Board of Directors Meeting
Wednesday, July 19, 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. Closed Session

   A. CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956:9: one case.

   B. 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.

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.
CONSENT AGENDA

6. Approval of Minutes:
   • June 5, 2019
   • June 19, 2019

7. Contracts entered into (Informational Item)

8. Consulting Services Agreement for Graphic and Web Design Services with Celery Design Collaborative
   Adopt a resolution authorizing the Chief Executive Officer to sign an agreement for graphic and web design services with Celery Design Collaborative for the purpose of providing graphic and web design services to EBCE for the contract period of 7/17/19 to 7/31/20, in the amount of $100,000.

9. PG&E Time-Of-Use Rate Transition
   Receive report on planned PG&E Time-of-Use (TOU) rate transition, and adopt a resolution for EBCE participation in a transition of residential and non-residential customers to a default TOU rate in concert with the efforts of PG&E.

10. Legal Services Approval
    Adopt a resolution authorizing the Chief Executive Officer, or a designee to negotiate and execute contracts with select legal firms in accordance with the board approved legal budget, totaling $1,076,000 for fiscal year 2019-2020.
    Selected law firms include:
    • Richards Watson & Gershon - General Counsel Services
    • Davis Wright Tremaine - Policy
    • Keyes & Fox - Policy/Compliance/Power procurement
    • Hall Energy Law - Power Procurement
    • Wilson Sonsini Goodrich & Rosati - Power Procurement
    • Liebert Cassidy & Whitmore - Employment/HR
    • Nixon Peabody - Finance

REGULAR AGENDA

11. CEO REPORT
    A. Executive Committee Meeting;
    B. Marketing and Outreach update; and
    C. Regulatory and Legislative update.

12. Community Advisory Committee Report

13. Sacramento Municipal Utility District (SMUD) Presentation (Informational Item)
    Receive a presentation from Director of Community Energy Services at SMUD regarding their services to EBCE

14. Treasurer’s Report (Informational Item)
    Receive quarterly report on EBCE Cash position.
15. Amended and Restated Barclays Revolving Credit Agreement (Action Item)
Adopt a Resolution approving an amended and restated revolving credit agreement with Barclays Bank PLC and authorizing the Chief Executive Officer to execute the same, to allow for issuance of Letters of Credit as well as reduce the interest cost of the facility.

16. EBCE Rate Modifications (Informational Item)
Receive an update from staff regarding EBCE rate modifications.

17. Clearway, esVolta, and SunRun Contract Approvals (Action Item)
Adopt three resolutions authorizing the CEO to:
A. Execute a 13-year 7MW/28MWh Local Greater Bay Area Resource Adequacy contract (“esVolta contract”) with esVolta/Tierra Robles Energy Storage, LLC;
B. Complete negotiations and execute a 10-year 0.5MW Local Greater Bay Area Resource Adequacy contract (“SunRun contract”) associated with behind the meter low income multi-family housing with SunRun; and
C. Execute a 15-year 112MWac Solar PV Power Purchase Agreement (“Clearway PPA”) with Clearway Energy Group/Golden Fields Solar III, LLC.

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

19. Adjournment - to Date: Wednesday September 18, 2019
Location: City of Hayward
Council Chambers
777 B Street
Hayward CA 94544