



Silicon Valley Clean Energy Executive Committee Special Meeting

Monday, November 14, 2022

1:00 pm

Liz Gibbons, Chair
City of Campbell

George Tyson, Vice Chair
Town of Los Altos Hills

Jon Willey
City of Cupertino

Zach Hilton
City of Gilroy

Neysa Fligor
City of Los Altos

Rob Rennie
Town of Los Gatos

Evelyn Chua
City of Milpitas

Javed Ellahie
City of Monte Sereno

Yvonne Martinez Beltran
City of Morgan Hill

Margaret Abe-Koga
City of Mountain View

Tina Walia
City of Saratoga

Larry Klein
City of Sunnyvale

Otto Lee
County of Santa Clara

Teleconference Meeting

Webinar:

<https://svcleanenergy-org.zoom.us/j/82222985429>

Or by Telephone (Audio only):

US: +1 669 219 2599

Webinar ID: 822 2298 5429

This meeting will be conducted in accordance with California Government Code Section 54953(e), in consideration of the Coronavirus (COVID-19). All members of the Silicon Valley Clean Energy Executive Committee and staff will participate in this meeting by teleconference.

Members of the public may observe this meeting electronically by accessing the meeting via instructions above. Public Comments can be sent in advance of the meeting via email up to three hours before the meeting begins to Board Clerk Andrea Pizano at Andrea.Pizano@svcleanenergy.org and will be distributed to the Executive Committee. The public will also have an opportunity to provide comments during the meeting. Members of the public using Zoom may comment during public comment or the applicable agenda item by using the Raise Hand feature and you will be recognized by the Chair. Those using the telephone (audio only) feature should press star 9 on your phones to initiate the "Raise Hand" function in Zoom. You will then be announced, unmuted, and your time to speak will begin.

The public may provide comments on any matter listed on the Agenda. Speakers are customarily limited to 3 minutes each, however, the Committee Chair may increase or decrease the time allotted to each speaker based on the number of speakers, the length of the agenda and the complexity of the subject matter. Speaking time will not be decreased to less than one minute.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act ("ADA") please contact Board Clerk Andrea Pizano at Andrea.Pizano@svcleanenergy.org prior to the meeting for assistance.

AGENDA

Call to Order

Roll Call

Public Comment on Matters Not Listed on the Agenda

svcleanenergy.org

333 W El Camino Real
Suite 330
Sunnyvale, CA 94087

Liz Gibbons, Chair
City of Campbell

George Tyson, Vice Chair
Town of Los Altos Hills

Jon Willey
City of Cupertino

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City of Saratoga

Larry Klein
City of Sunnyvale

Otto Lee
County of Santa Clara

The public may provide comments on any matter not listed on the Agenda provided that it is within the subject matter jurisdiction of SVCE. Speakers are customarily limited to 3 minutes each, however, the Committee Chair may increase or decrease the time allotted to each speaker based on the number of speakers, the length of the agenda and the complexity of the subject matter. Speaking time will not be decreased to less than one minute.

Consent Calendar (Action)

- 1) Approve Minutes of the August 26, 2022, Executive Committee Meeting

Regular Calendar

- 2) CEO Update (Discussion)
- 3) Update on Hybrid Meeting Requirements Following Termination of Emergency Order (Discussion)
- 4) SVCE Information Update on 2023 SVCE Board Elections (Discussion)
- 5) Establishing an Electrification Discount Rate (Discussion)
- 6) Programs Snapshot: FutureFit Homes (Presentation)

Committee/Staff Remarks

Adjourn

svcleanenergy.org

333 W El Camino Real
Suite 330
Sunnyvale, CA 94087



**Silicon Valley Clean Energy
Executive Committee Meeting**
Friday, August 26, 2022
10:00 a.m.

Pursuant to State of California Gov't Code Section 54953 (e) the meeting was conducted via teleconference.

DRAFT MINUTES

Call to Order

Chair Tyson called the meeting to order at 10:01 a.m.

Roll Call

Present:

Chair George Tyson, Town of Los Altos Hills
Vice Chair Neysa Fligor, City of Los Altos
Director Liz Gibbons, City of Campbell
Director Javed Ellahie, City of Monte Sereno (arrived at 10:06 a.m.)
Director Yvonne Martinez Beltran, City of Morgan Hill (arrived at 10:05 a.m.)

