
PCE Board of Directors Regular Meeting: Apr 27, Item 9

1 message

Leslie Austin <leslie@greencal.org>

Wed, Apr 26, 2023 at 10:30 AM

To: nwogberg@peninsulacleanenergy.com, smarshall@peninsulacleanenergy.com, Jan Pepper <jpepper@peninsulacleanenergy.com>, sbarnes@peninsulacleanenergy.com, rreyes@peninsulacleanenergy.com, dpine@smcgov.org, rmueller@smcgov.org, rdegolia@ci.atherton.ca.us, jmates@belmont.gov, "Mackin, Coleen" <cmackin@ci.brisbane.ca.us>, dcolson@burlingame.org, kgonzalez@colma.ca.gov, councilmemberrod@gmail.com, cromero@cityofepa.org, shindi@fostercity.org, hrrarback@hmbcity.com, lragdale@hillsborough.net, paul.llanez@losbanos.org, bnash@menlopark.org, afung@ci.millbrae.ca.us, bigstyckt@ci.pacifica.ca.us, jaalfs@portolavalley.net, emartinezsaballos@redwoodcity.org, Marty Medina <mmedina@sanbruno.ca.gov>, jdugan@cityofsancarlos.org, alee@cityofsanmateo.org, james.coleman@ssf.net, j.wall@woodsidesetown.org

Dear PCE Board Members, Staff, and Board Clerk,

I am writing on behalf of the CCA Workforce and EJ Standards Alliance to share our letter, proposed Workforce and Environmental Justice Policy for Energy Procurement policy, and Policy Comparison: CCA Workforce & Environmental Justice (WEJ) Policy Resolution vs. Peninsula Clean Energy (PCE) Policies. These documents are attached for your review prior to tomorrow evening's Board of Directors meeting and Item 9 discussion.

We kindly request your consideration of our request and appreciate your time and attention.

Thank you,

~Leslie

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Leslie Austin (she / her / [why pronouns matter](#))

Climate Action Organizer

Let's Green CA!, an initiative of the Romero Institute

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Follow our work [@LetsGreenCA](#) across [social media platforms](#)

Sign up for [email updates](#)

Our office resides on the traditional homelands of Awawas-speaking Uypi Tribe. These lands are called Popeloutchom by the Amah Mutsun Tribe.

4 attachments



PCE Letter_Staff&Board_Workforce & EJ Resolution_42623.pdf

554K



Proposed Workforce & Environmental Justice Resolution for Energy Procurement.pdf

66K



Comparison_ WEJ Policy vs. PCE Policies.pdf

178K



Comparison_ WEJ Policy vs. PCE Policies.pdf

178K

Policy Comparison: CCA Workforce & Environmental Justice (WEJ) Policy Resolution vs. Peninsula Clean Energy (PCE) Policies

Qualitative analysis comparison by way of thematic coding

The following tables catalog the substantive policy themes organized in direct comparison to PCE policies and the CCA Workforce & Environmental Justice Alliance's Policy Resolution. Other important, related policies adopted or proposed by PCE are not included in the comparison.

Summary Report: After reviewing PCE's proposed changes and expansion to its diversity, equity, accessibility, and inclusion (DEAI) policy, we acknowledge the important and commendable advancements PCE is making. However, there are critical gaps that we believe are imperative to achieving PCE's goals and commitment to DEIA that must be addressed in PCE's proposed policy and practices.

As you will see in greater detail below, our primary recommendations center around critical gaps in the following areas: targeted hire, CCA-owned projects, community benefits, meaningful community engagement, evaluation, scoring and selection, and local resilience. (Note that many of the recommendations are current PCE practices that need minor modification or simply need to be codified in policy.)

