



MARIN COUNTY | NAPA COUNTY | UNINCORPORATED CONTRA COSTA COUNTY | UNINCORPORATED SOLANO COUNTY
BENICIA | CONCORD | DANVILLE | EL CERRITO | FAIRFIELD | LAFAYETTE | MARTINEZ | MORAGA | OAKLEY
PINOLE | PITTSBURG | PLEASANT HILL | RICHMOND | SAN PABLO | SAN RAMON | VALLEJO | WALNUT CREEK

Executive Committee Meeting
Friday, July 1, 2022
12:00 P.M.

This Meeting will be conducted via teleconference pursuant to the requirements of [Assembly Bill No. 361](#). By using teleconference for this meeting, MCE continues to promote social distancing measures recommended by local officials.

Members of the public who wish to observe the Meeting and/or offer public comment may do so telephonically via the following teleconference call-in number and meeting ID:

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Dial: 1-669-900-9128
Webinar ID: 833 0224 8691
Meeting Passcode: 002327

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1. Roll Call/Quorum
2. Board Announcements (Discussion)
3. Public Open Time (Discussion)
4. Resolution No. 2022-08 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e) (Discussion/Action)
5. Report from Chief Executive Officer (Discussion)
6. Consent Calendar (Discussion/Action)
 - C.1 Approval of 3.4.22 Meeting Minutes
 - C.2 Approval of California Community Choice Association (CalCCA) Dues

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7. Because of Youth Campaign Update (Discussion)
8. Review Draft 7.21.22 Board Agenda (Discussion)
9. Committee Matters & Staff Matters (Discussion)
10. Adjourn

The Executive Committee may discuss and/or take action on any or all of the items listed on the agenda irrespective of how the items are described.

DISABLED ACCOMMODATION: If you are a person with a disability which requires an accommodation, or an alternative format, please contact the Clerk of the Board at (925) 378-6732 as soon as possible to ensure arrangements for accommodation.



July 1, 2022

TO: MCE Executive Committee

FROM: Catalina Murphy, Associate General Counsel

RE: Resolution No. 2022-08 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e) (Agenda Item #04)

ATTACHMENTS: A. Proposed Resolution No. 2022-08 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e)
B. Resolution No. 2021-08 Delegating Authority to Executive Committee to Adopt Findings Pursuant to Government Code Section 54953(e)

MCE Executive Committee:

SUMMARY:

Assembly Bill (AB) No. 361 (Rivas), signed by Governor Gavin Newsom on September 16, 2021, amends the Brown Act¹ to allow a local agency to continue using teleconferencing during a state-proclaimed state of emergency without meeting certain Brown Act teleconference requirements.

On October 7, 2021, your Board delegated the authority to the Executive Committee to consider whether the Governor-designated state of emergency continues to directly impact the ability of the MCE Board or Directors, MCE Executive Committee, and MCE Technical Committee to meet safely in person, and to make the required AB 361 findings for authorizing remote teleconference meetings under California Government Code section 54953(e).

¹ Gov. Code, §§ 54950 et seq.

Given the current emergency-state of the Covid-19 pandemic, there is an ongoing need for holding teleconference meetings for the MCE Board of Directors, MCE Executive Committee, and MCE Technical Committee. Therefore, in order to hold teleconference meetings, the Executive Committee must make the following findings by majority vote:

1. The Executive Committee has reconsidered the circumstances of the state of emergency, as designated by the Governor.
2. The Executive Committee finds that one or both of the following circumstances still exists:
 - a. The state of emergency continues to directly impact the ability of members to meet safely in person; or
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

Staff recommends adopting proposed Resolution No. 2022-08 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e), which makes the initial required AB 361 findings for authorizing remote teleconference meetings.

Fiscal Impacts: None.

Recommendation:

Adopt proposed Resolution No. 2022-08 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e).

RESOLUTION NO. 2022-08

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF MARIN CLEAN ENERGY AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE BOARD OF DIRECTORS AND EVERY COMMITTEE OF THE BOARD OF DIRECTORS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Marin Clean Energy (“MCE”) is a joint powers authority established on December 19, 2008, and organized under the Joint Exercise of Powers Act, constituting Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code, as amended and supplemented (the “Act”); and

