

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

Monday, September 12, 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

- 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 August 8, 2022 Executive Committee Meeting

REGULAR AGENDA

3. Chair Report (Discussion)

- 4. CEO Report (Discussion)
- 5. Review of September Board Retreat Agenda and Schedule (Discussion)
- 6. Discussion of September 2022 Heat Storm and Response (Discussion)
- 7. 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.



- 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: September 9, 2022

COMMITTEE MEETING DATE: September 12, 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.

On August 8, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

DISCUSSION:

Item No. 1

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 inperson 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.

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;

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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, on August 8, 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.
- 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.

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

Monday, August 8, 2022 10:00 a.m. Zoom Video Conference and Teleconference

CALL TO ORDER

Meeting was called to order at 10:01 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* Marty Medina, San Bruno Rick Bonilla, San Mateo

John Keener, Director Emeritus

Absent:

Giselle Hale, Redwood City Laura Parmer-Lohan, San Carlos Jeff Aalfs, Portola Valley Pradeep Gupta, Director Emeritus

A quorum was established.

PUBLIC COMMENT

None

ACTION TO SET AGENDA AND TO APPROVE CONSENT AGENDA ITEMS

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

- 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

MOTION PASSED: 6-0 (Absent: Redwood City, San Carlos, Portola Valley)

JURISDICTION	BOARD MEMBER	YES	NO	ABSTAIN	ABSENT
San Mateo County	Director Pine	Χ			

Atherton	Director DeGolia	Χ		
Belmont	Director Mates	Χ		
Burlingame	Director Colson	Χ		
Redwood City	Director Hale			Х
San Bruno	Director Medina	Χ		
San Carlos	Director Parmer-Lohan			Х
San Mateo	Director Bonilla	Χ		
Portola Valley	Director Aalfs			Х
	Totals	6		3

REGULAR AGENDA

3. Chair Report

Chair DeGolia reported that the CEO Review Committee will get underway.

4. CEO Report

Jan Pepper, Chief Executive Officer, provided a report that discussed staffing updates and the Inflation Reduction Act.

Chair DeGolia asked if the Inflation Reduction Act would solve issues with Power Purchase Agreements (PPAs) that have been postponed due to economic issues and lead to project implementation now. Jan answered that she didn't believe this would solve all issues, including issues with the supply chain and threat of solar panel tariffs, and that this Inflation Reduction Act has some date guidelines. Jan explained that the Inflation Reduction Act will provide more certainty for wind projects but that more information will be learned in the coming weeks.

Director Medina asked about remote work, plans to return to the office and the office building lease. Jan explained that at this time there is not a plan for staff to return to the office as Peninsula Clean Energy has adopted a remote work first policy. Regarding the lease for the additional office space, Jan explained there is interest in sub-leasing that space and that when staff does work from the office hoteling desks will be available for use.

5. Proposed Agenda for September Board of Directors Retreat Meeting (Discussion)

Jan Pepper, Chief Executive Officer, shared that the September Board Retreat will be held on Thursday, September 22 at 5:30pm. Jan shared the proposed agenda.

Vice Chair Colson noted that 30 minutes would be brief to discuss Diversity, Equity, Accessibility and Inclusion (DEAI) and asked how much information will be shared before the meeting. Shawn Marshall, Chief Operating Officer, noted that a number of committee meetings are planned to vet the policies before the Retreat. The Board will receive the original version and the amended version of the policies based on responses from the various meeting groups. The action plan will not be part of the Board Retreat and will come later.

Vice Chair Colson asked about the diversity of the newly hired staff and noted that there seems to be more diversity. Jan explained that our new Human Resources Director, Cora Dino, will help focus on diversity during the hiring process and that DEAI policy implementation will help in the hiring process.

Director Bonilla suggested a conversation during the Board Retreat 2035 Decarbonization Plan discussion to set an earlier target date to encourage success in 2035.

Chair DeGolia commented that the Agenda order and timing seem appropriate. He suggested sending Board Members information on the heavier topics before the meeting.

6. Update on EV Ready and CALeVIP Program (Discussion)

Rafael Reyes, Director of Energy Programs, gave a presentation on the EV Ready Program including an overview, key elements, challenges, program updates to address challenges, and a project timeline.

Director Emeritus Keener asked for clarification on the problems with California Electric Vehicle Infrastructure Project (CALeVIP). Rafael explained that he has heard CALeVIP is having staffing issues.

Public Comment: David Mauro asked if the prevailing wage requirement would be removed and also asked about the Electric Vehicle Infrastructure Training Program (EVITP).

Rafael explained that peer agencies have not had a prevailing wage or special certification requirements and are receiving better participation. Rafael believes the best approach is aligning with peer agencies in the near term.

