



BOARD OF DIRECTORS MEETING AGENDA

February 23, 2023 -Thursday, 3:30 p.m.

COVID-19 NOTICE

RCEA AND HUMBOLDT BAY MUNICIPAL WATER DISTRICT OFFICES WILL NOT BE OPEN TO THE PUBLIC FOR THIS MEETING

Pursuant to the Governor's [Executive Order N-29-20](#) of March 17, 2020, and [revised Brown Act provisions](#) signed into law on September 16, 2021, the RCEA Board of Directors meeting will not be convened in a physical location. Board members will participate in the meeting via an online Zoom video conference.

To participate in the meeting online, go to <https://us02web.zoom.us/j/81972368051>. **To participate by phone**, call (669) 900-6833 or (253) 215-8782. Enter webinar ID: 819 7236 8051.

To make a comment during the public comment periods, raise your hand in the online Zoom webinar, or press star (*) 9 on your phone to raise your hand. You will continue to hear the meeting while you wait. When it is your turn to speak, a staff member will unmute your phone or computer. You will have 3 minutes to speak.

You may submit written public comment by email to PublicComment@redwoodenergy.org. Please identify the agenda item number in the subject line. Comments will be included in the meeting record but not read aloud during the meeting.

While downloading the Zoom application may provide a better meeting experience, Zoom does not need to be installed on your computer to participate. After clicking the webinar link above, click "start from your browser."

In compliance with the Americans with Disabilities Act, any member of the public needing special accommodation to participate in this meeting should call (707) 269-1700 or email Ltaketa@redwoodenergy.org at least 3 business days before the meeting. Advance notice enables RCEA staff to make their best effort to reasonably accommodate access to this meeting while maintaining public safety.

Pursuant to Government Code section 54957.5, all writings or documents relating to any item on this agenda which have been provided to a majority of the Board of Directors, including those received less than 72 hours prior to the RCEA Board meeting, will be made available to the public at www.redwoodenergy.org.

OPEN SESSION Call to Order

1. REPORTS FROM MEMBER ENTITIES

2. ORAL COMMUNICATIONS

This time is provided for people to address the Board or submit written communications on matters not on the agenda. At the conclusion of all oral communications, the Board may respond to statements. Any request that requires Board action will be set by the Board for a future agenda or referred to staff.

3. CONSENT CALENDAR

All matters on the Consent Calendar are considered to be routine by the Board and are enacted in one motion. There is no separate discussion of any of these items. If discussion is required, that item is removed from the Consent Calendar and considered separately. At the end of the reading of the Consent Calendar, Board members or members of the public can request that an item be removed for separate discussion.

3.1 Approve Minutes of January 26, 2023, Board Meeting.

3.2 Approve Disbursements Report.

3.3 Accept Financial Reports.

4. REMOVED FROM CONSENT CALENDAR ITEMS

Items removed from the Consent Calendar will be heard under this section.

5. OLD BUSINESS

5.1 Yurok Tribe Membership

Adopt Resolution 2023-4, Approving the Yurok Tribe as a Member Agency of the Redwood Coast Energy Authority.

5.2 Energy Independence and Resilience Project Financing Solicitation

Direct RCEA staff to issue a request for proposals for bond development and issuance services and federal tax law expertise to identify suitable financing mechanism(s) for one or more of the shortlisted projects.

6. NEW BUSINESS

6.1. New Director Orientation and Introductions (Information Only)

6.2. RePower Humboldt Strategic Plan Overview of Agency Goals, Current and Upcoming Projects (Information Only)

COMMUNITY CHOICE ENERGY (CCE) BUSINESS (Confirm CCE Quorum)

Items under this section of the agenda relate to CCE-specific business matters that fall under RCEA's CCE voting provisions, with only CCE-participating jurisdictions voting on these matters with weighted voting as established in the RCEA joint powers agreement.

7. OLD CCE BUSINESS – None.

8. NEW CCE BUSINESS

8.1. Quarterly Energy Risk Management Report

Accept Energy Risk Management Quarterly Report.

END OF COMMUNITY CHOICE ENERGY (CCE) BUSINESS

9. NEW BUSINESS (Continued)

9.1 Budget Briefing and Mid-Year Budget Adjustment

Approve the proposed changes to the RCEA Fiscal Year 2022-23 Budget.

9.2 In-Person/Virtual (Hybrid) Meeting Procedure Review for March Meetings

Approve Resolution No. 2023-5 Adopting the Redwood Coast Energy Authority Brown Act Meeting Teleconferencing Policy.

9.3 New RCEA Office Space Lease

Authorize the Board Office Relocation Ad Hoc Subcommittee to approve the final lease agreement at 1034 6th Street Eureka, CA, for an amount not to exceed a base rent of \$1.25/SF/month and Triple Net Lease Cost (NNN) of \$0.34/SF/month and lease term not to exceed 7 years and additional lease terms as described in the staff report and authorize the Executive Director to execute all applicable documents.

10. STAFF REPORTS

10.1 Executive Director's Report (Information Only)

11. FUTURE AGENDA ITEMS

Any request that requires Board action will be set by the Board for a future agenda or referred to staff.

12. ADJOURNMENT

NEXT REGULAR MEETING

Thursday, March 23, 2023, 3:30 p.m.

Jefferson Community Center Auditorium, 1000 B Street, Eureka, CA 95501.

Public online and phone participation will be available via Zoom.



BOARD OF DIRECTORS DRAFT MEETING MINUTES

January 26, 2023 - Thursday, 3:30 p.m.

Notice of this meeting was posted on January 21, 2023. Chair Pro Tem Sheri Woo called a regular meeting of the Board of Directors of the Redwood Coast Energy Authority to order on the above date at 3:36 p.m., stating that the teleconference meeting was being conducted pursuant to the AB 361 Brown Act open public meeting law revisions signed into law on September 16, 2021, and Governor Newsom's State of Emergency Proclamation of March 4, 2020. Chair Pro Tem Woo stated that the posted agenda contained public teleconference meeting participation instructions.

PRESENT: Natalie Arroyo, Scott Bauer, Skip Jorgensen, Kris Mobley, Elise Scafani, Sarah Schaefer, Jack Tuttle (left at 5:02 p.m.), Frank Wilson, Chair Pro Tem Sheri Woo. ABSENT: None. STAFF AND OTHERS PRESENT: Business Planning and Finance Director Lori Biondini; Regulatory and Legislative Policy Manager Aisha Cissna; General Counsel Nancy Diamond; Power Resources Director Richard Engel; Senior Power Resources Manager Jocelyn Gwynn; Executive Director Matthew Marshall; Power Resources Specialist Colin Mateer; Community Strategies Manager Nancy Stephenson; Board Clerk Lori Taketa; Deputy Executive Director Eileen Verbeck.

BOARD APPOINTMENTS

1.1. Election of Officers and Community Advisory Committee Liaisons

There was no public comment on this item.

M/S: Schaefer, Wilson: Appoint Sheri Woo as RCEA Board Chair and Sarah Schaefer as Vice Chair to serve through January 2024 and authorize them as signers on RCEA bank accounts.

M/S: Mobley, Tuttle: Appoint Kris Mobley as Board Liaison to the Community Advisory Committee to serve through January 2024.

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Tuttle, Wilson, Woo. Noes: None. Absent: None. Abstain: None.

1.2. Board Subcommittee Member Assignment

The directors expressed support for maintaining a standing Finance Subcommittee. Directors Arroyo, Bauer, Mobley and Scafani volunteered to serve on the ad hoc Building Subcommittee, which will be dissolved after a new office location is secured.

M/S: Schaefer, Arroyo: Appoint Directors Bauer, Jorgensen, Schaefer and Wilson to serve on the standing Finance Subcommittee for one-year terms ending on the first regular Board meeting of 2024.

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Tuttle, Wilson, Woo. Noes: None. Absent: None. Abstain: None.

REPORTS FROM MEMBER ENTITIES

Director Schaefer attended a CORE Hub partners meeting with Crowley Wind Services and the Harbor District on the community benefits agreements for the Humboldt Bay Harbor Terminal project. Many local government and Tribe representatives were in attendance. Director Arroyo reported on another meeting with Crowley Wind Services and the Peninsula Community Collaborative to hear Samoa Peninsula residents' questions about offshore wind development's impacts on their community. Director Tuttle reported on Trinidad's five-day intermittent power outages during recent storms which prompted community member interest in solar and energy storage for increased resilience.

ORAL COMMUNICATIONS

Written public comment was received from Steve Luttig requesting more funding for RCEA's electric vehicle rebate program. RCEA's program and the California Air Resources Board's Clean Vehicle Rebate Project in combination make owning an EV possible for lower income residents. Staff anticipates they will ask the Board to consider increasing RCEA-funded rebates among other mid-year budget amendments at the Board's next meeting. EV rebate information is listed on RCEA's website. Chair Woo closed the oral communications portion of the meeting.

CONSENT CALENDAR

- 4.1 Approve Minutes of December 15, 2022, Board Meeting.**
- 4.2 Approve Disbursements Report.**
- 4.3 Accept Financial Reports.**
- 4.4 Approve the 2023 RCEA Board of Directors Meeting Calendar.**
- 4.5 Extend Resolution No. 2022-6 Ratifying Governor Newsom's March 4, 2020, State of Emergency Proclamation and Authorizing Remote Teleconference Meetings of RCEA's Legislative Bodies, for the Period January 26, 2023, through February 25, 2023, Pursuant to Brown Act revisions of AB 361.**
- 4.6 Approve Updated and Unchanged Community Choice Energy Weighted Board Vote Distribution.**
- 4.7 Approve Amendment No. 8 to Agreement for Employment of Executive Director with Matthew Marshall.**

Chair Woo requested item 4.7 be removed from the consent calendar. No member of the public requested removal of items.

M/S: Arroyo, Bauer: Approve all consent calendar items except 4.7.

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Tuttle, Wilson, Woo. Noes: None. Absent: None. Abstain: None.

Chair Woo and others praised Executive Director Marshall for his work, noting that RCEA has grown in stature statewide, nationally and internationally with his leadership. There was no public comment on this item.

M/S: Schaefer, Jorgensen: Approve Amendment No. 8 to Agreement for Employment of Executive Director with Matthew Marshall.

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Tuttle, Wilson, Woo. Noes: None. Absent: None. Abstain: None.

Chair Woo confirmed there was a quorum to conduct Community Choice Energy business.

OLD CCE BUSINESS

6.1. Feed-In Tariff (FIT) Projects Update

Senior Power Resources Manager Gwynn reported on the FIT Program, which aims to stimulate local renewable energy development by paying fixed prices through standard long-term contracts. Of the six solar energy projects of less than 1 MW in size that were accepted to the program, the four Hatchery Road solar projects near Blue Lake have terminated contracts due to rising grid interconnection and contractor prices. Staff tried to remarket these development-stage projects but could not find willing buyers as the projects are not projected to generate sufficient revenue to offset anticipated costs. Operational dates for the two North Coast Highway Solar projects near Hydesville have been delayed from fall 2021 to summer 2024. Per terms of the contract, the developer is paying liquidated damages for the delays. Staff will reopen the call for FIT program applications for the remaining 4 MW of the program's first phase freed up by termination of the Hatchery Road projects, and delay implementation of the FIT program's previously Board-approved second phase until phase one projects show real progress. The FIT projects do not supply any mandated capacity, as they are interconnected as energy-only projects.

