

**Regular Meeting of the Executive Committee of the  
Peninsula Clean Energy Authority (PCEA)**

**AGENDA**

**Monday, April 11, 2022**

**10:00 a.m.**

**Zoom Link:** <https://pencleanenergy.zoom.us/j/83834724993>

**Meeting ID:** 838-3472-4993 **Passcode:** 2075 **Phone:** +1(253)215-8782

**NOTE: Please see attached document for additional detailed teleconference instructions.**

*In accordance with AB 361, the Committee will adopt findings that meeting in person would present imminent risks to the health or safety of attendees of in-person meetings. Consistent with those findings, this Committee Meeting will be held remotely. PCEA shall make every effort to ensure that its video conferenced meetings are accessible to people with disabilities as required by Governor Newsom's March 17, 2020 Executive Order N-29-20. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials should contact Nelly Wogberg, Board Clerk, at least 2 working days before the meeting at [nwogberg@peninsulacleanenergy.com](mailto:nwogberg@peninsulacleanenergy.com). Notification in advance of the meeting will enable PCEA to make best efforts to reasonably accommodate accessibility to this meeting and the materials related to it.*

*If you wish to speak to the Executive Committee, please use the "Raise Your Hand" function in the Zoom platform or press \*6 if you phoned into the meeting. If you have anything that you wish to be distributed to the Executive Committee and included in the official record, please send to [nwogberg@peninsulacleanenergy.com](mailto:nwogberg@peninsulacleanenergy.com).*

**CALL TO ORDER / ROLL CALL**

**PUBLIC COMMENT**

This item is reserved for persons wishing to address the Committee on any PCEA-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. Members of the public who wish to address the Committee are customarily limited to two minutes per speaker. The Committee Chair may increase or decrease the time allotted to each speaker.

**ACTION TO SET AGENDA AND TO APPROVE CONSENT AGENDA ITEMS**

1. Adopt Findings Pursuant to AB 361 to Continue Fully Teleconferenced Committee Meetings Due to Health Risks Posed by In-Person Meetings
2. Approval of the Minutes for the March 14, 2022 Executive Committee Meeting

**REGULAR AGENDA**

3. Chair Report (Discussion)

4. CEO Report (Discussion)
5. Update on Six-Month Strategic Plan Status (Discussion)
6. Update on Customer Arrearage Programs - CAPP and AMP (Discussion)
7. Update on Los Banos Enrollment (Discussion)
8. Committee Members' Reports (Discussion)

**ADJOURNMENT**

Public records that relate to any item on the open session agenda are available for public inspection. The records are available at the Peninsula Clean Energy offices or on PCEA's Website at: <https://www.peninsulacleanenergy.com>.

## Instructions for Joining a Zoom Meeting via Computer or Phone

### Best Practices:

- Please mute your microphone when you are not speaking to minimize audio feedback
- If possible, utilize headphones or ear buds to minimize audio feedback
- If participating via videoconference, audio quality is often better if you use the dial-in option (Option 2 below) rather than your computer audio

### Options for Joining

- A. Videoconference with Computer Audio – see Option 1 below
- B. Videoconference with Phone Call Audio– see Option 2 below
- C. Calling in via Telephone/Landline – see Option 3 below

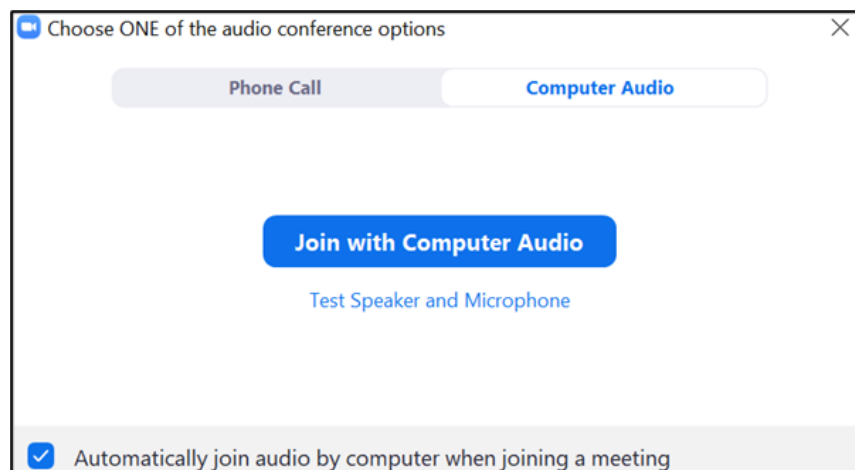
### Videoconference Options:

Prior to the meeting, we recommend that you install the Zoom Meetings application on your computer by clicking here <https://zoom.us/download>.