Targeted Hire, Meaningful Community Engagement, and Environmental Justice

- Both in policy and practice, support 'targeted' recruitment and hiring of disadvantaged or underrepresented workers for apprenticeship and pre-apprenticeship programs
- State in policy (already in practice) a requirement to assess project benefits and impacts on project-adjacent communities, with outreach to community stakeholders, particularly disadvantaged communities.
- Both in policy and practice, require incorporating community feedback into project design, and community and workforce benefits.
- Both in policy and practice, require mitigating environmental justice impacts on project-adjacent communities.

CCA-Owned Projects and Programs

- Both in policy and practice, require Project Labor Agreements (PLA) for PCE-owned utility and community-scale clean energy projects (renewable energy and storage).
- Both in policy and practice, require working with local building trades to design and implement local resilience and electrification programs that utilize site/project aggregation for scaled contracting and implementation.

Project Evaluation, Scoring, and Selection

- In both policy and practice, PCE must develop a transparent evaluation criteria and scoring matrix that identifies scoring values for specific actions.
- Both in policy and practice, include in all RFOs or RFPs and in the evaluation criteria and scoring process: a preference for local hire, preference for PLAs , a preference for prevailing wage compliance and auditing for non-PLA PPAs, language that requires or rewards responses that include the Supplier Diversity Questionnaire, a preference for projects that enhance local resilience, and evaluation of environmental benefits and impacts.
- Both in policy and practice, PCE shall publicly publish detailed project evaluation and selection documentation during project approval.

CA Community Power

Finally and equally important, we call on PCE to adopt policy language that directs the representative to California Community Power to advocate for adoption of the policy resolution and advocate for creation of a public advisory committee.

References:

- [CCA Workforce and EJ Standards Policy Resolution](#)
- [PCE Feb 13 2023 Exec Committee Staff Report](#)
- [PCE 2023 RFO](#)
- [PCE Strategic 2020-2025 Plan](#)

[Language coding transcript + additional notes](#)

Symbols and Corresponding Meanings:

“x” = Meets WEJ policy (in policy and practice),
 “+” = Meets WEJ policy in practice (needs policy),
 “-” = Weak (in policy and/or practice),
 Blank = Unable to locate

Competitive, Clean and Renewable Power Supply

Theme	WEJ Policy	PCE Policy
<i>RE: New Renewable Resources (all scales)</i>	x	-
<i>RE: Prioritize Projects That Enhance Local Resilience</i>	x	-
<i>RE: Prioritize Category I Bundled Renewable Energy Credits (RECs)</i>	x	x

Environmental Justice

Theme	WEJ Policy	PCE Policy
<i>*EJ: Assess Project Benefits and Impacts on Project-adjacent Communities</i>	x	+
<i>*EJ: Meaningful Engagement and Involvement of Community Stakeholders (prioritize disadvantaged/underrepresented)</i>	x	+
<i>*EJ: Incorporate Community Voices in Decision-Making Processes</i>	x	-
<i>EJ: DEAI Workforce Recruitment and Retention</i>	x	x
<i>*EJ: No Forced Labor</i>	x	x

*These are all critical components to a policy that effectively embodies the [principles of environmental justice](#) and operationalizes the recommendations from [CA Environmental Justice Alliance's \(CEJA\) Framework for CCAs to Power Equity and Democracy in California](#).

Workforce

Theme	WEJ Policy	PCE Policy
<i>**Workforce: Targeted Hire</i>	x	-
<i>**Workforce: Local Hire</i>	x	-
<i>**Workforce: Local Project Preference</i>	x	x
<i>**Workforce: PLA or Prevailing Wage With Accountability</i>	x	-
<i>**Workforce: Utilize Local Apprenticeship Program</i>	x	-

**Supported by California Workforce Development Board's [Jobs and Climate Action Plan for 2030](#) and [High Road Training Partnership Framework](#)

Environmental

Theme	WEJ Policy	PCE Policy
<i>Environmental: Meet Relevant Permitting Requirements</i>	x	x
<i>Environmental: State Preference to Avoid Sensitive Habitats</i>	x	x
<i>Environmental: Avoid/Mitigate Potential Envir +EJ Impact</i>	x	-
<i>Environmental: EPEAT Ecolobal Status</i>	x	-

