

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

**AGENDA**

**Monday, January 9, 2023**

**10:00 a.m.**

**Zoom Link:** <https://pencleanenergy.zoom.us/j/85785703368>

**Meeting ID:** 857-8570-3368 **Passcode:** 2075 **Phone:** +1(669) 444-9171

**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

**REGULAR AGENDA**

2. Chair Report (Discussion)

3. CEO Report (Discussion)
4. Reconstitution of Peninsula Clean Energy's Ex-Officio Board of Director Seat and Alumni Engagement (Action)
5. Diversity, Equity, Accessibility, and Inclusion Strategic Plan Amendments and Proposed Amendments to Policies 9 and 10 (Action)
6. Operational Amendments to Policy 14, "Delegation of Authority Policy" (Action)
7. Amendments to Policy 1, "Delegation of Authority to Chief Executive Officer Regarding the Legislative Platform" (Action)
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

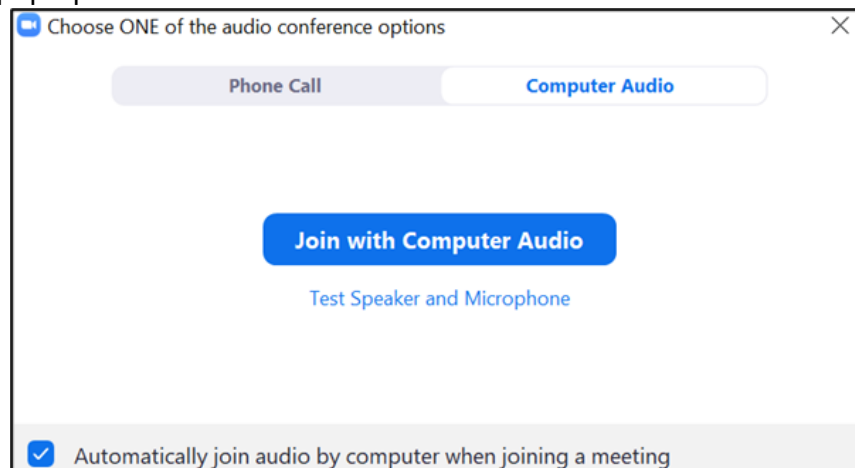
### Videoconference Options:

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/85785703368>.
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/85785703368>.
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.

The screenshot shows a Zoom audio options pop-up. At the top, there are two tabs: "Phone Call" (selected) and "Computer Audio - Connected". Below the tabs, there is a dropdown menu for "Country/Region" set to "United States". Underneath, there is a list of dial-in numbers under the heading "Dial": +1 669 444 9171, +1 346 248 7799, +1 719 359 4580, +1 720 707 2699, and +1 253 205 0468. Below the list, there are three rows of information: "Meeting ID" 857 8570 3368, "Participant ID" 504165, and "Passcode" 2075.

4. Please dial +1 (669) 444-9171.
5. You will be instructed to enter the meeting ID: **857-8570-3368 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 (669) 444-9171.
2. You will be instructed to enter the meeting ID: **857-8570-3368 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:** January 6, 2023  
**COMMITTEE MEETING DATE:** January 9, 2023  
**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.

On September 12, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On October 12, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On November 7, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361.

On December 5, 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**, 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**, 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**, on September 12, 2022, 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, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on November 7, 2022, the Peninsula Clean Energy Executive Committee approved a thirty (30) day extension of remote meetings in accordance with AB 361, and;

**WHEREAS**, on December 5, 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.

\* \* \* \* \*

**PENINSULA CLEAN ENERGY AUTHORITY  
Board Correspondence**

**DATE:** January 5, 2023  
**BOARD MEETING DATE:** January 9, 2023  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** None

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

**FROM:** PCE Sub-Committee on Ex-Officio Board of Director Status

**SUBJECT:** Reconstitution of PCE Ex-Officio Board of Director Seat and Alumni Engagement

**PURPOSE**

At the December Board of Directors meeting Chair DeGolia requested a sub-committee of Donna Colson, Rick Bonilla, Giselle Hale, and John Keener consult with staff and our legal counsel to determine a process by which to proceed with the Director Emeritus Ex-Officio Board positions or an alternative for Peninsula Clean Energy (“PCE”).

**STATUS**

Presently, there are two Directors Emeritus on the Board of Directors that are appointed and with responsibilities as pursuant to the current JPA agreement as below:

*3.1.1 Directors Emeritus.*

*The Board may select up to two board directors emeritus ("Directors Emeritus"). Directors Emeritus will be selected from former directors who served on the Board with distinction and excellence. The Board may fill any vacant emeritus position(s) by a simple majority vote of Directors. The Chair may delegate the initial review of applicants and/or nominations to a committee. Directors Emeritus will serve at the pleasure of the Board for two-year terms, subject to the discretion of the Board to shorten or end a term. There shall be no limit on the number of terms held. It is the Board's intention that Directors Emeritus receive all written notices and information provided to the Board, be permitted to attend all Board meetings, be permitted to participate in committee meetings without need for an appointment and be encouraged to attend other PCE events. Directors Emeritus will not be counted in determining if a quorum is present, will not be entitled to hold office, and will not be entitled to vote at any Board or committee meeting. Director Emeritus status does not entitle participation in closed sessions of the Board.*

The Director Emeritus position was created as a means of preserving both institutional knowledge and to facilitate continued access to the technical expertise brought by former board members who were retiring from elected office. As the organization's tenure extends and the number of alumni elected officials formerly serving as directors increases, it has become apparent that these alumni have provided Peninsula Clean Energy diverse skills ranging from marketing, finance, labor relations, legislation, real estate, energy procurement, and solar technology and they have played key roles in the management and vision of the organization. With only two Emeritus Directors allowed per the JPA, there is not capacity to engage many of the former valued colleagues.

## **RECOMMENDATION**

The sub-committee considered several alternatives before developing a recommendation for the Executive Committee to review. These included:

1. Maintain the status quo - Consider applications on a two-year cycle per the current status.
2. Dissolve the Emeritus seat – Allow the former directors to participate as normal members of the public.
3. Create a Director Emeritus Advisory Pool – Allow former directors and their alternates to sign up on a formally maintained list of volunteers who would be willing to serve on sub-committees, volunteer, or advise staff and the Citizens Advisory Committee on topics germane to their skill sets.

After extensive discussion on the advantages and disadvantages of each alternative and with the objective of continuing to engage as many former board members as possible without undue administrative burden on the staff, the sub-committee recommends a version of Action 2 and 3. The sub-committee proposes that the position of Director Emeritus be dissolved having served its purpose for the past four years. Staff would then create a master list of all interested former directors including their technical expertise and past committees served.

