

Board of Directors Meeting
Thursday, February 16, 2023
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.

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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1. Roll Call/Quorum
2. Board Announcements (Discussion)
3. Public Open Time (Discussion)
4. Board Introductions (Discussion)
5. Report from Chief Executive Officer (Discussion)
6. Consent Calendar (Discussion/Action)
 - C.1 Approval of 12.15.22 Meeting Minutes
 - C.2 Approved Contracts For Energy Update
7. 2022 Charles F. McGlashan Advocacy Award Presentation (Discussion)

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8. 2022 MCE Climate Action Leadership Award Presentation (Discussion)
9. Election of Vice Chair and Addition of Board Members to Committees (Discussion/Action)
10. In-Person Meetings and Teleconferencing Options Under the Brown Act and AB 2449 (Discussion/Action)
11. Policy Update (Discussion)
12. Form 700 - Statements of Economic Interest (Discussion)
13. Board Matters & Staff Matters (Discussion)
14. Adjourn

The Board 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 call MCE at 1 (888) 632-3674 at least 72 hours before the meeting start time to ensure arrangements for accommodation.

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MCE BOARD MEETING MINUTES
Thursday, December 15, 2022
7:30 P.M.

This 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:

- Mark Armstrong, Alternate, City of San Ramon
- Eli Beckman, Town of Corte Madera
- Edi Birsan, City of Concord
- Tom Butt, City of Richmond, Chair
- Tom Campbell, Alternate, City of Benicia
- Barbara Coler, Town of Fairfax
- Cindy Darling, City of Walnut Creek
- Gina Dawson, City of Lafayette
- David Fong, Town of Danville
- Maika Llorens Gulati, City of San Rafael
- Kevin Haroff, City of Larkspur
- Janelle Kellman, City of Sausalito
- C. William Kircher, Town of Ross
- Jim Lynch, Alternate, City of Belvedere
- Aaron Meadows, City of Oakley
- Devin Murphy, City of Pinole
- Doriss Panduro, City of Fairfield
- Max Perrey, City of Mill Valley
- Patricia Ponce, City of San Pablo
- Gabriel Quinto, City of El Cerrito
- Katie Rice, County of Marin
- Matt Rinn, City of Pleasant Hill
- Shanelle Scales-Preston, City of Pittsburg
- Holli Thier, Town of Tiburon
- John Vasquez, County of Solano
- Brad Wagenknecht, County of Napa and All Five Napa Cities
- Brianne Zorn, City of Martinez

Absent:

- John Gioia, Contra Costa County
- Ford Greene, Town of San Anselmo
- Katy Miessner, City of Vallejo
- Mark Milberg, Alternate, City of Novato
- Teresa Onoda, Town of Moraga

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Staff

& Others:

JB Ackemann, Director of Public Affairs
Jesica Brooks, Assistant Board Clerk
Tyla Brown, Community Development Manager
John Dalessi, President & CEO, Pacific Energy Advisors
Vicken Kasarjian, Chief Operating Officer
Justin Kudo, Senior Strategic Analysis and Rates Manager
Catalina Murphy, Associate General Counsel
Evelyn Reyes, Internal Operations Coordinator
Garth Salisbury, Chief Financial Officer & Treasurer
Lindsay Saxby, Director of Power Resources
Daniel Settlemyer, Internal Operations Coordinator
Jamie Tuckey, Chief of Staff
Dawn Weisz, CEO

1. Roll Call

Chair Butt called the regular meeting to order at 7:30 p.m. with quorum established by roll call.

2. Board Announcements (Discussion)

There were no comments.

3. Public Open Time (Discussion)

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

4. Resolution No. 2022-16 Authorizing Continued 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)

Catalina Murphy, Associate General Counsel, introduced this item and addressed questions from Board members.

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

Action: It was M/S/C (Scales-Preston/Quinto) to adopt proposed Resolution No. 2022-16 Authorizing Continued Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e). Motion carried by roll call vote. (Absent: Directors Campbell, Gioia, Greene, Milberg, Miessner, Onoda, and Rice).

5. Consent Calendar (Discussion/Action)

- C.1 Approval of 11.17.22 Meeting Minutes
- C.2 Approved Contracts For Energy Update

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

Action: It was M/S/C (Dawson/Coler) **to approve Consent Calendar items C.1 and C.2.** Motion carried by unanimous roll call vote. (Absent: Directors Campbell, Gioia, Greene, Milberg, Miessner, Onoda, and Rice).

6. Western Systems Power Pool Confirmation with Geysers Power Company LLC (Discussion/Action)

Lindsay Saxby, Director of Power Resources, introduced this item and addressed questions from Board members.

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

Action: It was M/S/C (Perrey/Fong) **to authorize execution of the Western Systems Power Pool Confirmation with Geysers Power Company LLC for supply of bundled renewable energy and RA.** Motion carried by roll call vote. (Abstained: Director Thier) (Absent: Directors Gioia, Greene, Milberg, Miessner, Murphy, Onoda, Rice, and Wagenknecht).

7. Power Purchase Agreement with Geysers Power Company LLC (Discussion/Action)

Lindsay Saxby, Director of Power Resources, introduced this item and addressed questions from Board members.

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

Action: It was M/S/C (Perrey/Coler) **to authorize execution of the Power Purchase Agreement with Geysers Power Company LLC for supply of bundled renewable energy and RA.** Motion carried by unanimous roll call vote (Abstained: Thier) (Absent: Directors Gioia, Greene, Milberg, Miessner, Onoda, Rice, and Wagenknecht).

8. Report from Chief Executive Officer (Discussion)

Dawn Weisz, CEO, introduced this item and addressed questions from Board members.

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

9. MCE Rate Adjustment Effective January 1, 2023 (Discussion/Action)

Garth Salisbury, Chief Financial Officer & Treasurer, and Justin Kudo, Strategic Analysis and Rates Manager, introduced this item and addressed questions from Board members.