Absent:

None.

All present committee members participated via teleconference.

Public Comment on Matters Not Listed on the Agenda

No speakers.

Consent Calendar

MOTION: Director Gibbons moved and Vice Chair Fligor seconded the motion to approve the Consent Calendar.

Chair Tyson opened public comment.
No speakers.
Chair Tyson closed public comment.

The motion carried unanimously with Directors Ellahie and Martinez Beltran absent by verbal roll call vote.

1) Approve Minutes of the June 24, 2022, Executive Committee Meeting



Regular Calendar

2) CEO Report (Discussion)

CEO Girish Balachandran reviewed the items anticipated for the Board of Directors meeting on September 14, 2022, which included the FY23 budget, Strategic Focus areas, and Closed Session for the CEO's evaluation.

Bena Chang, Senior Government Affairs Manager, provided updates on various bills including SB1158, AB2449, and the governor's proposed five-year extension on the Diablo Canyon nuclear power plant to 2030. Senior Government Affairs Manager Chang responded to committee member questions.

Chair Tyson opened public comment.

Bruce Karney commented he received a five-page analysis regarding the extension of Diablo Canyon written by an environmental activist and noted he had forwarded it to staff for feedback. Karney commented and provided reasons he did not believe the extension of the Diablo Canyon was in the best interest of Californians, particularly rate payers.

Chair Tyson closed public comment.

CEO Balachandran responded to Mr. Karney's comments.

3) Inflation Reduction Act Information (Discussion)

Senior Government Affairs Manager Chang presented information related to the Inflation Reduction Act (IRA), including outlining the historic investments in decarbonization and clean energy, community funds offered, additional investments, and additional policies. Senior Government Affairs Manager Chang noted next steps would include forming internal SVCE teams to understand opportunities in the IRA and to adapt SVCE's work.

Senior Government Affairs Manager Chang and CFO and Director of Administrative Services Singh responded to a question from Director Gibbons regarding SVCE's eligibility for tax credits based on the early information on the IRA; staff responded to additional clarifying questions.

Chair Tyson opened public comment.

Bruce Karney inquired of the timing of availability for the early IRA incentives, and noted the importance of being comprehensive as soon as possible as to when incentives will be available. Karney inquired if direct solar water heating is orphaned out of the IRA incentives, and expressed the importance of SVCE accelerating its contractor training.

Chair Tyson closed public comment.

Senior Government Affairs Manager Chang noted she would check on the direct solar water heating inquiry.

4) Strategic Focus Areas Update (Discussion)

CEO Balachandran presented a PowerPoint presentation on the proposed FY 23 Strategic Focus Areas which included the following:

24x7 Clean Energy: Explore 24x7 clean energy delivery at scale, to improve on the current 100% clean energy goal

Customer Base & Electrification: Grow customer base, offerings, & emphasize electrification

Inflation Reduction Act: Accelerate deployment of currently adopted decarbonization strategies and goals;



evaluate and capitalize on the Inflation Reduction Act to further improve programs

Finance: Leverage balance sheet for structured financing and use financing solutions to increase impact of decarbonization program offerings, especially lower-income customers

Employees: Be the employer of choice & increase staffing

Committee members provided comments on the proposed five strategic focus areas, which were supportive, and suggestions for the presentation for the Board of Directors in September.

Chair Tyson opened public comment.

Bruce Karney commented on the idea of using reserves to advance the organization's mission, noting it was an interesting idea for SVCE and for the constituent cities to consider allocating some of their reserve funds toward loans or other financial vehicles that might accelerate the transition to a decarbonized economy and increase the average rate of return on their reserve portfolio. Karney noted he did not understand the reconciliation mechanism that allowed congress to pass the IRA with 50 senators plus one; Karney inquired of the risk of a political party shift in the House of Representatives at the next election and if the IRA approval could be undone.

Chair Tyson closed public comment.

CEO Balachandran noted Mr. Karney's inquiry could be addressed at a future time.

5) Integrated Resource Plan Status Update (Discussion)

Maren Wenzel, Senior Manager of Regulatory and Policy Analysis, presented a PowerPoint with an update to SVCE's 2022 Integrated Resource Plan (IRP). The presentation included background and context information on the IRP, core goals, initial draft results, and next steps for analysis.