6.2. Net Energy Metering Successor Tariff Update

Regulatory and Legislative Policy Manager Cissna described Net Billing Tariff changes which aim to more accurately value rooftop solar's energy exports based on location and time of day, ensure net energy metering (NEM) customers pay their fair share for grid services, eliminate non-participant subsidies, and incentivize storage. The last day to qualify for interconnecting new projects under the previous NEM 2.0 rates for excess energy produced on home solar panels and exported to the grid is April 14, 2023. NEM 1.0 and 2.0 customers will still retain their export compensation rates for 20 years from connection date. New projects interconnected after April 14 will temporarily be compensated at NEM 2.0 rates until the utilities have updated their billing systems to accommodate the Net Billing Tariff. Investor-owned utilities will be conducting education campaigns for the public and solar system installers. Staff will propose updated RCEA NEM customer rates to the Board prior to the April deadline.

The directors discussed how the changes disincentivize residents from installing rooftop solar systems and how the state's Self-Generation Incentive Program can be helpful for low-income customers to install solar and storage systems. Customers should submit solar system installation applications before the April deadline to benefit from more advantageous export rates.

There were no responses from the public to Chair Woo's invitation for comment and the public comment period was closed.

6.3. Energy Independence and Resilience Project Financing Solicitation
Due to a lack of time, this item will be discussed at a future meeting.

NEW CCE BUSINESS

7.1 2023 Zero-Emission Resource Mid-Term Reliability Request for Offers

Senior Power Resources Manager Gwynn reported on a second attempt to secure 8 MW of CPUC-mandated zero-emission resource capacity to assure grid reliability as gas- and nuclear-powered energy sources are retired. The resource must generate reliably during the peak hours of 5-10 p.m. Acceptable resources would likely include renewable generation plus storage, hydropower, or geothermal power in order to meet CPUC requirements and RCEA's goal of a 100% clean and renewable portfolio by 2025. Staff expects non-local solicitation respondents.

Directors Arroyo, Bauer and Schaefer volunteered to serve on an ad hoc offer review subcommittee which will allow Board insight into solicitation decision-making and prices while protecting RCEA's negotiating ability on behalf of its customers. As all California load-serving entities are required to procure this product on the same schedule, staff also requests authorization to engage with shortlisted respondents to secure offers quickly in this competitive market. There were no public comments on this agenda item.

M/S: Bauer, Schaefer:

1. **Authorize staff to issue the 2023 Request for Offers for Zero-Emission Resources, in accordance with the terms and conditions of the August 26, 2022, Request for Offers for Zero-Emission Resources.**
2. **Establish an ad hoc Board offer review subcommittee to review and approve the following actions provided they are consistent with the RFO: (i) the offer shortlist, (ii) replacement of offers on the shortlist if negotiations with a shortlisted respondent are discontinued, and (iii) continued negotiations with a shortlisted respondent whose offer changes during the negotiation process.**
3. **Authorize staff to engage with the shortlisted respondents, including execution of exclusivity agreements, collection of shortlist deposits, and negotiation of contract terms, prior to full Board review and approval of resulting contracts.**

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Wilson. Noes: None. Absent: Tuttle. Abstain: None. Non-Voting: Woo.

OLD BUSINESS

8.1 Revisions to California Community Power Project Participation Share Agreements & Tumbleweed Long-Duration Energy Storage Agreement Amendment

Power Resource Director Engel described proposed changes to agreements for long-duration storage and geothermal power that RCEA is procuring via the California Community Power joint powers authority. RCEA and the other project participants are being asked to ratify an amendment to the Energy Storage Services Agreement for the Tumbleweed Energy Storage

project. This project's capacity can be increased and the partnering CCAs are being offered this additional capacity. RCEA and the other participating CCAs are also being asked to amend their four Project Participation Share Agreements for long-duration storage and geothermal power to shift decision-making authority from the project oversight committees established for each project, each a Brown Act body made up of staff from participating CCAs, to CC Power's General Manager. Proprietary information in procurement contracts hindered project oversight committee deliberation in open meetings. There was no public comment on this item and Chair Woo closed the public comment period.

M/S: Arroyo, Schaefer: Approve Resolution 2023-1 Approving the Tumbleweed Energy Storage Services Agreement Amendment and Resolution 2023-2 Approving the Four CC Power Project Participation Share Agreement Amendments.

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Wilson, Woo. Noes: None. Absent: Tuttle. Abstain: None.

NEW BUSINESS

9.1. Yurok Tribe's Interest in Joining RCEA

Executive Director Marshall reported that the Yurok Tribe expressed interest in joining RCEA. State joint powers authority laws were recently changed to simplify the process for Tribes to join JPAs. CCAs, however, per their enabling state legislation only allow city and county membership. If the Yurok Tribe joined RCEA, they would participate as the Humboldt Bay Municipal Water District does and vote on general agency, but not CCA, business items. The Yurok Tribal Council voted in favor of joining RCEA. Their membership does not require JPA renegotiation. Discussion among staff and Board members regarding Tribal RCEA membership began when the Board initiated work on the agency's Racial Justice Plan. Yurok Tribe membership would bring an important perspective to energy decisions.

The directors supported Yurok Tribe membership in RCEA and requested that staff add this item to February's Board agenda, engage with other area Tribes to determine their interest in joining, and inform the different Tribes that RCEA services to agencies are available to Tribes regardless of JPA membership. There was no public comment on this item.

9.2. City of Blue Lake Memorandum of Understanding (MOU) for Biomass Plant Site Energy Storage

Executive Director Marshall reported on the proposed MOU with the City of Blue Lake to explore possible use of a portion of the current Blue Lake biomass plant site for a battery energy storage facility that would utilize the plant's existing grid interconnection. The MOU leaves open the possibility for RCEA to own and operate the facility, an arrangement which may be more financially favorable for CCEs under provisions of the 2022 Inflation Reduction Act. Plans for a mutually agreeable project would move forward in 2025 when the current lessees vacate the property. There was no public comment on this item.

M/S: Mobley, Schaefer: Approve Memorandum of Understanding Between Redwood Coast Energy Authority and City of Blue Lake to Collaborate on Development of Energy Storage and authorize the Executive Director to execute said Memorandum of Understanding.

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Wilson, Woo. Noes: None. Absent: Tuttle. Abstain: None.

9.3. Resource Adequacy Swap Agreements with Valley Clean Energy for Mid-Term Reliability Compliance

Senior Power Resources Manager Gwynn reported that after unsuccessful attempts to procure 2023 Mid-Term Reliability compliance products through solicitations staff asked other CCAs if they had excess capacity to resell to RCEA. Valley Clean Energy generously agreed to an exchange whereby RCEA can claim system resource adequacy and VCE can continue to claim other resource adequacy components. With this exchange, which provides no benefit to VCE, RCEA completes the first two CPUC mid-term reliability tranche requirements. Staff will report to the Board when these agreements have been executed. There was no public comment on this item.

M/S: Jorgensen, Bauer: Approve Resolution 2023-3 authorizing the Executive Director to execute the VCE-RCEA Mid-Term Reliability Resource Adequacy Agreement and the RCEA-VCE System Resource Adequacy Agreement.

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Wilson, Woo. Noes: None. Absent: Tuttle. Abstain: None.

9.4. Financial Auditor Update

Executive Director Marshall reported on the agency's auditor's resignation and recommended engaging the auditing firm that assisted RCEA with past audit issues. Baker Tilly's proposal aligns with previous price quotes gathered. The firm can begin work in May and staff is confident Baker Tilly can assist the agency with past years' audits efficiently. There was no public comment on this item.

M/S: Mobley, Arroyo:

- 1. Approve engagement with Baker Tilly US, LLP for independent accounting services and authorize the Executive Director to execute all applicable documents.**
- 2. Approve replacing the annual audit with audits covering two-year periods for the years ended June 30, 2018, June 30, 2019, June 30, 2020, and June 30, 2021.**

The motion passed with a unanimous roll call vote. Ayes: Arroyo, Bauer, Jorgensen, Mobley, Scafani, Schaefer, Wilson, Woo. Noes: None. Absent: Tuttle. Abstain: None.

STAFF REPORTS

Executive Director's Report on Airport Microgrid Disaster Performance, Offshore Wind Development and Other Subjects as Needed

Executive Director Marshall reported that the airport microgrid deployed and exceeded design expectations after the recent earthquake, powering the airport and Coast Guard facilities in terrible weather and on the second shortest day of the year. The microgrid operated reliably on island mode during and after the atmospheric river winter storms, during which the Coast Guard performed a rescue mission and successfully used the airport's telemetry system.

The solar, battery storage and generator systems RCEA helped the City of Rio Dell, Kneeland Fire Department, Trinidad Town Hall and other facilities plan, finance and install operated as designed after the recent earthquake. In addition to back-up power during

emergencies, these systems provide renewable power and cost savings to local agencies. Director Wilson and other Board members thanked RCEA for working with Westhaven Volunteer Fire Department to bring needed supplies to residents of damaged, red-tagged Rio Dell homes. The supplies were purchased with donations from Calpine Energy Solutions (\$5,000), Sonoma Clean Power (\$2,500), and RCEA (\$7,500). There were no public comments for this item.

FUTURE AGENDA ITEMS

The directors requested regular CORE Hub meeting reports and formation of an ad hoc subcommittee to engage in CORE Hub activities to avoid quorum issues.

CLOSED SESSION

There was no public comment regarding closed session item:

- 12.1 Conference with real property negotiators pursuant to Government Code § 54956.8 in re: APNs 001-141-005 and 001-141-006; RCEA negotiator: Executive Director; Owner's negotiating party: Wells Commercial; Under negotiation: price and terms.

At 6:38 p.m. Executive Director Matthews stated there was nothing to report from closed session and adjourned the meeting.