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

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Action: It was M/S/C (Haroff/Darling) to implement updated rates as provided in Attachments A and B, effective January 1 2023. Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Milberg, Miessner, and Onoda).

10. Resolution No. 2022-17 Increasing Purchasing Agent's Authority (Discussion/Action)

Catalina Murphy, Associate General Counsel, introduced this item and addressed questions from Board members.

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

Action: It was M/S/C (Thier/Zorn) to adopt proposed Resolution 2022-17 Increasing Purchasing Agent Authority to \$400,000 (Attachment A.1). Motion carried by roll call vote. Yays-25 No-1 (Absent: Directors Gioia, Greene, Milberg, Miessner, Onoda, and Vasquez).

11. Review of Member Community Needs & Priorities (Discussion)

Tyla Brown, Community Development Manager, introduced this item and addressed questions from Board members.

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

Action: No action required.

12. Resolution No. 2022-18 Honoring Chair Tom Butt (Discussion/Action)

Director Scales-Preston, introduced this item and there were comments from other Board members and staff. In addition, a video honoring Director Butt's service was played.

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

Action: It was M/S/C (Scales-Preston/Quinto) to adopt Resolution No. 2022-18 Honoring Chair Tom Butt. Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Milberg, Miessner, Onoda, and Vasquez).

13. Resolution No. 2022-19 Honoring Director Denise Athas (Discussion/Action)

Director Coler, introduced this item and there were comments from other Board members and staff.

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

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Action: It was M/S/C (Coler/Perrey) **to adopt Resolution No. 2022-19 Honoring Director Denise Athas.** Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Milberg, Miessner, Onoda, and Vasquez).

14. Resolution No. 2022-20 Honoring Director Ford Greene (Discussion/Action)

Director Haroff, introduced this item and there were comments from other Board members and staff.

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

Action: It was M/S/C (Butt/Haroff) **to adopt Resolution No. 2022-20 Honoring Director Ford Greene.** Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Kellman, Milberg, Miessner, Onoda, and Vasquez).

15. Resolution No. 2022-21 Honoring Director Brad Wagenknecht (Discussion/Action)

Chair Butt, introduced this item and there were comments from other Board members and staff.

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

Action: It was M/S/C (Rice/Coler) **to adopt Resolution No. 2022-21 Honoring Director Brad Wagenknecht.** Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Kellman, Milberg, Miessner, Onoda, and Vasquez).

16. Election of Officers and Additions to Committee Membership (Discussion/Action)

CEO Weisz, introduced this item and addressed questions from Board members.

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

Action 1: It was M/S/C (Haroff/Quinto) **to elect Director Shanelle Scales-Preston as MCE Board Chair effective January 10, 2023.** Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Kellman, Milberg, Miessner, Onoda, and Vasquez).

Action 2: A vote was conducted for the two nominees for MCE Vice Chair and the tally was reported as: 10 for Director Coler, and 11 for Director Quinto. (Absent: Directors Gioia, Greene, Kellman, Milberg, Miessner, Onoda, and Vasquez).

Action 3: It was M/S/C (Ponce/Fong) **to establish Devin Murphy as Chair to the Technical Committee.** Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Milberg, Miessner, Onoda, and Vasquez).

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Action 4: It was M/S/C (Thier/Darling) to approve addition of Board Members to Committees. Directors: Dave Fong, and Eli Beckman to the Executive Committee, Directors: Kevin Haroff, and Barbara Coler to the 2023 Ad Hoc Contracts Committee, Directors: Max Perrey, and Eli Beckman to the 2023 Ad Hoc Committee for VPP, and Directors: Dave Fong, and Kevin Haroff to the 2023 Ad Hoc Audit Committee. Motion carried by unanimous roll call vote. (Absent: Directors Gioia, Greene, Kellman, Milberg, Miessner, Onoda, Rice, and Vasquez).

Staff Correction: Following adjournment staff determined that the correct vote tally for Vice Chair was (15) Coler, (11) Quinto because the vote of Director Wagenknecht counted for the County of Napa and all five Napa Cities. It was also determined that the MCE Operating Rules and Regulations require a majority vote of the full Board (not just those present) to elect any officer. Because neither candidate reached this threshold, a new vote for Vice Chair will need to be conducted.

11. Board Matters & Staff Matters (Discussion)

There were comments made by Chair Butt.

12. Adjournment

Chair Butt adjourned the meeting at 10:18 p.m. to the next scheduled Board Meeting on January 19, 2023.

Tom Butt, Chair

Attest:

Dawn Weisz, Secretary



February 16, 2023

TO: MCE Board of Directors

FROM: Bill Pascoe, Senior Power Procurement Manager

RE: Approved Contracts for Energy Update (Agenda Item #06 C.2)

Dear Board Members:

SUMMARY:

This report summarizes contracts for energy procurement entered into by the Chief Executive Officer and if applicable, the Chair of the Technical Committee, since the last regular Board meeting in December. This summary is provided to your Board for information purposes only, and no action is needed.

Review of Procurement Authorities

In March 2018, your Board adopted Resolution 2018-03 which included the following provisions:

The CEO and Technical Committee Chair, jointly, are hereby authorized, after consultation with the appropriate Committee of the Board of Directors, to approve and execute contracts for Energy Procurement for terms of less than or equal to five years. The CEO shall timely report to the Board of Directors all such executed contracts.

The CEO is authorized to approve and execute contracts for Energy Procurement for terms of less than or equal to 12 months, which the CEO shall timely report to the Board of Directors.

The CEO is required to report all such contracts and agreements to the MCE Board of Directors on a regular basis.