Senior Manager of Regulatory and Policy Analysis Wenzel responded to committee member question and comments; committee members provided feedback on the presentation with suggestions for the Board of Directors meeting.

Chair Tyson opened public comment.

Bruce Karney thanked staff for the presentation and inquired the following: 1) why the orders are in terms of MWs instead of MWh, 2) what is the impact of things SVCE cannot control, and 3) does SVCE have enough information about PG&E's status quo and future generation to determine the cost advantage that SVCE provides today will likely persist into the future. Karney commented it would be helpful to make explicit what inflation numbers are being used and how best-case scenario modeling expects costs to change over time.

Chair Tyson closed public comment.

Senior Manager of Regulatory and Policy Analysis Wenzel responded to Mr. Karney's questions.

6) Program Snapshot: GridShift: EV Charging (Presentation)

Justin Zagunis, Director of Decarbonization Programs and Policy, introduced the item and SVCE staff Nupur Hiremath, Manager of Community Programs, and Rebecca Fang, Senior Data Analyst. Senior Data Analyst Fang presented a PowerPoint presentation on the Gridshift: EV Charging program which is an application that helps electric vehicle drivers optimize their charging to save money on their electricity bill as well as save emissions associated with charging.



Chair Tyson opened public comment.

No speakers.

Chair Tyson closed public comment.

Committee/Staff Remarks

Committee Chair Tyson noted he felt the meeting was very productive and thanked staff for their work.

Adjournment

Chair Tyson adjourned the meeting at 11:32 p.m.

**Staff Report – Item 2**

Item 2: CEO Update

From: Girish Balachandran, CEO

Prepared by: Andrea Pizano, Board Clerk/Executive Assistant

Date: 11/14/2022

This item will be addressed in the form of an oral report to the Executive Committee from SVCE CEO Girish Balachandran.

Staff Report – Item 3

Item xx: Update on Hybrid Meeting Requirements Following Termination of Emergency Order

From: Girish Balachandran, CEO

Prepared by: Kevin Armstrong, Deputy Director of Administrative Services
 Bena Chang, Senior Government Affairs Manager
 Andrea Pizano, Board Clerk and Executive Assistant

Date: 11/14/2022

RECOMMENDATION

Staff will be providing an update on remote options for Board meetings in light of the Governor signing AB 2449 and the announced end of the COVID state of emergency on February 28, 2023. Staff recommends returning to standard Brown Act meeting requirements.

BACKGROUND

Due to the COVID-19 pandemic, the Governor issued Executive Order N-29-20, suspending certain sections of the Brown Act. Pursuant to the Executive Order, legislative bodies no longer needed to list the location of each remote attendee, post agendas at each remote location, or allow the public to access each location. Further, a quorum of the legislative body does not need to be within the legislative body's jurisdiction. After several extensions, Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021 Governor Newsom signed [AB 361](#), legislation that amended the Brown Act to allow local agencies to meet remotely during Governor declared emergencies under certain conditions. AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act's standard teleconferencing provisions if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On September 13, 2022, the Governor signed AB 2449, which allows remote meetings under specific circumstances. The provisions of AB 2449 will go into effect on January 1, 2023, and will be discussed in more detail in the Analysis & Discussion section.

On October 17, 2022, Governor Newsom's office announced that the COVID-19 State of Emergency will end on February 28, 2023. With this announcement, AB 361 can no longer be used after February 28, 2023.

ANALYSIS & DISCUSSION

Staff received feedback from the Executive Committee in March and the Board of Directors in April that continuing hybrid meetings would be preferred after Governor Newsom's emergency order is lifted.

Under traditional Brown Act rules in Government Code Section 54953(b)(3) legislative bodies may meet by "teleconference" only if the agenda lists each location a member remotely accesses a meeting from, the agenda is posted at all remote locations, and all remote locations are accessible to the public. There are no limits on the number of times a legislative body member can teleconference, and no requirements for a quorum of the body to meet physically in one location within the service territory.