Lori Taketa
Clerk of the Board

Redwood Coast Energy Authority
Disbursements Report
As of December 31, 2022

Type	Date	Num	Name	Memo	Amount
Liability Check	12/09/2022	ACH	Newport Group	Deferred Comp Contributions	-21,056.90
Liability Check	12/09/2022	ACH	Internal Revenue Service	Payroll Taxes	-28,982.42
Liability Check	12/09/2022	ACH	EDD	Payroll Taxes	-6,190.78
Bill Pmt -Check	12/09/2022	ACH	CA Community Power	Share of op & staff costs: Jan-Jun 2023	-39,723.00
Bill Pmt -Check	12/09/2022	ACH	CalCCA	Quarterly Invoice for Rate Case Assessment	-3,502.62
Bill Pmt -Check	12/09/2022	ACH	Leapfrog Energy	November 2022 RA	-36,740.00
Bill Pmt -Check	12/09/2022	ACH	Viridity Energy Solutions, Inc.	Tierra Buena RA-November 2022	-16,900.00
Liability Check	12/09/2022	14451	Umpqua Bank	Health Savings Account contributions	-74.36
Bill Pmt -Check	12/09/2022	14452	Advanced Security	Security monitoring: Onsite Service Visit	-150.00
Bill Pmt -Check	12/09/2022	14453	Amazon.com	Monthly billing - November 2022	-367.08
Bill Pmt -Check	12/09/2022	14454	Baker Tilly US, LLP	Accounting Services - November 30, 2022	-3,372.50
Bill Pmt -Check	12/09/2022	14455	Biondini, L.	Floating Wind USA 2022 Travel Reimb.	-1,279.47
Bill Pmt -Check	12/09/2022	14456	Bithell, M.	Nov 2022 mileage & purchase reimb.	-135.07
Bill Pmt -Check	12/09/2022	14457	Boone, J.	Mileage reimbursement -November 2022	-32.50
Bill Pmt -Check	12/09/2022	14458	Brandi, N.	Mileage reimbursement - November 2022	-79.81
Bill Pmt -Check	12/09/2022	14459	Braun Blaising & Wynne	Legal Services - Regulatory -October 2022	-4,994.78
Bill Pmt -Check	12/09/2022	14460	Central Office	Nov 2022 printing services	-487.86
Bill Pmt -Check	12/09/2022	14461	City Clerks Association of California	2022 Membership Dues for Lori Taketa	-200.00
Bill Pmt -Check	12/09/2022	14462	Colonial Life	Colonial Life Premiums November 2022	-1,596.20
Bill Pmt -Check	12/09/2022	14463	Donald Dame	Professional Services November 2022	-262.50
Bill Pmt -Check	12/09/2022	14464	FedEx	Res Kit shipping & overnight services	-125.21
Bill Pmt -Check	12/09/2022	14465	Hilson, D.	Mileage reimbursement - November 2022	-60.06
Bill Pmt -Check	12/09/2022	14466	HireRight	Background Check: Court Fee	-15.00
Bill Pmt -Check	12/09/2022	14467	Humboldt Area Chapter CSDA	Humboldt CSDA Dues 2022	-50.00
Bill Pmt -Check	12/09/2022	14468	Humboldt Bay Coffee Co.	Nov & Dec 2022 coffee	-86.50
Bill Pmt -Check	12/09/2022	14469	KnowBe4	Security Training Subscription 12/2022-07/2023	-39.64
Bill Pmt -Check	12/09/2022	14470	Mission Uniform & Linen	Dec 2022 Mat cleaning & supplies	-188.56
Bill Pmt -Check	12/09/2022	14471	North Coast Cleaning	November 2022 monthly cleaning service	-480.00
Bill Pmt -Check	12/09/2022	14472	Optimum Business	Phone & Internet access - 11/28 - 12/27/2022	-1,100.52
Bill Pmt -Check	12/09/2022	14473	Perfect Yards	Nov 2022 RCAM landscape services	-280.00
Bill Pmt -Check	12/09/2022	14474	PG&E EV Account	EV stations 10/14-11/14/2022	-986.66
Bill Pmt -Check	12/09/2022	14475	PG&E Utility Account	10/14-11/14/22 utilities for 633 3rd Street	-1,090.24
Bill Pmt -Check	12/09/2022	14476	Mission Uniform & Linen	Nov 2022 mat service & janitorial supplies	-257.49
Bill Pmt -Check	12/09/2022	14477	Ray Morgan Company	Printer Charges: 11/6-12/5/22	-84.90
Bill Pmt -Check	12/09/2022	14478	Recology	November 2022 garbage service	-95.55
Bill Pmt -Check	12/09/2022	14479	Regli, S	Nov 2022 mileage & purchase reimb	-118.96
Bill Pmt -Check	12/09/2022	14480	Reider, S	Mileage Reimbursement December 2022	-16.13
Bill Pmt -Check	12/09/2022	14481	Rennie, J	Mileage Reimbursement November 2022	-119.38
Bill Pmt -Check	12/09/2022	14482	Security Lock & Alarm	Trip charge - Locks tampered with at 633 3rd St office	-70.00
Bill Pmt -Check	12/09/2022	14483	Shred Aware	Shredding services - December 2022	-65.00
Bill Pmt -Check	12/09/2022	14484	Times Printing Company	Nov 2022 print/mail services	-1,936.34
Bill Pmt -Check	12/09/2022	14485	WCP Solutions	Office Supplies: Copy Paper	-352.63
Check	12/09/2022	14486	VISA	November 2022 Statement 10/21 - 11/21/2022	-10,047.87
Check	12/09/2022	14487	CCE Customer	PA Equipment Rebate - Res #DS-R-221101-0654	-30.00
Check	12/09/2022	14488	CCE Customer	PA Equipment Rebate - Res #DS-R-221128-0747	-80.00
Check	12/09/2022	14489	CCE Customer	PA Equipment Rebate - Res #DS-R-221110-0703	-140.00
Check	12/09/2022	14490	CCE Customer	PA Equipment Rebate - Res #DS-R-221110-0702	-940.00
Check	12/09/2022	14491	CCE Customer	PA Equipment Rebate - Res #DS-R-221110-0704	-940.00
Check	12/09/2022	14492	CCE Customer	PA Equipment Rebate - Res #DS-R-221110-0705	-940.00
Check	12/09/2022	14493	CCE Customer	PA Equipment Rebate - Res #DS-R-221110-0701	-940.00
Check	12/09/2022	14494	CCE Customer	Heat Pump Rebate #DS-R-221103-0675	-800.00
Check	12/09/2022	14495	CCE Customer	Heat Pump Rebate #DS-R-221107-0686	-1,625.00
Check	12/09/2022	14496	CCE Customer	Heat Pump Rebate #DS-R-221109-0691	-1,435.00
Check	12/09/2022	14497	CCE Customer	Heat Pump Rebate #DS-R-221201-0755	-800.00

Redwood Coast Energy Authority

Disbursements Report

As of December 31, 2022

Type	Date	Num	Name	Memo	Amount
Check	12/09/2022	14498	CCE Customer	Res EVSE rebate #EVSE16	-349.50
Check	12/09/2022	14499	New Generation Illumination	PA install - The Party Place	-1,567.27
Check	12/09/2022	14500	SacTown Contractor's Corp.	PA installs: 3 Corners, C&K Johnson, Pacific View Charte	-53,756.66
Check	12/09/2022	14501	NEM Customer	NEM Close Out Acct #6151958445	-16.62
Check	12/09/2022	14502	NEM Customer	NEM Close Out Acct #3026144613	-18.44
Check	12/09/2022	14503	NEM Customer	VOID: Ck 14503 for 16.37 and reissue on 1/6/23	0.00
Check	12/09/2022	14504	NEM Customer	NEM Close Out Acct #9672605712	-231.66
Check	12/09/2022	14505	NEM Customer	NEM Close Out Acct #7940254503	-86.11
Check	12/09/2022	14506	NEM Customer	VOID: Ck 14506 for \$6.17 and reissue on 1/20/22	0.00
Check	12/09/2022	14507	NEM Customer	NEM Close Out Acct #3738861375	-153.64
Check	12/09/2022	14508	NEM Customer	NEM Close Out Acct #5561490211	-346.73
Check	12/09/2022	14509	NEM Customer	NEM Account Closeout Reissued	-1.67
Check	12/09/2022	14510	NEM Customer	NEM Account Closeout Reissued	-0.48
Check	12/09/2022	14511	NEM Customer	NEM Yearly Payout 2021 Ck Reissued	-1,254.61
Check	12/09/2022	14512	NEM Customer	NEM Payout Acct Reissued	-19.00
Bill Pmt -Check	12/09/2022	14513	AT&T	RCAM Router charges - ACV: 10/19 - 11/18	-163.00
Paycheck	12/09/2022	ACH	Employees	Payroll	-72,354.68
Bill Pmt -Check	12/13/2022	14514	Bettendorf Trucking	Freight Charges for pallets of solar panels from Tesla to F	-475.00
Bill Pmt -Check	12/16/2022	WIRE	WFG National Title Insurance Co.	701 5th Street, Earnest Deposit for Escrow	-20,000.00
Check	12/16/2022	14556	Honar, C.	Qty 4: 2012 paychecks reissued	-1,927.31
Bill Pmt -Check	12/19/2022	14515	Arcata Economic Development Corp.	Appraisal for 701 5th Street Escrow	-5,700.00
Bill Pmt -Check	12/19/2022	14516	Davco	Pest Inspection for 701 5th Street Escrow	-800.00
Bill Pmt -Check	12/22/2022	ACH	CalPine Corporation	Calpine November 2022 Costs	-61,273.92
Bill Pmt -Check	12/22/2022	ACH	Humboldt Sawmill Co.	November 2022 Electricity Charge	-516,251.10
Bill Pmt -Check	12/22/2022	ACH	Tesla Motors	Qty 60 Longi 435W Solar Panels	-13,122.10
Bill Pmt -Check	12/22/2022	WIRE	USDA	Loan Payment Q4-2022	-31,464.79
Bill Pmt -Check	12/22/2022	14517	Advanced Display & Signs	Qty 1,400 RCEA Logo stickers	-455.71
Bill Pmt -Check	12/22/2022	14518	Aiqueous, LLC	Support Stage 7 Aug - Dec 2022	-4,312.50
Bill Pmt -Check	12/22/2022	14519	American Public Power Association	CCA Assoc. Membership Sally Regli	-1,625.00
Bill Pmt -Check	12/22/2022	14520	Ameritas - Dental	#010-055098-00001 Dental - Jan 2023	-1,996.20
Bill Pmt -Check	12/22/2022	14521	Ameritas - Vision	010-055098-00002 Vision - January 2023	-395.92
Bill Pmt -Check	12/22/2022	14522	AT&T	RCAM: 12/1 - 12/31/2022 dedicated router	-892.84
Bill Pmt -Check	12/22/2022	14523	AT&T Long Distance	Phone charges 11/25/2022 - 12/24/2022	-151.82
Bill Pmt -Check	12/22/2022	14524	Bithell, M.	Employee Reimb: Eureka Oxygen fire exting. RCAM-ACV	-32.00
Bill Pmt -Check	12/22/2022	14525	Boudreau, D.	December 2022 mileage reimbursement	-52.00
Bill Pmt -Check	12/22/2022	14526	Chargepoint	Qty 14 3-year cloud plans- 12/31/2022-12/31/2025	-13,090.00
Bill Pmt -Check	12/22/2022	14527	Chausse-Heath, V.	Employee Reimbursement: Holiday Party certs	-40.00
Bill Pmt -Check	12/22/2022	14528	City of Arcata	November 2022 Utility User Tax #6310	-11,708.18
Bill Pmt -Check	12/22/2022	14529	City of Arcata	November 2022 Excessive Energy Use Tax #6315	-2,107.70
Bill Pmt -Check	12/22/2022	14530	City of Eureka-Water	Water service, 10/21/22- 11/21/22	-186.41
Bill Pmt -Check	12/22/2022	14531	Computershare	Escrow fee, FSR account 12/18/22-12/17/23	-6,000.00
Bill Pmt -Check	12/22/2022	14532	David L. Moonie & Co., LLP	Accounting consulting - November 2022	-361.00
Bill Pmt -Check	12/22/2022	14533	Diamond, Nancy	Nov 2022 Legal Services	-8,650.00
Bill Pmt -Check	12/22/2022	14534	Frontier Energy, Inc.	PA Program Consulting - November 2022	-3,245.00
Bill Pmt -Check	12/22/2022	14535	Humboldt Bay Coffee Co.	Office Coffee	-43.25
Bill Pmt -Check	12/22/2022	14536	Humboldt Builders' Exchange	Plan scans McK High stadium lighting project	-36.00
Bill Pmt -Check	12/22/2022	14537	Law Office of David Pepper	November 2022 Legal Services - RuralREN	-8,029.00
Bill Pmt -Check	12/22/2022	14538	Mateer, C.	Mileage Reimbursement December 2022	-11.88
Bill Pmt -Check	12/22/2022	14539	NYLEX.net, Inc.	Dec 2022 and Jan 2023 service and parts	-3,914.45
Bill Pmt -Check	12/22/2022	14540	PG&E CCA	November 2022 CCE Charges	-22,154.51
Bill Pmt -Check	12/22/2022	14541	Public Sector Excellence	Online Workshop: Preparing for Supervision	-115.00
Bill Pmt -Check	12/22/2022	14542	Rennie, J	VOID: Incorrect amount of reimbursement-reissue on 1/6/	0.00
Bill Pmt -Check	12/22/2022	14543	Times Printing Company	Dec 2022 printing/mail	-1,273.88
Bill Pmt -Check	12/22/2022	14544	Verizon Wireless	Tablet/cell service 10/29 - 11/28/2022	-1,336.14