Project Evaluation

Theme	WEJ Policy	PCE Policy
<i>Project Evaluation: State W&EJ Requirements and Preferences in RFP/RFO</i>	x	-
<i>Project Evaluation: Perform Structured, Holistic Evaluation</i>	x	-
<i>Project Evaluation: Transparency</i>	x	-

CA Community Power (CC Power)

Theme	WEJ Policy	PCE Policy
<i>CC Power: Advocate for W&EJ Policy</i>	x	
<i>CC Power: Create Public Advisory Committee</i>	x	



April 26, 2023

Rick DeGolia, Chair
 Board of Directors
 Peninsula Clean Energy
 2075 Woodside Rd.
 Redwood City, CA 94061

Honorable Chair DeGolia,

The CCA Workforce & Environmental Justice Standards Alliance is made up of 35+ organizations representing labor, climate, environmental, and environmental justice interests. The Alliance is advocating for the adoption of best practice workforce and environmental justice standards for CCA clean energy and electrification projects in California. Sustainable Workforce and DEAI issues are deeply intersectional and must always be considered together and not separated. PCE's clean energy and electrification investments present an important opportunity to create disadvantaged community-benefitting projects and dignified middle-class careers to empower disadvantaged workers and their communities in California's clean energy economy.

While we acknowledge the leadership demonstrated by Peninsula Clean Energy in institutionalizing DEAI into their policies on Ethical Procurement, Sustainable Workforce, and Strategic Plan, we must note that gaps still exist in PCE's proposed policies. In order to serve as a leading example of best practice for Sustainable Workforce and DEAI policies among CCAs, PCE must take further action than what is currently being proposed.

The CCA Workforce & EJ Standards Alliance has collaboratively developed a comprehensive Policy Resolution (attached) which reflects utility industry standard and best practice. We have conducted a full comparison (attached) of our policy resolution against PCE's practice and proposed policy, and found alignment with most of your practices and many of your policies.

However, we have identified a number of critical DEAI and Sustainable Workforce related policy and practice gaps in the following areas: targeted hire, CCA-owned projects, community benefits, meaningful community engagement, evaluation and selection, and local resilience.

Members of the CCA Workforce and EJ standards Alliance met with staff late last week to initially engage on identified Sustainable Workforce and DEAI gaps. The meeting was positive and constructive, with staff committing to continue meeting with us to work through these gaps with the goal to return to the board in the near term with final DEAI-related Policy 9 and Policy 10 updates. The following four items were communicated to staff during our meeting, but are unfortunately not reflected in the staff recommendation and report.

We call on your board to do the following:

1. Adopt the proposed “shall prioritize and give preference to” language in the Sustainable Workforce Policy 10 conditioned on staff and stakeholders meeting to negotiate how that language will be operationalized.
2. Upgrade the weaker “shall use best effort” language in the PCE programs section of Policy 10 to match the recommended “shall prioritize and give preference to” language for PCE-owned generation.
3. Direct staff to work cooperatively with labor, EJ, and climate stakeholders to innovate new program designs that empower organized workers and contractors and facilitate local energy resilience as well as scale up electrification of buildings and vehicles.
4. Delay the adoption of Policy 9 until staff returns to the board with revised DEAI policy language that specifically addresses the gaps identified by the Alliance

As we continue to work with other CCAs across the state to adopt industry standard workforce and environmental justice policies for clean energy projects, we want to point to PCE as the model CCA supporting workers and the diverse communities that host its clean energy projects. We look forward to the opportunity to continue working with you and your staff to strengthen your proposed DEAI and sustainable workforce policies in alignment with your agency's espoused DEAI, workforce, and environmental values.