If you want full capabilities for videoconferencing (audio, video, screensharing) you must download the Zoom application.

### **Option 1 Videoconference with Computer Audio:**

1. From your computer, click on the following link that is also included in the Meeting Calendar Invitation: <https://pencleanenergy.zoom.us/j/83834724993>.
2. The Zoom application will open on its own or you will be instructed to open Zoom.
3. After the application opens, the pop-up screen below will appear asking you to choose ONE of the audio conference options. Click on the Computer Audio option at the top of the pop-up screen.



4. Click the blue, "Join with Computer Audio" button.
5. In order to enable video, click on "Start Video" in the bottom left-hand corner of the screen. This menu bar is also where you can mute/unmute your audio.

### **Option 2 Videoconference with Phone Call Audio:**

1. From your computer, click on the following link that is also included in the Meeting Calendar Invitation: <https://pencleanenergy.zoom.us/j/83834724993>.
2. The Zoom Application will open on its own or you will be instructed to Open Zoom.
3. After the application opens, the pop-up screen below will appear asking you to choose ONE of the audio conference options. Click on the Phone Call option at the top of the pop-up screen.

Phone Call		Computer Audio
Country/Region	United States	
Dial	+1 253 215 8782	
	+1 346 248 7799	
	+1 720 707 2699	
	+1 301 715 8592	
	+1 312 626 6799	
Meeting ID	838 3472 4993	
Participant ID		
Passcode	2075	

4. Please dial +1 (253) 215-8782.
5. You will be instructed to enter the meeting ID: **838-3472-4993 followed by #.**
6. You will be instructed to enter in your participant ID. Your participant ID is unique to you and is what connects your phone number to your Zoom account.
7. After a few seconds, your phone audio should be connected to the Zoom application on your computer.
8. In order to enable video, click on “Start Video” in the bottom left-hand corner of the screen. This menu bar is also where you can mute/unmute your audio.

### **Audio Only Options:**

**Please note that if you call in/use the audio only option, you will not be able to see the speakers or any presentation materials in real time.**

### **Option 3: Calling in via Telephone/Landline:**

1. Dial +1 (253) 215-8782.
2. You will be instructed to enter the meeting ID: **838-3472-4993 followed by #.**
3. You will be instructed to enter your **Participant ID** followed by #. If you do not have a participant ID or do not know it, you can press # to stay on the line.
4. You will be instructed to enter the meeting passcode **2075 followed by #.**

**PENINSULA CLEAN ENERGY AUTHORITY  
JPA Board Correspondence**

**DATE:** April 4, 2022  
**COMMITTEE MEETING DATE:** April 11, 2022  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority Present

**TO:** Honorable Peninsula Clean Energy Authority Executive Committee

**FROM:** Jan Pepper, Chief Executive Officer, Peninsula Clean Energy Authority

**SUBJECT:** Resolution to Make Findings Allowing Continued Remote Meetings Under Brown Act

**RECOMMENDATION:**

Adopt a resolution finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

**BACKGROUND:**

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunset on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which committee members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during shelter-in-place periods. AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the local agency. On January 5, 2022, Governor Newsom extended the sunset provision of AB361 and Government Code Section 11133(g) from January 31, 2022 to April 1, 2022 due to the surge in Omicron variant related COVID-19 cases and hospitalizations.

AB 361 requires that, if the state of emergency remains active for more than thirty (30) days, the agency must make findings by majority vote to continue using the bill's exemption to the Brown Act teleconferencing rules. The findings are to the effect that the need for teleconferencing persists due to the nature of the ongoing public health emergency and the social distancing recommendations of local public health officials. **Effectively, this means that agencies, including PCEA, must agendize a Brown Act meeting and make findings regarding the circumstances of the emergency on a thirty (30) day basis. If at least thirty (30) days have transpired since its last meeting, the Committees must vote whether to continue to rely upon the law's provision for teleconference procedures in lieu of in-person meetings.**

AB 361 allows for meetings to be conducted virtually *as long as* there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present risks to health. AB 361 will now sunset on January 1, 2024.

On September 25, 2021, the Peninsula Clean Energy Board of Directors approved a thirty (30) day extension of remote meetings in accordance with AB 361. Out of an abundance of caution given AB 361's narrative that describes each legislative body's responsibility to reauthorize remote meetings, staff and counsel brings this memo and corresponding resolution to the attention of the Executive Committee.

