

# **Butte Choice Energy Authority**

## **Board of Directors Meeting**

Monday, December 16, 2019, 5:30 pm  
Butte County Association of Governments  
326 Huss Lane, Suite 100, Chico

### **AGENDA**

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 [ansnyder@buttecounty.net](mailto:ansnyder@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.

#### **1. Call to Order**

#### **2. Public Comment For Items Not on the Agenda**

*This item is reserved for persons wishing to address the Board on any BCE-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. As with all public comment, members of the public who wish to address the Board are customarily limited to three minutes per speaker, but an extension can be provided at the discretion of the Chair.*

#### **3. CONSENT AGENDA**

- a. Approval of Minutes from December 9, 2019 Board Meeting**
- b. Appointment of Interim Co-Executive Officers**
- c. Appointment of Interim General Counsel**

#### **4. REGULAR AGENDA**

- a. Conduct a Public Hearing Regarding the Adoption of Butte Choice Energy Implementation Plan and Statement of Intent**
- b. Discussion of BCE 2020 Staffing Plan and Executive Director Recruitment**
- c. Adoption of 2020 Board Meeting Schedule**
- d. Board Member and Staff Announcements**
- e. Adjournment**

Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. Until BCE has offices, the Board has designated the County of Butte Administration Department, located at 25 County Center Drive, Suite 200 for the purpose of making those public records available for inspection. The documents will also be also available on BCE's temporary website located at: <http://power.buttecounty.net>.



# Butte Choice Energy Authority

## MINUTES

### DECEMBER 9, 2019

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1. **CALL TO ORDER**

Meeting called to order at 326 Huss Lane, Suite 100, Chico, California.

Present: Debra Lucero, Butte County Board of Supervisor, District 2  
Doug Teeter, Butte County Board of Supervisor, District 5  
Alex Brown, Chico City Council, Vice Mayor  
Scott Huber, Chico City Council  
Brian Ring, Assistant Chief Administrative Officer, Butte County  
Erik Gustafson, Public Works Director, City of Chico  
Brad Stephens, Assistant County Counsel  
Ashley Snyder, Interim Clerk of the Board

2. **PUBLIC COMMENT**

The following members of the public addressed the Board: Clark Danielson.

3. **CONSENT AGENDA**

MOTION: APPROVE THE CONSENT AGENDA.  
(MOTION: BROWN; SECOND: TEETER)

VOTE: MOTION PASSED UNANIMOUSLY

- a. Minutes from the November 18, 2019 Board Meeting approved.
- b. Ashley Snyder, Butte County Clerk of the Board, appointed to serve as Interim BCE Secretary

4. **REGULAR AGENDA**

a. **BCE OPERATIONS AND ADMINISTRATION REPORT**

Brian Ring, Assistant Chief Administrative Officer, Butte County, and Erik Gustafson, Public Works Director, City of Chico, provided a report for the Board.

Public comment was opened and closed without any speakers.

Board action: Accepted for information.

b. BCE IMPLEMENTATION PLAN – DISCUSSION OF DRAFT PLAN

Gary Saleba, President / CEO, EES Consulting, Inc., provided a report for the Board.

The following members of the public addressed the Board: Jian Zhang.

Board action: Accepted for information, and directed staff to proceed with draft plan.

c. BOARD MEMBER AND STAFF ANNOUNCEMENTS (None)

d. ADJOURNED

*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 December 16, 2019.*

ATTEST:  
Ashley Snyder  
Interim Secretary and  
Interim Clerk of the Board

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Debra Lucero, Chair  
Butte Choice Energy Authority

## BUTTE CHOICE ENERGY AUTHORITY

### Staff Report – Item 3b

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

**From:** Brian Ring, Assistant Chief Administrative Officer, County of Butte  
Erik Gustafson, Public Works Director, City of Chico

**Subject:** Appointment of BCE Interim Co-Executive Officers

**Date:** December 16, 2019

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#### **Recommendation**

Appoint Brian Ring and Erik Gustafson to serve as Interim Co-Executive Officers of BCE until a permanent Executive Director has been hired.

#### **Discussion and Analysis**

Pursuant to Section 5.5 in the Butte Choice Energy Joint Powers Agreement, the Board of Directors shall appoint an Executive Director for BCE who shall be responsible for the day-to-day operations and management of the Agency and its CCA Program.

To continue the staff leadership currently provided by Brian Ring of Butte County and Erik Gustafson of the City of Chico, it is recommended that the Board appoint them as Interim Co-Executive Officers to manage BCE's initial start-up activities and represent the Agency in matters of regular business until the Executive Director position has been permanently filled, anticipated to be in the April 2020 timeframe.

