



Silicon Valley Clean Energy Executive Committee Meeting

Friday, March 24, 2023
10:00 am

George Tyson, Chair
Town of Los Altos Hills

Tina Walia, Vice Chair
City of Saratoga

Elliot Scozzola
City of Campbell

Sheila Mohan
City of Cupertino

Zach Hilton
City of Gilroy

Sally Meadows
City of Los Altos

Rob Rennie
Town of Los Gatos

Evelyn Chua
City of Milpitas

Bryan Mekechuk
City of Monte Sereno

Yvonne Martinez Beltran
City of Morgan Hill

Margaret Abe-Koga
City of Mountain View

Larry Klein
City of Sunnyvale

Otto Lee
County of Santa Clara

Silicon Valley Clean Energy Office
333 W. El Camino Real, Suite 330
Sunnyvale, CA

Teleconference Meeting Information:

<https://svcleanenergy-org.zoom.us/j/87096318342>

Telephone (Audio only):
US: +1 669 219 2599

Webinar ID: 870 9631 8342

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

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

svcleanenergy.org

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Sunnyvale, CA 94087

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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 February 24, 2023, Executive Committee Meeting

Regular Calendar

- 2) CEO Update (Discussion)
- 3) Recommend Board Approval of Operating Rules and Regulations Amendment to Expand Executive Committee Membership to Up to Six Board Members (Action)
- 4) Recommend the SVCE Board of Directors Authorize the Chief Executive Officer to Negotiate and Execute a Power Purchase Agreement with Middle River Power for up to 100 MW of a Natural Gas Peaker Plant combined with up to 134 MWs of Battery Energy Storage System for a term of 12 years to meet Resource Adequacy and Mid-term Reliability Procurement Order Requirements (Action)
- 5) Recommend the SVCE Board of Directors Authorize the Chief Executive Officer to Negotiate and Execute a Power Purchase Agreement with Rio Bravo Fresno for up to 25 Megawatts of Biomass Renewable Energy for 2.75 years to meet Renewable Portfolio Standard and Resource Adequacy Requirements (Action)
- 6) Electrification Discount Design Update (Discussion)
- 7) Programs Snapshot: Member Agency Programs and Workgroup Activities (Presentation – Information Only)

Committee/Staff Remarks

Adjourn

svcleanenergy.org

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**Silicon Valley Clean Energy
Executive Committee Meeting**
Friday, February 24, 2023
10:00 a.m.

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

DRAFT MEETING MINUTES

Call to Order

Chair Walia called the meeting to order at 10:00 a.m.

Roll Call

Present:

Chair Tina Walia, City of Saratoga
Vice Chair Bryan Mekechuk, City of Monte Sereno
Director Rob Rennie, Town of Los Gatos
Director Yvonne Martinez Beltran, City of Morgan Hill

Absent:

Director George Tyson, Town of Los Altos Hills

All present committee members participated via teleconference.

Public Comment on Matters Not Listed on the Agenda

No speakers.

Consent Calendar

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

MOTION: Vice Chair Mekechuk moved and Director Martinez Beltran seconded the motion to approve the Consent Calendar.

The motion carried by verbal roll call vote with Director Tyson absent.

1) Approve Minutes of the January 27, 2023, Executive Committee Meeting

Regular Calendar

2) CEO Update (Discussion)



Chair Walia announced CEO Girish Balachandran was not present and COO and Director of Power Resources Monica Padilla would provide the report as Acting CEO. Acting CEO Padilla introduced Justin Zagunis, Director of Decarbonization Programs and Policy, to provide an update on SVCE's residential building electrification programs.

Director of Decarbonization Programs and Policy Zagunis presented a slide summarizing residential building electrification programs in the active, planned and development stages.

Chair Walia opened public comment.

No speakers.

Chair Walia closed public comment.

3) Resource Adequacy and Reliability (Presentation – Information Only)

Acting CEO Padilla and Charles Grinstead, Senior Manager of Power Resources, provided a presentation which included a resource adequacy (RA) overview, 2023 RA compliance overview, SVCE's 2023 RA supply, information on power purchase agreements and delays, California's RA supply, potential solutions to supply issues, SVCE's 2023 RA situation, RA penalties, and procurement efforts. Citlalli Sandoval, Senior Regulatory Advisor, addressed advocacy efforts.