Redwood Coast Energy Authority
Disbursements Report
As of December 31, 2022

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	12/22/2022	14545	Whitchurch Engineering, Inc	701 5th Street visual inspection service	-1,500.00
Bill Pmt -Check	12/22/2022	14546	Wilson, Sonsini, Goodrich & Rosati PC	November 2022 Legal Services - VCE RA Swap	-9,660.00
Bill Pmt -Check	12/22/2022	14547	Winzler, John	Office Lease - January 2023	-8,372.70
Check	12/22/2022	14548	CCE Customer	EV Rebate #EV43	-500.00
Check	12/22/2022	14549	CCE Customer	PA Equipment Rebate - Res #DS-R-221130-0754	-970.00
Check	12/22/2022	14550	CCE Customer	Heat Pump Rebate #DS-R-220922-0563	-1,100.00
Check	12/22/2022	14551	CCE Customer	Heat Pump Rebate #DS-R-221103-0678	-950.00
Check	12/22/2022	14552	CCE Customer	Heat Pump Rebate #DS-R-221103-0679	-875.00
Check	12/22/2022	14553	CCE Customer	Heat Pump Rebate #DS-R-221104-0681	-800.00
Check	12/22/2022	14554	NEM Customer	NEM Close Out Acct Ck 14243 reissued	-71.84
Check	12/22/2022	14555	NEM Customer	NEM Account Closeout Ck 10039 reissued	-0.70
Bill Pmt -Check	12/22/2022	14557	Honar, C.	Reissue: May 2012 mileage	-150.96
Bill Pmt -Check	12/22/2022	14558	Ian Mion	Reissue: Rebate / Audit 3578	-5.38
Liability Check	12/23/2022	ACH	EDD	Payroll Taxes	-6,130.89
Liability Check	12/23/2022	ACH	Internal Revenue Service	Payroll Taxes	-28,731.82
Liability Check	12/23/2022	ACH	Newport Group	Deferred Comp Contributions	-21,413.03
Liability Check	12/23/2022	14559	Umpqua Bank	Health Savings Account contributions	-74.36
Paycheck	12/23/2022	ACH	Employees	Payroll	-72,300.67
TOTAL					<u>-1,219,622.52</u>

Redwood Coast Energy Authority
Profit & Loss Budget vs. Actual
July through December 2022

	<u>Jul - Dec 22</u>	<u>Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense			
Income			
Total 4 GRANTS AND DONATIONS	2,500.00		
5 REVENUE EARNED			
Total 5000 · Revenue - government agencies	416,214.67	1,101,031.00	37.8%
Total 5100 · Revenue - program related	22,676.70	30,400.00	74.59%
Total 5300 · Revenue - interest on deposits	341.85		
Total 5400 · Revenue-nongovernment agencies	152,920.89	489,124.00	31.26%
Total 5500 · Revenue - Electricity Sales	35,756,628.72	93,848,684.00	38.1%
Total 5 REVENUE EARNED	36,348,782.83	95,469,239.00	38.07%
Total Income	36,351,282.83	95,469,239.00	38.08%
Gross Profit	36,351,282.83	95,469,239.00	38.08%
Expense			
Total 6 WHOLESALE POWER SUPPLY	23,321,605.10	76,236,276.00	30.59%
Total 7 PERSONNEL EXPENSES	1,837,412.09	4,071,684.00	45.13%
Total 8.1 FACILITIES AND OPERATIONS	259,441.91	801,816.00	32.36%
Total 8.2 COMMUNICATIONS AND OUTREACH	57,321.99	177,004.00	32.39%
8.4 PROFESSIONAL & PROGRAM SRVS			
8400 · Regulatory	81,324.88	180,000.00	45.18%
8410 · Contracts - Program Related Ser	73,251.80	290,000.00	25.26%
8420 · Accounting	12,419.00	87,455.00	14.2%
8430 · Legal	93,961.22	180,000.00	52.2%
8450 · Wholesale Services - TEA	420,656.46	654,984.00	64.22%
8460 · Procurement Credit - TEA	278,131.49	690,545.00	40.28%
8470 · Data Management - Calpine	368,664.00	737,532.00	49.99%
Total 8.4 PROFESSIONAL & PROGRAM SRVS	1,328,408.85	2,820,516.00	47.1%
Total 8.5 PROGRAM EXPENSES	329,386.43	638,100.00	51.62%
Total 8.6 INCENTIVES & REBATES	253,991.33	477,823.00	53.16%
Total 9 NON OPERATING COSTS	195,887.71	246,020.00	79.62%
Total Expense	27,583,455.41	85,469,239.00	32.27%
Net Ordinary Income	8,767,827.42	10,000,000.00	87.68%
Net Income	<u>8,767,827.42</u>	<u>10,000,000.00</u>	<u>87.68%</u>

Redwood Coast Energy Authority

Balance Sheet

As of December 31, 2022

Dec 31, 22

ASSETS

Current Assets

Checking/Savings

1010 · Petty Cash	300.00
1050 · GRANTS & DONATIONS 3840	15,995.51
1060 · Umpqua Checking Acct 0560	-118,770.25
1071 · Umpqua Deposit Cntrol Acct 8215	6,750,035.10
1075 · Umpqua Reserve Account 2300	1,099,923.52
1076 · First Republic Bank - 4999	62,263.94
8413 · COUNTY TREASURY 3839	5,329.01

Total Checking/Savings 7,815,076.83

Total Accounts Receivable 54,260.03

Other Current Assets

1101 · Allowance for Doubtful Accounts	-3,104,091.32
1103 · Accounts Receivable-Other	13,910,052.12
1120 · Inventory Asset	21,715.00
1202 · Prepaid Expenses	-23,285.71
1205 · Prepaid Insurance	34,941.40
1499 · Undeposited Funds	1,403.00

Total Other Current Assets 10,840,734.49

Total Current Assets 18,710,071.35

Total Fixed Assets 8,795,685.73

Total Other Assets 4,211,600.00

TOTAL ASSETS 31,717,357.08

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Total Accounts Payable 5,466,244.67

Total Credit Cards 19,773.53

Other Current Liabilities

2002 · Deposits Refundable 1,314,135.01

2013 · Unearned Revenue - PA 2020-2023 572,133.33

Total 2100 · Payroll Liabilities 285,869.50

Total Other Current Liabilities 2,172,137.84

Total Current Liabilities 7,658,156.04

Total Long Term Liabilities 6,287,592.00

Total Liabilities 13,945,748.04

Equity

2320 · Investment in Capital Assets 215,489.00

3900 · Fund Balance 8,788,359.76

Net Income 8,767,760.28

Total Equity 17,771,609.04

TOTAL LIABILITIES & EQUITY 31,717,357.08



STAFF REPORT Agenda Item # 5.1

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Lori Biondini, Director of Business Planning and Finance Nancy Diamond, RCEA Legal Counsel
SUBJECT:	Yurok Tribe's Request to Join RCEA

SUMMARY

As reported to the Board last month, the Yurok Tribe has taken steps towards joining RCEA. Section 1.4 Membership of the RCEA Joint Powers Agreement (JPA) states:

In addition to the original forming Members, any public agency as defined in Government Code Section 6500 which is located wholly or partly within the boundaries of Humboldt County or any adjacent county is eligible for membership in the RCEA. Upon approval by a simple majority vote of the full Board, any such public agency may become a Member if:

- (a) Its governing body duly approves membership and agrees to all of the terms of this Joint Powers Agreement, and*
- (b) An authorized officer of such agency executes this Agreement on its behalf.*

The Yurok Tribe wishes to provide input on the development of secure, sustainable, clean, and affordable energy resources, and participate as a stakeholder and the Yurok Tribal Council has thus approved membership and agreed to all the terms of the RCEA JPA.

The Yurok Tribe is eligible to join the RCEA joint powers authority pursuant to Government Code Section 6500. Its membership status would be similar to that of the Humboldt Bay Water District, which has voting rights equal to those of the other RCEA member agencies for non-CCA Program business. However, because Public Utilities Code § 331.1 limits CCA participation to cities and counties only, the Yurok Tribe, as for the Water District, would not be eligible to vote in CCA Program business.

Pursuant to RCEA's JPA Section 1.4 set out above, a majority vote of the RCEA Board is required to approve the Yurok Tribe's membership in the RCEA.

In January, the Board asked Staff to reach out to other Tribes to let them know that the RCEA Board of Directors would be considering the Yurok Tribe's request and be available to connect and discuss RCEA membership or any other items of interest. Staff is in the process of doing so.