These members would continue to receive the Board Agenda, Board Packet (not closed session or redacted information), and the weekly newsletter as a means of staying connected and engaged. As members of the public, they are welcome to attend any meeting, but meeting attendance is not required. Each year the staff would confirm each member who desires to remain on the list and their area of expertise. These former directors could be called upon to assist in outreach, legislative advocacy, technical assistance, teaching, review of staff work product, or any other means by which the staff or CAC can reasonably deploy their knowledge, enthusiasm and passion around clean energy advocacy and advancing the mission of PCE.

## **SUMMARY**

The transition away from two Director Emeritus Ex-Officio seats to a Director Emeritus Advisory Pool allows for continued engagement of former directors and provides equitable access to all while building a robust database of former directors who are committed to

the PCE clean energy platform. Maintaining this system would require staff to annually check in with existing members and confirm their interest to continue and ask those retiring from elected office if they would like to volunteer. No elected official would be eligible to participate until retirement from public office. All eligible candidates must have been sworn directors or alternates of the PCE Board of Directors.

**PENINSULA CLEAN ENERGY AUTHORITY  
JPA Board Correspondence**

**DATE:** December 30, 2022  
**BOARD MEETING DATE:** January 9, 2023  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority Present

**TO:** Peninsula Clean Energy Executive Committee

**FROM:** Jan Pepper, CEO  
Shawn Marshall, COO  
Shayna Barnes, Operations Specialist

**SUBJECT:** Recommend Approval to the Board of Directors of Diversity, Equity, Accessibility, and Inclusion (DEAI)-Related Amendments to the Strategic Plan and Policies 9 and 10

**RECOMMENDATION**

Recommend approval to the Board of Directors of Diversity, Equity, Accessibility, and Inclusion (DEAI)-related amendments to the Strategic Plan and Policies 9 and 10.

**BACKGROUND:**

Peninsula Clean Energy has been working on our DEAI initiative for over two years. This initiative started with the formation of a Citizens Advisory Committee (CAC) Equity Working Group in July 2020. The CAC Equity Working Group worked on a draft equity statement for our organization for several months, and ultimately brought it to the Peninsula Clean Energy Board of Directors at their January 28, 2021 meeting. At that meeting, the Board of Directors accepted the draft equity statement and formed a DEAI Subcommittee to build on the statement and create a DEAI organizational policy and action plan for Peninsula Clean Energy. Board members on this subcommittee include Directors Donna Colson, Sam Hindi, Carlos Romero, Roderick Daus-Magbual, and former Director Michael Smith.

To create the DEAI organizational policy and action plan, Peninsula Clean Energy staff drafted a Request for Proposals (RFP) for DEAI consulting services under direction from the DEAI Subcommittee to be released as a competitive solicitation. The solicitation was released in early May 2021, with responses due in mid-June 2021. Staff and the DEAI Subcommittee conducted several interviews over the summer of 2021 with the top respondents of this RFP. The DEAI Subcommittee recommended that the consultant team from GCAP Services, Inc. be selected to carry out the DEAI work as they were best fit for Peninsula Clean Energy's range of needs. The full Peninsula Clean Energy Board approved the contract with GCAP Services, Inc. at the Board meeting on October 28, 2021. The scope of work for the engagement with GCAP Services had five main tasks:

1. Review Relevant DEAI Legislation and Regulatory Requirements (complete)
2. Conduct DEAI organizational needs assessment (complete)



3. Create organizational DEAI Policy (complete)
4. **Update relevant organizational policies, including: Strategic Plan, Employee Handbook, Policy #9 Ethical Vendor Standards, Policy #10 Inclusive and Sustainable Workforce Policy (in progress)**
5. DEAI Action Plan: Create organizational departmental goals, practices, and metrics to operationalize DEAI policies (in progress)

We are seeking Executive Committee recommendation for Board approval for three of the four policies/documents updated as part of task 4 of the DEAI scope of work. These policies/documents include Peninsula Clean Energy's Strategic Plan, Policy #9, and Policy #10. Employee handbook edits are still in progress and will be presented to the Board at a later date.

## **DISCUSSION:**

### **Strategic Plan**

We are proposing the below edits to the Organizational Excellence pillar of the Strategic Plan:

**Current:** Ensure organizational excellence by adhering to sustainable business practices and fostering a workplace culture of innovation, diversity, transparency, and integrity.

**Proposed Change:** Ensure organizational excellence by adhering to sustainable business practices and fostering a workplace culture of innovation, diversity, **equity, accessibility, inclusion,** transparency, and integrity.

We anticipate making more updates to the Strategic Plan at the Key Tactic level during implementation of the DEAI Action Plan. Those updates will be at staff's discretion and do not require Board approval.

### **Policy #9**

This policy is currently titled "Ethical Vendor Standards." We are proposing changing the title to "Ethical Procurement Standards". With the proposed revisions to the policy, the focus has broadened from our vendors' conduct to also include staff's procurement conduct and activities. The entirety of the proposed revised policy is new language except for Section 1: Ethical Vendor Standards. We borrowed heavily from the County of San Mateo's Code of Ethical Conduct: Procurement Ethics when drafting the additions to the policy. Complete redline and clean versions of Policy #9 are attached as Attachments 1 and 2 to this memo.

### **Policy #10**

We are proposing the following changes to Policy #10: Inclusive and Sustainable Workforce Policy:

- Updated formatting: addition of numbered section headers for easier policy navigation
- Reformatting of Policy Statement under Section 1: primarily restructuring language that was already included in the original policy, also includes proposed revised Organizational Excellence goal from the Strategic Plan (see above) and reference to the recently approved Policy 22: Diversity, Equity, Accessibility, and Inclusion
- Revised item 4 in Section 2b: Supply Chain to request information from suppliers and contractors of their status as a minority, women, LGBT, disabled veteran, or persons with disabilities owned business, rather than collecting information on inclusivity of their workforce (which is addressed in item 6 of this section)
- Revised item 6 in Section 2b: Supply Chain to encourage, not require, reporting from developers and large vendors on inclusivity in business staff. Removed reference to

business ownership from this item, as that is now addressed in the proposed edits to item 4 in this section

- Added Attachment A: Supply Chain Code of Conduct to the policy, now referenced in item 7 of Section 2b: Supply Chain
- Addition of the City of Los Banos in Section 2c: Inclusive Business Practices
- Addition of the City of Los Banos/Merced County/Central Valley when defining “local” in Section 3b: Sustainable Workforce Objectives
- Modification of language in second to last sentence in Section 3d: Peninsula Clean Energy Owned Generation Projects from “shall require” to “shall use best efforts to require”
- Modification of 20% apprenticeship enrollment requirement to 25% in Section 3d: Peninsula Clean Energy Owned Generation Projects to better comport with Inflation Reduction Act (IRA) requirements to receive full tax credits
- Removal of entire section/paragraph on PCE Feed-In Tariff Price Projects
- Renaming Section 3e to Peninsula Clean Energy Programs from PCE Energy Efficiency Projects, and updating the rest of this section to reference energy programs as opposed to energy efficiency projects
- Removal of the language “including proper assignment of work to crafts that traditionally perform the work” from Section 3e: Peninsula Clean Energy Programs

Complete redline and clean versions of Policy #10 are attached as Attachments 3 and 4 to this memo. The new addition to the policy, Attachment A: Supply Chain Code of Conduct is included as Attachment 5 to this memo.

