

# Butte Choice Energy Authority

## Board of Directors Meeting Monday May 2, 2022, 5:30 pm

*Board members may be present via teleconference or in person.*

**Members of the Public may view the meeting and comment as set forth below.**

Butte Choice Energy (BCE) Board meetings are accessible to people with disabilities. 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 [ButteChoiceEnergyCOB@buttecounty.net](mailto:ButteChoiceEnergyCOB@buttecounty.net).

If you have anything that you wish to be distributed to the Board please hand it to a BCE interim staff member who will distribute the information to the Board members and other staff.

**Coronavirus (COVID-19) Advisory Notice:** The health and safety of community members, public officials and employees is a top priority for BCEA. Members of the BCEA Board and BCEA staff will be participating in person, electronically, or via teleconference in this meeting in compliance with waivers to certain provisions of the Ralph M. Brown Act provided for under Government Code section 54953(e)(1)(A) in relation to the COVID-19 state of emergency and recommended social distancing measures. Chambers are open to the public. Pursuant to CDPH guidelines, face masks are not required. Anyone may choose to continue wearing a mask, regardless of vaccination status.

### **Remote Public Participation:**

#### **A) How to watch/participate in the meeting via WebEx:**

Meeting Link:

<https://countyofbutte.webex.com/countyofbutte/onstage/g.php?MTID=e1903979f3bb977028953192c563581b4>

**Event number:** 2491 936 9547

**Event password:** BcEA05-02-22

**Attendees will be admitted into the meeting beginning at 5:15 pm the day of the meeting.**

#### **B) How to provide public comment:**

- a) **Before the meeting:** email your comments to [ButteChoiceEnergyCOB@buttecounty.net](mailto:ButteChoiceEnergyCOB@buttecounty.net) no later than noon on Monday, May 2, 2022 and they will be forwarded to the Board and included in the public record. Be sure to include the agenda item number you are addressing, as well as your full name and address.
- b) **During the meeting:** email your comment to [ButteChoiceEnergyCOB@buttecounty.net](mailto:ButteChoiceEnergyCOB@buttecounty.net) and your comment will be read verbatim into the record. Members of the public may also provide public input during the meeting by participating via the meeting link above.

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 [ButteChoiceEnergyCOB@buttecounty.net](mailto:ButteChoiceEnergyCOB@buttecounty.net) as soon as possible to ensure arrangements for accommodation.

1. **Call to Order**
  - a. Pledge of Allegiance
2. **Corrections and/or Changes to the Agenda**
3. **Public Comment for Items Not on the Agenda**

*This item is reserved for persons wishing to provide comment to the Board on any BCEA-related matters that are not otherwise on this meeting agenda but in the jurisdiction of the Board of Directors. Public comments on matters listed on the agenda shall be at the time the matter is called. Public comments from members of the public that are read at this meeting will be limited to 300 words.*
4. **Consent Agenda**
  - a. **Resolution Authorizing Continued Teleconference Meetings**

**Requested Action:** Approve resolution authorizing remote teleconferencing meetings for the period of May 2, 2022 through June 1, 2022 pursuant to the Ralph M. Brown Act, and authorize Chair to sign.
  - b. **Approval of Minutes from February 16, 2022 Board Meeting**

**Requested Action:** Approve the Minutes from the February 16, 2022 Board Meeting.
5. **Regular Agenda**
  - a. **2022 Work Plan - Technical Consultant 2022 Work Plan and Energy Market Update**

**Requested Action:** Provide direction to consultant.
6. **Board Member and Staff Announcements**

Board Members may briefly provide information to other members of the Board and the public, ask questions of staff, request an item to be placed on a future agenda, or report on conferences, events or activities related to BCEA business. There is to be no action taken on comments made by Directors unless authorized by law.
7. **Adjournment**

Public records that relate to any item on the open session agenda for Board meeting are available on the BCEA website at [www.buttechoiceenergy.org](http://www.buttechoiceenergy.org). Public records that are distributed less than 72 hours prior to the meeting will be posted for public review at the same time they are distributed to all members, or a majority of the members of the Board.