ALIGNMENT WITH RCEA'S STRATEGIC PLAN

Participation and leadership through membership in RCEA's governance supports all RePower goals, and especially,

- Goal No. 1 Regional Planning and Coordination
 - 1.4.4 Support Countywide Strategic Energy Planning

EQUITY IMPACTS

The proposed action furthers RCEA's goals outlined in the Racial Justice Plan's External Partnerships and Programs Stakeholders and Partners section:

- RCEA staff will continue and expand work with local Tribes on program development, customer outreach, and policy setting.
- RCEA staff will continue and expand efforts to identify opportunities to collaborate with local Tribes as partners on sustainable energy initiatives.
- The RCEA Board of Directors will strive to include Tribal representation on the RCEA Community Advisory Committee.

RCEA leadership will seek to meet with individual Tribal governments to determine interest in participation in RCEA's programs and governance.

FINANCIAL IMPACT

Not applicable.

STAFF RECOMMENDATION

Adopt Resolution 2023-4, Approving the Yurok Tribe as a Member Agency of the Redwood Coast Energy Authority.

ATTACHMENTS

1. Resolution No. 22-61 of the Yurok Tribal Council
2. Resolution No. 2023-4 – A Resolution of the Board of Directors of the Redwood Coast Energy Authority Approving the Yurok Tribe as a Member Agency of the Redwood Coast Energy Authority



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



RESOLUTION

of the

YUROK TRIBAL COUNCIL

RESOLUTION NO: 22- 61

DATE APPROVED:

SUBJECT: Approval of Joint Powers Agreement with the Redwood Coast Energy Authority, and Limited Waiver of Sovereign Immunity for Purposes of Arbitration

WHEREAS: The Yurok Tribe is a federally recognized Tribe,

WHEREAS: The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993,

WHEREAS: The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized Tribes,

WHEREAS: The purpose of the Redwood Coast Energy Authority is to lead and coordinate regional efforts that advance secure, sustainable, clean and affordable energy resources, develop a long-term energy strategy and plan, to keep key decision makers and stakeholders informed of policy, regulatory, and market changes that would impact the region,

WHEREAS: The Yurok Tribe wishes to provide input on the development of secure, sustainable, clean, and affordable energy resources, and participate as a stakeholder,

WHEREAS: The Redwood Coast Energy Authority requires a limited waiver of sovereign immunity for purposes of binding arbitration,

WHEREAS: The Yurok Tribal Council, in order to effectuate a limited waiver of sovereign immunity, must approve it in the manner required by the Yurok Constitution for major actions and must unequivocally and expressly authorize the limited waiver in accordance with the Yurok Tribe Supreme Ordinance; and

WHEREAS: The Yurok Tribe Supreme Ordinance only permits limited waivers and does not authorize indirect, punitive, exemplary, or consequential damages or attorney fees against the tribe, its employees or officers.

NOW THEREFORE BE IT RESOLVED: That the Yurok Tribe hereby grants Redwood Coast Energy Authority a limited waiver of sovereign immunity for purposes of arbitration,

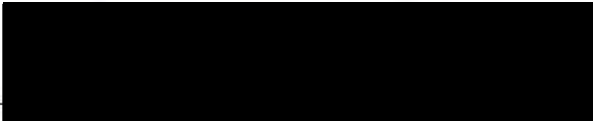
BE IT FURTHER RESOLVED: The Yurok Tribal Council duly approves membership in the Redwood Coast Energy Authority and agrees to all the terms of the attached Joint Powers Agreement, and

BE IT FURTHER RESOLVED: That the Chairperson is hereby authorized to sign this resolution and to negotiate all matters pertaining hereto and that the Council Secretary is authorized to attest.

C*E*R*T*I*F*I*C*A*T*I*O*N

This is to certify that this Resolution Number 22-61 was approved at a duly called meeting of the Yurok Tribal Council on 6/9, 2022, at which a quorum was present and that this Resolution Number 22-61 was adopted [by Consensus in accordance with Tribal tradition and Article V, Section 6 and **OR** by a vote of 8 for and 0 opposed and 0 abstentions in accordance with] Article IV, Section 5(j) of the Constitution of the Yurok Tribe. This Resolution Number 22-61 has not been rescinded or amended in any way.

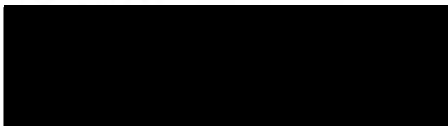
DATED THIS 23 DAY OF June, 2022



Joseph L. James, Chairman

Yurok Tribal Council

ATTEST:



Sherri K. Provolt, Secretary

Yurok Tribal Council

RESOLUTION NO. 2023-4

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDWOOD COAST ENERGY AUTHORITY APPROVING THE YUOK TRIBE AS A MEMBER AGENCY OF THE REDWOOD COAST ENERGY AUTHORITY

WHEREAS, on April 22, 2003, Redwood Coast Energy Authority (“RCEA”) was established as a joint powers authority pursuant to a Joint Powers Agreement, amended and restated December 15, 2015 (“Joint Powers Agreement”), with the mission of promoting sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean efficient and renewable resources available in the region; and

WHEREAS, pursuant to provisions in the Joint Powers Agreement, any public agency as defined in the Government Code Section 6500 which is located wholly or partly within the boundaries of Humboldt County or any adjacent county is eligible for membership in the RCEA; and

WHEREAS, eligible public agencies may become new RCEA members upon approval by a simple majority vote of the full RCEA Board of Directors if 1) the governing body of such prospective public agency approves membership and agrees to all of the terms of the Joint Powers Agreement, and 2) an authorized officer of such agency executes the Joint Powers Agreement on its behalf; and

WHEREAS, on February 22, 2016, the RCEA Board of Directors adopted Ordinance 2016-01 authorizing the RCEA to act as a community choice aggregator (“CCA”) to implement and operate a CCA program under California law; and

WHEREAS, pursuant to Public Utilities Code Section 331.1, only cities and counties are eligible to aggregate the electrical load of its residents, businesses, and municipal facilities in a communitywide electricity buyer’s program such as the RCEA CCA Program; and

WHEREAS, the RCEA Board of Directors adopted Resolution No. 2020-3 Adopting a Commitment to Racial Justice and a commitment to increase engagement with the local Tribes and work directly with the Tribes on a long-term plan for meaningful collaboration; and

WHEREAS, on October 27, 2022, the RCEA Board of Directors adopted a Racial Justice Plan which stated RCEA leadership will seek to meet with individual Tribal governments to determine interest in participation in RCEA’s programs and governance; and

WHEREAS, the Yurok Tribe, a federally recognized Tribe, wishes to provide input on the development of secure, sustainable, clean and affordable energy resources, and participate in RCEA as a stakeholder; and

WHEREAS, the Yurok Tribe is eligible for membership in the RCEA, but not as a voting member of the RCEA CCA program; and

WHEREAS, the addition of the Yurok Tribal Council as a member of the RCEA requires approval by a simple majority vote of the full RCEA Board of Directors, the approval of RCEA membership by the governing body of the Yurok Tribe to all of the terms of the Redwood Coast Energy Authority Joint Powers Agreement, and execution of the Redwood Coast Energy Authority Joint Powers Agreement by an authorized officer of the Yurok Tribe on that government's behalf.; and

WHEREAS, on June 23, 2022, the Yurok Tribal Council adopted Resolution No. 22-61 approving Yurok Tribal membership in the RCEA and agreeing to all of the terms of the RCEA Joint Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Redwood Coast Energy Authority hereby:

1. Approves and welcomes the Yurok Tribe as a member of RCEA to contract with every other member of the RCEA to jointly exercise those powers in common as set out in the RCEA Joint Powers Agreement, effective upon receipt of a duly executed Joint Powers Agreement; and
2. Acknowledges that the Yurok Tribe will not be a Participating Member of the RCEA CCA Program, as those terms are defined in the Joint Powers Agreement, and as such, the Yurok Tribe Director appointed to the RCEA Board of Directors would not be eligible to vote on matters related to the RCEA CCA Program; and
3. Directs and authorizes the Executive Director to execute any associated documents.

Adopted this ____ day of _____, 2023.

ATTEST:

Sheri Woo, RCEA Board Chair

Lori Taketa, Clerk of the Board

Date: _____

Date: _____

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2023-4 passed and adopted at a regular meeting of the Redwood Coast Energy Authority, County of Humboldt, State of California, held on the ____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Clerk of the Board, Redwood Coast Energy Authority

AMENDED AND RESTATED JOINT POWERS AGREEMENT OF THE REDWOOD COAST ENERGY AUTHORITY

This Amended and Restated Joint Powers Agreement of the Redwood Coast Energy Authority is made and entered into pursuant to the provisions of California Government Code Section 6500 et seq., and supersedes the original Joint Powers Agreement effective April 22, 2003. This Amended and Restated Joint Powers Agreement ("Agreement") is effective as of December 15, 2015.

RECITALS

A. The Redwood Coast Energy Authority ("RCEA" or "Authority") was formed in 2003 by the County of Humboldt and the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad, and the special district of the Humboldt Bay Municipal Water District (each a "Member," collectively, the "Members") to undertake a pilot project created and funded by the California Public Utilities Commission ("CPUC") and the Local Government Commission ("LGC"), a California nonprofit membership organization, designed to encourage the formation of regional organizations to promote energy efficiency, conservation and increased local self-reliance.

B. Through its activities since formation, the RCEA has established Humboldt County and its communities as leaders in reducing energy demand, increasing energy efficiency, and advancing the use of clean, efficient and renewable local resources to increase regional self-reliance.

C. The RCEA Members desire to further the RCEA goals by implementing and administering a common Community Choice Aggregation program pursuant to California Public Utilities Code Sections 331.1 and 366.2 an electric service enterprise which shall be available to those Member cities and the Counties that elect to become program participants.

NOW THEREFORE, based on the mutual covenants, conditions and terms recited herein, which are made a material part of this agreement, the undersigned public agencies, collectively referred to herein as the "Members," enter into this Amended and Restated Joint Powers Agreement and agree as follows:

AGREEMENT

ARTICLE 1 – AUTHORITY FORMATION

1.1 Formation of Humboldt County Regional Energy Alliance. Pursuant to the Act, the Members hereby create a joint powers agency to be known as the Redwood Coast Energy Authority ("RCEA").

1.2 Separate Public Entity. The RCEA is a public entity separate from the Members within the meaning of Government Code Section 6507.

1.3 Parties to this Agreement. For purposes of this Agreement, each Member intends to, and does, contract with every other Member which is a signatory to this Agreement and, in addition, with every public agency that becomes a Member under Section 4.1. The withdrawal of any Member from this Agreement does not affect its validity or enforceability as to the remaining Members, nor any remaining Member's intent to contract with any of the others.

1.4 Membership. In addition to the original forming Members, any public agency as defined in Government Code Section 6500 which is located wholly or partly within the boundaries of Humboldt County or any adjacent county is eligible for membership in the RCEA. Upon approval by a simple majority vote of the full Board, any such public agency may become a Member if:

- (a) its governing body duly approves membership and agrees to all of the terms of this Joint Powers Agreement, and
- (b) an authorized officer of such agency executes this Agreement on its behalf.