<i>Item Number</i>	<i>Month of Execution</i>	<i>Purpose</i>	<i>Average Annual Contract Amount</i>	<i>Contract Term</i>
1	November 2022	Purchase of System Energy (Hedge)	\$2,299,528	Under 1 Year
2	November 2022	Purchase of System Energy (Hedge)	\$7,708,876	1-5 Years
3	December 2022	Purchase of Resource Adequacy	\$97,500	Under 1 Year
4	December 2022	Sale of Resource Adequacy	\$90,000	Under 1 Year
5	December 2022	Sale of Resource Adequacy	\$21,000	Under 1 Year
6	December 2022	Purchase of Resource Adequacy	\$25,500	Under 1 Year
7	December 2022	Purchase of Resource Adequacy	\$5,460,000	1-5 Years
8	January 2023	Sale of Resource Adequacy	\$35,750	Under 1 Year
9	January 2023	Sale of Resource Adequacy	\$52,500	Under 1 Year
10	January 2023	Purchase of Resource Adequacy	\$5,400,000	1-5 Years
11	January 2023	Sale of Resource Adequacy	\$45,000	Under 1 Year
12	January 2023	Purchase of Resource Adequacy	\$5,460,000	1-5 Years

Contract Approval Process: Energy procurement is governed by MCE's Energy Risk Management Policy as well as Board Resolutions 2018-03, 2018-04, and 2018-08. The Energy Risk Management Policy (Policy) has been developed to help ensure that MCE achieves its mission and adheres to its procurement policies established by the MCE Board of Directors (Board), power supply and related contract commitments, good utility practice, and all applicable laws and regulations. The Board Resolutions direct the CEO to sign energy contracts up to and including 12 months in length.

The evaluation of every new energy contract is based upon how to best fill MCE's open position. Factors such as volume, notional value, type of product, price, term, collateral threshold and posting, and payment are all considered before execution of the agreement.

After evaluation and prior to finalizing any energy contract for execution, an approval matrix is implemented whereby the draft contract is routed to key support staff and consultants for review, input, and approval. Typically, contracts are routed for

commercial, technical, legal, and financial approval, and are then typically routed through the Chief Operating Officer for approval prior to execution. The table below is an example of MCE staff and consultants who may be assigned to review and consider approval prior to the execution of a new energy contract or agreement.

<i>Review Owner</i>	<i>Review Category</i>
Lindsay Saxby (MCE, Director of Power Resources)	Procurement/Commercial
John Dalessi (Pacific Energy Advisors)	Technical Review
Steve Hall (Hall Energy Law)	Legal
Nathaniel Malcolm (MCE, Senior Policy Counsel)	Legal/CPUC Compliance
Garth Salisbury (MCE, Chief Financial Officer & Treasurer)	Credit/Financial
Vicken Kasarjian (MCE, Chief Operating Officer)	Executive

Fiscal Impacts: Expenses and revenue associated with these Contracts and Agreements that are expected to occur during FY 2022/23 are within the FY 2022/23 Operating Fund Budget. Expenses and revenue associated with future years will be incorporated into budget planning as appropriate.

Recommendation: Information only. No action required.



February 16, 2023

TO: MCE Board of Directors

FROM: Sebastian Conn, Senior Community Development Manager

RE: 2022 Charles F. McGlashan Advocacy Award Presentation
(Agenda Item #07)

Summary:

Since 2011, the MCE Board of Directors has presented the Charles F. McGlashan Advocacy Award on an annual basis to individuals and community organizations that have demonstrated passion, dedication, a commitment to environmental justice and leadership, and partnership with MCE. Recipients of the award are recognized with a ceremony held at a regular meeting of the MCE Board of Directors. All recipients of the award, dating back to 2011, have their names inscribed on a plaque that is displayed outside the Charles F. McGlashan Room at the MCE office in San Rafael. Award recipients are also recognized in MCE's e-newsletter, online blog, and social media.

The Charles F. McGlashan Advocacy Award was established in order to commemorate and memorialize the life and legacy of environmental leadership by former founding MCE Chair, Charles F. McGlashan. Charles F. McGlashan was an environmental visionary, and helped pave the way for Community Choice Aggregation in California. As a member of the Marin County Board of Supervisors, McGlashan championed the idea that clean, renewable energy could be provided directly to homes and businesses at stable and competitive rates through the formation of a locally controlled joint powers authority.

McGlashan partnered with County of Marin staff to launch MCE in 2008 as California's first Community Choice Aggregation program. 15 years later, MCE now serves 580,000 customer accounts throughout 37 communities in 4 counties – Marin, Napa, Solano, and Contra Costa. Over 11 million customers are now served by Community Choice Aggregation providers throughout California.

On December 2, 2022, the MCE Executive Committee unanimously approved a motion to present the 2022 award to Napa Green, Matthew Belasco of the Pittsburg Unified School District, and Sara Belafonte of the City of Pittsburg.

2022 Award Recipients:

Napa Green

Napa Green encourages wineries and vineyards to commit to environmental stewardship and sustainable business practices, and actively connects these businesses to MCE's program offerings including 100% renewable Deep Green service.

Napa Green's Vineyard Certification program provides a pathway for wine growers to improve soil health, become carbon neutral to negative within six to nine years, and increase community resiliency. As part of the program certification process, vineyards are awarded points for installing EV charging and opting up to Deep Green. In 2022, Napa Green promoted MCE's Deep Green service option by installing signage at 12 wineries that have opted up to 100% renewable service. In 2023, Napa Green will partner with MCE to organize the annual RISE climate and wine symposium, a gathering aimed at accelerating climate action within the community.

Matthew Belasco, Pittsburg Unified School District

Matthew "Matt" Belasco, Pittsburg Unified School District's (PUSD) Director of Maintenance, Operations, and Transportation, has led the district's efforts to purchase three electric school buses, secure \$715,000 in funding from MCE to install 1.6MW (3MWh) of energy storage across ten district sites through MCE's Energy Storage Program, and participate in MCE's Strategic Energy Management and energy efficiency programs to lower costs and emissions across the district. To date, PUSD has received \$78,348.29 in incentives and saved approximately 1 GWh of energy through their participation in MCE Programs.

Matt has also served as a key speaker for MCE sponsored workshops, and has advocated for improved health and environmental outcomes for the 10,500 students and community members whom PUSD serves. Matt has leveraged his role as Director of Maintenance, Operations, and Transportation to further PUSD's progress as an environmental and renewable energy leader.