The time and expenses attributable to Brian and Erik's interim executive roles will continue to be tracked as a component of the City and County's reimbursable expenses associated with the formation of BCE.



## BUTTE CHOICE ENERGY AUTHORITY

### Staff Report – Item 3c

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

**From:** Brian Ring, Assistant Chief Administrative Officer, County of Butte  
Erik Gustafson, Public Works Director, City of Chico

**Subject:** Appointment of BCE Interim General Counsel

**Date:** December 16, 2019

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#### **Recommendation**

Appoint Bruce Alpert, or his designee, to serve as Interim General Counsel of BCE until a permanent General Counsel has been identified and retained.

#### **Discussion and Analysis**

Similar to other municipal and public agencies, it is imperative that BCE retain legal counsel to oversee legal matters associated with BCE start-up, day to day operations, and governance.

To continue the legal support currently provided by Bruce Alpert, County Counsel for the County of Butte, it is recommended that the Board appoint him to serve as BCE's Interim General Counsel to oversee the legal affairs of the agency until a permanent General Counsel has been retained for the Agency.

The time and expenses attributable to Mr. Alpert interim General Counsel role will be tracked as a component of the County's reimbursable expenses associated with the formation of BCE.





## **BUTTE CHOICE ENERGY AUTHORITY**

### **Staff Report – Item 4a**

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

**From:** Gary Saleba, President/CEO, EES Consulting, Inc.

**Subject:** Conduct a Public Hearing to Adopt the Implementation Plan and Statement of Intent

**Date:** December 16, 2019

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**The purpose of this item** is to conduct a Public Hearing for the adoption of Butte Choice Energy's Implementation Plan and Statement of Intent. Once adopted, the Plan will be submitted to the California Public Utilities Commission (CPUC) and a notice of intent provided with Pacific Gas & Electric by December 31, 2019. This action will allow BCE to become operational in April 2021, if the Board of Directors chooses to do so.

#### **Requested Actions:**

1. Receive Butte Choice Energy Implementation Plan and Statement of Intent Summary Report.
2. Conduct a Public Hearing regarding the adoption of Butte Choice Energy Implementation Plan and Statement of Intent.
3. Adopt Resolution 2019-#: A Resolution of the Board of Directors of Butte Choice Energy adopting the Community Choice Aggregation Implementation Plan and Statement of Intent required by California Public Utilities Code Section 366.2.

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**Background:** On December 9, 2019, the Board of Directors approved the draft of the BCE Draft Implementation Plan, and on December 9, 2019, the Board requested that member agencies post a Public Hearing Notice that the BCE Board of Directors intends to adopt the Implementation Plan and Statement of Intent (Plan) on December 16, 2019, at 5:30 p.m. at 326 Huss Lane, Suite 100 Chico, CA. Staff is recommending that the Board receive a summary report on the Plan and conduct a Public Hearing to adopt the Plan, which will allow staff to submit the Plan to the CPUC by December 31, 2019.

In accordance with the California Public Utilities Code, the Plan must be considered and adopted at a duly noticed public hearing and must contain all the following:

1. An organizational structure of the Program, its operations, and its funding.
2. Rate setting and other costs to participants.
3. Provisions for disclosure and due process in setting rates and allocating costs among participants.

4. The methods for entering and terminating agreements with other entities.
5. The rights and responsibilities of Program participants, including, but not limited to, consumer protection procedures, credit issues, and shutoff procedures.
6. Termination of the Program.
7. A description of the third parties that will be supplying electricity under the Program, including, but not limited to, information about financial, technical, and operational capabilities.

**Prior Action:**

December 9, 2019: requested that member jurisdictions post the Public Hearing Notice.

**Fiscal Impact**

This item is for informational purposes only; therefore, there is no fiscal impact.

**Attachments:**

1. Butte Choice Energy Implementation Plan and Statement of Intent dated December 16, 2019.
2. Resolution 2019-#: A Resolution of the Board of Directors Butte Choice Energy adopting the Community Choice Aggregation Implementation Plan and Statement of Intent by California Public Utilities Code Section 366.2.