Sincerely,

Alphabetical endorsement list of alliance organizations follows:

Susan Penner, Co-Chair, Legislative Working Group, 1000 Grandmothers for Future Generations

Alan Weiner, Coordinator, 350 Conejo / San Fernando Valley

Al Weinrub, Coordinator, California Alliance for Community Energy

Ana Rosa Rizo-Centino, Network Manager, Central Coals Climate Justice Network

Lynda Marin, Chapter Lead, Citizens' Climate Lobby, Santa Cruz Chapter

Michael Chiacos, Policy Director, Community Environmental Council

Ratha Lai, CEO, Critical Impact Consulting

Rita Casaverde, Executive Director, Diversity Coalition, San Luis Obispo County

John Foran, Founding Editor, Eco-Vista

Leah Redwood, Action Coordinator, Extinction Rebellion San Francisco Bay Area

Tim Frank, Representative, Building and Construction Trades Council of Alameda

Bart Pantoja, Building and Construction Trades Council of San Mateo County

John Doherty, Business Manager, IBEW Local 6

Paul Guterrez, Business Manager, IBEW Local 234

Bill Baker, Business Manager, IBEW Local 413

Greg Bonato, Business Manager, IBEW Local 595

Scott Wein, Business Manager, IBEW Local 617

Mark Simonin, Business Manager, IBEW Local 639

Hector Huerdo, California Director, Jobs to Move America

Veronica Wilson, CA Organizer, Labor Network for Sustainability

Benjamin Eichert, Director, Let's Green CA!

Jessica Tovar, Steering Committee Member, Local Clean Energy Alliance

Gopal Shanker, President, Récolte Energy

Nancy Faulstich, Executive Director, Regeneración Pajaro Valley

Sara Nelson, Executive Director, Romero Institute

Alex Lansberg, Director, Research & Advocacy, San Francisco Electrical Contractors Assoc.

Jill ZamEk, Board Member, San Luis Obispo Mothers for Peace

Robert M. Gould, MD, President, San Francisco Bay Physicians for Social Responsibility

Joni Eisen, Representative, San Francisco Climate Emergency Coalition

Ken Hough, Executive Director, Santa Barbara County Action Network

Pauline Seales, Educator Organizer, Santa Cruz Climate Action Network

Eric Veium, Chair, SLO Climate Coalition

Melissa Yu, Senior Energy Campaigns Representative, Sierra Club

Timothy Duda, Director, Terra Advocati

Kristin Kusanovich, Founder, tUrn Climate Crisis Awareness & Action

Bijan Ashtiani-Eisemann, Organizer, UC Green New Deal Coalition

Attachments:

1. CCA Workforce and Environmental Justice Standards Alliance Policy Resolution
2. Policy Comparison: CCA Workforce & Environmental Justice (WEJ) Policy Resolution vs. Peninsula Clean Energy (PCE) Policies

Workforce and Environmental Justice Policy for Energy Procurement

UPDATE: April 15, 2023

PROPOSED RESOLUTION

Community Choice Aggregation (CCA) Governing Board to adopt a resolution that directs staff to develop and implement a Workforce and Environmental Justice Policy for CCA Energy Procurement which includes the following:

1. Competitive, clean and renewable power supply

CCA shall supply clean and renewable power and services¹ (new - local, distributed, and Renewable Portfolio Standard (RPS) qualifying resources) to customers at competitive rates.

CCA shall include criteria in the bid evaluation process to prioritize projects that advance local resilience.

CCA shall prioritize Category 1 bundled RECs for all projects to meet its renewable energy goals. CCA shall avoid projects involving Category 2 and 3 RECs. If a CCA plans to use Category 2 or 3 RECs, the CCA shall produce a report on why alternatives were not feasible.

2. Workforce

Whether or not a construction project is a public work as defined by the California Labor Code, contracting partners shall comply with California prevailing wage provisions applicable to public works projects, including but not limited to the Labor Code sections pertaining to employment of apprentices on public works projects.