ARTICLE 2 – PURPOSES AND POWERS

2.1 Purpose. The purpose of the RCEA is to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources available in the region for the benefit of the Member agencies and their constituents. To further that purpose, the RCEA will work toward the following goals:

- a. To lead, coordinate and integrate regional efforts that advance secure, sustainable, clean and affordable energy resources.
- b. To develop a long-term sustainable energy strategy and implementation plan.
- c. To increase awareness of, and enhance access to, energy conservation, energy efficiency, and renewable energy opportunities available to the region.
- d. To add value to, but not duplicate, energy services offered by utilities and others serving the region in a manner that does not conflict with acting as a community choice aggregator.
- e. To keep key decision makers and stakeholders informed of policy, regulatory, and market changes that are likely to impact the region.
- f. To support research, development, demonstration, innovation, and commercialization of sustainable energy technologies by public and private entities operating in Humboldt County.
- g. To develop regional capabilities to respond to energy emergencies and short-term disruptions in energy supply, infrastructure, or markets that could adversely affect Humboldt residents and businesses.

2.2 Powers. The RCEA is authorized, in its own name, to do all acts necessary to fulfill the purposes of this Agreement including, without limitation, each of the following:

- a. receive grants, contributions and donations of property, funds, services and other forms of assistance from any public or private source;
- b. make and enter into contracts;
- c. incur debts, liabilities and obligations; provided, that no debt, liability or obligation of the RCEA is a debt, liability or obligation of any Member except as separately agreed to by such Member;
- d. acquire, hold, construct, manage, maintain, sell or otherwise dispose of real and personal property by appropriate means, excepting therefrom the acquisition of real property through the exercise of eminent domain;
- e. sue and be sued in its own name;
- f. employ agents and employees;
- g. lease real or personal property as lessee and as lessor;

- h. receive, collect, invest and disburse moneys;
- i. issue revenue bonds or other forms of indebtedness, as provided by law;
- j. adopt ordinances;
- k. adopt, implement, manage and terminate a Community Choice Aggregation program in accordance with Public Utilities Code Section 366.2, et seq (“CCA Program”); services
- l. assign, delegate or contract with a Member or third party to administer or execute this Agreement or to perform any of the functions of the Board, as permitted by law; and
- m. exercise all other powers necessary and proper to carry out the provisions of this Agreement.

These powers shall be exercised subject only to the limitations set forth in this Agreement, any bylaws, applicable law (including local zoning, building, or other ordinances or regulations arising from the jurisdiction in which the RCEA is engaged in any specific activity), and any restrictions upon the manner of exercising such powers imposed by law upon the County of Humboldt in the exercise of similar powers.

ARTICLE 3 – INTERNAL GOVERNANCE

3.1 Board of Directors. There is hereby created a Board of Directors (“Board”), which shall serve as the governing body of the RCEA, and shall exercise or oversee the exercise of all powers and authority on behalf of the RCEA as set forth herein. Each Member shall designate one person as a member of the Board (“Director”) and one person as an alternate member of the Board (“Alternate Director”). The Alternate Director may serve and vote in place of the appointing Member’s Director who is absent or who disqualifies him/herself from participating in a meeting of the Board. Directors and Alternates shall serve at the pleasure of the appointing Member and may be removed at any time, without cause, at the sole discretion of that Member. They shall not be compensated for their service, but may be reimbursed for expenses reasonably incurred in the performance of their Board functions, and appropriately documented. Each Director and Alternate Director may be an elected official of the governing body of the Member that he or she represents or a non-elected representative. Each Director and Alternate Director shall serve on the Board from the first meeting of the Board after appointment by the Member, until his or her successor is selected by that Member.

3.2 Procedural and Operational Rules. The Board may adopt bylaws or resolutions to govern its meetings and operations, or may separately adopt a statement of operating policies, provided that such bylaws, resolutions or statements are consistent with this Agreement.

3.3 Principal Office. The principal office of the RCEA shall be established by the Board. The Board may change the location of the principal office upon giving at least 15 days written notice to each Member.

3.4 Quorum and Voting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall act by motion, resolution or ordinance. Except as otherwise expressly provided by this Agreement or applicable law, all motions, resolutions and ordinances of the Board, and all actions required or permitted to be taken by the Members acting through the Board, shall be by a majority vote of the quorum.

3.5 Board Chair and Vice Chair.

- a. The Board shall appoint a Chair and a Vice-Chair.

- (1) The Chair shall be the chairperson of the Board and shall conduct all Board meetings and perform such other duties and functions required of such person by this Agreement or the Board.
 - (2) The Vice-Chair shall serve in the Chair's absence and perform such duties as required by this Agreement, the Board, or the Chair.
 - (3) Only Members of the Board are eligible to hold the positions of Chair and Vice-Chair.
 - (4) The term of office for the Chair and Vice-Chair shall be one year, commencing on January 1 of each year (excepting the initial year). The initial Chair and Vice-Chair shall be entitled to serve one full term of office in addition to any partial initial term.
- b. If a vacancy occurs in the position of Chair or Vice-Chair, the Board shall forthwith fill the vacancy for the duration of the unexpired term.

3.6 Treasurer and Auditor. The Board shall designate qualified persons (as described in Government Code §6505.5 and §6505.6) to serve as Treasurer and as Auditor of the RCEA who need not be Members, and may designate a single qualified person to hold both offices. The Treasurer shall have charge of depositing and maintaining custody of all funds held by the RCEA, and shall maintain strict accountability for all funds and reports of all receipts and disbursements. In addition, the Treasurer and the Auditor shall perform all other duties that may be imposed by applicable law (including Government Code Sections 6505 and 6505.5), this Agreement, or any rules of the Board. The compensation, if any, of the person or persons holding these offices shall be set by the Board. Alternatively, upon consent as needed of the governing body of any Member entity, the Board may designate the Treasurer of such Member as the depository of RCEA funds, and responsible for the discharge of all the duties set forth in Government Code section 6505.5, including the function of auditor, and the maintenance of strict accountability of RCEA funds.

3.7 Other Officers and Employees. The Board may designate such other officers, and may hire employees or independent contractors as appropriate and necessary to conduct the RCEA's affairs.

3.8 Meetings of the Board. The Board shall establish in the bylaws or by resolution the dates, times and places of its regular meetings, which shall be held not less than four times during each calendar year during the term of this Agreement. The Board's meetings shall be conducted in accordance with the Ralph M. Brown Act (Government Code Sections 54950 *et seq.*).

3.9 Committees. The Board may create an advisory committee composed of public and private stakeholders such as but not limited to residential and non-residential energy users, local governments, educational institutions, environmental organizations, and the private sector. The Board may also create an executive committee consisting of the managers of the Member entities, and may create any such other committee as it deems appropriate.

3.10 Appointment of Administering Entity. Pursuant to Government Code Section 6506, the Board may appoint an agency or entity, including one or more Members upon consent of the governing body of such Member, a commission or board constituted pursuant to this Agreement, or a person, firm or corporation, including a nonprofit corporation, which it may designate, to administer or execute this Agreement, or any portions of this Agreement.

3.11 Budget. The RCEA shall operate on a fiscal year commencing July 1 of each year. The Board shall adopt by majority vote of the full Board an annual budget for each fiscal year at or before its last regular meeting before June 30 of each year. All costs incurred by the RCEA that are directly or indirectly attributable to the provision of electric, conservation, efficiency, incentives, financing, or other services

provided under the CCA Program, including but not limited to the establishment and maintenance of various reserves and performance funds and administrative, accounting, legal, consulting, and other similar costs, shall be recovered through charges to CCA customers receiving such electric services, or from revenues from grants or other third-party sources.

ARTICLE 4 – COMMUNITY CHOICE AGGREGATION

4.1 Enabling Ordinances.

- (a) RCEA. The RCEA is hereby authorized to adopt an ordinance to implement the CCA Program in accordance with Public Utilities Code Section 366.2(c)(12), or successor provision.
- (b) Member Participants. Each Member choosing to participate in the CCA Program shall adopt an ordinance in accordance with Public Utilities Code Section 366.2(c)(12)(B), or successor provision, for the purpose of specifying that the Member intends to implement a CCA Program by and through its participation in the RCEA. Each Member having duly adopted a CCA participation ordinance shall herein be referred to as a “CCA Participant”.
- (c) Effect. The CCA Participants intend for this Agreement to be used as a contractual mechanism by which the CCA Participants are authorized to participate in the CCA Program. The CCA Participants intend that other agreements shall define the terms and conditions associated with the implementation of the CCA Program.

4.2 Implementation Plan. The Authority shall cause to be prepared an Implementation Plan meeting the requirements of Public Utilities Code Section 366.2 and any applicable Public Utilities Commission regulations as soon as reasonably practicable. The Implementation Plan shall not be filed with the Public Utilities Commission until it is approved by the Board in the manner provided by Section 4.4.

4.3 Termination of CCA Program. Nothing contained in this Article or this Agreement shall be construed to limit the discretion of the RCEA to terminate the implementation or operation of the CCA Program at any time in accordance with any applicable requirements of state law

4.4 Board Voting Related to the CCA Program.

- (a) Eligibility to Vote. Only Directors from Participating Members shall be eligible to vote on matters specifically related to the CCA Program.
- (b) Participating Member Vote. For purposes of the CCA Program, each Participating Member shall have a total vote comprised one third of a fixed Pro Rata Voting Share based on the total number of Participating Members, and two thirds of the proportional share of Electric Customers in the Participating Member’s jurisdiction.
- (c) Computation. The Participating Member Vote shall be computed based on the following formulas:
 - i. *Pro Rata Voting Share*. Each Director shall have an equal voting share determined by the following formula: $[(1/\text{total number of Directors}) \text{ multiplied by } 1/3]$; and

- ii. *Customer Base Voting Share.* Each Director shall have an additional voting share determined by the following formula: $(\text{[Number of Electric Customers in Director's jurisdiction / Total Number of Electric Customers in CCA] multiplied by } 2/3)$, where "Electric Customers" means the total number of electricity customer accounts for all rate schedules as of December 31.
- iii. *Total Vote.* The total vote for each Participating Member shall be the sum of its Pro Rata Voting Share plus its Customer Base Voting Share rounded to the nearest whole number, excepting that any sum greater than zero and less than 1.0 shall be rounded to 1.0. The initial Pro Rata Voting Shares, Customer Base Voting Shares, and total votes are set forth in Exhibit A, attached hereto and incorporated herein. Beginning in 2017, the Board's Executive Director shall update Exhibit A at least every two years no later than March 1 to reflect changes in the number of Electric Customers and Participating Members, and such update shall not constitute an amendment to this Agreement. Any updated Exhibit A shall be provided to the Board at the regular meeting immediately following the update, and to the executive officers of the Participating Members within 30 days after the update.