Staff responded to committee member questions and comments.

Chair Walia opened public comment.

Bruce Karney thanked staff for the presentation and requested staff comment on the risk the younger and smaller CCAs are facing.

Chair Walia closed public comment.

Acting CEO Padilla responded to Mr. Karney's question, noting starting a new CCA at this time would be challenging.

4) Programs Snapshot: California Electric Vehicle Incentive Program (Presentation – Information Only)

Nupur Hiremath, Manager of Decarbonization Programs and Policy, introduced the item and presented information on the California Electric Vehicle Incentive Program (CALeVIP), with the objective to install DC fast charges and L2 chargers.

Staff responded to committee member questions regarding the program.

Chair Walia opened public comment.

Bruce Karney shared his thoughts related to the program and noted the importance of chargers being publicly visible and having adequate signage, utilization, and maintenance of the chargers. Karney commented he believes this is an excellent program and wants to continue to see it flourishing, but also being improved along the way.

Chair Walia closed public comment.

**Committee/Staff Remarks**

Board Clerk Andrea Pizano announced the next meeting of the committee would be in person at the SVCE office and requested she be notified if a member of the committee would like to participate from a different publicly accessible location as it would need to be noticed on the agenda.

Adjournment

Chair Walia adjourned the meeting at 11:35 a.m.



Staff Report – Item 2

Item 2: CEO Update

From: Girish Balachandran, CEO

Prepared by: Andrea Pizano, Board Clerk/Executive Assistant

Date: 3/24/2023

This item will be addressed in the form of an oral report to the Executive Committee.

Staff Report – Item 3

Item 3: Recommend Board Approval of Operating Rules and Regulations Amendment to Expand Executive Committee Membership to Up to Six Board Members

From: Girish Balachandran, CEO

Prepared by: Andrea Pizano, Board Clerk/Executive Assistant

Date: 3/24/2023

RECOMMENDATION

Staff recommends the Executive Committee recommend the Board approve the proposed amendment to SVCE's Operating Rules and Regulations (ORR) to expand Executive Committee membership to up to six Board members.

BACKGROUND

SVCE's ORR were first adopted in June 2016 as the Authority was in its infancy with the intent that they can be expanded as the board further addressed its operations and policies.

The ORR have been previously amended to include/revise:

- Regular meeting location;
- Authorization for the Chair of the Board to designate an alternative meeting place within the jurisdiction of the authority after consultation with the Chief Executive Officer on available meeting locations in the event that the Cupertino Community Hall is not available for a regular or adjourned regular meeting;
- Changing the Date of the Annual Meeting and the Appointment of Officers and Committee Members and Conforming the Provisions Regarding the Holding of Regular Meetings to Board Resolution Nos. 2016-14 and 2017-11;
- Defining unexcused absences from board meetings;
- Including reference to SVCE's Code of Ethics Policy;
- Clarification of general Committee Membership;
- Clarification of Executive Committee appointments in January of each year; and
- Addition of Chair and Vice Chair Vacancy language.

The ORR was last amended in January 2021.

ANALYSIS & DISCUSSION

The existing ORR states the Executive Committee consists of five Board members (Article 4, Section 2). Staff would like to change this to identify that up to six Board members can make up the Executive Committee. Changing this language allows flexibility in the event the Board would like to elect six members instead of the current five, and an opportunity for other board members to express interest in membership with an additional seat. SVCE's other Brown Act committees (Finance and Administration Committee, Audit Committee) allow up to six members to participate.

Agenda Item: 3**Agenda Date: 3/24/2023**

Following is the proposed language change:

Article 4, Section 2

*Executive Committee. There shall be an Executive Committee consisting of **up to six** Board members. The duties of the Executive Committee shall be to review and provide advice to the Chief Executive Officer and the entire Board on policy, operational and organizational matters and perform such other responsibilities, tasks or activities as delegated to it by the Board.*

Should the Executive Committee support staff's recommendation, this would be proposed at the April Board meeting and acted upon at the May Board meeting. Staff would also present an item at the May Board meeting to consider adding an additional member to the existing 2023 Executive Committee for a total of six members.

ALTERNATIVE

Staff is open to suggestions from the committee regarding any clarifications or changes that should be made to SVCE's existing ORR.