In contrast, AB 2449 (Rubio) provides the option to continue waiving the rules to publish private addresses and require public access to teleconferencing locations - under limited conditions, however. AB 2449 is not intended to allow for frequent teleconferencing under relaxed Brown Act rules, but rather provides the option to enable members of legislative bodies to participate remotely on a limited basis without following those

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traditional Brown Act teleconferencing rules. This limited basis is delineated by the provisions of AB 2449 that establish restrictive guardrails on teleconferencing, including the following:

- A requirement that a **quorum of the legislative body** participate in person from a single physical location within the boundaries of the service territory;
- A limit on the reasons allowing a legislative body member to teleconference to “just cause” or emergency reasons. Just cause includes: 1) childcare/caregiving, 2) contagious illness, and 3) travel on **official government business**. Emergencies include physical or family medical emergencies that prevent a member from attending in-person.
- A limit on the exercise of teleconference provisions to no more than 3 consecutive months or 20% of the meetings in a calendar year.
- The disclosure of the name and relationship of anyone over the age of 18 present with the member at the remote location.

The traditional Brown Act rules that existed before the pandemic are still in effect. AB 2449 did not replace traditional Brown Act rules but adds another option for legislative bodies. Both sets of rules only apply to members of the legislative body and not to staff or the public. SVCE remains committed to providing wide access to the public for our Board and committee meetings.

Attachment A is a comparison chart that summarizes the differences between AB 361, AB 2449, and traditional Brown Act rules.

From an administrative perspective, AB 2449 is very complex. Staff would need to track the timing and occurrence of any AB 2449 utilization, ensure a quorum of the body would be physically in one location within the service territory, and potentially enforce limits on board member teleconferencing. Given these logistical difficulties, staff proposes either not using AB 2449 for meetings or only using AB 2449 in emergency situations.

As traditional Brown Act rules become effective on March 1, 2023, following the cessation of the State of Emergency, staff proposes to continue hosting hybrid meetings under traditional Brown Act rules:

- 1) Utilizing Cupertino Community Hall as the primary physical meeting location for Board of Director meetings and the SVCE office as the primary physical location for Brown Act committee meetings; and
- 2) With advance notice, assisting board members in setting up alternative public meeting locations to participate remotely if desired (e.g., City halls, community centers, etc.).

Board members also have the option to participate from a home office, but it will need to be properly noticed on the meeting agenda and allow for public access.

STRATEGIC PLAN

Not applicable.

ALTERNATIVES

Staff is open to alternatives proposed by the Board of Directors.

FISCAL IMPACT

There is a de minimis fiscal impact as a result of reimbursing member agencies for fees and staff time associated with hosting Board members for remote meetings.

ATTACHMENTS

The presentation for this item is posted to the SVCE website.

Attachment A

Comparison Chart between AB 361, AB 2449, and Traditional Brown Act

	AB 361 (Rivas)	AB 2449 (Rubio)	Traditional Brown Act Rules for Teleconferencing
When can you use this authority?	During a declared state of emergency for COVID, which will end on February 28, 2023.	Starting January 1, 2023.	Anytime
Number of times you can participate remotely in a calendar year	Unlimited as long as the Board adopts a resolution making required findings.	No more than 3 consecutive months or 20% of meetings in a calendar year. Only 2 times a year for "just cause reasons."	Unlimited
Quorum Requirement	Remote and in-person members both count for establishing quorum.	Legislative body must have a quorum in a single physical location within the agency's jurisdiction. The physical location must be accessible to the public.	Remote and in-person members both count for establishing quorum. Must have a quorum within the agency's jurisdiction but could be from multiple locations.
Disclosures	None required.	Must disclose anyone over the age of 18 in the room and the member of the legislative body's relationship to that person. The member must disclose the reason for teleconferencing.	The location of any remote locations must be identified on the agenda.
Public access to remote locations	Not required.	Not required.	Members of the public must have access to all remote locations and must be able to address the legislative body from the remote location. The agenda must be posted at the remote location.
Reasons to request teleconferencing	None needed.	Must be for "just cause" or "emergency" reasons. Just cause includes 1) childcare/caregiving, 2) contagious illness, and 3) travel on official government business. Emergencies include physical or family medical emergencies that prevents a member from attending in person.	None needed.