Sara Bellafronte, City of Pittsburg

Sara Bellafronte is the Assistant to the City Manager with the City of Pittsburg. Her work has led the City to secure funding to install 18 new EV charging stations in 2023 alone. Sara has worked closely with MCE staff to integrate MCE programs within the City's capital improvement strategy, and to date, the City of Pittsburg has reserved \$95,000 in rebates towards new EV charging stations in partnership with MCE.

Sara also plans and implements community programming for Pittsburg residents. In June 2022, in partnership with MCE staff, Sara organized Pittsburg's annual Green Footprint Festival, a community event that celebrates environmental stewardship efforts in Pittsburg. Through Sara's leadership, approximately 300 youth attendees

were able to experience exhibits, activities, and entertainment that inspired environmental awareness and respect for the earth.

Fiscal Impacts:

None

Past Recipients:

- Barbara George of Women's Energy Matters (2011)
- The Mainstreet Moms (2012)
- Lea Dutton of the San Anselmo Quality of Life Commission (2013)
- Doria Robinson of Urban Tilth (2014)
- Constance Beutel of Benicia's Community Sustainability Commission (2015)
- Sustainable Napa County (2016)
- The El Cerrito Environmental Quality Committee (2017)
- Sustainable Lafayette (2018)
- Resilient Neighborhoods (2018)
- Verna Causby-Smith with EAH Affordable Housing (2018)
- Sustainable Rossmoor and the National Council for Jewish Women, Contra Costa Division (2019)
- Gloria Castillo with Canal Alliance (2019)
- Marin Center for Independent Living (MCIL), Disability Services Legal Center (DSLCL), the Independent Living Resources of Solano and Contra Costa (ILRSCC), and Vi Ibarra from the Developmental Disabilities Council of Contra Costa County (2020)
- Deborah Elliott with County of Napa (2020)
- Fairfax Climate Action Committee (2020)
- Sustainable Contra Costa (2021)

Recommendation:

Honor Napa Green, Matthew Belasco of the Pittsburg Unified School District, and Sara Belafonte of the City of Pittsburg as the recipients the 2022 Charles F. McGlashan Advocacy Award, as approved by the MCE Executive Committee on December 2, 2022.



February 16, 2023

TO: MCE Board of Directors

FROM: Stephanie Chen, Director of Legislative Affairs

RE: 2022 MCE Climate Action Leadership Award Presentation
(Agenda Item #08)

Dear Board Members:

Summary:

MCE created the Climate Action Leadership Award in 2020 to celebrate policymakers and advocates who have made significant contributions toward California's fight against climate change through clean energy policies that benefit CCA customers. Each year, MCE's staff have recommended, and MCE's Board has selected, an individual who has made an important impact during the past year or over an extended career in service to the public. The award is open to 1) regulators, legislators, and other government decision-makers; and 2) stakeholders who have partnered with MCE to effectively advocate for policies that benefit MCE's communities and our planet.

In 2020, the inaugural Climate Action Leadership Award was presented to California Senator Mike McGuire (D-Healdsburg). Last year, the 2021 Leadership Award was presented to California Assemblymember Cecilia Aguiar-Curry (D-Winters). The 2022 Leadership Award recipients were selected by your Board at the December 2, 2022 Executive Committee meeting, and included the four federal Senators and Members of Congress who championed MCE's first-ever community-directed spending proposals:

- Senator Dianne Feinstein
- Senator Alex Padilla
- Congressman John Garamendi
- Congressman Jared Huffman

Senator Dianne Feinstein

Senator Feinstein has served California in the Senate since 1992, and during her tenure has championed several climate and clean energy policies including increasing automotive fuel efficiency, natural lands conservation and restoration, improving California's water infrastructure, and reducing the threat of wildfires. Over the last 30 years, Senator Feinstein has served in key leadership roles on several Senate committees, often as the first woman to hold the role. Prior to her election to the Senate, Senator Feinstein served as a San Francisco County Supervisor for nine years, and as Mayor of San Francisco for another eight years.

Senator Feinstein's leadership has secured billions of dollars for California communities across a wide range of issue areas. In 2022, Senator Feinstein submitted two community directed spending requests of \$500,000 each on behalf of MCE, for new efforts in our Energy Storage and Healthy Homes programs.

Senator Alex Padilla

Senator Padilla was appointed in January 2021 to complete the term of Vice President Kamala Harris and was recently elected to a full six-year term. Senator Padilla is the first Latino to represent California in the Senate. He serves on several key committees including Environment and Public Works and has already emerged as a champion for working families and climate action, among other core values-driven priorities. Prior to his appointment to the U.S. Senate, Senator Padilla served as California Secretary of State, during which time California reached the highest percentage of eligible citizens registered to vote in 80 years. Before that, Senator Padilla served two terms in the California State Senate, where he chaired the Committee on Energy, Utilities and Communications for six years. During his chairmanship, Senator Padilla was instrumental in developing California's ambitious renewable energy and climate policies and advancing grid modernization.

In 2022, Senator Padilla submitted two community directed spending requests on behalf of MCE, the first for \$500,000 for our Energy Storage Program and the second for \$2 million for our Electric Vehicle Charging Rebate program.

Congressman John Garamendi

Congressman Garamendi was first elected to the California state legislature in 1974, where among many other accomplishments he authored the nation's first solar, wind and energy conservation tax credit. Congressman Garamendi was appointed Deputy Secretary of the Interior in 1995 and, in that role, he led significant environmental restoration efforts in the Sacramento and San Joaquin River Basins, the Delta and the San Francisco Bay. He continues to be a leading advocate for a comprehensive statewide water plan. Congressman Garamendi has also served as California's Insurance Commissioner and Lieutenant Governor, and has chaired the State Land Commission and Commission for Economic Development.