### **STRATEGIC PLAN:**

The DEAI Initiative, and these policy updates specifically, support the Organizational Excellence pillar of the Strategic Plan to *ensure organizational excellence by adhering to sustainable business practices and fostering a workplace culture of innovation, diversity, equity, accessibility, inclusion, transparency, and integrity*. This initiative seeks to support the following objective and key tactics under this pillar:

Objective D: External Vendor Partners: Implement Vendor Policies that embrace diversity and inclusion and that optimize engagement results

- Key Tactic 1: Develop methods to ensure adherence to the organization’s Inclusive and Sustainable Workforce Policy
- Key Tactic 2: Develop methods to ensure adherence to the organization’s Ethical Vendor Procurement Standards Policy

This initiative also supports the Community Energy Programs pillar of the strategic plan to *implement robust energy programs that reduce greenhouse gas emissions, align energy supply and demand, and provide benefits to community stakeholder groups*. The DEAI initiative seeks to support the following objectives and key tactics under this pillar:

Objective B: Community Benefits: Deliver tangible benefits throughout our diverse communities

- Key Tactic 1: Invest in programs that benefit underserved communities
- Key Tactic 3: Support workforce development programs in the County

### **ATTACHMENTS:**

Attachment 1: Redlined Policy 9: Ethical Procurement Standards

Attachment 2: Clean Policy 9: Ethical Procurement Standards

Attachment 3: Redlined Policy 10: Inclusive and Sustainable Workforce Policy  
Attachment 4: Clean Policy 10: Inclusive and Sustainable Workforce Policy  
Attachment 5: Attachment A to Policy 10: Supply Chain Code of Conduct

## **Ethical Procurement Standards**

**Policy:** This policy is designed to provide guidance and standards for Peninsula Clean Energy (PCE) staff in order to fully serve our customers and vendors to the highest standards of ethical procurement conduct.

Staff will abide by and uphold ethical procurement practices in relation to all procurement activities as outlined in the following sections.

### **1. Ethical Vendor Standards**

Peninsula Clean Energy is committed to the highest standards of responsible behavior and integrity in all of its business relationships. As such, Peninsula Clean Energy will consider a company's business practices, environmental track record, and commitment to sustainability in its procurement decisions.

### **2. Sustainability and Social Responsibility**

As a leader in clean and renewable energy, Peninsula Clean Energy is committed to reducing emissions and finding innovative ways to conserve energy and cut waste which includes sustainable purchasing.

### **3. Transparency**

Peninsula Clean Energy staff will ensure that formal RFP solicitations will be conducted in a fair, open, consistent, and transparent manner. Information on the solicitation and procurement process in which goods and services are procured will be available to all key parties. Additionally, solicitation information not subject to confidentiality rules or other applicable regulations, will be available to the public by request when the contract with the selected proposer has been completed.

### **4. Confidentiality**

To the extent allowed by law, Peninsula Clean Energy staff shall maintain the confidentiality of the procurement and proposer information until the solicitation process has been completed.

### **5. Impartiality**

Peninsula Clean Energy staff will be impartial when designing and implementing the solicitation and award of contract. This includes selecting unbiased panelists for award selection.

### **6. Professionalism**

As representatives of Peninsula Clean Energy, staff must conduct themselves in a professional and ethical manner.

## **7. Compliance**

Peninsula Clean Energy staff must conduct procurement activities in compliance with all federal, state, and local laws, applicable regulations, and Peninsula Clean Energy operational policies.

## **8. Accountability**

Peninsula Clean Energy staff have a responsibility and obligation to report or seek further guidance on concerns about compliance with this policy.

It is Peninsula Clean Energy's shared responsibility to immediately report any concerns regarding ethical conduct and/or compliance with this policy to Human Resources and/or senior management.

## **Ethical Procurement Standards**

**Policy:** This policy is designed to provide guidance and standards for Peninsula Clean Energy (PCE) staff in order to fully serve our customers and vendors to the highest standards of ethical procurement conduct.

Staff will abide by and uphold ethical procurement practices in relation to all procurement activities as outlined in the following sections.

### **1. Ethical Vendor Standards**

Peninsula Clean Energy is committed to the highest standards of responsible behavior and integrity in all of its business relationships. PCEAs such, Peninsula Clean Energy will consider a company's business practices, environmental track record, and commitment to sustainability in its procurement decisions.

### **2. Sustainability and Social Responsibility**

As a leader in clean and renewable energy, Peninsula Clean Energy is committed to reducing emissions and finding innovative ways to conserve energy and cut waste which includes sustainable purchasing.

### **3. Transparency**

Peninsula Clean Energy staff will ensure that formal RFP solicitations will be conducted in a fair, open, consistent, and transparent manner. Information on the solicitation and procurement process in which goods and services are procured will be available to all key parties. Additionally, solicitation information not subject to commercial confidentiality to confidentiality rules or other applicable regulations, will about solicitations will be available to the public on a by request basis once the when the -contract with the selected proposer has been completed.

### **4. Confidentiality**

To the extent allowed by law, Peninsula Clean Energy staff shall maintain the confidentiality of the procurement and proposer information until the solicitation process has been completed.

### **5. Impartiality**

Peninsula Clean Energy staff will be impartial when designing and implementing the solicitation and award of contract. This includes selecting unbiased panelists for award selection.

### **6. Professionalism**

As representatives of Peninsula Clean Energy, staff must conduct themselves in a professional and ethical manner.

## **7. Compliance**

Peninsula Clean Energy staff must conduct procurement activities in compliance with all federal, state, and local laws, applicable regulations, and Peninsula Clean Energy operational policies.

## **8. Accountability**

Peninsula Clean Energy staff ~~are responsible for their own actions and have an responsibility~~responsibility and obligation to report or seek further guidance on ~~actions that they believe may not follow ethical procurement practices.~~concerns about compliance with this policy.

It ~~is our~~is Peninsula Clean Energy's shared responsibility to immediately report any concerns regarding ethical conduct and/or compliance with this policy to Human Resources and/or senior management.

## **Ethical Procurement Standards**

**Policy:** This policy is designed to provide guidance and standards for Peninsula Clean Energy (PCE) staff in order to fully serve our customers and vendors to the highest standards of ethical procurement conduct.