FISCAL IMPACT

No fiscal impact as a result of recommending the proposed ORR amendment.

ATTACHMENT

1. SVCE Operating Rules and Regulations Amendments Draft (redline)

SILICON VALLEY CLEAN ENERGY AUTHORITY

OPERATING RULES AND REGULATIONS

ARTICLE I

FORMATION

The Silicon Valley Clean Energy Authority (the “Authority”) was established on March 31, 2016 pursuant to the execution of the Silicon Valley Clean Energy Authority Joint Powers Agreement (the “Agreement”) by the County of Santa Clara, the Cities of Campbell, Cupertino, Gilroy, Los Altos, Monte Sereno, Morgan Hill, Mountain View, Saratoga and Sunnyvale and the Towns of Los Altos Hills and Los Gatos. The members of the Authority are referred to as Party or Parties in these Operating Rules and Regulations. As defined by the Agreement, these Operating Rules and Regulations consist of rules, regulations, policies, bylaws and procedures governing the operation of the Authority.

ARTICLE II

PURPOSES

The Authority is formed to study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs, and to exercise all other powers necessary and incidental to accomplishing this purpose. These programs include but are not limited to the establishment of a Community Choice Aggregation Program known as Silicon Valley Clean Energy in accordance with the terms of the Agreement.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Appointment of Chair and Vice-Chair. The Board shall appoint from among themselves by majority vote a Chair and Vice-Chair. The Chair and Vice-Chair shall be appointed for one-year terms expiring at the annual meeting held in January of each year. As provided by the Agreement, there are no limits on the number of terms that a Board member may serve as Chair or Vice-Chair.

Section 2. Appointment of Secretary and Treasurer. The Secretary and Treasurer shall be appointed by the Board for one-year terms expiring at the annual meeting held in January of each year.

Section 3. Extension of Term of Office. If for any reason, the appointment of a Board officer is not made in January of any year, such officer shall continue to serve in his or her position until an appointment is made at a meeting of the Board.

Section 4. Removal of Officers. An officer of the board shall be subject to removal as an officer of the board at any time for any reason by a majority vote of the entire Board.

Section 5. Removal of Board Members for Cause. A Director may be removed by the Board for cause. Cause shall be defined for the purposes of this section as follows:

- a. Unexcused absences from three consecutive Board meetings. Board members shall make every effort to notify the Chair and/or Board Clerk no later than 24 hours prior to any regular meeting of his/her absence. The failure to give such notice shall be deemed an unexcused absence unless the failure to give timely notice was due to emergency circumstances.
- b. Unauthorized disclosure of confidential information or documents from a closed session or the unauthorized disclosure of information or documents provided to the Director on a confidential basis and whose public disclosure may be harmful to the interests of the Authority.
- c. Failure to comply with SVCE's Code of Ethics Policy.

Written notice shall be provided to the Director proposed for removal and the governing body that appointed such Director at least thirty days prior to the meeting at which the proposed removal will be considered by the Board. The notice shall state the grounds for removal, a brief summary of the supporting facts, and the date of the scheduled hearing on the removal. The Director proposed for removal shall be given an opportunity to be heard at the removal hearing and to submit any supporting oral or written evidence. A Director shall not be removed for cause from the Board unless two-thirds of all Directors on the Board (excluding the Director subject to removal) vote in favor of the removal.

ARTICLE IV

COMMITTEES

Section 1. Establishment of Committees. The Executive Committee and all other Committees of the Board shall be selected as provided by Sections 4.6 and 4.7 of the Agreement. Each duly established Committee may establish any Standing or Ad Hoc Committees determined to be appropriate or necessary. The duties and authority of all Committees shall be subject to the approval and direction of the Board. The term of office for each Committee established by the Board shall be one year. The Executive Committee members shall be appointed at the annual meeting in January with all other Committee members appointed in February. There are no limits on the number of terms that a Director may serve on a Committee. If for any reason, the appointment of Committee members is not made at either the January or February meeting of the Board in any year as provided above, such Committee members shall continue to serve in their positions until an appointment is made at a meeting of the Board. An alternate Director may not attend a Committee meeting on behalf of an absent regular Director. Except for the Executive Committee, alternate Directors may be appointed by the Board to Committees. However, for each Committee, not more than one Committee member shall represent a particular member agency.