Congressman Garamendi was first elected to the House of Representatives in 2009 and

has been a champion for domestic jobs, climate action, infrastructure investments, rural communities, and family farmers, among many other critical national and local priorities. Within MCE's service area, Congressman Garamendi's new district includes parts of both Solano and Contra Costa Counties. In 2022, Congressman Garamendi submitted a community directed spending request for \$1,000,000 on behalf of MCE, to expand the impact of our Healthy Homes program.

Congressman Jared Huffman

Congressman Huffman was first elected to Congress in November 2012 and has built a track record of strong leadership on a wide range of environmental issues including climate action, climate resiliency, and protecting California's coastlines, waters, and wildlife. Before being elected to Congress, Congressman Huffman represented the North Bay for six years in the California Assembly, where he played a leading role in crafting landmark water reforms in 2009. He also authored several key pieces of legislation, including California's first lighting efficiency standards and the nation's largest program for solar hot water heating. Within MCE's service area, Congressman Huffman represents Marin County.

Before election to the California Assembly, Congressman Huffman worked as a Senior Attorney for the Natural Resources Defense Council, where his work included a restoration agreement for a 153-mile stretch of the San Joaquin River. Congressman Huffman also served as Director of the Marin Municipal Water District for twelve years. In 2022, Congressman Huffman submitted a community directed spending request for \$2,000,000 on behalf of MCE, to expand and deepen our Electric Vehicle Charging Rebate program.

Fiscal Impacts: None

Recommendation: Discussion only



February 16, 2023

TO: MCE Board of Directors

FROM: Catalina Murphy, Associate General Counsel
Caroline Lavenue, Legal Counsel

RE: Election of Vice Chair and Addition of Board Members to
Committees (Agenda Item #09)

ATTACHMENTS: A. MCE Board Offices and Committees Overview
B. MCE Executive Committee Overview and Scope
C. MCE Technical Committee Overview and Scope

Dear Board Members:

Summary:

Your Board established and delegated specified functions to two standing committees, the Executive Committee and the Technical Committee, which both consist of a smaller number of Directors than the full Board. Other standing or ad hoc committees may be created by duly established committees as appropriate or necessary. The duties and authority of such standing committees are subject to the approval and direction of your Board.

The Executive Committee provides direction or approval on general issues related to MCE including legislation, regulatory compliance, strategic planning, outreach and marketing, contracts with vendors, human resources, finance and budgeting, debt, rate setting, and agenda setting for the regular MCE Board meetings and annual Board retreat. The Executive Committee meets the first Friday of each month at 12:00pm, and currently consists of 12 Directors.

The Technical Committee provides direction or approval on issues related to electricity supply, distributed generation, greenhouse gas emissions, energy efficiency, procurement risk management and other topics of a technical nature. The Technical Committee meets the first Thursday of each month at 8:30am, and currently consists of six Directors.

Officers of your Board are appointed pursuant to the MCE Operating Rules and Regulations. Your Board elects a Chair, who is the presiding officer of all Board meetings, and a Vice Chair, who serves in the absence of the Chair. The appointment of an officer requires approval by a majority vote of the full membership of the Board, currently at 19 with 37 member communities, rather than a majority vote of the Directors present. At your December 2022 Board meeting, an election was held for Chair and Vice Chair. Following adjournment, staff determined the election results were incorrectly calculated for Vice Chair, with neither candidate receiving 19 votes in favor. Because neither candidate received a vote of 19, a new vote for Vice Chair will be conducted.

Fiscal Impacts:

None.

Recommendations:

1. Take action to elect MCE's Vice Chair.
2. Take action to add new Board members to existing MCE Committees.



MCE Board Offices and Committees

BOARD OFFICES

Chair:	Shanelle Scales-Preston, City of Pittsburg
Vice Chair:	<i>Open position</i>
	<i>Barbara Coler, Town of Fairfax (Interested)</i>
	<i>Gabe Quinto, City of El Cerrito (Interested)</i>
Treasurer:	Garth Salisbury, MCE Chief Financial Officer
Deputy Treasurer:	Vicken Kasarjian, MCE Chief Operating Officer
Secretary:	Dawn Weisz, MCE Chief Executive Officer

EXECUTIVE COMMITTEE

1. Kevin Haroff, Chair	City of Larkspur
2. Edi Birsan	City of Concord
3. Eli Beckman	Town of Corte Madera
4. Barbara Coler	Town of Fairfax
5. Cindy Darling	City of Walnut Creek
6. Dave Fong	City of Danville
7. Devin Murphy	City of Pinole
8. Max Perrey	City of Mill Valley
9. Gabe Quinto	City of El Cerrito
10. Shanelle Scales-Preston	City of Pittsburg
11. Holli Thier	Town of Tiburon
12. Sally Wilkinson	Town of Belvedere

TECHNICAL COMMITTEE

1. Devin Murphy, Chair	City of Pinole
2. Gina Dawson	City of Lafayette
3. John Gioia	County of Contra Costa
4. Kevin Haroff	City of Larkspur
5. Scott Perkins	City of San Ramon
6. Katie Rice	County of Marin

AD HOC CONTRACTS COMMITTEE, 2023

- | | |
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| 1. Barbara Coler | Town of Fairfax |
| 2. Kevin Haroff | City of Larkspur |
| 3. Scott Perkins | City of San Ramon |

AD HOC COMMITTEE FOR VIRTUAL POWER PLANT, 2023

- | | |
|-----------------|----------------------|
| 1. Eli Beckman | Town of Corte Madera |
| 2. Gina Dawson | City of Lafayette |
| 3. Devin Murphy | City of Pinole |
| 4. Max Perrey | City of Mill Valley |
| 5. Katie Rice | County of Marin |

AD HOC AUDIT COMMITTEE, 2023

- | | |
|--------------------|-------------------|
| 1. Sally Wilkinson | City of Belvedere |
| 2. Dave Fong | Town of Danville |
| 3. Kevin Haroff | City of Larkspur |



MCE Executive Committee Overview and Scope

Current Membership: 12

Current Members:

- Kevin Haroff, City of Larkspur (Chair)
- Eli Beckman, Town of Corte Madera
- Edi Birsan, City of Concord
- Barbara Coler, Town of Fairfax
- Cindy Darling, City of Walnut Creek
- Dave Fong, Town of Danville
- Devin Murphy, City of Pinole
- Max Perrey, City of Mill Valley
- Gabriel Quinto, City of El Cerrito
- Shanelle Scales-Preston, City of Pittsburg
- Holli Thier, Town of Tiburon
- Sally Wilkinson, City of Belvedere

Membership Process: MCE strives to assemble an Executive Committee comprised of at least one county representative and one city/town representative from each county in the MCE service area. Available seats on the Executive Committee are therefore first offered to any interested and applicable Board member whose county is not yet represented by one county and one city/town member. Interested members can be added at a meeting of the Board when "New Committee Members" is on the Agenda.