WHEREAS, MCE members include the following communities: the County of Marin, the County of Contra Costa, the County of Napa, the County of Solano, the City of American Canyon, the City of Belvedere, the City of Benicia, the City of Calistoga, the City of Concord, the Town of Corte Madera, the Town of Danville, the City of El Cerrito, the Town of Fairfax, the City of Fairfield, the City of Lafayette, the City of Larkspur, the City of Martinez, the City of Mill Valley, the Town of Moraga, the City of Napa, the City of Novato, the City of Oakley, the City of Pinole, the City of Pittsburg, the City of Pleasant Hill, the City of San Ramon, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Pablo, the City of San Rafael, the City of Sausalito, the City of St. Helena, the Town of Tiburon, the City of Vallejo, the City of Walnut Creek, and the Town of Yountville; and

WHEREAS, MCE is subject to various provisions of the California Government Code; and

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the MCE Board of Directors previously adopted Resolution No. 2021-08 delegating authority to the MCE Executive Committee to adopt certain findings in accordance with Government Code section 54953(e), for remote teleconference meetings for the Board of Directors and any committee of the Board of Directors;

WHEREAS, the MCE Executive Committee desires to hold the MCE public meetings by teleconference consistent with Government Code section 54953(e);

NOW, THEREFORE, BE IT RESOLVED by the MCE Executive Committee:

- A. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
- B. The Executive Committee hereby finds and declares the following, as required by Government Code section 54953(e)(3):
 - 1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
 - 2. State and local officials have imposed or recommended measures to promote social distancing.
 - 3. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the MCE Executive Committee on this 1st day of July, 2022, by the following vote:

	AYES	NOES	ABSTAIN	ABSENT
County of Napa				
City of Belvedere				
City of Concord				
City of El Cerrito				
Town of Fairfax				
City of Larkspur				
City of Napa				
City of Novato				
City of Pinole				
City of Pittsburg				
City of Richmond				

Town of San Anselmo				
City of Walnut Creek				

CHAIR, MCE

Attest:

SECRETARY, MCE

RESOLUTION NO. 2021-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF MARIN CLEAN ENERGY DELEGATING AUTHORITY TO EXECUTIVE COMMITTEE TO ADOPT FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Marin Clean Energy (“MCE”) is a joint powers authority established on December 19, 2008, and organized under the Joint Exercise of Powers Act, constituting Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code, as amended and supplemented (the “Act”); and

WHEREAS, MCE members include the following communities: the County of Marin, the County of Contra Costa, the County of Napa, the County of Solano, the City of American Canyon, the City of Belvedere, the City of Benicia, the City of Calistoga, the City of Concord, the Town of Corte Madera, the Town of Danville, the City of El Cerrito, the Town of Fairfax, the City of Lafayette, the City of Larkspur, the City of Martinez, the City of Mill Valley, the Town of Moraga, the City of Napa, the City of Novato, the City of Oakley, the City of Pinole, the City of Pittsburg, the City of Pleasant Hill, the City of San Ramon, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Pablo, the City of San Rafael, the City of Sausalito, the City of St. Helena, the Town of Tiburon, the City of Vallejo, the City of Walnut Creek, and the Town of Yountville; and

WHEREAS, MCE is subject to various provisions of the California Government Code; and

WHEREAS, Government Code section 54953, as amended by Assembly Bill No. 361, allows legislative bodies to continue to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as certain findings are adopted by the legislative body every 30 days under Government Code Section 5493(e); and

WHEREAS, from time to time, the Board of Directors delegates certain rights and responsibilities to the Executive Committee; and

WHEREAS, the Executive Committee meets more frequently than the Board of Directors and will be better able to adopt certain findings every 30 days in accordance with Government Code section 54953(e) to allow the Board of Directors and any Committee of the Board of Directors to continue holding open meetings by teleconference; and

WHEREAS, the Board of Directors shall not be divested of any such authority as described herein, but shall retain and may exercise such authority at such times as it may deem necessary and proper, at its sole discretion.

NOW, THEREFORE, BE IT RESOLVED by the MCE Board of Directors:

- A. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
- B. The Board of Directors hereby delegates the following authority:
1. The Executive Committee is hereby authorized to adopt certain findings every 30 days in accordance with Government Code section 54953(e), for continued remote teleconference meetings for the Board of Directors and any committee of the Board of Directors.

