



Draft Minutes

Board of Directors Meeting

Wednesday, February 20, 2019

6:00 pm

City of Hayward

Council Chambers

777 B Street,

Hayward, CA 94544

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1. Welcome & Roll Call

Present: Arreguin (Berkeley), Dutra-Vernaci (Union City), Hernandez (San Leandro), Martinez (Emeryville), Mei (Fremont), Mendall (Hayward), Munro (Livermore), Pilch (Albany), Rood (Piedmont), Eldred (Community Advisory Committee), Vice-Chair Kalb (Oakland) and Chair Haggerty (Alameda County)

Excused: Directors Hernandez (Dublin)

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. Dianne Martinez; and
- E. Al Mendall

Director Arreguin motioned to appoint labor negotiators. Director Martinez seconded the motion which passed 9/0: Excused: Directors Carling, Dutra-Vernaci, and Hernandez.

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

General Counsel reported that EBCE will be protecting its rights in the PG&E Bankruptcy matter case number 19-30088 US Bankruptcy Court Northern District of California. In closed session Counsel provided an update on the matter received direction from the Board.

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.

Al Weinrub - CA Alliance for community energy - Spoke regarding the California Alliance for Community Energy campaign to contest the PCIA ruling and requested that the Board support the campaign efforts

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.

Vice-Chair Kalb motioned to approve the consent agenda. Director Mendall seconded the motion which carried 11/0; Excused: Director Hernandez

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

The Board requested staff to provide additional information regarding the resolution to an erroneous news report that aired on KPIX CBS 5.

11. Community Advisory Committee Report

At the 2/19/19 Community Advisory Committee meeting the CAC discussed the 2/20/19 Board agenda and provided their recommendations. The in on the agenda items, annotated agenda provided for the Board. Spoke about Roll back the CPUC decision campaign, request strong action against CPUC and support of community campaign.

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

Executive Committee Chair, Director Martinez reported that the General Counsel contract is still under review and pending negotiations.

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.

Director Mendall motioned to approve amendments to the Net Energy Metered (NEM) Policy for Solar Customers. Director Dutra-Vernaci 11/0 Excused: Hernandez (Dublin)

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.

Item pulled without discussion.

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.

The Board Discussed Item 15 and 16 together. Comments appear below in Item 16

16. Local Development Business 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.

The Board Discussed:

- **Member Cities that have discussed reach codes and how to implement them**
- **Incentives for developers to choose electric appliances and forgo natural gas**
- **The CAC support of job creation**
- **Seeking opportunity zones**
- **Opportunities to advocate for reach codes and electrification**
- **Collective capacity - Member cities partnering to opt-up to increase renewable content**
- **Electrification opportunities and incentives**

Al Weinrub - Acknowledged Jessica Tovar of the East Bay Clean Power Alliance for being awarded a Roddenberry Foundation Fellowship for her work advocating for clean energy. Requested information on which grants will be available to the community for review and input. Mr. Weinrub also spoke regarding concerns of new sources of energy built just outside the service area affecting the Local Business Development plan and stressed the importance of putting early actions into play.

Vice-Chair Kalb motioned to adopt a resolution authorizing the CEO to negotiate and execute an agreement with TRC Consulting. Director Arreguin seconded the motion 11/0: Excused Director Hernandez (Dublin)

R-2019-3

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.

Al Weinrub - Requested additional information on hiring preferences.

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

Vice-chair Kalb authorized EBCE to extend office space lease with WeWork. Director Pilch seconded the motion which carried 11/0; Excused: Director Hernandez

19. Proposed 2019 EBCE Meeting Schedule (Action)

Review, provide feedback and accept proposed 2019 Board and Executive Committee meeting schedule.

Director Mendall motioned to approve the proposed 2019 EBCE Meeting Schedule with the understanding that the 1st meeting of the month will likely be cancelled. Vice-chair Kalb seconded the motion which carried 11/0; Excused: Director Hernandez

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

Director Hernandez (San Leandro) announced that his alternate Vice Mayor Corina Lopez will attend the 4/17/19 meeting in his place.

21. Adjourned