## BUTTE CHOICE ENERGY AUTHORITY

### Staff Report – Item 4a

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**To:** Butte Choice Energy Authority (BCEA) Board of Directors

**From:** Brian Ring, BCEA Interim Co-Executive Officer and Assistant Chief Administrative Officer, County of Butte  
Erik Gustafson, BCEA Interim Co-Executive Officer and Public Works Director, City of Chico

**Subject:** Resolution Authorizing Continued Teleconference Meetings

**Date:** May 2, 2022

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#### **Recommendation**

Approve resolution authorizing remote teleconferencing meetings for the period of May 2, 2022 through June 1, 2022 pursuant to the Ralph M. Brown Act, and authorize Chair to sign.

#### **Background**

On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to meet via teleconference during a proclaimed state of emergency in accordance with procedures established by AB 361 rather than under the Brown Act's more narrow standard rules. If the Board of Directors desires to continue to have the ability to meet remotely via teleconference without meeting the more narrow standard Brown Act rules, the Board is required to adopt a resolution making the findings required by AB 361.

The Board initially adopted a resolution permitting the ability to meet using the alternative rules of AB 361 based on the state of emergency declared by the Governor pursuant to California Government Code section 8625 and that state or local officials had imposed or recommended measures to promote social distancing.

As a condition of extending the use of the teleconferencing provisions for another 30 days pursuant to Government Code section 54953(e), the Board must reconsider the circumstances of the state of emergency and find that either the state of emergency continues to directly impact the ability of the members to meet safely in person or State or local officials continue to impose or recommend measures to promote social distancing. The State Public Health Officer has and continues to issue guidance regarding COVID-19 prevention measures and the California Department of Industrial Relations has issued COVID-19 prevention regulations found at 8 C.C.R. §3205 et seq., which recommends social distancing as a measure to decrease the spread of COVID-19.

Based on the existing state of emergency and/or State officials' recommendations to socially distance, the Board has the ability to continue to meet remotely should it so choose. The new law also requires the Board to reconsider the determination no later than 30 days after the first teleconference meeting held pursuant to AB 361 and every 30 days thereafter. Adoption of the proposed resolution, attached hereto, will enable the Board and Brown Act legislative bodies to meet via teleconference pursuant to AB 361 and to reconsider the determination for subsequent meetings. Subsidiary legislative bodies will also approve their own resolution to meet via teleconference and to reconsider the determination for subsequent meetings. The resolution does not require the Board to hold meetings via teleconference.

The Board previously adopted similar resolutions on October 11, 2021 and February 16, 2022. This new resolution would re-authorize the ability to meet remotely via teleconference through June 1, 2022 or such time the Board adopts a subsequent resolution to continue this ability.

**RESOLUTION OF THE BUTTE CHOICE ENERGY AUTHORITY BOARD OF DIRECTORS AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD OF MAY 2, 2022 THROUGH JUNE 1, 2022 PURSUANT TO THE RALPH M. BROWN ACT**

**WHEREAS**, all meetings of the Board of Directors (the “Board”) and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov’t Code section 54950 et seq.), so that any member of the public may attend, participate and view the legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

**WHEREAS**, Government Code section 54953(e) initial requirements to adopt an initial resolution include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 *et seq.*) to allow local legislative bodies to hold public meetings via teleconference; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as “AB 361”); and

**WHEREAS**, the California Department of Industrial Relations has issued COVID-19 Prevention regulations in Title 8 of the California Code of Regulations (Section 3205 et seq.) which requires employers to (1) have a written COVID-19 prevention program including employee training that promotes physical distancing as an infection prevention measure and (2) consider implementing physical distancing where feasible as a response to COVID-19 outbreaks; and

