



**\*Draft Minutes\***

**Board of Directors Meeting**

Wednesday, July 18, 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.*

**1. Welcome & Roll Call**

**Present:** Pilch (Albany), Arreguin (Berkeley), Hernandez (Dublin), Martinez (Emeryville), Bacon (Fremont), Mendall (Hayward), Rood (Piedmont), Thomas (San Leandro), Dutra-Vernaci (Union City), Eldred (Community Advisory), Vice-chair Kalb (Oakland) and Chair Haggerty (Alameda County)

**Excused:** Director Spedowski (Livermore)

**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.*

**Richard Rollins** - Spoke regarding AB813 and his concerns with CAC and Board communication.

**Bruce Staggy** - Spoke regarding the City of Pleasanton and inquired about EBCE's outreach efforts and how to support EBCE's efforts.

**Barbara Stebbins** - Spoke regarding concerns with agenda language and posting of materials.

**Ralph Cavanaugh**- Spoke in regarding AB813 (Holden) and recommended EBCE support the bill.

**Al Weinrub** - Spoke regarding AB813 and recommended EBCE oppose the bill.

### **CONSENT AGENDA**

4. **Approval of Admail-Express Inc. Agreement for Printing and Mailing Services**  
Approve the Agreement for Printing and Mailing Services with Admail-Express Inc. for a term of July 18, 2018 to December 31, 2019 in an amount not to exceed \$1,125,000  
**C-2018-70**
  
5. **Approval of Amendment to Circlepoint Agreement for Community Outreach, Marketing, and Customer Notification Services**  
Approve an amendment to the Agreement with Circlepoint for Community Outreach, Marketing, and Customer Notification Services, to revise the scope of work, staffing, subconsultants, and schedule to provide for Phase 2 residential marketing and outreach and increase the contract amount by \$530,510  
**C-2018-69**
  
6. **Approve Selection of Portfolio Management and Technical Energy Regulatory Analysis Vendors in Response to Technical Energy Services Request for Proposals (Action Item)**  
Approve the following Recommendations:
  - A. Approve the selection of two portfolio management and four technical energy regulatory analysis vendors in response to Technical Energy Services Request for Proposals technical area 3.3: Portfolio Management Services and 3.5: Technical Energy Regulatory Analysis; and
  - B. Authorize the CEO, or his designee, to negotiate and execute Master Service Agreements with these vendors. The Master Service Agreements will be for a one-year term and the total value of all task orders associated with all Master Service Agreements not exceed \$700,000

**Director Rood motioned to approve the consent calendar. Director Bacon seconded the motion which carried 9/0: Excused: Directors: Martinez, Spedowfski and Chair Haggerty**

### **REGULAR AGENDA**

7. **Approval of Minutes from June 20, 2018**  
**Director Arreguin motioned to approve the minutes as amended:**
  - A. **Correct Attendance to show Director Arreguin attended the meeting, not his Alternate.****Director Rood seconded the motion which carried 8/0/1; Abstained: Director Dutra- Vernaci; Excused: Directors: Martinez, Spedowfski and Chair Haggerty**

**8. CEO REPORT**

- A. Executive Committee Meeting report; and
- B. Update on Opt-outs  
**Presented**

The Board requested additional information on types of opt-outs and staff efforts to retain customers.

Director Martinez in at 6:26pm

**9. Approve Local Development Business Plan (Action Item)**

Approve a resolution to adopt the Local Development Business Plan and direct the CEO, or his/her designee, to develop implementation plan(s) for the Early Actions outlined in Section 1 of the Local Development Business Plan, and to file a notice of exemption under CEQA with Alameda County.

**16 members** of the public spoke in support of the LDBP; Community Engagement during the LDBP drafting; Creation of Local jobs; Community Benefits and made recommendations on how to implement the LDBP.

The Community Advisory Committee acknowledged and thanked the community for their engagement with the LDBP consultants

**The Board Discussed:**

- Thanked the LDBP team for metrics used in the plan
- Implementation of the LDBP
- Reporting progress to the Board
- Prioritizing Municipal Feed-in Tariff projects
- Concerns with images used in plan

Chair Haggerty in at 7:16pm

**Director Bacon motioned to adopt a resolution approving the Local Development Business Plan. Director Vernaci-Dutra seconded the motion which carried 11/0; Excused: Director Spedowski**

**10. Approve Filing of Integrated Resource Plan with California Public Utilities Commission (Action Item)**

Delegate to EBCE Staff authority to make necessary revisions to attached Draft Integrated Resource Plan to ensure Plan meets CPUC compliance requirements and authorize the CEO or his designee to file the EBCE Integrated Resource Plan with the CPUC on or before the deadline.

R-2018-32

**Vice-chair Kalb motioned to approve the filing of the Integrated resource plan with the California Public Utilities Commission. Director Mendall seconded the motion which carried 11/0; Excused: Spedowski**

**11. Amended and Restated Administrative Procurement Policy (Action Item)**

Adopt a resolution to approve the amended and restated Administrative Procurement Policy (The “Policy”).

The Board requested additional explanation of staff contract signing authority and controls.