**Resolution No.**

**RESOLUTION OF THE BOARD OF DIRECTORS OF BUTTE CHOICE ENERGY AUTHORITY  
ADOPTING THE COMMUNITY CHOICE AGGREGATION IMPLEMENTATION PLAN  
AND STATEMENT OF INTENT REQUIRED BY  
CALIFORNIA PUBLIC UTILITIES CODE SECITON 366.2**

**WHEREAS**, Butte Choice Energy ("BCE") is a joint powers agency formed pursuant to the Joint Exercise of Powers Act, Cal. Gov. Code § 6500 et seq., on November 5, 2019, to establish an independent public agency to study, promote, develop, conduct, operate, and manage energy, energy efficiency and conservation, and other energy-related and climate change programs under authority granted to it pursuant to California Public Utilities Code § 366.2; and

**WHEREAS**, the member agencies of BCE are the City of Chico and Unincorporated Butte County; and

**WHEREAS**, California Public Utilities Code § 366.2 requires that prior to commencing a community choice aggregation program, BCE must first prepare and adopt an Implementation Plan and Statement of Intent to be filed with and certified by the California Public Utilities Commission; AND

**WHEREAS**, BCE's Implementation Plan and Statement of Intent were presented to the Board of Directors at a duly noticed public hearing for consideration and adoption on December 16, 2019.

**NOW, BE IT RESOLVED** by the board of Directors of Butte Choice Energy as follows:

Section 1. In accordance with California Public Utilities Code § 366.2, the Board of Directors hereby considers and adopts the Implementation Plan and Statement of Intent at a duly noticed public hearing held on December 16, 2019, at 5:30 p.m. at 326 Huss Lane, Suite 100 Chico, CA, after allowing interested persons the opportunity to provide public comment on the Implementation Plan and Statement of Intent.

Section 2. The Board of Directors hereby directs the Executive Director to file the Implementation Plan and Statement of Intent with the Energy Division of the California Public Utilities Commission no later than December 31, 2019.

Section 3. Effective Date of Resolution: this resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Butte Choice Energy Authority Board of Directors this 16<sup>th</sup> day of December, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

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**Debra Lucero, Chair**

Approved as to form:

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Bruce Alpert

General Counsel

## BUTTE CHOICE ENERGY AUTHORITY

### Staff Report – Item 4b

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

**From:** Brian Ring, Assistant Chief Administrative Officer, County of Butte  
Erik Gustafson, Public Works Director, City of Chico

**Subject:** Discussion of BCE 2020 Staffing Plan and Executive Director Recruitment

**Date:** December 16, 2019

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#### **Recommendation**

1. Receive staff report and provide direction and feedback as needed.
2. Authorize Interim Co-Executive Officers to solicit bids from executive recruitment firms in order to begin the Executive Director search in January, 2020.

#### **Background**

At a recent BCE Board meeting, staff indicated that they would provide an overview of BCE's proposed staffing plan and set out a process for Executive Director recruitment that would commence during the first quarter of 2020 with the goal of having a permanent Director in place by late Spring 2020.

#### **Discussion and Analysis**

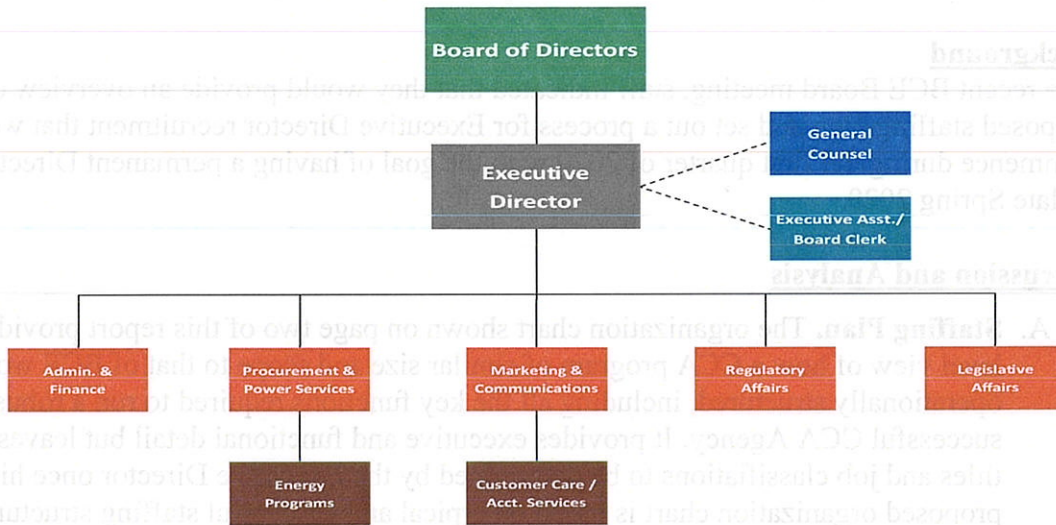
- A. **Staffing Plan.** The organization chart shown on page two of this report provides a high-level view of how a CCA program of similar size and scope to that of BCE would be operationally structured, including all the key functions required to run a robust and successful CCA Agency. It provides executive and functional detail but leaves specific titles and job classifications to be determined by the Executive Director once hired. The proposed organization chart is based on typical and successful staffing structures used by mid-sized CCAs across the state. As per BCE's Implementation Plan, it is anticipated that BCE will start out with a small staff of 5-6 people supported by a team of external vendors and grow to ~8-10 people as programs and services are added, the Agency grows and operational needs expand.
- B. **Executive Director Recruitment.** As per the implementation timeline reviewed by the Board at its meeting in November, the schedule indicates that the Executive Director recruitment and hiring process will be a priority Q1 2020 activity. In order to get the process underway, staff is seeking Board authorization to solicit bids from executive recruitment firms that have expertise in energy/utility and public agency staffing. It is anticipated that these services will run ~\$20,000 but the exact cost is unknown until