On September 29, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On October 12, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On November 8, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On December 6, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On January 10, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On February 14, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On March 14, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

**DISCUSSION:**

Because of continuing concerns regarding COVID-19 transmission, especially when individuals are grouped together in close quarters, it is recommended that the Peninsula Clean Energy Executive Committee avail itself of the provisions of AB 361 allowing

continuation of online meetings by adopting findings to the effect that conducting in-person meetings would present risk to the health and safety of attendees. A resolution to that effect and directing staff to agendize the renewal of such findings in the event that thirty (30) days has passed since the Committee's last meeting, is attached hereto.

**RESOLUTION NO. \_\_\_\_\_**

**PENINSULA CLEAN ENERGY AUTHORITY, COUNTY OF SAN MATEO,**

**STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY DECLARED BY GOVERNOR NEWSOM, MEETING IN PERSON FOR MEETINGS OF THE PENINSULA CLEAN ENERGY EXECUTIVE COMMITTEE WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES**

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**WHEREAS**, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

**WHEREAS**, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder, and as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and



**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

**WHEREAS**, Governor Newsom extended the sunset provision of AB361 and Government Code Section 11133(g) to January 1, 2024 due to surges and instability in COVID-19 cases; and,

**WHEREAS**, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that COVID-19 continues to be highly transmissible and that even fully vaccinated individuals can spread the virus to others; and,

**WHEREAS**, the Committee has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings;

**WHEREAS**, on September 25, 2021, the Peninsula Clean Energy Board of Directors approved a thirty (30) day extension of remote meetings in accordance with AB 361. Out of an abundance of caution given AB 361’s narrative that describes each legislative body’s responsibility to reauthorize remote meetings, staff and counsel bring this resolution to the attention of the Executive Committee, and;

**WHEREAS**, on September 29, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on October 12, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on November 8, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on December 6, 2021, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on January 10, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on February 14, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on March 14, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Committee deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that

1. The recitals set forth above are true and correct.
2. The Committee finds that meeting in person would present imminent risks to the health or safety of attendees.
3. Staff is directed to return no later than thirty (30) days, or, alternatively, at the next scheduled meeting of the Committee, after the adoption of this resolution with an item for the Committee to consider making the findings required by AB 361 in order to continue meeting under its provisions.
4. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

\* \* \* \* \*

**Regular Meeting of the Executive Committee of the  
Peninsula Clean Energy Authority (PCEA)  
Minutes**

Monday, March 14, 2022  
10:00 a.m.  
Zoom Video Conference and Teleconference

**CALL TO ORDER**

Meeting was called to order at 10:03 a.m. in virtual teleconference.

**ROLL CALL**

**Participating Remotely:**

Rick DeGolia, Atherton, *Chair*  
Julia Mates, Belmont  
Donna Colson, Burlingame, *Vice Chair*  
Giselle Hale, Redwood City  
Rick Bonilla, San Mateo

Pradeep Gupta, Director Emeritus  
John Keener, Director Emeritus

**Absent:**

Dave Pine, San Mateo County  
Marty Medina, San Bruno  
Laura Parmer-Lohan, San Carlos  
Jeff Aalfs, Portola Valley

**A quorum was established.**

**PUBLIC COMMENT**

None

**ACTION TO SET AGENDA AND TO APPROVE CONSENT AGENDA ITEMS**

**MOTION:** Director Bonilla moved, seconded by Director Hale to set the Agenda and approve Agenda Item Number 1.

1. Adopt Findings Pursuant to AB 361 to Continue Fully Teleconferenced Committee Meetings Due to Health Risks Posed by In-Person Meetings
2. Approval of the Minutes for the February 14, 2022 Executive Committee Meeting

**MOTION PASSED:** 5-0 (Absent: San Mateo County, San Bruno, San Carlos, Portola Valley)

<b>JURISDICTION</b>	<b>BOARD MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
San Mateo County	Director Pine				X
Atherton	Director DeGolia	X			
Belmont	Director Mates	X			
Burlingame	Director Colson	X			
Redwood City	Director Hale	X			
San Bruno	Director Medina				X
San Carlos	Director Parmer-Lohan				X
San Mateo	Director Bonilla	X			
Portola Valley	Director Aalfs				X
	Totals	5			4

### **REGULAR AGENDA**

#### 3. Chair Report

Chair DeGolia reported that the Executive Committee will be selected at the March 24, 2022 Board of Directors meeting and to please let him know of your interest to continue serving on the Committee.

#### 4. CEO Report

Jan Pepper, *CEO*, provided a report including a recruitment update for the COO and CFO, information on the forthcoming all-staff meeting, and the Los Banos enrollment. Jan also asked the board if a discussion should be brought forward on better engaging board alternates as part of the Strategic Plan discussion at April's Executive Committee.