Staff will abide by and uphold ethical procurement practices in relation to all procurement activities as outlined in the following sections.

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### **4. Confidentiality**

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## **7. Compliance**

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## **8. Accountability**

Peninsula Clean Energy staff have a responsibility and obligation to report or seek further guidance on concerns about compliance with this policy.

It is Peninsula Clean Energy's shared responsibility to immediately report any concerns regarding ethical conduct and/or compliance with this policy to Human Resources and/or senior management.

# Inclusive and Sustainable Workforce Policy

**1. Policy:** ~~One of PCE's strategic goals is to "foster a work environment that espouses sustainable business practices and cultivates a culture of innovation, diversity, transparency, integrity, and commitment to the organization's mission and the communities it serves." PCE~~ **Statement**

Peninsula Clean Energy recognizes that an inclusive and sustainable workforce helps ~~PCE~~Peninsula Clean Energy meet its core mission and goals more effectively, ~~serve its~~ by:

- Serving our customers in a ~~more~~ culturally sensitive manner, ~~and reflect the businesses we partner with and;~~ and
- Reflecting the community we serve ~~more comprehensively, PCE~~ and the businesses with which we partner.

Peninsula Clean Energy strives to have a workforce that is as inclusive as the ~~community it serves~~communities it serves. Additionally, Peninsula Clean Energy strives to create employment opportunities to help build and sustain healthy and sustainable communities.

## Inclusive Workforce

~~PCE~~This policy, Inclusive and Sustainable Workforce, along with Policy Number 22, Diversity, Equity, Accessibility, and Inclusion (DEAI) represent Peninsula Clean Energy's commitment to its strategic goal of "ensuring organizational excellence by adhering to sustainable business practices and fostering a workplace culture of innovation, diversity, equity, accessibility, inclusion, transparency, and integrity".

## 2. Inclusive Workforce

### a. Peninsula Clean Energy Staff

~~PCE~~Peninsula Clean Energy relies on its employees to provide clean, cost-effective, alternative energy to its customers. These customers live in diverse communities, and an inclusive workforce comprised of staff who reflect and are invested in these communities allows Peninsula Clean Energy to serve them more effectively. An inclusive staff also provides good jobs for people from diverse communities.

To help maintain and strengthen ~~PCE's~~Peninsula Clean Energy's inclusive staff, ~~PCE~~Peninsula Clean Energy will:

- (1) Engage in broad outreach efforts in diverse communities, including disadvantaged and low-income communities, to ensure a diverse pool of candidates for open positions;
- (2) Provide fair compensation that aligns with regional market indicators for compensation levels for each position;
- (3) Be transparent about these practices and lessons learned; and
- (4) Provide contact information for staff who can answer questions about this policy.

b. **Supply Chain**

Peninsula Clean Energy's commitment to inclusion also extends to its supply chain. Where and from whom ~~PCE~~Peninsula Clean Energy purchases goods and services have important consequences for businesses, customers, and their communities. An inclusive supply chain is an important driver for successful delivery of ~~PCE's~~Peninsula Clean Energy's services to its customers, and of fair and equitable economic development generally.

To help ensure an inclusive supply chain, ~~PCE~~Peninsula Clean Energy will:

- (1) Strive to use local businesses and provide fair compensation in the purchase of services and supplies;
- (2) Proactively seek services from local businesses and from businesses that have been Green Business certified and/or are taking steps to protect the environment;
- (3) Engage in efforts to reach diverse communities to ensure an inclusive pool of potential suppliers;
- (4) ~~Collect~~Request information from suppliers and contractors on the inclusivity ~~of and~~diversity in their workforce business ownership, including their status as a woman, minority, disabled veteran, LGBT and/or persons with disabilities owned business enterprise;
- (5) Include questions about supplier inclusivity in requests for proposals (RFPs) for services;
- (6) Encourage reporting from developers and large vendors on inclusivity in business ~~ownership and~~ staff;
- (7) Require developers abide by our Supply Chain Code of Conduct, derived from the United Nations Guiding Principles on Business and Human Rights, the Core Conventions of the International Labour Organization ("ILO"), including the ILO Declaration on Fundamental Principles and Rights at Work, the Solar Energy Industries Association Solar Industry Commitment to Environmental and Social Responsibility, and the Responsible Business Alliance Code of Conduct, attached herein as Attachment A of this policy;
- ~~(7)~~(8) Be transparent about these practices and lessons learned; and
- ~~(8)~~(9) Provide contact information for staff who can answer questions about this policy.

c. **Inclusive Business Practices**

To fulfill its core mission to provide energy choices to the diverse residents and communities of San Mateo County, ~~PCE~~and the City of Los Banos, Peninsula Clean Energy must ensure that its services and information are accessible to all communities. Accordingly, ~~PCE~~Peninsula Clean Energy will:

- (1) Strive to provide information on ~~PCE's~~Peninsula Clean Energy's services in the multiple languages commonly spoken in ~~PCE's~~Peninsula Clean Energy's service area (including mailers, tabling materials, customer service, call center, workshops and outreach events, advertisements, and other means of customer engagement);
- (2) Conduct marketing and outreach in diverse communities (including advertising in minority-owned media, establishing partnerships with community organizations, and using various media, such as radio and television) to increase awareness of ~~PCE's~~Peninsula Clean Energy's services and programs;

- (3) Strive to attend important multi-cultural community events with multi-lingual materials and speakers;
- (4) Share information about activities and initiatives that promote inclusion, access, and diverse engagement in the community.

d. **Non-Discrimination Pledge**

~~PCE~~Peninsula Clean Energy will not discriminate, and will require that its suppliers do not discriminate, on the basis of race, color, national origin, ancestry, age, disability (physical or mental), sex, sexual orientation, gender identity, marital or domestic partner status, religion, political beliefs or affiliation, familial or parental status (including pregnancy), medical condition (cancer-related), military service, or genetic information.

**1.3. Sustainable Workforce**

**a. Compensation and Workforce Opportunities**

Support of local businesses, union labor and apprenticeship and pre-apprenticeship programs that create employment opportunities are important components of building and sustaining healthy and sustainable communities. It is in the interest of Peninsula Clean Energy ~~in San Mateo County (PCE)~~ to provide fair compensation and sustainable workforce opportunities within a framework of competitive service and the promotion of renewable energy, energy efficiency and greenhouse gas reduction.

~~PCE Recognizes~~Peninsula Clean Energy recognizes the importance of locally-generated renewable energy in assuring that California is provided with (1) adequate supplies of renewable energy for economic growth, (2) sustained local job opportunities and job creation, and (3) effective means to reduce the impacts of greenhouse gas emissions. ~~PCE~~Peninsula Clean Energy also recognizes the opportunities that energy ~~efficiency~~ programs provide for local workforce training and employment.