4.5 Quorum, Approval Requirements Related to CCA Program. A majority of the Participating Members must be present and a majority of the CCA total vote must be represented by the present Participating Members to establish a quorum for the transaction of business on any matter specifically related to the CCA Program. Except as otherwise provided in this Agreement, the action of the Board for any matter specifically related to the CCA Program shall require the affirmative vote of a majority of the Participating Members present at the meeting where such vote is taken. The affirmative vote shall be established by adding the total votes of the present Participating Members as set out in Section 4.4, above.

ARTICLE 5 – MISCELLANEOUS PROVISIONS

5.1 Audit. The accounts and records of the RCEA shall be audited as provided in Government Code Sections 6505 and 6505.5.

5.2 Limitation on Liability of Members for Debts and Obligations of RCEA. As provided for by Government Code section 6508.1, the debts, liabilities, and obligations of the RCEA do not constitute debts, liabilities, or obligations of any party to this Agreement. A Member may separately contract for, or assume responsibility for, specific debts, liabilities, or obligations of the RCEA.

5.3 Indemnity. The RCEA shall indemnify, defend and hold harmless the Members, their officers and employees, from and against all liability, loss, damage, expense, and costs (including without limitation costs and fees of litigation), collectively referred to as 'injury', of every nature arising out of the RCEA activities described herein, or its failure to comply with any of its obligations contained herein, except where such injury is caused by the sole negligence or willful misconduct of a Member. Any defense of claims, as well as the cost of any judgments imposed for claims resulting from actions by the RCEA or any of the officers, agents, employees, or contractors of the RCEA in relation to this Agreement shall be the sole responsibility of the RCEA. To the extent that Members are also held jointly and severally liable for such amounts by Government Code section 895.2, if a Member provides for such defense of itself or the RCEA, or pays all or a part of such judgment, the member shall be entitled to reimbursement in full from the RCEA, provided the Member obtains prior approval from the RCEA.

5.4 Insurance. The RCEA will obtain at its expense, and maintain during the term of this Agreement, insurance against claims for injury to persons or damage to property or the environment which may arise from RCEA operations, with the scopes, coverages, deductibles and other provisions described below.

a. Minimum Scope

- (1) Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001).
- (2) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
- (3) Property insurance against all risks of loss to RCEA property, as determined by law or by the RCEA.

b. Minimum Coverage

- (1) General Liability: \$ 5,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or another form with a general aggregate limit is used, the general aggregate limit shall be twice the required occurrence limit.
- (2) Employer's Liability: \$ 1,000,000 per accident for bodily injury or disease.
- (3) Property Insurance: Full replacement cost with no coinsurance penalty provision.
- (4) Workers' Compensation: Workers' Compensation to statutory limits covering all employees, paid or unpaid.
- (5) Errors and omissions insurance to cover any and all instances of misfeasance and/or nonfeasance in the scope of duties.

c. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the Members.

d. Other Insurance Provisions.

The general liability policy is to contain, or be endorsed to contain, the following provisions:

- (1) The Members, their officers, officials, employees, and volunteers, are to be covered as insured with respect to liability arising out of RCEA operations.
- (2) The RCEA's insurance coverage shall be primary insurance as respects the Members, their officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Members, their officers, officials, employees or volunteers shall be excess of the RCEA's insurance and shall not contribute with it.
- (3) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the Members.

Workers' Compensation Insurance Endorsement:

The workers' compensation policy shall be endorsed to contain a waiver of subrogation clause which states the following: "This insurance company agrees to waive all rights of subrogation against the Members, their officers, officials, employees and volunteers for losses paid under the terms of this policy, which arise from RCEA operation by the named insured for the Members."

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

5.5 Amendments. This Agreement may be amended only by a written instrument, approved by an affirmative vote of the governing bodies of two thirds (2/3) of the Members, and meeting any requirements imposed by the terms or conditions of any revenue bonds issued by the RCEA and related documentation including, without limitation, indentures, trust agreements, resolutions and letter of credit agreements. Notwithstanding the foregoing, no amendment shall require any Member to contribute any funds to, or become directly or contingently liable for any debts, liabilities or obligations of, the RCEA, without that Member's written consent, signed by its duly authorized representative.

5.6 Withdrawal. Members may withdraw at any time by providing written notice from the governing body of such Member to the Board; provided, that no Member may withdraw if withdrawal would adversely affect a bond or other indebtedness issued by the RCEA, except upon a two-thirds (2/3) vote of the full Board. Withdrawal shall be effective upon receipt by the Board of said notice or upon said vote of the Board if required. The withdrawing Member shall continue to be financially responsible for its share of financial obligations and liabilities incurred prior to the effective date of withdrawal. Upon such withdrawal, no withdrawing Member shall be entitled to any distribution or withdrawal of property or funds except as may be agreed to by the Board; however such Member may be entitled to participate in a pro-rated return of surplus money and other surplus personal property upon the dissolution of the RCEA based on factors as determined by the Board such as but not limited to the Member's length of time of participation with and contribution to the RCEA.

5.7 Termination and Distribution.

- a. This Agreement continues until terminated by the written consent of a simple majority of the full Board; provided that:
 - (1) this Agreement cannot be terminated until such time as all principal of and interest on any bonds and other forms of indebtedness that the RCEA may issue are paid in full; and
 - (2) this Agreement and the RCEA continue to exist following termination for the purpose of disposing of all claims, distributing assets, and all other functions necessary to conclude the obligations and affairs of the RCEA.
- b. After completion of the RCEA's purposes, any surplus money on deposit in any fund or account of the RCEA will be disposed of as required by law. The Board is vested with all powers of the RCEA for the purpose of concluding and dissolving its business affairs.

5.8 Nuclear Free Certification. The RCEA and its Members certify by the authorized signatures below that the RCEA is not a nuclear weapons contractor, and not knowingly or intentionally engaged in the research, development, production or testing of nuclear warheads, nuclear weapons systems or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. The RCEA shall notify Humboldt County immediately if it becomes a nuclear weapons contractor, or engages in any of the activities listed above. In such event, or if it determines that the foregoing certification is false, and notwithstanding any other provision of this Agreement, the County may immediately terminate its participation and withdraw from this Agreement.

5.9 Notices. All notices which any Member or the RCEA may wish to give in connection with this Agreement shall be in writing and shall be served by personal delivery during usual business hours at the principal office of the Member or the RCEA, to an officer or person apparently in charge of that office, or

by depositing the same in the United States mail, postage prepaid, and addressed to the Member or the RCEA at its principal office, or to such other address as the RCEA or Member may designate from time to time by written notice given to the other Members in the manner specified in this section. Service of notice shall be deemed complete on the day of service by personal delivery (but 24 hours after such delivery in the case of notices of special meetings of the Board) or three (3) days after mailing if deposited in the United States mail. Until changed by written notice to the RCEA and the Members, notice shall be delivered as follows:

COUNTY OF HUMBOLDT:	County Administrative Officer 825 Fifth Street Eureka, CA 95501
CITY OF ARCATA:	Arcata City Manager 736 F Street Arcata, CA 95521
CITY OF BLUE LAKE:	Blue Lake City Manager 111 Greenwood Blue Lake, CA 95521
CITY OF EUREKA:	Eureka City Manager 531 K Street Eureka, CA 95501
CITY OF FERNDALE:	Ferndale City Manager P.O. Box 1095 Ferndale, CA 95536
CITY OF FORTUNA:	Fortuna City Manager 621 11th Street Fortuna, CA 95540
CITY OF RIO DELL:	Rio Dell City Manager 675 Wildwood Avenue Rio Dell, CA 95562
CITY OF TRINIDAD:	Trinidad City Manager P.O. Box 390 Trinidad, CA 95570
HUMBOLDT BAY MUNICIPAL WATER DISTRICT:	General Manager 828 7 th Street Post Office Box 95 Eureka, CA 95502

5.10 Prohibition Against Assignment. No Member may assign any right, claim, or interest it may have under this Agreement. No creditor, assignee or third party beneficiary of a Member has a right, claim or title to any part, share, interest, fund or asset of the RCEA. However, nothing in this Agreement prevents the RCEA from assigning any interest or right it may have under the Agreement to a third party.

5.11 Severability. If a portion, term, condition or provision of this Agreement is determined by a court to be illegal or in conflict with any law of the State of California, or is otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions and provisions is not affected.

5.12 Liability of RCEA. Subject to limitations contained in any trust agreement or other documents pursuant to which financing of the RCEA is implemented, RCEA funds may be used to defend, indemnify, and hold harmless the RCEA, any Member, any Director or Alternate Director, and any employee or officer of the RCEA for their actions taken within the scope of their duties while acting on behalf of the RCEA.

5.13 Arbitration. All disputes arising in connection with the interpretation or performance of this Agreement shall be resolved on an equitable basis by a single arbitrator under the commercial arbitration rules of the American Arbitration Association. The arbitrator's decision shall be final and binding on the RCEA, all Members and all former Members involved or affected by the dispute. The RCEA, any Member and any former Member that is party to the dispute may enforce any award, order or judgment of the arbitrator in any court of competent jurisdiction.

5.14 Waiver. Neither a waiver of any breach nor any failure to enforce any provision of this Agreement shall operate as a waiver of any other breach of such provision or any other provision.

5.15 Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of California.

5.16 Counterparts. This Agreement may be executed in several counterparts, each of which is an original and all of which constitutes but one and the same instrument.

5.17 Effective Date. In accordance with the Amendment provisions of Section 22 of the initial Joint Powers Agreement (renumbered Section 5.5 herein), this Restated and Amended Joint Powers Agreement shall become effective at the time two thirds (2/3) of the Members have approved this Amended and Restated Joint Powers Agreement.

IN WITNESS WHEREOF, this Amended and Restated Joint Powers Agreement has been duly considered by the governing bodies of all Members of the Redwood Coast Energy Authority, has been approved by at least two thirds (2/3) of said governing bodies of the Members, and is hereby entered into by the Members effective as of the date written above.