Rafael explained that other Community Choice Aggregators have not been using EVITP, as this requirement is most appropriate for high powered charging DC fast chargers.

David Mauro asked what would happen if participation did not increase. Rafael explained that the program would be closely monitored and evaluated at that time. David Mauro asked if there have been discussions in combining these projects into one large project. Rafael explained that this program has always operated as property owner driven, and that while combining projects was considered it was not a feasible approach.

David Mauro asked how many Electric Vehicle (EV) charging port deliveries are expected in the next year. Rafael shared that a minimum of 1000-1500 ports would be on the low side relative to the goal.

Director Emeritus Keener commented that Rafael has done a great job redesigning the program midstream.

Chair DeGolia asked if it is realistic to get to 1000 EV deployments. Rafael explained that Peninsula Clean Energy has a large program and technical assistance. There is familiarity and momentum around EV adoption and though there will be challenges, the team will do everything possible to meet the numbers.

Jan Pepper, CEO, added that Rafael, Marc Hershman, and team have been working closely with IBEW to find different ways of making this successful.

Director Mates noted that we should still encourage IBEW to apply for these projects. Chair DeGolia commented that IBEW isn't applying for these projects, and that Peninsula Clean Energy's projects are smaller than those that IBEW contractors prefer.

Director Bonilla commented on concern for safety and lacking experience and notes that Peninsula Clean Energy's Policy 10 provides training and community benefits by hiring those who have professional experience in this field.

Dave Mauro commented on the potential consequences of allowing any electrician to work on these projects and expressed regret that IBEW wasn't more successful in obtaining contractors for these projects.

Vice Chair Colson noted appreciation for the support of this program from IBEW and other unions. She also expressed that opening the program up to small local contractors could help with Diversity, Equity, Accessibility and Inclusion (DEAI) objectives and be a good compromise for the whole program to move forward. Director Bonilla added that unions always provide equal wages and benefits for all genders, and that race is not an issue when joining a union.

Chair DeGolia noted that Peninsula Clean Energy focused efforts on reaching out to unions, and IBEW in particular. He believes as more funds are brought in there will be a larger push for EV charging stations and that we will continue to reach out to IBEW contractors for these projects.

7. Update on Government Solar (Discussion)

Peter Levitt, Programs Manager, gave a presentation with an update on the Government Solar + Storage program including status of the pilot portfolio, an RFP update, financial structure, a recap on the deal structure, federal policy status including the Inflation Reductio Act, and an update on customer Power Purchase Agreements (PPA) with cities.

Chair DeGolia asked if Peninsula Clean Energy would enter into multiple EPC firms with Model 1 and multiple PPA providers with Model 2. Peter explained that the EPC services would likely be one master vendor and similarly, there would be one provider for the PPA provider.

Chair DeGolia asked if there were responses to the RFP for both Model 1 and Model 2 from different parties. Peter shared that almost every responder indicated an EPC price as well as a PPA price.

Rafael Reyes, Director of Energy Programs, noted in the presentation that the timeline is still a little fluid as there is still some discovery process going on with the exact mechanics of the tax equity capture.

Chair DeGolia asked if Peninsula Clean Energy's staff preference between Model 1 or 2. Peter explained that the PPA procurement model is the fallback model and easier, but that the team has been extensively vetting the first model.

Vice Chair Colson commented that these tax credits may help revitalize clean energy and that the potential to own and control these facilities can continue to be beneficial 20-30 years from now with the potential of additional federal or state funding.

Director Bonilla offered his support for the project.

Director Pine asked for the total megawatts (MW) that will be provided under the program. Peter shared that the first portfolio will have a little more than 2 MW across 15 sites and approximately 1 MW of energy storage capacity. Rafael added that recruitment will eminently start for round two casting a wider net including cities and also other public agencies such as school districts.

Director Pine asked about the plan to get to 20 MW by 2025. Rafael explained that round two will be an order of magnitude larger than round one and is the primary vehicle for the target.

Chair DeGolia asked if the EPC form or the tax financing structure is the more challenging piece. Peter explained the tax financing structure is more non-traditional and a more complicated element. Chair DeGolia asked about the possibility of supplying the tax equity investor with a bond or other public financing and the mechanism of putting together the partnership that will work on multiple projects. Peter shared that this is a pilot program and that a lot of learning will come from the numerous solar and storage projects across 13 different public agencies.

8. Committee Members' Reports

Director Bonilla offered tours of the Carpenters Union facilities to any interested Board Members. David Mauro added that JETC will be opening on August 23rd which will have 220 apprentices in the program and Board Members are welcome to come visit.

Director Medina asked if Directors would be able to tour solar power plant facilities. Jan Pepper, Chief Executive Officer, responded that the hope is to have this tour/ribbon cutting in Spring 2023.

ADJOURNMENT

Meeting was adjourned at 11:29 a.m.