Current meeting date: First Fridays of each month at 12:00pm

Scope

The scope of the MCE Executive Committee is to explore, discuss and provide direction or approval on general issues related to MCE including legislation, regulatory compliance, strategic planning, outreach and marketing, contracts with vendors, human resources, finance and budgeting, debt, rate setting, and agenda setting for the regular MCE Board meetings and annual Board retreat.

Authority of Executive Committee

Executive Committee is authorized to make decisions regarding:

- Legislative positions outside of the Board-approved legislative plan
- Procurement pursuant to Resolution 2018-04 or its successor
- Compensation and evaluation of the CEO

- Ad hoc committees
- Honorary awards

The Executive Committee also serves to make recommendations to the Board regarding:

- The annual budget and budget adjustments
- Rate setting
- Entering into debt
- MCE Policies (such as Policy 013: Reserve Policy and Policy 014: Investment Policy)



MCE Technical Committee Overview and Scope

Current Membership: 6

Current Members: Devin Murphy, City of Pinole (Chair)
Gina Dawson, City of Lafayette
John Gioia, County of Contra Costa
Kevin Haroff, City of Larkspur
Scott Perkins, City of San Ramon
Katie Rice, County of Marin

Membership Process: MCE strives to assemble a Technical Committee comprised of at least one county representative and one city/town representative from each county in the MCE service area. Available seats on the Technical Committee are therefore first offered to any interested and applicable Board member whose county is not yet represented by one county and one city/town member. Interested members can be added at a meeting of the Board when "New Committee Members" is on the Agenda.

Current meeting date: First Thursday of each month at 8:30 am

Scope

The scope of the MCE Technical Committee is to explore, discuss and provide direction or approval on issues related to electricity supply, distributed generation, greenhouse gas emissions, energy efficiency, procurement risk management and other topics of a technical nature.

Frequent topics include electricity generation technology and procurement, greenhouse gas accounting and reporting, energy efficiency programs and technology, energy storage technology, net energy metering tariff, local solar rebates, electric vehicle programs and technology, Feed-in Tariff activity and other local development, Light Green, Deep Green and Local Sol power content planning, long term integrated resource planning, regulatory compliance, MCE's Energy Risk Management Policy (ERMP), procurement risk oversight, and other activity related to the energy sector. The MCE Technical Committee reviews and discusses new technologies and potential application by MCE.

Authority of Technical Committee

- Approval of and changes to MCE's Net Energy Metering Tariff
- Approval of and changes to MCE's Feed in Tariff
- Approval of annual GHG emissions level and related reporting
- Approval of MCE procurement pursuant to Resolution 2018-03 or its successor
- Approval of MCE procurement-related certifications and reporting, including the Power Content Label
- Approval of contracts with vendors for technical programs or services, energy efficiency program or services and procurement functions or services Approval of power purchase agreements
- Approval of adjustments to power supply product offerings
- Approval of the Integrated Resource Plan
- Receipt of reports from the Risk Oversight Committee (ROC) on at least a quarterly basis regarding the ROC's meetings, deliberations, and any other areas of concern
- Initiation of and oversight of a review of the implementation of the ERMP as necessary
- Approval of substantive changes to MCE's Energy Risk Management Policy (ERMP), including periodic review of the ERPM and periodic review of ERPM implementation



February 16, 2023

TO: MCE Board of Directors

FROM: Catalina Murphy, Associate General Counsel

RE: In-Person Meetings and Teleconferencing Options Under the Brown Act and AB 2449 (Agenda Item #10)

Dear Board Members:

Summary:

Before the COVID-19 Pandemic, MCE Board and Committee meetings were held in-person, pursuant to the open and public meeting requirements of the Brown Act¹ and teleconferencing was allowed under the following conditions: (i) the teleconferencing location was noticed on the agenda; (ii) an agenda was posted at the teleconferenced location; (iii) the teleconferencing location was accessible to the public; and (iv) a quorum of members participated from locations within MCE's service area ("Default Teleconferencing Rules"). Under these Default Teleconferencing Rules your Board was able to attend Board and/or Committee meetings at either MCE Office (San Rafael or Concord).

During the state-proclaimed State of Emergency, Governor Gavin Newsom signed Assembly Bill No. 361 (Rivas) ("AB 361") on September 16, 2021, amending the Brown Act to allow all local agency members to meet remotely via teleconference, without meeting the conditions of the Default Teleconferencing Rules.

With the State of Emergency set to end February 28, 2023, teleconferencing under AB 361 will no longer be available and Board and Committee meetings will return to in-person, subject to the Default Teleconferencing Rules, beginning March 1, 2023. As of January 1, 2023, Assembly Bill No. 2449 (Rubio) ("AB 2449") is in effect which further amends the Brown Act to authorize certain teleconferencing options, different from the Default Teleconferencing Rules, when a Board member can demonstrate a 'just cause' or

¹ Government Code, §§ 54950 et seq.