Section 2. Executive Committee. There shall be an Executive Committee consisting of ~~five~~^{up to six} Board members. The duties of the Executive Committee shall be to review and provide advice to the Chief Executive Officer and the entire Board on policy, operational and organizational matters and perform such other responsibilities, tasks or activities as delegated to it by the Board.

ARTICLE V

MEETINGS

Section 1. Regular Meetings. The regular meetings of the Board of Directors of Authority shall be held on the second Wednesday of each month at the hour of 7 p.m. at the Cupertino Community Hall, located at 10350 Torre Avenue, in Cupertino, California. In the event that Cupertino Community Hall is not available for a regular or adjourned regular meeting, the Chair of the Board may designate an alternative meeting place within the jurisdiction of the Authority after consultation with the Chief Executive Officer on available meeting locations.

Section 2. Special Meetings. Special meetings of the Board may be called at any time and may be held in any location within the jurisdiction of the Authority as provided by the notice for the special meeting.

Section 3. Annual Meeting. The Board shall hold an annual meeting in January of each year at which time it will appoint Board officers and Executive Committee members.

Section 4. Open Meeting Requirements. The meetings of the Board, the Executive Committee and all other committees established by the Board shall be governed by the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.).

Section 5. Chair and Vice Chair Vacancies. At any meeting of the Board or a committee where the Chair and Vice Chair are not present, the previous Chair of that body will serve as Interim Chair. If that person is not present, the longest serving member of that body will serve as Interim Chair. If it is a new committee, members will draw lots to determine who will serve as Interim Chair.

ARTICLE VI

AMENDMENTS

These Operating Rules and Regulations may be amended by a majority vote of the full membership of the Board but only after such amendment has been proposed at a regular meeting and acted upon at the next or later regular meeting of the Board for final adoption. The proposed amendment shall not be finally acted upon unless each member of the Board has received written notice of the amendment at least 10 days prior to the date of the meeting at which final action on the amendment is to be taken. The notice shall include the full text of the proposed amendment.

Staff Report – Item 4

Item 4: Recommend the SVCE Board of Directors Authorize the Chief Executive Officer to Negotiate and Execute a Power Purchase Agreement with Middle River Power for up to 100 MW of a Natural Gas Peaker Plant combined with up to 134 MWs of Battery Energy Storage System for a term of 12 years to meet Resource Adequacy and Mid-term Reliability Procurement Order Requirements

From: Girish Balachandran, CEO

Prepared by: Andrea Pizano, Board Clerk/Executive Assistant

Date: 3/24/2023

This item will be addressed in the form of a presentation to the Executive Committee with a request that the Executive Committee recommend the SVCE Board of Directors Authorize the CEO to negotiate and execute a power purchase agreement with Middle River Power.

ATTACHMENT

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

Staff Report – Item 5

Item 5: Recommend the SVCE Board of Directors Authorize the Chief Executive Officer to Negotiate and Execute a Power Purchase Agreement with Rio Bravo Fresno for up to 25 Megawatts of Biomass Renewable Energy for 2.75 years to meet Renewable Portfolio Standard and Resource Adequacy Requirements

From: Girish Balachandran, CEO

Prepared by: Andrea Pizano, Board Clerk/Executive Assistant

Date: 3/24/2023

This item will be addressed in the form of a presentation to the Executive Committee with a request that the Executive Committee recommend the SVCE Board of Directors Authorize the CEO to negotiate and execute a power purchase agreement with Rio Bravo Fresno.

ATTACHMENT

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

Staff Report – Item 6

Item 6: Electrification Discount Design Update

From: Girish Balachandran, CEO

Prepared by: Andrea Pizano, Board Clerk/Executive Assistant

Date: 3/24/2023

This item will be addressed in the form of a presentation to the Executive Committee providing an update on electrification discount design.

ATTACHMENT

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

Staff Report – Item 7

Item 7: Program Snapshot: Member Agency Programs and Workgroup Activities

From: Girish Balachandran, CEO

Prepared by: Anthony Eulo, Senior Manager of Public Sector Services

Date: 3/24/2023

This item will be addressed in the form of a presentation to the Executive Committee providing a snapshot overview of the Member Agency Programs and Workgroup Activities.

ATTACHMENT

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