

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

AGENDA

Monday, August 8, 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. 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.*

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 May 9, 2022 Executive Committee Meeting

REGULAR AGENDA

3. Chair Report (Discussion)

4. CEO Report (Discussion)
5. Proposed Agenda for September Board of Directors Retreat Meeting (Discussion)
6. Update on EV Ready and CALeVIP Program (Discussion)
7. Update on Government Solar (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

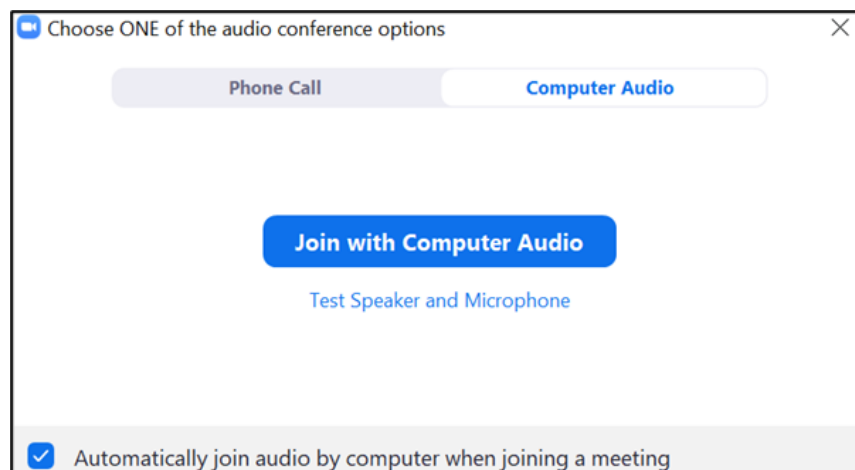
Videoconference Options:

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: August 4, 2022
COMMITTEE MEETING DATE: August 8, 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.

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.

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 Boards 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 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.

On April 11, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On May 9, 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

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, on January 5, 2022, 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, on April 11, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

WHEREAS, on May 9, 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, May 9, 2022
10:00 a.m.
Zoom Video Conference and Teleconference

CALL TO ORDER

Meeting was called to order at 10:02 a.m. in virtual teleconference.

ROLL CALL

Participating Remotely:

Dave Pine, San Mateo County
Rick DeGolia, Atherton, *Chair*
Julia Mates, Belmont
Donna Colson, Burlingame, *Vice Chair*
Giselle Hale, Redwood City
Laura Parmer-Lohan, San Carlos
Rick Bonilla, San Mateo
Jeff Aalfs, Portola Valley

John Keener, Director Emeritus
Pradeep Gupta, Director Emeritus

Absent:

Marty Medina, San Bruno

A quorum was established.

PUBLIC COMMENT

None

ACTION TO SET AGENDA AND TO APPROVE CONSENT AGENDA ITEMS

MOTION: Director Bonilla moved, seconded by Director Mates to set the Agenda and approve Agenda Item Number 1-2.

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 April 11, 2022 Executive Committee Meeting

MOTION PASSED: 8-0 (Absent: San Bruno)

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	8			1

REGULAR AGENDA

3. Chair Report

Chair DeGolia gave a welcome to Shawn Marshall, Peninsula Clean Energy's new Chief Operating Officer.

4. CEO Report

Jan Pepper, *CEO*, provided a report that included a recruitment update, an update on the hybrid meeting space within the Peninsula Clean Energy office, and an update on the Community Choice Power (CC Power) Firm Clean Resources requirement.

Director Aalfs asked if this schedule could delay the CC Power vote. Jan explained that the other Community Choice Aggregators (CCAs) have authorized their CEOs to vote while Peninsula Clean Energy requires Board approval before Jan can vote at CC Power Board Meetings.

Director Colson recommended making it easy for senior management to participate and vote in these conversations. Director Bonilla noted that the Peninsula Clean Energy Board established this policy to ensure that CC Power policies aligned with the policies Peninsula Clean Energy has established around labor and the environment. Director Bonilla asked if Jan abstained from voting if the item would still pass. Jan explained that she didn't believe it would fail as there are 10 other voting members. Chelsea Keys, Power Resources Manager, explained that this project would likely move forward without Jan's vote.

Jennifer Stalzer, Deputy County Counsel, suggested that this discussion be moved to an agenda topic for a future agenda.

Director Pine offered a suggestion for a hybrid approach where Jan can vote if the timing between Peninsula Clean Energy Board meetings and CC Power Board meetings do not align for Jan to get Peninsula Clean Energy Board approval prior to the vote.

Vice Chair Colson suggested that we put this on a future agenda item so adjustments to this policy can be made as needed.

Chair DeGolia asked if Jan would be able to share information on the Firm Clean Resources Geothermal Project in time for the May Board meeting. Jan explained that unless the public packet is released the night of the Peninsula Clean Energy Board meeting on May 26th, she would not be able to share details on the project.

5. Review of 2021 Citizens Advisory Committee Workplan Deliverables and Role of the Committee (Discussion)

Kirsten Andrews-Schwind, Senior Manager of Community Relations, gave a presentation covering the 2021 Citizens Advisory Committee (CAC) Workplan deliverables and the role of the CAC.