~~PCE~~Peninsula Clean Energy supports fair compensation in direct hiring, renewable development projects, energy ~~efficiency~~ programs and in procurement of ~~PCE~~Peninsula Clean Energy services and supplies. ~~PCE~~Peninsula Clean Energy also supports quality State of California approved apprenticeship and pre-apprenticeship training programs in construction craft occupations to foster long-term, fairly compensated employment opportunities for program graduates and believes that local apprenticeship and pre- apprenticeship programs are an efficient vehicle for delivering quality training in construction in industry craft occupations.

**b. Sustainable Workforce Objectives**

Peninsula Clean Energy therefore desires to facilitate and accomplish the following objectives:

- (1) Support for and direct use of local businesses;
- ~~(1)~~—Support for and direct use of union members from multiple trades;
- (2) ~~Support including support~~ for and use of training and State of California approved apprenticeship programs, and pre-apprenticeship programs from within Peninsula Clean Energy's service territory; and

(3) Support for and direct use of green and sustainable businesses.

“Local” is defined as:

- 1.) San Mateo County; ~~2.)~~ and the City of Los Banos;
- 2.) Nine Bay Area Counties (Alameda, Contra Costa, Marin, Napa, San Mateo, San Francisco, Santa Clara, Solano, Sonoma); ~~3.) Northern California; 4.)~~ and the County of Merced;
- 3.) Northern California and the Central Valley; and
- 4.) California.

Preference will be given first to San Mateo County and the City of Los Banos; second, to the Nine Bay Area Counties and the county of Merced; third, to Northern California and the Central Valley; fourth, to California.

Peninsula Clean Energy will support the objectives stated above in the following ways:

**a-c. PCE Peninsula Clean Energy Power Purchase Agreements with Third Parties**

PCE Peninsula Clean Energy shall collect information from respondents to any bidding and/or RFP/RFQ process regarding past, current and/or planned efforts by project developers and their contractors to:

- Employ workers and use businesses from the PCE Peninsula Clean Energy service territory.
- Employ properly licensed (A, B, C10, C7, C46) contractors and California Certified electricians.
- Utilize multi-trade project labor agreements on the proposed project or any prior project developments.
  
- Utilize local apprentices, particularly graduates of local pre-apprenticeship programs.
- Pay workers the correct prevailing wage rates for each craft, classification and type of work performed.
- Display a poster at jobsites informing workers of prevailing wage requirements.
- Provide workers compensation coverage to on-site workers.
- Support and use State of California approved apprenticeship programs.

Relevant information submitted by proposers will be used to evaluate potential workforce impacts of proposed projects with the goal of promoting fair compensation, fair worker treatment, multi-trade collaboration, and support of the existing wage base in local communities where contracted projects will be located.

**b-d. PCE Peninsula Clean Energy Owned Generation Projects**

Any ~~PCE~~Peninsula Clean Energy-owned renewable development project shall use local businesses, union labor, and apprenticeship programs through multi-trade agreements and/or through multiple agreements for work. Each construction contractor or subcontractor performing work on any ~~PCE~~Peninsula Clean Energy-owned project shall use a combination of local labor, union labor and apprenticeship programs, and shall follow fair compensation practices, including proper assignment of work to crafts that traditionally perform the work. For each renewable energy project, ~~PCE~~Peninsula Clean Energy or its construction contractor shall use best efforts to require of its regular workforce that at least 50% of all "journey level" employees shall be graduates of a State of California approved apprenticeship program and at least ~~20~~25% shall be enrolled and participating in a local State of California approved apprenticeship program. Apprenticeship programs must be approved by the State Department of Apprenticeship Standards.



Policy Number: 10  
Board Adoption: December 15, 2016  
First Revised: October 25, 2018  
Second Revised: XX XX, XXXX

## **PCE Feed-In Tariff Price Projects**

~~PCE shall use best efforts to ensure each construction contractor or subcontractor performing work on any PCE Feed-in Tariff project utilize local businesses, union labor, multi-trade agreement, apprenticeship programs, and fair compensation practices including proper assignment of work to crafts that traditionally perform the work.~~

### e. ~~PCE~~ **Peninsula Clean Energy Programs**

~~PCE Peninsula Clean Energy shall use best efforts to support local businesses, union labor, and local apprenticeship programs in the implementation of its energy programs. Peninsula Clean Energy shall use best efforts to ensure each construction contractor or subcontractor performing work on any ~~PCE energy efficiency~~ Peninsula Clean Energy program utilize local businesses, union labor, local apprenticeship, and fair compensation practices in program implementation ~~including proper assignment of work to crafts that traditionally perform the work.~~~~

## **Inclusive and Sustainable Workforce Policy**

### **1. Policy Statement**

Peninsula Clean Energy recognizes that an inclusive and sustainable workforce helps Peninsula Clean Energy meet its core mission and goals more effectively by:

- Serving our customers in a culturally sensitive manner; and
- Reflecting the community we serve and the businesses with which we partner.

Peninsula Clean Energy strives to have a workforce that is as inclusive as the communities it serves. Additionally, Peninsula Clean Energy strives to create employment opportunities to help build and sustain healthy and sustainable communities.

This policy, Inclusive and Sustainable Workforce, along with Policy Number 22, Diversity, Equity, Accessibility, and Inclusion (DEAI) represent Peninsula Clean Energy's commitment to its strategic goal of "ensuring organizational excellence by adhering to sustainable business practices and fostering a workplace culture of innovation, diversity, equity, accessibility, inclusion, transparency, and integrity".

### **2. Inclusive Workforce**

#### **a. Peninsula Clean Energy Staff**

Peninsula Clean Energy relies on its employees to provide clean, cost-effective, alternative energy to its customers. These customers live in diverse communities, and an inclusive workforce comprised of staff who reflect and are invested in these communities allows Peninsula Clean Energy to serve them more effectively. An inclusive staff also provides good jobs for people from diverse communities.

To help maintain and strengthen Peninsula Clean Energy's inclusive staff, Peninsula Clean Energy will:

- (1) Engage in broad outreach efforts in diverse communities, including disadvantaged and low-income communities, to ensure a diverse pool of candidates for open positions;
- (2) Provide fair compensation that aligns with regional market indicators for compensation levels for each position;
- (3) Be transparent about these practices and lessons learned; and



- (4) Provide contact information for staff who can answer questions about this policy.

**b. Supply Chain**

Peninsula Clean Energy's commitment to inclusion also extends to its supply chain. Where and from whom Peninsula Clean Energy purchases goods and services have important consequences for businesses, customers, and their communities. An inclusive supply chain is an important driver for successful delivery of Peninsula Clean Energy's services to its customers, and of fair and equitable economic development generally.