**WHEREAS**, the Board previously adopted resolutions finding that the requisite conditions existed for the Board and its legislative bodies to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3), as authorized by Section 54953(e); and

**WHEREAS**, as a condition of extending the use of the teleconferencing provisions for another 30 days pursuant to Government Code section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists and find that either the state of emergency continues to directly impact the ability of the members to meet safely in person or State or local officials continue to impose or recommend measures to promote social distancing; and

**WHEREAS**, the Board has reconsidered the circumstances of either the continuing state of emergency and/or that State or local officials continue to impose or recommend measures to promote social distancing, based on California Department of Industrial Relations regulations related to COVID-19 Prevention, specifically Title 8 of the California Code of Regulations, Section 3205 et seq., continuing to remain in effect; and

**WHEREAS**, in light of the foregoing, the Board desires to continue to have the flexibility to meet via tele/video conference and the Board finds that it and its legislative bodies shall be permitted to conduct their meetings by

teleconferencing without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2).

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Butte Choice Energy Authority Board of Directors as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference;
2. The Board has reconsidered the circumstances of the state of emergency proclaimed by Governor Newsom through a State of Emergency Proclamation on March 4, 2020.
3. The Board of Supervisors finds that the Governor's state of emergency proclamation remains in effect, and/or State officials continue to impose or recommend measures to promote social distancing based on the Department of Industrial Relations' issuance of COVID-19 Prevention regulations through Title 8 of the California Code of Regulations, section 3205 et seq. promoting social distancing in the workplace.
4. Under the present circumstances, the Board and any of its legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) June 1, 2022 or (ii) such time the Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

**PASSED AND ADOPTED** by the Butte Choice Energy Authority Board of Directors this 2<sup>nd</sup> day of May, 2022, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Chair  
Butte Choice Energy Authority Board of Directors

**ATTEST:**  
**Kalya Reaster, Clerk**

By: \_\_\_\_\_

**BUTTE CHOICE ENERGY AUTHORITY**

**Staff Report – Item 4b**

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**To:** Butte Choice Energy Authority (BCEA) Board of Directors

**From:** Brian Ring, BCEA Interim Co-Executive Officer and Assistant Chief Administrative Officer, County of Butte  
Erik Gustafson, BCEA Interim Co-Executive Officer and Public Works Director, City of Chico

**Subject:** February 16, 2022 BCEA Board Meeting Minutes Approval

**Date:** May 2, 2022

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**Recommendation**

Approve the February 16, 2022 BCEA Board meeting minutes.

# Butte Choice Energy Authority

## MINUTES

### February 16, 2022

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1. CALL TO ORDER

The meeting was held virtually.

Present: Debra Lucero, Butte County Board of Supervisor, District 2  
Alex Brown, Chico City Council  
Chuck Reynolds, Oroville Mayor  
Scott Thomson, Vice-Mayor of Oroville  
Brian Ring, Interim Executive Director Erik  
Gustafson, Interim Executive Director  
Ryan Baron, General Counsel  
Shaina Paulsen, Interim Clerk of the Board

Absent: Doug Teeter, Butte County Board of Supervisor, District 5

2. PUBLIC COMMENT

PUBLIC COMMENT WAS OPENED AND CLOSED WITHOUT ANY SPEAKERS.

3. CONSENT AGENDA

MOTION: APPROVE THE CONSENT AGENDA.

(MOTION: REYNOLDS; SECOND: BROWN)

VOTE:

AYES: MOTION PASSED 4-0-1

NAYS: BROWN, REYNOLDS, THOMPSON, AND CHAIR LUCERO

ABSENT: NONE

TEETER

a. Resolution Authorizing Continued Teleconference Meetings

*Board Action: Approved resolution authorizing remote teleconferencing meetings for the period of February 16, 2022 through March 17, 2022 pursuant to the Ralph M. Brown Act.*

b. Minutes from October 11, 2021 Board Meeting

*Board action: Minutes approved.*



**4. REGULAR AGENDA**

**A) Resolution Regarding BCEA’s 2022 Regular Meeting Schedule**

Motion: Approve resolution adopting the Board of Directors regular meeting schedule for calendar year 2022.