All construction work that falls within an apprenticeable occupation in the building and construction trades shall be performed by a skilled and trained workforce in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

¹ Clean and renewable means new local, distributed, and RPS qualifying resources only. Biomass technologies that incinerate municipal solid waste or combust woody or agricultural biomass in urban areas are excluded.

A preference for a Project Labor Agreement (PLA) will be incorporated into the bidder evaluation ranking process:

- i. Work done under a PLA shall be deemed to meet the requirements of payment of prevailing wage and use of apprentices, and shall supersede the skilled and trained workforce requirement
- ii. For projects that do not implement a PLA, an audit will be required to ensure compliance with payment of prevailing wages, compliance with skilled and trained workforce requirements and to demonstrate any employment of apprentices

CCA shall state a preference in the request for proposals for the use of local labor with a deliberate emphasis on targeted hiring of disadvantaged workers, defined as an individual who, at the time of hiring, satisfies at least one of the following categories: 1) homeless; 2) single custodial parent; 3) receiving public assistance; 4) lacking a GED or high school diploma; 5) criminal record or history with the criminal justice system; 6) chronically unemployed; 7) emancipated from foster care; or 8) veteran.

CCA shall first give a preference to projects that are located in a county or city that receives electric service from CCA, then to projects that are located within California, and then to projects whose first point of connection is within California.

CCA-owned projects shall be constructed through a multi-trade project labor agreement or through multiple such agreements, consistent with the Public Contract Code provisions authorizing such agreements by public agencies.

3. Environmental

All projects must meet the permitting requirements of the appropriate governing authority/authorities

CCA shall state a preference in the request for proposals for projects that avoid sensitive habitat areas and that comply with conservation plans such as the Desert Renewable Energy Conservation Plan.

CCA shall require in the request for proposals that developers of construction projects address how the project will avoid or mitigate, to the extent feasible, potential environmental and environmental justice impacts of the project.

The request for proposal shall request Global Electronics Council's Electronic Product Environmental Assessment Tool (EPEAT) ecolabel registration status and level for inverters, modules, and other applicable equipment².

4. *Environmental Justice*

CCA shall identify disadvantaged community stakeholders (DAC) from the vicinity of projects using a variety of tools such as CalEnviroScreen and the State Department of Housing and Community Development's opportunity maps. CCA shall make information easily accessible to disadvantaged stakeholders using various outreach methods including workshops, virtual webinars, and presentations at existing community meetings or events.

CCA shall meaningfully engage³ with "disadvantaged community" stakeholders residing within the CCA service area or proposed project area and incorporate input in the decision-making process

CCA shall state a preference in the request for proposals that developers of construction projects identify, in collaboration with community stakeholders, project benefits and negative effects to communities in the project vicinity, with an emphasis on evaluating disproportionate impacts on disadvantaged communities.

CCA shall require in the request for proposals that project developers include details of policies, programs, and practices supporting diversity, equity, and inclusion in their workforce recruitment and retention. Developer performance shall be included in bidder evaluation criteria.

Developers of construction projects shall state opposition to using forced labor in the supply chain.

5. *Project evaluation and selection*

CCA shall evaluate and select energy projects with a structured, multi-criteria evaluation process which utilizes the policy principles discussed herein. This evaluation process

² <https://globalelectronicscouncil.org/>

³ Meaningful engagement means implementing five recommendations for best practices from Building a Just Energy Future - A framework for community choice aggregators to power equity and democracy in California, 2020 report by the California Environmental Justice Alliance

should holistically consider workforce, environmental justice, and community benefits balanced with technical and financial considerations.

CCA shall publicly publish detailed project evaluation and selection documentation during project approval.

6. CA Community Power (CC Power)

CCA's representative to the CA Community Power Board shall advocate for adoption of a CA Community Power Workforce and Environmental Justice Policy for Energy Procurement consistent with the terms of this resolution.

CCA's representatives to the CA Community Power Board shall advocate to form a public advisory committee, including labor, environmental and equity representatives, to ensure transparency and public engagement in CA Community Power's operations and procurement practices.