To help ensure an inclusive supply chain, Peninsula Clean Energy will:

- (1) Strive to use local businesses and provide fair compensation in the purchase of services and supplies;
- (2) Proactively seek services from local businesses and from businesses that have been Green Business certified and/or are taking steps to protect the environment;
- (3) Engage in efforts to reach diverse communities to ensure an inclusive pool of potential suppliers;
- (4) Request information from suppliers and contractors on the inclusivity and diversity in their business ownership, including their status as a woman, minority, disabled veteran, LGBT and/or persons with disabilities owned business enterprise;
- (5) Include questions about supplier inclusivity in requests for proposals (RFPs) for services;
- (6) Encourage reporting from developers and large vendors on inclusivity in business staff;
- (7) Require developers abide by our Supply Chain Code of Conduct, derived from the United Nations Guiding Principles on Business and Human Rights, the Core Conventions of the International Labour Organization ("ILO"), including the ILO Declaration on Fundamental Principles and Rights at Work, the Solar Energy Industries Association Solar Industry Commitment to Environmental and Social Responsibility, and the Responsible Business Alliance Code of Conduct, attached herein as Attachment A of this policy;
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To fulfill its core mission to provide energy choices to the diverse residents and communities of San Mateo County and the City of Los Banos, Peninsula Clean Energy

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Peninsula Clean Energy will not discriminate, and will require that its suppliers do not discriminate, on the basis of race, color, national origin, ancestry, age, disability (physical or mental), sex, sexual orientation, gender identity, marital or domestic partner status, religion, political beliefs or affiliation, familial or parental status (including pregnancy), medical condition (cancer-related), military service, or genetic information.

**3. Sustainable Workforce**

**a. Compensation and Workforce Opportunities**

Support of local businesses, union labor and apprenticeship and pre-apprenticeship programs that create employment opportunities are important components of building and sustaining healthy and sustainable communities. It is in the interest of Peninsula Clean Energy to provide fair compensation and sustainable workforce opportunities within a framework of competitive service and the promotion of renewable energy, energy efficiency and greenhouse gas reduction.

Peninsula Clean Energy recognizes the importance of locally-generated renewable energy in assuring that California is provided with (1) adequate supplies of renewable energy for economic growth, (2) sustained local job opportunities and job creation, and (3) effective means to reduce the impacts of greenhouse gas emissions. Peninsula Clean Energy also recognizes the opportunities that energy programs provide for local workforce training and employment.

Peninsula Clean Energy supports fair compensation in direct hiring, renewable development projects, energy programs and in procurement of Peninsula Clean Energy

services and supplies. Peninsula Clean Energy also supports quality State of California approved apprenticeship and pre-apprenticeship training programs in construction craft occupations to foster long-term, fairly compensated employment opportunities for program graduates and believes that local apprenticeship and pre- apprenticeship programs are an efficient vehicle for delivering quality training in construction in industry craft occupations.

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Peninsula Clean Energy therefore desires to facilitate and accomplish the following objectives:

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- (2) Support for and direct use of union members from multiple trades including support for and use of training and State of California approved apprenticeship programs, and pre-apprenticeship programs from within Peninsula Clean Energy’s service territory; and
- (3) Support for and direct use of green and sustainable businesses.

“Local” is defined as:

- 1.) San Mateo County and the City of Los Banos;
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Preference will be given first to San Mateo County and the City of Los Banos; second, to the Nine Bay Area Counties and the County of Merced; third, to Northern California and the Central Valley; fourth, to California.

Peninsula Clean Energy will support the objectives stated above in the following ways:

**c. Peninsula Clean Energy Power Purchase Agreements with Third Parties**

Peninsula Clean Energy shall collect information from respondents to any bidding and/or RFP/RFQ process regarding past, current and/or planned efforts by project developers and their contractors to:

- Employ workers and use businesses from the Peninsula Clean Energy service territory.
- Employ properly licensed (A, B, C10, C7, C46) contractors and California Certified electricians.
- Utilize multi-trade project labor agreements on the proposed project or any prior project developments.

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- Provide workers compensation coverage to on-site workers.
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#### **d. Peninsula Clean Energy Owned Generation Projects**

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#### **e. Peninsula Clean Energy Programs**

Peninsula Clean Energy shall use best efforts to support local businesses, union labor, and local apprenticeship programs in the implementation of its energy programs. Peninsula Clean Energy shall use best efforts to ensure each construction contractor or subcontractor performing work on any Peninsula Clean Energy program utilize local businesses, union labor, local apprenticeship, and fair compensation practices in program implementation.

## **Supply Chain Code of Conduct**

Buyer is committed to ensuring that the fundamental human rights of workers are protected, including addressing the potential risks of forced labor, child labor, servitude, human trafficking and slavery across our portfolio.

Our requirements and expectations for Seller's supply chain are detailed below in our Supply Chain Code of Conduct ("**Supply Chain Code**"). Seller must comply with all applicable Laws and this Supply Chain Code, even when this Supply Chain Code exceeds the requirements of applicable Law.

These standards are derived from the United Nations Guiding Principles on Business and Human Rights, the Core Conventions of the International Labour Organization ("ILO"), including the ILO Declaration on Fundamental Principles and Rights at Work, the Solar Energy Industries Association Solar Industry Commitment to Environmental & Social Responsibility, and the Responsible Business Alliance Code of Conduct.

### **1. Freely Chosen Employment**

Forced, bonded (including debt bondage) or indentured labor, involuntary or exploitative prison labor, slavery or trafficking of persons is not permitted. This includes transporting, harboring, recruiting, transferring, or receiving persons by means of threat, force, coercion, abduction or fraud for labor or services. There shall be no unreasonable restrictions on workers' freedom of movement in the facility in addition to unreasonable restrictions on entering or exiting company provided facilities including, if applicable, workers' dormitories or living quarters. All work must be voluntary, and workers shall be free to leave work at any time or terminate their employment without penalty if reasonable notice is given as per worker's contract. Employers, agents, and sub-agents' may not hold or otherwise destroy, conceal, or confiscate identity or immigration documents, such as government-issued identification, passports, or work permits. Employers can only hold documentation if such holdings are required by law. In this case, at no time should workers be denied access to their documents. Workers shall not be required to pay employers' agents or sub-agents' recruitment fees or other related fees for their employment. If any such fees are found to have been paid by workers, such fees shall be repaid to the worker.