bids are received. The following is a proposed timeline that outlines the steps in the process:

Month	Activity
January 2020	Solicit bids from 2-3 executive search firms that have been used by other CCAs for successful CEO searches
Jan/Feb 2020	Review bids and select winning firm; finalize contract
March 2020	Prepare job posting and open recruitment
April 2020	Application period ends; initial candidate review
May 2020	Top candidate selection and interviews (anticipate 2-3 rounds); Board approvals/hiring process

## BUTTE CHOICE ENERGY FUNCTIONAL ORGANIZATION CHART

as of December, 2019



**Notes:**

- 1) This chart identifies senior management and key functional areas of BCE. It will expand over time to include specific roles and positions within each functional area.
- 2) Most of the functions will be staffed/supported by external vendors until BCE hires its own staff and transitions into full operations.

**Fiscal Impact:** To be determined

## BUTTE CHOICE ENERGY AUTHORITY

### Staff Report – Item 4c

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

**From:** Brian Ring, Assistant Chief Administrative Officer, County of Butte  
Erik Gustafson, Public Works Director, City of Chico

**Subject:** Adoption of 2020 Board meeting Schedule by Resolution

**Date:** December 16, 2019

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#### **Recommendation**

Adopt a resolution to establish a regular day, time and location for Butte Choice Energy Authority (BCEA) Board Meetings for the year 2020.

#### **Background**

Section 4.7 of the Joint Powers Authority (JPA) Agreement states that the date, hour and place of each regular meeting shall be fixed annually by resolution or ordinance

#### **Discussion and Analysis**

Based on feedback received, the best time and date for the BCEA Board meetings are on the ?? of each month. Regarding location, staff recommends having the meetings at the Butte County Association of Government Board Room located at 326 Huss Lane, in Chico, CA.

Below is the list of dates with all starting at 5:30 P.M.

TBD

#### **Fiscal Impact**

None.

Attachments: Resolution establishing the 2020 Board Meeting Schedule





**RESOLUTION OF THE BOARD OF DIRECTORS OF BUTTE CHOICE ENERGY AUTHORITY  
ESTABLISHING ITS REGULAR MEETING SCHEDULE FOR CALENDAR YEAR 2020**

**WHEREAS**, Butte Choice Energy Authority (“BCEA”) is a joint powers agency formed pursuant to the Joint Exercise of Powers Act, Cal. Gov. Code section 6500 et seq., California Public Utilities Code section 366.2 and a Joint Powers Agreement effective November 5, 2019 (“JPA Agreement”); and

**WHEREAS**, the Ralph M. Brown Act, Cal. Gov. Code section 54950, et seq., provides that the legislative body of each local agency shall provide, by ordinance, resolution, bylaw, or other rule, the time and place for holding its regular meetings; and

**WHEREAS**, section 4.7 of the JPA Agreement provides that the “date, hour and place of each regular meeting shall be fixed by resolution or ordinance of the Board.”

**NOW, BE IT RESOLVED** that the Board of Directors of Butte Choice Energy Authority hereby sets its regular meeting schedule as follows:

Section 1. For calendar year 2020, regular meetings of the Board of Directors shall take place on the dates set forth below and shall begin at 5:30 P.M. All regular meetings shall take place at 326 Huss Lane, Suite 100, Chico, CA.

Regular Meeting Dates  
TBD

Section 2. This resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Butte Choice Energy Authority Board of Directors this 16<sup>th</sup> day of December, 2019, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**NOT VOTING:**

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**Debra Lucero, Chair**

Approved as to form:

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Bruce Alpert  
General Counsel