Board Members discussed not needing this discussion as each board member keeps their alternates updated in different ways and that attending additional meetings, such as the PCE board meeting, for board alternates may not be practical. Vice Chair Colson suggested sharing information on subcommittees if the skill set required matches that of their alternate and Chair DeGolia suggested an annual Board of Directors agenda item reminding alternates that they may serve on subcommittees if interested.

#### 5. Local Government Solar and Storage Program Approval (Action)

Rafael Reyes, Director of Energy Programs, gave a presentation on the Local Government Solar and Storage Program including a program overview and precedents, deal structure, pilot portfolio and next steps, projected savings and the financial structure.

Director Emeritus Gupta asked about participation from cities in north San Mateo County which were absent from the pilot. Rafael explained that through the long process of evaluating sites Peninsula Clean Energy staff relied upon cities volunteering to participate in the programs. He further explained that during this next round, if approved by the Board of Directors, the goal is to include more agencies.

Director Hale asked for clarification on the approach to locating suitable sites within a municipality as well as the influence of speed and affordability. Rafael explained that a key deliverable is scale for the developers and pricing benefits and that the groundwork done

on locating sites provides clarity around potential bids. Director Hale offered to share resources and models for choosing sites from a city’s portfolio and leveraging energy savings across multiple projects. Jan Pepper, CEO, asked Director Hale if she could share the city models she is referring to. Rafael explained that this program allows municipalities to participate and receive a solar system without any upfront costs.

Director Bonilla asked for clarification in selecting installation firms, if a project manager would be hired, and if this program would be consistent with Peninsula Clean Energy’s labor policy. Rafael explained that there would be a competitive process and that Peninsula Clean Energy is working closely with San Mateo County to be sure they are in alignment with the county’s procurement practices. Rafael also explained that a firm would likely be used for construction management and that this project would be consistent with the labor policy but that an RFP has not been developed yet.

Chair DeGolia asked about prospects of including battery installations as an upgrade at some point. Rafael explained that each site will be “battery-ready” and that four sites are considering having battery systems included for this first pilot.

Vice Chair Colson asked about tax credits and they way they are set up. Rafael explained that typically ownership of the system goes to a third-party tax credit provider that has the tax liability which is typically captured within approximately six years. Ownership would then revert back to Peninsula Clean Energy where ownership would remain for the duration of the Power Purchase Agreement (PPA). Ownership could then be transferred back to local governments for the remaining life of the system, approximately 5-10 years. Vice Chair Colson suggested expanding beyond municipalities into non-profits.

Jan Pepper clarified that the aggregations in slide nine were done before the existence of Community Choice Aggregators (CCAs).

Director Hale discussed the pros and cons of municipalities owning the system versus using private financing to capture tax credit savings and encouraged further analysis. Chair DeGolia added that with this program it is possible to have multiple benefits of private financing with the added benefit of owning the system in the future. Rafael explained that sites are being determined by suggestions from municipalities.

Director Bonilla asked for clarification on the term of the firm that would be selected for installation and maintenance. Rafael explained that the terms have yet to be determined.

Public Comment: Christina Fernandez, South San Francisco

**MOTION:** Director Mates moved, seconded by Director Colson to recommend to the Peninsula Clean Energy Board of Directors approval of the Local Government Solar and Storage Program.

**MOTION PASSED:** 5-0 (Absent: San Mateo County, San Bruno, San Carlos, Portola Valley)

JURISDICTION	BOARD MEMBER	YES	NO	ABSTAIN	ABSENT
San Mateo County	Director Pine				X
Atherton	Director DeGolia	X			
Belmont	Director Mates	X			

Burlingame	Director Colson	X			
Redwood City	Director Hale	X			
San Bruno	Director Medina				X
San Carlos	Director Parmer-Lohan				X
San Mateo	Director Bonilla	X			
Portola Valley	Director Aalfs				X
	Totals	5			4

#### 6. Committee Members' Reports

None

#### **ADJOURNMENT**

Meeting was adjourned at 11:00 a.m.

**PENINSULA CLEAN ENERGY AUTHORITY  
JPA Board Correspondence**

**DATE:** April 4, 2022  
**COMMITTEE MEETING DATE:** April 11, 2022  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority Present

**TO:** Honorable Peninsula Clean Energy Authority Executive Committee  
**FROM:** Jan Pepper, Chief Executive Officer, Peninsula Clean Energy Authority  
**SUBJECT:** Review Six-Month Strategic Plan Status Update

Senior staff members will be providing a semi-annual update of the PCE strategic plan. Updates will cover the following areas:

- Power Resources
- Community Energy Programs
- Marketing and Outreach
- Account Services
- Public Policy
- Financial Stewardship
- Organizational Excellence