PASSED AND ADOPTED by the MCE Board of Directors on this 7th day of October, 2021, by the following vote:


	AYES	NOES	ABSTAIN	ABSENT
County of Marin	X			
Contra Costa County	X			
County of Napa	X			
County of Solano				X
City of American Canyon	X			
City of Belvedere				X
City of Benicia	X			
City of Calistoga	X			
City of Concord	X			
Town of Corte Madera	X			
Town of Danville	X			
City of El Cerrito	X			
Town of Fairfax	X			
City of Lafayette	X			
City of Larkspur	X			
City of Martinez	X			
City of Mill Valley				X
Town of Moraga				X
City of Napa	X			
City of Novato	X			
City of Oakley				X
City of Pinole	X			
City of Pittsburg	X			

City of Pleasant Hill				X
City of San Ramon				X
City of Richmond	X			
Town of Ross	X			
Town of San Anselmo	X			
City of San Pablo				X
City of San Rafael	X			
City of Sausalito	X			
City of St. Helena	X			
Town of Tiburon	X			
City of Vallejo	X			
City of Walnut Creek				X
Town of Yountville	X			

DocuSigned by:

5EFDDF8E1E86437...
CHAIR, MCE

Attest:

DocuSigned by:

A59878416EBC4F8...
SECRETARY, MCE

DRAFT**MCE EXECUTIVE COMMITTEE MEETING MINUTES**

Friday, March 4, 2022

12:15 P.M.

The Executive Committee Meeting was conducted pursuant to the requirements of [Assembly Bill No. 361](#) (September 16, 2021) which allows a public agency to use teleconferencing during a Governor-proclaimed state of emergency without meeting usual [Ralph M. Brown Act](#) teleconference requirements. Committee Members, staff and members of the public were able to participate in the Committee Meeting via teleconference.

Present: Denise Athas, City of Novato
 Tom Butt, City of Richmond
 Barbara Coler, Town of Fairfax
 Cindy Darling, City of Walnut Creek
 Ford Greene, Town of San Anselmo
 Kevin Haroff, City of Larkspur, Chair
 Devin Murphy, City of Pinole
 Gabriel Quinto, City of El Cerrito
 Shanelle Scales-Preston, City of Pinole
 Brad Wagenknecht, County of Napa and all Five Napa Cities
 Sally Wilkinson, City of Belvedere and the City of Mill Valley

Absent: Edi Birsan, City of Concord
 Holli Thier, Town of Tiburon

**Staff
& Others:** Jesica Brooks, Assistant Board Clerk
 Stephanie Chen, Senior Policy Counsel
 Leanne Hoadley, Manager of Community and Customer Engagement
 Darlene Jackson, Board Clerk
 Vicken Kasarjian, Chief Operating Officer
 Justine Parmelee, Manager of Internal Operations
 Alexandra McGee, Manager of Strategic Initiatives
 Garth Salisbury, Director of Finance & Treasurer
 Maira Strauss, Finance Manager
 Jenna Tenney, Marketing & Communications Manager
 Jamie Tuckey, Chief of Staff
 Dawn Weisz, CEO

1. Roll Call

Chair Haroff called the regular Executive Committee meeting to order at 12:15 p.m. with quorum established by roll call.

2. Board Announcements (Discussion)

There were none.

DRAFT**3. Public Open Time (Discussion)**

Chair Haroff opened the public comment period and comments were made by Ken Strong.

4. Report from Chief Executive Officer (Discussion)

CEO, Dawn Weisz, reported the following:

- AB 1814 is a CalCCA sponsored bill that would give CCAs access to the transportation electrification funds allocated by the CPUC, and it is authored by Assemblymember Tim Grayson (MCE delegation, representing parts of Contra Costa and Solano Counties). Today, CCA customers pay into these funds, but only IOUs can tap them to support IOU programs. AB 1814 would give CCAs the opportunity to apply for a share of these funds, similar to Energy Efficiency funds accessed today. We will be circulating a template letter of support to you all very soon.
- MCE's Energy Efficiency Application was submitted yesterday for \$188 million over 8 years. This is a strong application that would greatly enhance our ability to implement EE program in our area.
- MCE's Supplier Diversity report was submitted this week and is available to share. It is a ground-breaking report that is highly recommended to review.

5. Consent Calendar (Discussion/Action)

- C.1 Approval of 1.21.22 Meeting Minutes
- C.2 Third Agreement with Freelance Media Buying
- C.3 Tenth Agreement with Braun Blasing Smith Wynne P.C.
- C.4 Seventh Agreement with Keyes & Fox, LLP
- C.5 Twelfth Agreement with Niemela Pappas & Associates
- C.6 Fourth Agreement with Hall Energy Law PC

Chair Haroff opened the public comment period and there were no comments.

Action: It was M/S/C (Wagenknecht/Murphy) to approve Consent Calendar item C.1 – C.6 with minor modifications to C.1 and C.5. Motion carried by unanimous roll call vote. (Absent: Directors Birsan and Thier).

6. Fiscal Year 2022/23 Proposed Budget (Discussion/Action)

Garth Salisbury, Director of Finance & Treasurer and Maira Straus, Finance Manager, presented this item and addressed questions from Committee members.