Vote 4-0-1

Ayes: Brown, Reynolds, Thomson, Chair Lucero

Nays: None

Absent: Teeter

**B) Technical Consultant Request for Proposal Update**

Brian Ring, Interim Executive Director, presented this item.

Motion: Form an ad hoc committee regarding technical consultant request for proposals, and appoint two Directors to participate in the review and ranking of the proposals as well as sit in on the selection panel that will hear the presentations. Chuck Reynolds nominated Chair Lucero to sit as a committee representative. Chair Lucero nominated Chuck Reynolds to sit as a committee representative.

Vote: 4-0-1

Ayes: Brown, Reynolds, Thomson, Chair Lucero

Nays: None

Absent: Teeter

**5. BOARD MEMBER AND STAFF ANNOUNCEMENTS**

Chair Lucero reported on her participation in the Environmental Energy and Land Use Committee as part of the National Association of Counties (NACo). She stated that energy was a huge topic of discussion during this year’s NACo Conference.

Chuck Reynolds discussed how important visionaries in the energy industry are to the progression of energy reliability and sustainability.

**5. ADJOURNMENT**

*There being no further business before the Butte Choice Energy Authority, the meeting adjourned. The Butte Choice Energy Authority will reconvene at the next regular meeting, scheduled for April 4, 2022.*

ATTEST:

Shaina Paulsen

Secretary and Clerk of the Board

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Debra Lucero, Chair

Butte Choice Energy Authority

# BUTTE CHOICE ENERGY AUTHORITY

## Staff Report – Item 5a

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**To:** Butte Choice Energy (BCE) Board of Directors

**From:** Brian Ring, BCE Interim Co-Executive Officer and Assistant Chief Administrative Officer,  
County of Butte  
Erik Gustafson, BCE Interim Co-Executive Officer and Public Works Director, City of Chico

**Subject:** 2022 Work Plan and Energy Market Update

**Date:** May 2, 2022

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### **Recommendation**

Provide direction to consultant.

### **Background**

On February 16, 2022, the BCE Board of Directors appointed Chari Lucero and Director Reynolds to participate on an ad hoc committee to review and rank proposals received in response to the Request for Proposal for a Technical Consultant that was issued in January 2022. In addition, this ad hoc committee participated as the selection panel to hear presentations from the selected finalist. Through this process, GDS, Inc. was selected as the consulting firm to provide technical consulting services for BCE.

### **Analysis & Discussion**

GDS will present its proposed work plan for calendar year 2022, as well as provide an update on the wholesale energy market.

### **Fiscal Impact**

None at this time

### **Attachments**

PowerPoint Presentation



**EES Consulting**

a GDS Associates Company

PRESENTED BY EES CONSULTING

**BUTTE CHOICE ENERGY AUTHORITY  
BOARD OF DIRECTOR'S MEETING**

**COMMUNITY CHOICE AGGREGATION TECHNICAL  
ADVISOR  
KICKOFF PRESENTATION**

*May 2, 2022*

*Gary Saleba, Executive Consultant  
Amber Gschwend, Managing Director*

*EES Consulting, a GDS Associates Company*

# — AGENDA

- Introductions and Session Objectives**
- Project Consultants**
- Scope of Work**
- Schedule/Budget**
- Current Wholesale Market Status, Uncertainties and Predictions**
- Question/Answer Session**