Vice Chair Colson shared that due to a variety of skill levels and interests—ranging from community outreach to technical—creating goals and objectives that satisfy the entire CAC is challenging. Vice Chair Colson believes that going forward the newly appointed CAC members should have a better understanding of the role of the CAC

Director Aalfs added that there is balance between what CAC members want to accomplish versus CAC tasks and staff's ability to support. Director Aalfs also noted that the CAC has made large contributions to the Diversity, Equity, Accessibility, and Inclusion (DEAI) Project.

Chair DeGolia shared that this experience is similar to what is experienced on local advisory committees and that Peninsula Clean Energy is doing a good job at balancing the role of the CAC.

6. Review of Proposed 2022 Citizens Advisory Committee Workplan and Deliverables (Discussion)

Kirsten Andrews-Schwind, Senior Manager of Community Relations, gave a presentation covering the proposed 2022 Citizens Advisory Committee (CAC) Workplan and Deliverables.

Chair DeGolia shared that this plan seems to hit key areas that Peninsula Clean Energy is focused on in terms of programs work. Chair DeGolia added that CAC collaboration on Reach Codes within their jurisdictions could be a valuable contribution, as well as reaching out to CAC members of other Community Choice Aggregators to see how Peninsula Clean Energy can improve our processes between the CAC and the Board.

Director Bonilla suggested that the word "initial" be added to the CAC Role and Responsibility: "Provide forum for community discussions on wide variety of strategies to reduce carbon emissions in conjunction with staff and board".

Vice Chair Colson asked for clarification on the Diversity, Equity, Accessibility, and Inclusion (DEAI) Project timeline. Kirsten explained that the intention is to keep the full body of the CAC engaged in the DEAI Project. Vice Chair Colson asked if this could be included in the Work Plan.

Cheryl Schaff, CAC Vice Chair, thanked Board Members for the comments and asked to share Board comments at next CAC meeting.

7. Review Fiscal Year 2022-2023 Draft Budget (Discussion)

Andy Stern, Chief Financial Officer, gave a presentation on the Fiscal Year 2022-2023 Draft Budget including Key Assumptions, PG&E and the Power Charge Indifference Adjustment Rate Change Summary, Revenues and the 5-year plan.

Director Bonilla asked if Peninsula Clean Energy could use excess funds to fund programs to help with full city electrification. Andy responded that this topic came up at the Audit & Finance Committee and asked Donna to further explain the organization strategies discussed. Vice Chair Colson shared that if these forecasts were to play out Peninsula Clean Energy would have significantly more than the required 180 days of cash on hand and that this excess could be part of rebates or fund additional programs, or potentially invested other projects such as microgrids.

Chair DeGolia requested that an item addressing long-term planning analysis in relation to the growing surplus be brought before the full board and any appropriate subcommittees.

Director Aalfs suggested balancing the idea of rebates with power procurement and programs strategies.

Vice Chair Colson added that changing the discount rate becomes something that becomes a part of the model forever versus a one-time rebate.

Director Emeritus Gupta added that rate structuring is currently tied to PG&E rates but alternative rate structuring may eliminate cash flow issues.

Director Pine added that investments should be made to help achieve 24/7 clean energy.

9. Review of Updated Peninsula Clean Energy Staff Organization Chart (Discussion)

Chair DeGolia announced that Agenda Item Number 9 would be heard before Agenda Item Number 8 due to a timing conflict.

Jan Pepper, CEO, gave an update on the Staff Organization Chart with the inclusion of new Chief Operating Officer, Shawn Marshall, and the reorganization of departments which Shawn will oversee.

8. Staff Feedback and Discussion of Potential Expansion (Discussion)

Marc Hershman, Director of Government Affairs, gave a presentation on staff feedback and discussion of potential expansion including information on Los Banos and current enrollment status, staff feedback on benefits and challenges of expansion, additional lessons and considerations going forward.

Director Parmer-Lohan asked if a dedicated team would be necessary to manage complex relationships. Marc explained that Sandra Benetti has been an invaluable resource for the Los Banos expansion and that with further expansion efforts additional staffing may be required.

Vice Chair Colson noted that Shawn Marshall has experience with Marin Clean Energy (MCE) in expansion efforts and may be another valuable resource for Peninsula Clean Energy in these discussions.

Director Bonilla shared that potential expansion areas are likely in the Central Valley and also that there may be interest in helping Los Banos form its own Community Choice Aggregator (CCA) so it can direct programs based on the needs of its community.

Director Mates agreed that having Shawn's expertise on expansion efforts would be valuable. Shawn Marshall, Chief Operating Officer, explained that expansion within MCE did not occur while she was on the MCE Board, but that she was part of the efforts with Peninsula Clean Energy in Los Banos.

Director Pine asked what is Peninsula Clean Energy's objective in expansion and shared that he feels the number one objective is to spread the CCA movement and to decarbonize and bring clean energy to other parts of the state.

10. Committee Members' Reports

Director Bonilla shared that the city of San Mateo has accepted a goal to eliminate the use of methane citywide by 2030.

ADJOURNMENT

Meeting was adjourned at 11:59 a.m.