



Special Meeting
Board of Directors Meeting
Wednesday, September 26, 2018
6:00 pm
City of San Leandro
Council Chambers
835 E. 14th Street,
San Leandro, CA 94578

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. **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

4. **Contracts entered into (Informational Item)**
5. **Agreement with Troutman Sanders for Power Procurement Legal Services (Action Item)**
Approve an agreement with Troutman Sanders in the amount of \$225,000 for the term commencing September 1, 2018 through August 31, 2019.
6. **Printing and Mailing Services**
Approve an agreement with FinalOption Corp, dba Pacific Printers (Principal: Location:) for Printing and Mailing Services, for the period of 9/26/18 – 12/31/19, in an amount not to exceed \$925,000.

REGULAR AGENDA

7. **Approval of Minutes from July 18, 2018**
8. **CEO REPORT**
 - A. Executive Committee Meeting;
 - B. Marketing and Outreach update;
 - C. Local Development Business Plan Update; and
 - D. Update on Opt-out
9. **Community Advisory Committee Report**

The Community Advisory Committee held two meetings and formed an ad-hoc committee since we last met.

 - **We drafted and approved amendments to the CAC Workplan, which will be presented Friday at the Executive meeting. Once approved, we will turn in our first projects, which we expect to be around the LDBP local development early actions through the formation of an LDBP subcommittee or working group, and looking at rates and modeling. We are working with staff and expect to bring those items to the Board in October or November.**
 - **We've continued work on an internal guidebook for CAC members to help orient new members and alternates, including working with staff on our Policies and Procedures.**
 - **We have sworn in 1 alternate, and the application process for 2 others is beginning on Friday. Staff will send push notifications once the application is live. Please help distribute the application.**

10. Treasurer's Report

Receive report on EBCE Financials.

11. Legislative and Regulatory Update (Informational Item)

Receive an update on the 2018 California Legislative session.

We are currently in a quiet period with leadership at the CPUC. If that quiet period gets lifted, there are a variety of tools to help folks advocate in support of a PCIA that is fair for ratepayers and our communities.

California Alliance for Community Energy (CACE) has an action alert letter in opposition of PCIA increase, directed at legislators (rather than CPUC commissioners) which are not subject to the quiet period- <http://cacomunityenergy.org/>

12. EBCE Co-Branding and Collaboration Policy (Action Item)

Review and approve a policy on EBCE co-branded marketing materials.

13. Rate Setting Protocol (Action Item)

Authorize EBCE staff to ministerially modify EBCE rate schedules as needed to be consistent with the rate objectives established by the Board in setting rates, and work with the billing services vendor to implement any rate adjustments so that all EBCE customers receive the published value proposition for the service level they receive. Staff will report to the Board in advance of, and at the Board meeting immediately following, any adjustments to the rate schedules.

The CAC had a lengthy discussion on this topic at our Aug 29th meeting and made no recommendations to revise the proposed protocol. This item is procedural on how to maintain the value proposition relative to PG&E, which the Board has already approved.

The CAC looks forward to the opportunity to discuss annual rate setting policy in July as proposed, which differs from the Rate Setting Protocol before us today.

14. Carbon emission Benchmarking and Accounting Methodology (Informational Item)

Receive information regarding EBCE's Carbon emissions benchmarking and Accounting methodologies.

15. Auditor Appointment (Action Item)

Approve the following recommendations:

1. Adopt a resolution appointing Pisenti & Brinker LLP to complete the audit of EBCE's annual financial statements for the years ending June 30, 2017 and June 30, 2018.
2. Approve an agreement with Pisenti & Brinker, LLP for audit services in the amount of \$11,250, for a term ending 6/30/19.

16. Amendments to the Joint Powers Agreement (Action Item)

Discuss proposed amendments to the East Bay Community Energy Joint Powers Agreement (JPA) and Direct staff to bring back proposed language relating to proposed JPA amendments.

17. Approve EBCE application for voluntary enrollment in the California State Disability Insurance Program (Action Item)

Adopt a resolution to allow East Bay Community Energy (EBCE) to submit an application to voluntarily enroll in the California State Disability Insurance program to provide EBCE employees' access to Paid Family Leave and State Disability Insurance coverage.

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

Member Padilla: Given pending impacts on our rates from PCIA decision, SB237, and other pending issues, request to have staff review financials and impacts on pro forma and our value proposition.

19. Adjourned