### **2. Young Workers**

Child labor is not to be used in any stage of manufacturing. The term "child" refers to any person under the age of 15, or under the age for completing compulsory education, or under the minimum age for employment in the country, whichever is greatest. Suppliers shall implement an appropriate mechanism to verify the age of workers. The use of legitimate workplace learning programs, which comply with all laws and regulations, is supported. Workers under the age of 18 shall not perform work that is likely to jeopardize their health or safety, including night shifts and overtime. Suppliers shall ensure proper management of student workers through proper maintenance of student records, rigorous due diligence of educational partners, and protection of students' rights in accordance with applicable laws and regulations. Suppliers shall provide appropriate support and training to all student workers. In the absence of local law, the wage rate for student workers, interns, and apprentices shall be at least the same wage rate as other entry-level workers performing

equal or similar tasks. If child labor is identified, assistance/remediation is provided.

### **3. Working Hours**

Studies of business practices clearly link worker strain to reduced productivity, increased turnover, and increased injury and illness. Working hours are not to exceed the maximum set by local law. Further, a workweek should not be more than 60 hours per week, including overtime, except in emergency or unusual situations. All overtime must be voluntary. Workers shall be allowed at least one day off every seven days.

### **4. Wages and Benefits**

Compensation paid to workers shall comply with all applicable wage laws, including those relating to minimum wages, overtime hours and legally mandated benefits. In compliance with local laws, workers shall be compensated for overtime at pay rates greater than regular hourly rates. Deductions from wages as a disciplinary measure shall not be permitted. For each pay period, workers shall be provided with a timely and understandable wage statement that includes sufficient information to verify accurate compensation for work performed. All use of temporary, dispatch and outsourced labor will be within the limits of the local law.

### **5. Humane Treatment**

There is to be no harsh or inhumane treatment including violence, gender-based violence, sexual harassment, sexual abuse, corporal punishment, mental or physical coercion, bullying, public shaming, or verbal abuse of workers; nor is there to be the threat of any such treatment. Disciplinary policies and procedures in support of these requirements shall be clearly defined and communicated to workers.

### **6. Non-Discrimination/Non-Harassment**

Suppliers should be committed to a workplace free of harassment and unlawful discrimination. Companies shall not engage in discrimination or harassment based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, covered veteran status, protected genetic information or marital status in hiring and employment practices such as wages, promotions, rewards, and access to training. Workers shall be provided with reasonable accommodation for religious practices. In addition, workers or potential workers should not be subjected to medical tests that could be used in a discriminatory way or otherwise in violation of applicable law. This was drafted in consideration of ILO Discrimination (Employment and Occupation) Convention (No.111).

### **7. Freedom of Association**

In conformance with local law, Suppliers shall respect the right of all workers to form and join trade unions of their own choosing, to bargain collectively, and to engage in peaceful assembly as well as respect the right of workers to refrain from such activities. Workers and/or their representatives shall be able to openly communicate and share ideas and concerns with management regarding working conditions and management practices without fear of discrimination, reprisal, intimidation, or harassment.

### **8. Restricted Jurisdictions**

Supplier shall not manufacture or produce products in the Xinjiang Uyghur Autonomous Region of China, or knowingly procure goods and services mined, produced or manufactured in the same.

**PENINSULA CLEAN ENERGY AUTHORITY  
JPA Board Correspondence**

**DATE:** January 3, 2023  
**BOARD MEETING DATE:** January 9, 2023  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority Present

**TO:** Peninsula Clean Energy Executive Committee

**FROM:** Jan Pepper, Chief Executive Officer  
Shawn Marshall, Chief Operating Officer

**SUBJECT:** Recommend Approval to the Board of Directors of Operational Amendments to Policy 14

**RECOMMENDATION**

Recommend approval to the Board of Directors of operational amendments to Policy 14

**BACKGROUND:**

Peninsula Clean Energy adopted its original Delegation of Authority Policy #14 in November 2017 and it was amended in January 2019 to include an expanded focus on fiscal/financial authorities. With the addition of a new executive-level position at PCE, Chief Operating Officer (COO), staff is proposing a second policy amendment to include the COO in policy language and contracting authorities and to clarify the policy's scope.

**DISCUSSION:**

Staff is proposing the following amendments to Policy 14:

1. Clarify and update the title of the policy to: Delegation of Non-Energy Contract and Financial Authority Policy
2. Update the purpose section to include references to non-energy contracting and other operational elements
3. Add Chief Operating Officer (COO) to "Responsible Parties" and Policy Details" sections of Policy 14
4. Remove section 5.3 in Policy Details which references authorities for a Director of Finance and Administration, a position that PCE does not currently have.

**Attachments:** Proposed redline and clean versions of proposed amended Policy 14



**Subject:** Delegation of Non-Energy Contracts and Financial Authority Policy

**1.0 PURPOSE:**

Peninsula Clean Energy (PCE) is committed to effective and efficient management of its operations and finances. The purpose of this policy is to:

- Establish the principles that govern the delegation of non-energy contracting and financial authority
- Support accountability and efficiency in non-energy contracting and financial transactions
- Establish non-energy contract authorization and expense approval limits by role for senior staff of Peninsula Clean Energy

**2.0 RESPONSIBLE PARTIES:**

The Chief Executive Officer, Chief Operating Officer and Chief Financial Officer are responsible for ensuring that uniform policies and procedures are followed for delegating and implementing approval authorities.

**3.0 GENERAL POLICY GUIDELINES:**

The cumulative amount of contract and financial authority is limited by approved budgets. Approval from the Board of Directors is required in order to exceed a budgeted amount as dictated in PCE's Joint Powers Agreement, Section 5.2.3.

**4.0 SCOPE:**

- 4.1 This policy applies to all the employees of Peninsula Clean Energy.
- 4.2 This policy is for staff only and does not cover the Board of Directors' powers and responsibilities, which are detailed in PCE's Joint Powers Agreement.

**5.0 POLICY DETAILS:**

The limits of authority set forth in this policy are the maximum limits authorized for the referenced position. This policy addresses the most common types of commitments, agreements, and expenditures for PCE, and the corresponding approval level that is required.

By position title, the limits are as follows:

- 5.1 Chief Executive Officer may approve and enter into any contract agreement if the total amount payable under the agreement is less than \$100,000 in any fiscal year, as stated in the PCE Joint Powers Agreement, section 3.4 (except for the specific approval authority granted in PCE Policy #15 related to energy supply procurement).
- 5.2 Chief Operating Officer or Chief Financial Officer may approve and enter into contract agreements for Operating, General and Administrative Expenses in areas for which there is direct supervisory or management responsibility if the total amount payable under the agreement is less than \$100,000 in any fiscal year.
- 5.3 The Chief Financial Officer will prepare a written monthly report for the Chief Executive Officer and Chief Operating Officer that lists all contract agreements approved that month.



