



**Draft**

**SUMMARY MINUTES  
Board of Directors Meeting**

Wednesday, February 7, 2018

7:00 pm

Castro Valley Library Chabot Room  
3600 Norbridge Ave, Castro Valley 94546

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**1. Welcome & Roll Call**

**Present:** Directors: Pilch (Albany), Arreguin (Berkeley), Donahue (Emeryville), Bacon (Fremont), Mendall (Hayward), Spedowski (Livermore), Rood (Piedmont), Thomas (San Leandro), Dutra-Vernaci (Union City), Eldred (Community Advisory Committee); Vice-Chair Kalb (Oakland) and Chair Haggerty (Alameda County)

**Excused:** Director Biddle (Dublin)

**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*

**Audrey Ichinose** - Spoke regarding a letter sent to the Board regarding EBCE product naming convention.

**Barbara Stebbins** – Spoke regarding power sources and energy mix.

**Tom Kelly** – Spoke regarding Climate change; Cape Town, South Africa's drought and water supply expectancy; staff's proposed power mix and JPA requirements.

**Al Weinrub** – Spoke the LDBP completion delay and power mix.

**Jessica Tovar** – Spoke regarding CPUC resolution 4907 and East Bay Clean Power Alliance

**Julia Hatter** – Spoke regarding the LDBP task review and comments submitted by Rising Sun.

### **CONSENT AGENDA**

**4. Approval of Minutes from January 17, 2018**

**5. Contracts Entered into Update (Informational Item)**

**6. Appoint EBCE General Counsel position**

Appoint EBCE General Counsel and approve at-will employment agreement

**7. Approval of Administrative and Operational Policies  
Recommendation**

A. Adopt a Resolution regarding Administrative Procurement Practices, which includes

- a. The delegation of the CEO's signing authority to EBCE staff for certain types of contracts.
- b. The award of professional services agreements.
- c. Issuance of RFPs for non-professional services contracts.
- d. Evaluation of bids and proposals.
- e. Local, union labor and other preferences.
- f. Ethical vendor standards.
- g. Reporting & public access to contracts.

B. Approve by motion Delinquent Accounts and Collections

- a. Process for returning accounts to PG&E for non-payment
- b. Late-payment notification
- c. Collections

**Director Arreguin motioned to approve the Administrative and Operational policies with direction given to staff to look for proactive ways to assist delinquent customers. Director Arreguin seconded the motion which carried 11/0; Excused: Director Biddle**

**Director Mendall motioned to approve the Consent Agenda with the exception of item #7 which was voted on separately. Director Pilch seconded the motion which carried 11/0**

**R-2018-9  
P-2018-1  
P-2018-4**

**REGULAR AGENDA**

**8. CEO Report**

Accept CEO report on:

- A. Workflow Priorities; and
- B. Staff Additions

**9. Presentation on BayREN and East Bay Energy Watch (Informational Item) Presented** .

**10. Energy Risk Management Policies and Regulations (Action Item)**

**Approve the following recommendations:**

- A. Approve EBCE's Energy Risk Management Policies and Regulations, which include
  - a. Volume matching based on defined time-price matrices
  - b. Cost-at-Risk evaluation of energy portfolio
  - c. Stringent credit requirements for counter parties
  - d. Portfolio Diversification
- B. Delegate authority to CEO to form a Risk Oversight Committee to monitor EBCE adherence to Energy Risk Management Policies and Regulations

**The Board discussed:**

- Risk Oversight Committee composition
- Engaging city staff

**Director Dutra-Vernaci motioned to Approve the Energy Risk Management Policies and regulations. Director Kalb seconded the motion which carried 12/0**

**11. Rate Discount and Power Content Guidelines (Action Item)**

**Approve the following recommendations:**

- A. Approve EBCE to offer Phase 1 Customers a 2% discount on Bright Choice rate option and no discount on Brilliant 100 rate option
- B. Approve minimum power content guidelines for Bright Choice and Brilliant 100
  - a. Bright Choice: 35% RPS Eligible Renewables, 35% Carbon-free (total of 70% Carbon-free)
    - i. Renewable and Carbon-free power content being set is a minimum threshold which EBCE will seek to exceed when procuring energy
  - b. Brilliant 100: 40% RPS Eligible Renewables, 60% Carbon-free (total of 100% Carbon-free)
    - i. Renewable power content being set is a minimum threshold which EBCE will seek to exceed when procuring energy
- C. Provide feedback on Energy Product Roadmap, including
  - a. Offering 3rd product at Phase 2 launch focused on funding community benefits
  - b. Offering 100% renewable energy product for large commercial and municipal accounts focused on building new renewable projects for specific large loads in late 2018/early 2019
  - c. Offering 100% Community/Shared renewable energy product in 2019

**Jessica Tovar** – Spoke regarding discount rate, product options, and completion of the LDBP.

**Al Weinrub** – Spoke regarding discount rate, power sources/content and community goals for EBCE.

**Tom Kelly** – Spoke regarding power sources and JPA requirements.

**Jing Jing Zhan**- Spoke regarding power sources

**Melissa Yu** – Spoke regarding Brilliant 100 power content, renewable options

**The Board discussed:**

- Financial reserve requirements
- Discount rate options
- Power mix
- Program “Clean” goals
- Initial Power contract terms

**Director Mendall motioned to approve staff recommendation as amended:**

- A. Discount rate of 2%; and**
- B. Bright Choice will have a minimum 35% RPS eligible renewables and 50% ghg-free**

**Director Spedowski seconded the motion.**

**Vice-chair Kalb made a substitute motion to approve staff recommendation as amended:**

- A. Discount rate of 1.5% and**
- B. Bright Choice power mix will be minimum 38% RPS eligible renewables and 47% ghg- free.**

**Director Bacon seconded the motion which passed 6/5; Ayes: Directors: Bacon, Donahue, Dutra-Vernaci, Pilch, Rood and Vice-Chair Kalb; Noes: Directors: Arreguin, Mendall, Spedowski, Thomas and Chair Haggerty; Excused: Director Biddle**

## **12. Standard Power Purchase Agreements and Confirmations (Action Item)**

Adopt a Resolution approving the following standard power purchase agreements and confirmations for approved product transactions, subject to the final approval of General Counsel:

- A. EEI Master Agreement and Confirmation
- B. Deposit Account Control Agreement, Security Agreement, Intercreditor & Agency Collateral Agreement, collectively known as “Lockbox Agreements”
- C. WSPP (Western States Power Pool) Agreements and copies of five proposed standard confirmations to be used in conjunction with the WSPP Agreement for the purchase of:
  - a. Electric Capacity and/or Electric Energy
  - b. Specified Source Energy
  - c. Resource Adequacy
  - d. Renewable Energy Credits “RECs”, Category 1
  - e. Renewable Energy Credits “RECs”, Category 2
  - f. Renewable Energy Credits “RECs”, Category 3

**Director Bacon motioned to approve Standard Power Purchase Agreements and Confirmations Director Mendall seconded the motion which carried 11/0**

**R-2018-10**

### **Discussion of Initial NEM Policy (Informational Item)**

Review and discuss staff proposal for initial Net Energy Metering (NEM) Policy. An updated" policy, per Board feedback, to be brought to the February 21st meeting for vote.

**Jessica Tovar** – Spoke in support of the community benefit adders in LDBP and NEM" incentives.

**Barbara Stebbins** – Spoke in support of the community benefit adders.

### **Board Member and Staff Announcements**

**Adjourned**