# — INTRODUCTIONS AND SESSION OBJECTIVES

## □ Session Objectives

- *Discuss work plan for CY 2022*
- *Who, what, when and where*

## □ Project Consultants

- *Gary Saleba – Executive Consultant*
- *Amber Gschwend – Managing Director*
- *Howard Choy – Senior Consultant*
- *Garrett Cole, P.E. – Principal*
- *Mathew Butler – Principal*
- *Don Tretheway – Managing Director*
- *Perry Servedio – Senior Project Consultant*
- *Justin Hey – Project Engineer*
- *Jordan Janflone - Analyst*

# SCOPE OF WORK

## □ Basic Scope of Work

- *Load analysis and forecast*
  - Start with PG&E 2020 and 2021 actual loads by rate schedule
  - Increase by CEC energy and state population growth forecasts
  - Basis for revenue, power supply and O&M expense forecast from 2024 to 2033
- *Rate analysis*
  - Forecast PG&E generation rate
  - Forecast CCA rate
  - Forecast PCIA
- *Energy procurement options*
  - Levels of green energy in CCA customer resource portfolio choices
  - Options typically include minimum RPS, 100% green and something in between
  - Policy call by Board

# — SCOPE OF WORK (CONT'D)

## □ **Basic Scope of Work (cont'd)**

- *Sensitivity analysis of key variables*
  - **Look at financial impacts of different PCIA levels, load growth assumptions, and prices for green and brown energy**
- *Proforma analysis*
  - **Compare PG&E rates to CCA rates for 2024-2033**
  - **Determines financial feasibility of CCA**
  - **Same analysis on key variables in sensitivity analysis**
- *Risk analysis*
  - **Qualitative evaluation of risks**
  - **Determine mitigating strategies**

## □ **Supplemental Scope of Work**

- *Implementation plan*
- *Customer program development*

# SCHEDULE/BUDGET

## □ Schedule

	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Nov	Dec
Load Analysis and Forecast	■	■								
Rate Analysis		■	■							
Energy Procurement Options			■	■	■					
Sensitivity Analysis				■	■	■				
Proforma				■	■	■				
Risk Analysis				■	■					
Complete Reports & Presentations					■	■				
Draft Implementation Plan							■	■	■	
Presentations and Adoption									■	■
Final IP and Filing with PUC										■

## □ Budget

Scope of Work (SOW)	Total Cost
Load Analysis and Forecast	\$ 5,000
Rate Analysis	\$10,000
Energy Procurement Options	\$ 9,000
Sensitivity Analysis	\$ 8,000
Proforma Analysis	\$13,000
Risk Analysis	\$ 5,000
<b>BASIC SOW</b>	<b>\$50,000</b>
<b>Supplemental Scope of Work</b>	
<b>Implementation Plan</b>	<b>\$15,000</b>



# CURRENT WHOLESALE MARKET STATUS, UNCERTAINTIES AND PREDICTIONS

## □ Current Status

- *Brown power*
- *Green power*
- *Resource adequacy*
- *PCIA*

## □ Causes for Price Changes

- *Natural gas prices – sets market clearing prices*
- *Limited solar panel availability – supply constraints on panels*
- *Supply chain disruptions – pandemic*
- *Capacity constraints for generation – decommissioning of thermal plants*
- *Legacy renewable agreements expiring and increase in wholesale power prices*
- *War in Ukraine – overall uncertainty and anxiety*

# CURRENT WHOLESALE MARKET STATUS, UNCERTAINTIES AND PREDICTIONS (CONT'D)

## □ Crystal Ball Predictions

- *Oil and gas lease constraints being relaxed*
- *Solar panel construction normalized with supply chain improvement*
- *Pandemic impacts managed*
- *Thermal decommissioning slowed*
- *CPUC/CEC requested 6000 MW of new capacity from load serving entities*
- *PCIA will continue to decrease*
- *Control procurement entity for resource adequacy matures plus CPUC re-thinking of recent RA orders*
- *Ukraine??*
- *Bottomline – rate parity with PG&E; CCA benefits = customer programs, economic development in County and local control*

# — QUESTIONS/ANSWERS