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	AB 361 (Rivas)	AB 2449 (Rubio)	Traditional Brown Act Rules for Teleconferencing
When do you have to notice remote participation?	No need to provide notice of remote locations.	Member must notify the legislative body at the earliest possible time, including at the start of the meeting.	Notification needed prior to posting agenda - at minimum 72 hours in advance of the meeting.

Staff Report – Item 4

Item 4: SVCE Information Update on 2023 SVCE Board Elections

From: Girish Balachandran, CEO

From: Andrea Pizano, Board Clerk/Executive Assistant

Date: 11/14/2022

RECOMMENDATION

Staff recommends that the Executive Committee review the process and timeline for SVCE's Chair, Vice Chair, and Committee member appointments.

BACKGROUND

At the October 24, 2018 meeting, the Board approved a timeline to appoint SVCE's Chair, Vice Chair and Executive Committee members in January, with remaining committees assigned at the February Board of Directors meeting. SVCE's Operating Rules and Regulations were then amended in November 2018 to reflect the timing of selections.

SVCE has been using a selection process for the positions of Chair, Vice Chair, and committees which includes the Board Clerk requesting letters of interest for the positions of Chair and Vice Chair prior to the board meeting to be included in the agenda packet and requesting board members complete a committee matrix which indicates interest in either continuing their membership in a committee, dropping their membership in a committee, or joining a committee.

The roles of Chair, Vice Chair, and the Executive Committee are scheduled to be selected at the January 11, 2023 meeting, with remaining committee assignments made at the February 8, 2023 meeting.

ANALYSIS & DISCUSSION

Using a similar process followed in previous years, the Board Clerk will send information to the Board of Directors following the December 2022 board meeting with a call for letters of interest for the positions of Chair and Vice Chair; letters of interest received for these positions will be included in the January Board of Directors meeting agenda packet. Directors interested in serving on the Executive Committee will also be asked to notify the Board Clerk during this time and names will be included in the staff report for the January board meeting. Nominations will also be accepted from the floor for Chair, Vice Chair and Executive Committee membership.

Following the January board meeting, the Board Clerk will distribute information to board members to indicate interest in SVCE's other committees (Finance and Administration Committee, Audit Committee, and any additional committees formed by the Board between now and January). The information will be collected prior to the February board meeting, and staff will include the names of interested directors for each committee in the February board meeting staff report. Requests to join committees will also be considered from the floor at the meeting.

STRATEGIC PLAN

Appointing SVCE's representatives supports our mission and goals of the Strategic Plan.

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ALTERNATIVE

Staff is open to suggestions from the committee on the process for Chair/Vice Chair and committee selections.

FISCAL IMPACT

There would be no fiscal impact as a result of making appointments.

ATTACHMENTS

1. 2023 Proposed SVCE Board Elections Timeline



2023 SVCE Board Elections Timeline

December 14, 2022: Staff presents item at the Board meeting outlining process for 2023 elections based on Executive Committee feedback

December 15, 2022: Board Secretary will send a request for letters/indications of interest for the Chair/Vice Chair positions as well as interest from members looking to serve on the Executive Committee for 2023

January 3, 2023: Letters of interest for Chair/Vice Chair and expression of interest for Executive Committee membership responses due to Board Clerk

January 11, 2023: Chair, Vice Chair, and Executive Committee selections made at the Board of Directors meeting

January 13, 2023: Board Clerk will distribute information to Directors to indicate interest in serving/continuing to serve on remaining committees

January 27, 2023: Interests due to Board Clerk

February 8, 2023: SVCE Committee assignments made at the Board of Directors meeting

Staff Report – Item 5

Item 5: Establishing an Electrification Discount Rate

From: Girish Balachandran, CEO

Prepared by: Peter Mustacich, Energy Services Lead

Date: 11/14/2022

This item will be addressed in the form of a presentation to the Executive Committee for feedback on initial ideas for implementation of electrification-related rates.

ATTACHMENT

The presentation for this item will be posted to SVCE's website.

Staff Report – Item 6

Item 6: Program Snapshot: FutureFit Homes

From: Girish Balachandran, CEO

Prepared by: Jessamyn Allen, Program Manager

Date: 11/14/2022

This item will be addressed in the form of a presentation to the Executive Committee providing a snapshot overview of SVCE's FutureFit Homes & Buildings.

ATTACHMENT

The presentation for this item is posted to SVCE's website.