**Director Arreguin motioned to approve the amended and restated Administrative Procurement Policy. Director Mendall Seconded the motion which carried 11/0; Excused: Spedowski**

**12. Approve EBCE Legislative Program (Action Item)**

Approve EBCE’s Legislative Program.

**The Board discussed**

- CAC concerns with material posting and time to review policy
- CAC: Section 4.9 of the JPA defines CAC workplan approval, expectation on CAC focus areas
- Relevancy of and removing sections 1.4A and 1.4D
- Policy - Section D is too broad, sections not relevant to EBCE
- Current process to take official position on legislative matters
- How to agendize legislative requests the Board and CAC.
- Executive Committee role in reviewing when presenting to the full Board is not feasible
- Not creating blanket policies
- Staff’s ability to take legislative actions if current policy is not passed

**Richard Rollins** - Spoke regarding posting of agenda materials and requested the CAC recommend continuing the item to allow for CAC and community input.

**Al Weinrub** - Requested that there be a process for the committee to agendize items on the Board agenda, specifically Legislative matters that are of interest to the community.

**Barbara Stebbins** - Spoke regarding General Counsel’s posting requirement explanation, timing of posting of meeting materials and would like to see the legislative policy be more in line with EBCE’s guiding principles and priorities.

**Janet S.** - Spoke in support of not passing a policy until it was right for EBCE and her confidence in staff to present and make decisions on legislative matters of concern to EBCE.

**Director Mendall motioned to approve the policy as amended:**

- A. Remove items 1.4a and 1.4 D; and**
- B. Directed staff to bring back revised policy after review by the Community Advisory and Executive Committees.**

**Director Dutra-Vernaci seconded the motion which passed 11/0; Excused: Director Spedowski**

- 13. Approve EBCE Legislative Position on Senate Bill (SB) 100 (Action Item)**  
Approve EBCE taking a formal "Support" position on SB 100 (De León)

**Barbara Stebbins** -Spoke in support of SB100 and EBCE's position of support. Ms. Stebbins also spoke regarding AB813 and concerns with potential effects to CCAs.

**Vice-Chair Kalb motioned to approve EBCE legislative position of support on Senate Bill (SB)100. Director Pilch seconded the motion which passed 11/0; Excused: Director Spedowski**

- 14. Approve Legislative Position on Senate Bill (SB) 237 (Action Item)**  
Approve EBCE taking a formal "Oppose" position on SB 237 (Hertzberg)

**Audrey Ichinose** - Spoke regarding SB237 and requested information on staff analysis and recommendation.

Directors Mendall and Pilch away from the dais at 8:39pm

**Director Rood motioned to approve EBCE legislative position of opposition to Senate Bill (sb)237. Vice-chair Kalb seconded the motion which passed 9/0; Excused: Directors: Mendall, Pilch and Spedowski, Pilch**

Directors Mendall and Pilch back to the dais at 8:45 pm

- 15. Large Customer Retention (Action Item)**

Delegate to Staff the authority to develop a voluntary agreement for commercial customers that grants two calendar years of certainty that EBCE's Bright Choice and Brilliant 100 rates will not exceed PG&E's rates, in exchange for two calendar years' commitment from the customer to purchase power from EBCE. Agreement will be presented to the Board for final approval.

**The Board Discussed:**

- **Duration of retention program**
- **CCAs with similar programs**
- **Customers Reassurance**
- **Revenue potential**
- **CAC support of agreement**

**Barbara Stebbins and Jessica Tovar** - Spoke in opposition of retention program due to concerns that residential customers to subsidize commercial customers.

**Vice-chair Kalb motioned to authorize staff to develop a voluntary agreement for commercial customers. Director Bacon seconded the motion which carried 11/0; Excused: Director Spedowski**

**16. Approve Agreement with Bay Area Air Quality Management District to Receive Solar and Storage Grid Resilience Grant (Action Item)**

Approve a resolution to accept \$300,000 in grant funding from the Bay Area Air Quality Management District (BAAQMD) to promote resilient solar in critical facilities, to authorize the CEO to negotiate and execute the grant agreement, and to allocate and restrict use of the grant funds to be consistent with the grant's purpose and in compliance with the grant agreement.

**Director Arreguin motioned to approve a resolution to accept a grant from Bay Area Air Quality Management District and to negotiate and execute the grant agreement. Director Hernandez seconded the motion which carried 11/0; Excused: Director Spedowski**

**17. Appoint Alternates to the Community Advisory Committee**

Appoint two of three alternates to the Community Advisory Committee (CAC):

- A. Ernest Pacheco (Oakland) - Labor/Environmental Advocate; and
- B. Nicholas Olmstead (San Leandro) - Clean Energy Business/Energy Advocate

**Director Mendall motioned to appoint Alternates to the Community Advisor Committee. Vice-chair Kalb seconded the motion which carried 11/0; Excused: Director Spedowski**

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

Director Mendall requested that staff agendaize the Municipal-feed-in tariff program for a future meeting.

The CEO welcomed new Director of Power Resources, Bill Her

Vice-chair Kalb requested the Wednesday 9/19/18 meeting be moved in observance of Yom Kippur

Director Pilch thanked staff for the prompt availability of post meeting recordings.

**19. Adjourned**