2018

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](mailto: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. Closed Session**

Conference with Legal Counsel - Initiation of Litigation; Significant exposure to litigation pursuant to paragraph (4) of Subdivision (d) of California Government Code Section 54956.9 -- one case.

**4. General Counsel Report out of Closed Session**

**5. 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.*

- Note: Agenda includes the addition of Item 19  
Adopt a resolution authorizing the Chief Executive Officer to execute a credit agreement in an amount up to \$400 million for a period of three years to be used for EBCE's operations

### **CONSENT AGENDA**

- 6. Approval of Minutes from December 5, 2018**
- 7. Contracts entered into (Informational Item)**
- 8. Approve a Consulting Services Agreement with the Weideman Group for Legislative Advocacy and Advisory Services (Action Item)**  
Approve a Consulting Services Agreement with the Weideman Group for a term running January 1, 2019 through December 31, 2019, in an amount not to exceed \$125,000 to provide regulatory and legislative advocacy and advisory services.
- 9. Legal Services Agreement with Hall Energy Law PC**
  - A. Approve a Legal Services Agreement with Hall Energy Law PC for services related to drafting and negotiating Power Purchase Agreements in the amount not to exceed \$175,000 for the term January 10, 2019 through August 31, 2019.
  - B. Direct the General Counsel to terminate the Legal Services Agreement with Troutman Sanders.

### **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. Regulatory and Legislative Update (Informational item) Accept**  
staff regulatory and legislative update.
- 13. Change to Administrative Procurement Policy**  
Adopt a Resolution to amend the Administrative Procurement Policy to remove section 5.iv, relating to race and gender conscious preferences.
- 14. Demand Response Pilot Review (Informational Item) Accept**  
staff review of the Demand Response Pilot.

15. **EBCE Office Lease (Action Item)**
  - A. Authorize CEO to enter into negotiations for a sub-lease agreement of the 2<sup>nd</sup> floor 1212 Broadway in Oakland; and
  - B. Delegate approval of final sub-lease agreement to EBCE Executive Committee
  
16. **Audit Report (Informational item)**

Receive report on audited financial statements for Fiscal years ending June 30, 2017 and June 30, 2018.
17. **Treasurer's report (Informational Item)** Receive report on EBCE Cash position.
  
18. **2018/2019 East Bay Community Energy Mid-Year Budget Review (Informational Item)** Accept East Bay Community Energy's mid-year review of its 2018/2019 Budget
  
19. **Adopt a Resolution Authorizing the Chief Executive Officer to Execute a Credit Agreement. (Action Item)**

Adopt a Resolution authorizing the Chief Executive Officer to execute a credit agreement in an amount up to \$400 million for a period of three years to be used for EBCE's operations.
  
19. **Board Member and Staff Announcements including requests to place items on future Board Agendas**
  
20. **Adjournment** - to Date: Wednesday, February 20, 2019      Location: City of Hayward, Council Chambers  
777 B Street  
Hayward, CA 94541