'emergency circumstance.'² To use the teleconferencing options of AB 2449, the following conditions must be met:

- A quorum of Board members must participate in-person from a singular, physical location identified on the agenda;
- The reason for needing to attend via teleconference due to 'just cause' or 'emergency circumstance' must be disclosed to the Board at the earliest opportunity, which may mean disclosing at the beginning of a meeting;
- The Board and/or Committee would have to take action at the start of a meeting to approve any request to attend via teleconference for 'emergency circumstance' reasons;
- Board members attending via teleconference must have audio and visual capabilities (calling in by phone is not permitted);
- Each Board member would be restricted on the number of times 'just cause' and 'emergency circumstance' is used for teleconferencing.³

Teleconferencing under AB 2449 would prevent using both MCE offices for meetings, since a quorum of a meeting would need to be present at one location. It would also increase administrative tasks for staff, requiring them to ensure a quorum arrives at one office location, ensuring appropriate action is taken at the beginning of the meeting to approve the teleconference reason, and assist Board members in tracking how many meetings they have attended via teleconference so as not to go beyond the restricted amount.

On February 3, 2023, Staff recommended to the Executive Committee that MCE Board and Committee meetings which would return to in-person in March 2023, follow the Default Teleconferencing Rules, rather than teleconferencing under AB 2449. This would allow your Board the flexibility of continuing to attend Board and Committee meetings from either MCE office location (San Rafael or Concord) or even attend via teleconference from a Board member's local city/county office, and minimize administrative burdens. The Executive Committee voted to recommend approval by the full Board.

Fiscal Impacts:

None.

Recommendation:

Approve Board and Committee meetings to be held in person beginning March 1, 2023, subject to the Default Teleconferencing Rules of the Brown Act, when a state-proclaimed State of Emergency is not in place.

² Government Code, § 54953, subd. (f)(2).

³ No more than two (2) meetings via teleconference per calendar year due to 'just cause' and a Board member cannot use a combination of 'just cause' and 'emergency circumstance' for more than three (3) consecutive months or 20 percent of the regular meetings of the calendar year.



February 16, 2023

TO: MCE Board of Directors

FROM: Michael Callahan, Associate General Counsel

RE: Policy Update of Regulatory and Legislative Items (Agenda Item #11)

ATTACHMENTS: Regulatory Packet with December and January Filings

Dear Board Members:

Summary: Below is a summary of the key activities at the state and federal legislatures, the California Public Utilities Commission (CPUC), and the California Energy Commission (CEC) impacting Community Choice Aggregation (CCA) and MCE.

1. State Legislative Advocacy

The California bill introduction deadline is Friday February 17th, and staff looks forward to providing a more detailed report on priority legislation at a future Board meeting.

Of note, the Newsom Administration has requested legislation to address electric reliability and resource adequacy, and to authorize a central procurement entity for very large resources with long development lead times. As of the drafting of this report, no details have been released yet. Staff will monitor and are prepared to respond when bill language becomes public.

2. CPUC, Integrated Resource Planning

Comments on Staff Procurement Options Paper

On September 8, 2022, the CPUC issued an Administrative Law Judge (ALJ) Ruling seeking comments on the CPUC Staff's paper on developing a long-term procurement program and potential near-term actions to encourage additional procurement (Staff Options Paper). In response, MCE Staff worked with other CCAs and the California Community Choice Association (CalCCA) to create a proposed long-term procurement framework for the CPUC's consideration in response to the ALJ Ruling.

On December 12, 2022, CalCCA filed comments requesting that the CPUC adopt a “Net Clean Capacity Procurement Framework” as an alternative to the options included in the Staff Options Paper. Under CalCCA’s proposed framework, MCE’s procurement obligations would be focused on the new and existing clean resources needed to meet reliability and greenhouse gas (GHG) reduction requirements. CalCCA’s option would focus on helping the state transition to clean generation capacity through the integrated resource plan (IRP) process while ensuring reliability needs are met through an openness to adopting modifications to the current Resource Adequacy (RA) program.

On January 9, 2023, CalCCA filed reply comments responding to other parties’ comments on the ALJ Ruling and Staff Options Paper. CalCCA recommended that the CPUC (1) not adopt a resource-specific approach that would require load serving entities (LSEs) to procure the exact resources in their IRPs; (2) conduct workshops to determine if enhancements to the RA program are necessary to retain existing resources under a new procurement framework; and (3) focus on developing the final framework rather than issuing additional procurement orders.

MCE continues to monitor and engage in this proceeding and will provide updates to the Board as they become available.

Proposed Decision Ordering 4,000 MW of New Procurement

On January 13, 2023, the CPUC issued a Proposed Decision (PD) ordering a supplemental 4,000 megawatts (MW) of power resources in addition to the 11,500 MW previously ordered in June 2021. The PD would require LSEs under the jurisdiction of the CPUC to procure an additional 2,000 MW by June 1, 2026, and an additional 2,000 MW by June 1, 2027. The PD does not specify MCE’s share of this incremental obligation.

On February 2, 2023, CalCCA filed comments highlighting the flaws in the CPUC’s proposal, noting the challenges created by ordering power procurement in a rushed and unpredictable manner (such as exacerbating the energy affordability crisis).

The earliest that the CPUC may vote on the PD is February 26, 2023. Staff will continue to follow the proceeding and provide updates to the Board as they become available.

3. CPUC, Energy Efficiency

On February 2, 2023 the CPUC unanimously approved a decision addressing energy efficiency third-party processes and other issues. As requested by MCE, the Commission supported the use of and outlined metrics for strategic energy management (SEM) programs, where customers develop behavioral and operational plans to reduce energy use, to serve non-industrial customers and outlined metrics for program evaluation. MCE administers several successful energy efficiency programs with SEM design features to non-industrial commercial, agricultural and multi-family residential customers.

Additionally, the CPUC granted an extension to allow MCE to continue running its pay-for-performance marketplace programs while a funding request to extend it further is pending. The marketplace programs pay energy efficiency and demand response providers to help customers reduce or shift their electricity usage to support a clean and reliable grid.