Policy Number: 14  
Original Adoption Date:  
November 16, 2017  
Revised: January 24, 2019

**Subject:** Delegation of Non-Energy Contract and Financial Authority Policy

## 1.0 PURPOSE:

Peninsula Clean Energy (PCE) is committed to effective and efficient management of its operations and finances. The purpose of this policy is to:

- Establish the principles that govern the delegation of non-energy contracting and financial authority
- Support accountability and efficiency in non-energy contracting and financial transactions
- Establish non-energy contract authorization and expense approval limits by role for senior ~~the~~ staff of Peninsula Clean Energy

## 2.0 RESPONSIBLE PARTIES:

The Chief Executive Officer, Chief Operating Officer and Chief Financial Officer ~~are is~~ responsible for ensuring that uniform policies and procedures are followed for delegating and implementing the approval authorities~~y~~.

## 3.0 GENERAL POLICY GUIDELINES:

- ~~3.1~~—The cumulative amount of contract and financial authority is limited by approved budgets. Approval from the Board of Directors is required in order to exceed a budgeted amount as dictated in PCE's Joint Powers Agreement, Section 5.2.3.

## 4.0 SCOPE

- 4.1 This policy applies to all the employees of Peninsula Clean Energy.
- 4.2 This policy is for staff only and does not cover the Board of Directors' powers and responsibilities, which are detailed in PCE's Joint Powers Agreement.

## 5.0 POLICY DETAILS:

The limits of authority set forth in this policy are the maximum limits authorized for the referenced position. This policy addresses the most common types of commitments, agreements, and expenditures for PCE, and the corresponding approval level that is required.

By position title, the limits are as follows:

- 5.1 Chief Executive Officer may approve and enter into any contract agreement if the total amount payable under the agreement is less than \$100,000 in any fiscal year, as stated in the PCE Joint Powers Agreement, section 3.4 (except for the specific approval authority granted in PCE Policy #15 related to energy supply procurement).
- 5.2 Chief Operating Officer or Chief Financial Officer may approve and enter into contract

agreements for Operating, General and Administrative Expenses in areas for which there is direct supervisory or management responsibility if the total amount payable under the agreement is less than \$100,000 in any fiscal year.

~~5.3 Director of Finance and Administration may approve any agreement if the total amount payable under the agreement is less than \$10,000 in any fiscal year for Operating, General and Administrative Expenses, and may approve reimbursement of allowable employee expenses. Notwithstanding the foregoing, Director of Finance and Administration may not authorize Payroll expenditures.~~

~~5.45.3~~ The Chief Financial Officer ~~and Director of Finance and Administration~~ will prepare a written monthly report for the Chief Executive Officer and Chief Operating Officer that lists all contract agreements approved that month.

**PENINSULA CLEAN ENERGY AUTHORITY  
Board Correspondence**

**DATE:** January 5, 2023  
**BOARD MEETING DATE:** January 9, 2023  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** None

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

**FROM:** Marc Hershman, Director of Legislative Policy

**SUBJECT:** Amendments to Peninsula Clean Energy Policy 1, "Delegation of Authority to Chief Executive Officer Regarding the Legislative Platform"

**RECOMMENDATION**

Recommend approval to the Board of Directors of updates to Policy 1

**BACKGROUND:**

Peninsula Clean Energy adopted its original Delegation of Authority to Chief Executive Officer Regarding Legislative Policy (Policy #1) in June 2016, and it was amended in February 2021 to reference and incorporate Peninsula Clean Energy's Board-adopted Legislative Platform. In January 2022 the Legislative Platform was updated and was referred to as the Legislative and Regulatory Policy Platform, reflecting the addition of separate positions in the organization for the Director of Regulatory Policy and the Director of Government Affairs. Staff is proposing an amendment to the "Delegation of Authority to Chief Executive Officer Regarding the Legislative Platform (Policy #1)" to reflect these staffing changes.

**DISCUSSION:**

Staff is proposing the following amendments to Policy 1:

1. Clarify and update the title of the policy to: Delegation of Authority to Chief Executive Officer Regarding the Legislative and Regulatory Policy Platform
2. Update the Purpose and Policy sections to include reference to the regulatory lead, regulatory policy, regulation and the Legislative and Regulatory Policy Platform

**Attachments:** Proposed redline and clean versions of proposed amended Policy 1

**Subject:** Delegation of authority to Chief Executive Officer to take action to publicly support or oppose legislation, regulation, or other initiatives

**Purpose:** On occasion, the Chief Executive Officer is approached with a time-sensitive request to sign a public letter of support for (or opposition to) legislation, regulation, or other initiatives related to Peninsula Clean Energy's mission. This policy is intended to delegate authority to the Chief Executive Officer to take necessary action to provide that support (or opposition) so long as such position is consistent with Peninsula Clean Energy's Board-adopted Legislative and Regulatory Policy Platform.

**Policy:** Peninsula Clean Energy hereby delegates its authority to the Chief Executive Officer to sign documents or other materials on behalf of Peninsula Clean Energy, when all of the following conditions are met:

- 1) The legislation, regulation, or other initiative is directly related to, and consistent with Peninsula Clean Energy's Board-approved Legislative and Regulatory Policy Platform.
- 2) The Chief Executive Officer has investigated the positions of (1) other California CCAs; (2) state and federal legislators representing San Mateo County and its cities; and (3) the County of San Mateo and its cities, understands the range of opinions on the legislation, regulation, or initiative and has considered those opinions in determining whether and how to take a position.
- 3) The Chief Executive Officer has conferred with the staff legislative and/or regulatory lead and both agree that the position that the Chief Executive Officer intends to take is consistent with the Legislative and Regulatory Policy Platform adopted by the Board of Peninsula Clean Energy.
- 4) If a subject comes before the Chief Executive Officer or staff legislative lead or staff regulatory lead that the Legislative and Regulatory Policy Platform does not cover, the Chief Executive Officer shall confer with the legislative subcommittee, time permitting, with the Chair of the Board of Directors, or the Vice-Chair, if the Chair is unavailable, prior to taking any position on the matter. If both the Chief Executive Officer and the Chair, Vice-Chair, or legislative subcommittee, as relevant based upon availability and timing, agree that: (a) the position that the Chief Executive Officer intends to take is consistent with the Legislative and Regulatory Policy Platform or the mission of Peninsula Clean Energy then the Chief Executive Officer may take the position.

The Chief Executive Officer or staff legislative lead or staff regulatory lead shall report any position taken pursuant to this policy at the next regularly scheduled Board of Directors meeting as part of the Chief Executive Officer Report or as part of the report prepared by the

staff legislative lead or staff regulatory lead. The Chief Executive Officer or staff legislative lead or staff regulatory lead shall also ensure that the Board of Directors is provided with a copy of the letter or document communicating Peninsula Clean Energy's position on the legislation, regulation, or initiative.

Delegation of Authority to Indicate Support or Opposition Policy



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