Chair Haroff opened the public comment period and there were no comments.

Action: It was M/S/C (Coler/Butt) recommend approval of the proposed FY 2022/23 Operating Fund, Energy Efficiency Program Fund, Local Renewable Energy and Program Development Fund, and Resiliency Fund Budgets to

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the MCE Board of Directors. Motion carried by roll call vote. (Abstain: Director Wilkinson. Absent: Directors Birsan, Murphy, and Thier).

7. Update on CalEnviroScreen 4.0 Results in MCE Service Area (Discussion)

Alexandra McGee, Manager of Strategic Initiatives and Stephanie Chen, Senior Policy Counsel presented this item and addressed questions from Committee members.

Chair Haroff opened the public comment period and there were no comments.

Action: No action required.

8. Board Amplified Communication (Discussion)

Chief of Staff, Tuckey introduced the item and Leanne Hoadley, Manager of Community and Customer and Jenna Tenney, Marketing & Communications Manager, presented the item and addressed questions from Committee members.

Chair Haroff opened the public comment period and there were no comments.

Action: No action required.

9. Review Draft 3.17.22 Board Agenda (Discussion)

CEO, Weisz, presented this item and addressed questions from Committee members.

Chair Haroff opened the public comment period and there were no comments.

Action: No action required.

10. Committee & Staff Matters (Discussion)

There were comments made by Director Butt.

11. Adjournment

Chair Haroff adjourned the meeting at 1:55 p.m. to the next scheduled Executive Committee Meeting on April 1, 2022.

Kevin Haroff, Chair

Attest:

Dawn Weisz, Secretary



July 1, 2022

TO: MCE Executive Committee

FROM: Dawn Weisz, Chief Executive Officer

RE: Approval of California Community Choice Association (CalCCA)
Dues (Agenda Item #06 C.2)

Dear Executive Committee Members:

Summary:

MCE has been an active and engaged participant in the California Community Choice Association (CalCCA) since the trade association launched in 2016, representing the interests of California's community choice electricity providers in the legislature and at the relevant regulatory agencies, including the California Public Utilities Commission, California Energy Commission, and California Air Resources Board. CalCCA's members include operating CCA programs in California and CalCCA also serves local governments interested in community choice.

MCE has benefited from the organization's ability to provide coordination among CCAs, facilitate collaborative efforts, promote uniform best practices across the state, and provide a stronger and more consistent voice in the regulatory and legislative arena in line with MCE's strategic goals.

MCE is committed to continuing participation in CalCCA as an operational member with a voting seat on the CalCCA board. CalCCA member dues continue to support CalCCA's staff and shared lobbying and regulatory attorney services, particularly on proceedings addressing topics that have an impact on all CCAs, such as resource adequacy (RA), the power charge indifference adjustment (PCIA) and the provider of last resort (POLR). CalCCA dues are based on each member's annual budget, but a cap is applied to limit the impact on larger CCAs. These dues, in total, would be approximately \$365,982 each year for MCE, but may fluctuate depending on the number of CCAs participating each year.

For ease of administration, Staff requests the Executive Committee authorize MCE's Chief Executive Officer (CEO) to approve and pay annual dues to CalCCA so long as

the amount of dues has been included in the annual MCE Operating Fund Budget and such budget has been approved by the Board of Directors.

Fiscal Impacts:

Proposed CalCCA dues that accrue to MCE's fiscal years would be included in the corresponding Operating Fund Budget as approved by the MCE Board of Directors.

Recommendation:

Authorize MCE's CEO to approve and pay dues to CalCCA in the amount included in the Operating Fund Budget as approved by the MCE Board of Directors each fiscal year.



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**Board of Directors Meeting
Thursday, July 21, 2022
7:00 P.M.**

This Meeting will be conducted via teleconference pursuant to the requirements of [Assembly Bill No. 361](#). By using teleconference for this meeting, MCE continues to promote social distancing measures recommended by local officials.

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Meeting Passcode: 205749

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1. Roll Call/Quorum
2. Board Announcements (Discussion)
3. Public Open Time (Discussion)
4. Report from Chief Executive Officer (Discussion)
5. Consent Calendar (Discussion/Action)
 - C.1 Approval of 5.19.22 Meeting Minutes
 - C.2 Approved Contracts For Energy Update
6. Because of Youth Campaign Update (Discussion)
7. Electrification Reach Code Progress from Marin County and the City of San Rafael - guest presentation (Discussion)

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8. Board Matters & Staff Matters (Discussion)
9. Adjourn

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