4. CPUC, PG&E'S 2023 Energy Resource Recovery Account Application

On November 28, 2022, the CPUC issued a PD in Pacific Gas and Electric Company's (PG&E) 2023 Energy Resource Recovery Account (ERRA) Forecast Proceeding. The proceeding sets PG&E's bundled generation rates and the Power Charge Indifference Adjustment (PCIA) rate for 2023. The PCIA is a fee that PG&E charges to departed customers to recover above-market costs of contracts they executed before the customer departed. Until this proceeding, the PCIA resulted in a charge to customers; but changes in market conditions are such that it is possible to now see PCIA forecasts that result in some customers receiving PCIA credits.

On December 5 and December 8, 2022, MCE worked with CalCCA to file comments on the PD supporting the rejection of PG&E's proposal to zero out any PCIA credits and carry them over to offset PCIA charges in the future. Instead, CalCCA requested that PG&E be directed to provide PCIA credits due to customers.

On December 15, 2022, the CPUC issued a final decision rejecting PG&E's proposal and requiring payment of PCIA credits due to customers. The final decision also authorized PG&E bundled generation rates and PCIA rates for 2023.

5. CPUC, Demand Flexibility

On November 2, 2022, the CPUC's Assigned Commissioner issued a Phase 1 Scoping Memo and Ruling (Ruling) in the Demand Flexibility proceeding, which is intended to: (1) establish an income-graduated fixed charge for residential rates; and (2) adopt guidelines and principles for demand flexibility rates by the investor-owned utilities (IOUs). Demand flexibility rates are intended to be a more dynamic and complex version of time-of-use rates and will likely change from hour to hour based on a provider's costs.

On December 2, 2022, MCE worked with CalCCA to file opening comments on the Ruling, recommending that the CPUC: (1) expand its demand flexibility rates principles to include the systems and processes necessary for CCAs to fully participate in demand flexibility offerings; (2) ensure principles of equity are incorporated into electric rate design principles; and (3) seek to expand current dynamic rate pilots that can immediately provide load shifting and grid reliability benefits.

On January 4, 2023, CalCCA filed reply comments on the Ruling requesting that the CPUC: (1) address data gaps that prevent CCAs and IOUs from taking complementary actions that yield the highest level of customer and grid benefits; and (2) ensure that all

terms in the electric rate design principles developed in the proceeding are clearly defined.

This proceeding is ongoing, and Staff will continue to engage in the process to develop demand flexibility programs and rate principles and will provide updates to the Board as they become available.

6. CPUC, Green Access Programs Application for Review

On December 2, 2022, the CPUC's Assigned Commissioner issued a Scoping Memo and Ruling (Ruling) in the IOU Applications for Review of the Disadvantaged Communities – Green Tariff (DAC-GT), Community Solar Green Tariff (CSGT) and Green Tariff Shared Renewables Programs (GTSR), together the Green Access Programs. MCE is an administrator of two Green Access Programs: DAC-GT and CSGT. These programs provide community solar options at a 20% discount for customers living in disadvantaged communities. The GTSR program is only administered by IOUs and is similar to existing MCE offerings. The Ruling seeks to: (1) evaluate the existing Green Access Programs; and (2) identify improvements for the Green Access Programs, including potentially establishing a new tariff or program.

On January 20, 2023, MCE worked with the Joint CCAs to file opening testimony for the Application, recommending that the CPUC: (1) increase the DAC-GT program capacity cap for MCE from 4.64 MW to 11.90 MW; (2) continue to allow program administrators to use or not use auto-enrollment at their discretion; (3) expand siting requirements for the CS-GT program to include census tracts adjacent to disadvantaged communities; (4) expand eligible technology types to include co-located solar and storage; (5) establish clear guidance on allocating program capacity during CCA expansion; (6) change the filing date of the Annual Budget Advice Letter required for these programs; (7) move forward on implementing automatic data transfer between the IOUs and CCAs; (8) improve clarity on billing processes for SDG&E's service area; and (9) advocate against ending the cost-recovery portions of the programs to avoid an undue financial encumbrance for the program administrators, burden all customers with higher rates, and erode confidence by customers and numerous other stakeholders in future Commission-funded programs.

On February 1, 2023, MCE submitted the Annual Budget Advice Letter for the DAC-GT and CS-GT programs. The Advice Letter forecasts costs for Program Year 2024 and reconciles actual costs against prior forecasts for Program Year 2022. Overall, MCE is requesting a budget of \$929,566 for Program Year 2024 for the DAC-GT and CSGT programs.

7. California Energy Commission, Equitable Building Decarbonization

Authorized by Assembly Bill 209 (2022) and administered by the California Energy Commission, the goals of the Equitable Building Decarbonization Program are to reduce

greenhouse gas (GHG) emissions in homes and advance energy equity. The overarching program has two components: (1) the Direct Install Program; and (2) the Statewide Incentive Program. The Direct Install Program provides decarbonization retrofits to low- and moderate-income households. The Statewide Incentive Program incentivizes the increased adoption of low-carbon technologies. MCE supported the Equitable Building Decarbonization program proposal and fiscal appropriation during its FY 2022-2023 budget advocacy to help expand MCE's existing work on electrification and energy efficiency with a focus on communities facing equity challenges.

On January 20, 2023, MCE submitted comments and recommendations to the California Energy Commission's Request for Information on Direct Installation programs. MCE strongly supports the goals of the program and its comments on program design endeavor to maximally improve public health, reduce greenhouse gas emissions, strengthen energy affordability, support high-road workforce development, and advance equitable outcomes especially for individuals and communities facing historic barriers to clean energy programs and technologies.

Fiscal Impacts: It is not yet possible to quantify precise fiscal impacts for the items covered in this report. The IRP procurement order will require MCE to procure additional generation resources and will therefore have fiscal impacts in future fiscal years. The IRP reform and Staff Options Paper may lead to more stability in prices and required procurement over the long-term. The PCIA change will allow customer bills to be lower when the fee calculates to a negative number. If granted, the budget request for the Green Access Programs will supplement MCE's operational revenues. The remaining policy issues will result in uncertain or no direct fiscal impacts.

Recommendation: There are no recommended actions at this time.