SIGNATURES APPEAR ON FOLLOWING PAGES
(Exhibit A follows signatures)

COUNTY OF HUMBOLDT

By: [REDACTED]
Mark Lovelace, Chair of the Board

Dated: 3-13-16

ATTEST:

By: [REDACTED]
Kathy Hayes, Clerk of the Board

CITY OF ARCATA

By: [REDACTED]
Paul Pitino, Mayor

Dated: 3-10-16

ATTEST:

By: [REDACTED]
Bridget Dory, City Clerk

CITY OF BLUE LAKE

By: [REDACTED]
Michele McCall-Wallace, Mayor

Dated: 5-24-16

ATTEST:

By: [REDACTED]
April Sousa, City Clerk

CITY OF EUREKA

By: [REDACTED]
Frank Jager, Mayor

Dated: 3-10-17

ATTEST:

By: [REDACTED]
Paul Powell, City Clerk

CITY OF FERNDALE

By: [REDACTED]
Don Hindley, Mayor

Dated: 3/24/16

ATTEST:

By: [REDACTED]
Jennifer Church, City Clerk

CITY OF FORTUNA

By: [REDACTED]
Sue Long, Mayor

Dated: 3/21/16

ATTEST:

By: [REDACTED]
Linda McGill, City Clerk

CITY OF RIO DELL

By: [REDACTED]
Frank Wilson, Mayor

Dated: 3-17-16

ATTEST:

By: [REDACTED]
Karen Dunham, City Clerk

CITY OF

By: [REDACTED]
~~Julie Fulkerson~~, Mayor, Dwight Miller

Dated: 3/11/2016

ATTEST:

By: [REDACTED]
Gabriel Adams, City Clerk

HUMBOLDT BAY MUNICIPAL WATER DISTRICT

By: [REDACTED]
Barbara Hecathorn, Board President

Dated: 3/10/16

ATTEST:

By: [REDACTED]
Paul Helliker, General Manager

COAST

Acknowledged and Received by the REDWOOD ~~COMMUNITY~~ ENERGY AUTHORITY

By: [REDACTED]
Linda Atkins, Chair of the Board

Dated: 6/10/16

Exhibit A
Redwood Coast Energy Authority
Amended and Restated Joint Powers Agreement

Board Voting Shares for Community Choice Aggregation Business

Jurisdiction	Electric customer accounts (Dec 2014)	Percentage of total accounts (jurisdiction's accounts divided by total accounts)	Customer Base Voting Share (67 x ratio of accounts)	Pro Rata Voting Share (33 x [1/number of Directors])	Total votes, prior to rounding	TOTAL VOTES
City of Arcata	8,203	12.41%	8.31	4.125	12.44	12
City of Blue Lake	664	1.00%	0.67	4.125	4.80	5
City of Eureka	13,965	21.13%	14.16	4.125	18.29	18
City of Ferndale	939	1.42%	0.95	4.125	5.08	5
City of Fortuna	5,584	8.45%	5.66	4.125	9.79	10
City of Rio Dell	1,508	2.28%	1.53	4.125	6.06	6
City of Trinidad	272	0.41%	0.27	4.125	4.40	4
County of Humboldt (unincorporated)	34,950	52.88%	35.44	4.125	39.57	40
Total	66,085	99.99%	66.99	33	100.03	100

- Due to rounding, totals will differ at various stages of the calculation process.
- The percentages of total accounts are rounded to two decimal places prior to calculating the Customer Base Voting Share.
- Customer Base Voting Share = 67 multiplied by the % of total accounts, rounded to two decimal places.
- Total votes are the sum of the Pro Rata Voting Share and the Customer Base Voting Share, rounded to the nearest whole number.
- The allocation of voting shares will be updated every two years, and as-needed to adjust for changes in the make-up of jurisdictions participating in the CCA.

**Redwood Coast Energy Authority
Joint Powers Agreement**

**Board Voting Shares for Community Choice Aggregation Business
Updated January 2019**

Jurisdiction	Electric customer accounts (Jan 2019)	Percentage of total accounts (jurisdiction's accounts divided by total accounts)	Customer Base Voting Share (67 x ratio of accounts)	Pro Rata Voting Share (33 x [1/number of Directors])	Total votes, prior to rounding	TOTAL VOTES	PRIOR VOTES
City of Arcata	8,023	12.97%	8.69	4.125	12.81	13	12
City of Blue Lake	635	1.03%	0.69	4.125	4.81	5	5
City of Eureka	13,102	21.18%	14.19	4.125	18.31	18	18
City of Ferndale	876	1.42%	0.95	4.125	5.07	5	5
City of Fortuna	5,179	8.37%	5.61	4.125	9.73	10	10
City of Rio Dell	1,418	2.29%	1.54	4.125	5.66	6	6
City of Trinidad	271	0.44%	0.29	4.125	4.42	4	4
County of Humboldt (unincorporated)	32,363	52.31%	35.05	4.125	39.17	39	40
Total	61,867	100%	67	33	100	100	100

- Due to rounding, totals will differ at various stages of the calculation process.
- The percentages of total accounts are rounded to two decimal places prior to calculating the Customer Base Voting Share.
- Customer Base Voting Share = 67 multiplied by the % of total accounts, rounded to two decimal places.
- Total votes are the sum of the Pro Rata Voting Share and the Customer Base Voting Share, rounded to the nearest whole number.
- The allocation of voting shares will be updated every two years, and as-needed to adjust for changes in the make-up of jurisdictions participating in the CCA.



STAFF REPORT

Agenda Item # 5.2

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Aisha Cissna, Legislative and Regulatory Policy Manager
SUBJECT:	Energy Independence and Resilience Project Financing Solicitation

BACKGROUND

In 2020 the County Board of Supervisors considered a bond to fund local energy independence and resilience projects. During their March 17, 2020, meeting, the Board of Supervisors directed RCEA to further explore this opportunity.

This effort was delayed due to the rise of COVID-19. In July 2020, the RCEA Community Advisory Committee (CAC) formed the CAC Ad-Hoc Bond Subcommittee (Subcommittee) to work with RCEA staff to evaluate and assess potential project options for possible bond financing. The subcommittee met several times throughout 2021 to consult on candidate project ideas and criteria to evaluate the suitability of additional projects that could be considered.

Key criteria that emerged are that the project should result in greenhouse gas reductions, revenue, and energy resilience, and be informed by related county energy-related strategic plans including but not limited to the draft Climate Action Plan, the Humboldt County Association of Governments' Regional Transportation Plan, and RCEA's RePower Strategic Plan.

On January 10, 2023, the CAC membership asked that an additional criterion be considered: the project should result in direct community benefits. Following that meeting, CAC Chair Dennis Leonardi suggested that support for critical facilities should be prioritized during the project selection process.

SUMMARY

In October 2021 the Subcommittee received a presentation from Raise Green focused on regulation crowdfunding. Raise Green is a company that specializes in clean energy financing and investments. Of particular interest to RCEA was Raise Green's work in the micro-bond space, where Raise Green has facilitated the financing of projects through the issuance of bonds in small denominations in the range of \$100 to \$5,000. The primary purpose of micro-bond financing is to ensure community equity in the project. Following that meeting, Raise

Green suggested that RCEA determine a specific project for which Raise Green could conduct a viability analysis.

Subsequently, staff began considering viable bond financing projects that aligned with criteria previously set by the Subcommittee. Potential projects include the following:

1. Utility-scale solar and/or storage to support a substation microgrid in Hoopa,
2. Utility-scale solar and/or storage to support a substation microgrid in Willow Creek,
3. An energy storage project in Blue Lake,
4. A solar and storage project in Southern Humboldt/Eel River Valley, and
5. Other projects that may materialize and fit the aforementioned criteria.

While winnowing down potential projects, staff began to assess the viability of financing projects through traditional municipal bond issuance which could complement micro-bond financing to expedite development of sizable projects.

During the January 10, 2023, regular CAC meeting, the CAC voted to posit a request to the RCEA Board of Directors to direct staff to engage in next steps to identify an ideal financing mechanism to bring the selected project(s) to fruition. Specifically, this includes issuing a request for proposals for the necessary consulting firm(s) and services to facilitate the development and issuance of bonds.

RCEA staff have engaged in preliminary, no-cost conversations with numerous firms and experts over the last several months to inform this recommendation.

Bond financing is a particularly exciting opportunity considering the revised Production Tax Credit (PTC) and Investment Tax Credit (ITC) opportunities established by the Inflation Reduction Act (IRA). For the first time, direct payments equivalent to these credits are accessible under IRA provisions to public entities such as RCEA that do not otherwise have the means to secure tax credits. Bond financing can be combined with the PTC or ITC as appropriate to yield more favorable project economics. For this reason, RCEA staff recommends that the Board of Directors direct the issuance of a solicitation that would seek services to advise RCEA on maximizing the financial benefits of bond financing, ITC, and PTC for future energy security and resilience projects.

ALIGNMENT WITH [RCEA'S STRATEGIC PLAN](#)

1.3.4 Implement Energy Project Financing. Work with local economic development entities and/or financial institutions to develop and implement financing programs that enable residents and businesses to implement energy efficiency and renewable energy projects. Facilitate Property Assessed Clean Energy (PACE) and other financing programs that access the needed capital to deploy regional energy independence strategies.

RCEA's conversations to date have been with non-local financial institutions. To staff's knowledge, no local firms exist which would provide comprehensive advisory expertise and services; however, local firms would be welcomed to submit responses to the RFP.

EQUITY IMPACTS

Many portions of our county that lack energy resilience consist of communities that experience high poverty rates and are acutely vulnerable to the impacts of climate change.

Several of the candidate projects would be targeted toward these communities to improve access to critical services such as medical care, communications, emergency services, food, and water even when the larger grid experiences outages.

FINANCIAL IMPACT

RCEA will expend funds to hire a consultant or firm to assist with analysis and financing administration. The contract value is to be determined and will be brought to the Board for approval, concurrently with a request to approve contract execution.

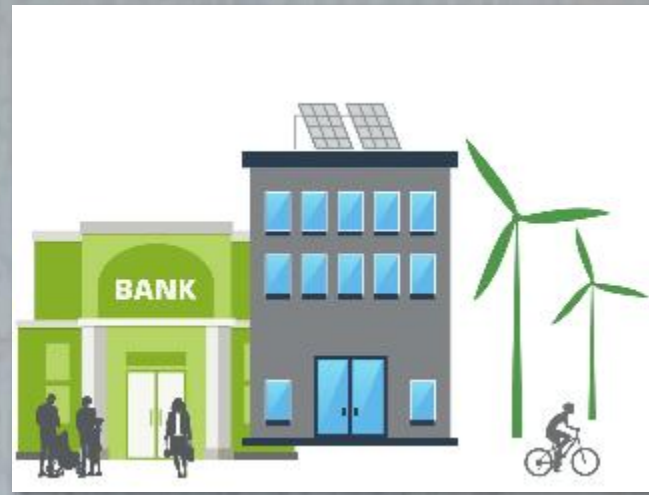
The revenue from projects that RCEA is assessing could result in funding to supplement the use of RCEA's existing budget to invest in future energy resilience projects and programs.

STAFF RECOMMENDATIONS

Direct RCEA staff to issue a request for proposals for bond development and issuance services and federal tax law expertise to identify suitable financing mechanism(s) for one or more of the shortlisted potential projects.

ATTACHMENTS

None.



Energy Independence and Resilience Project Financing Solutions

Presentation to the
RCEA Board of Directors
February 23, 2023



Background

- March 2020: County Board of Supervisors directs RCEA to explore energy resilience bond projects
- July 2020: RCEA Community Advisory Committee Ad Hoc Bond Financing Subcommittee formed
- August 2022: Inflation Reduction Act passed
- Leverage “microbonds”, traditional municipal bond financing, ITC and PTC direct pay incentives



Project Selection Criteria

- Contributes to local energy resilience
- Results in reduced GHG emissions
- Results in revenue
- Results in direct community benefits and equity
- Critical facilities are prioritized

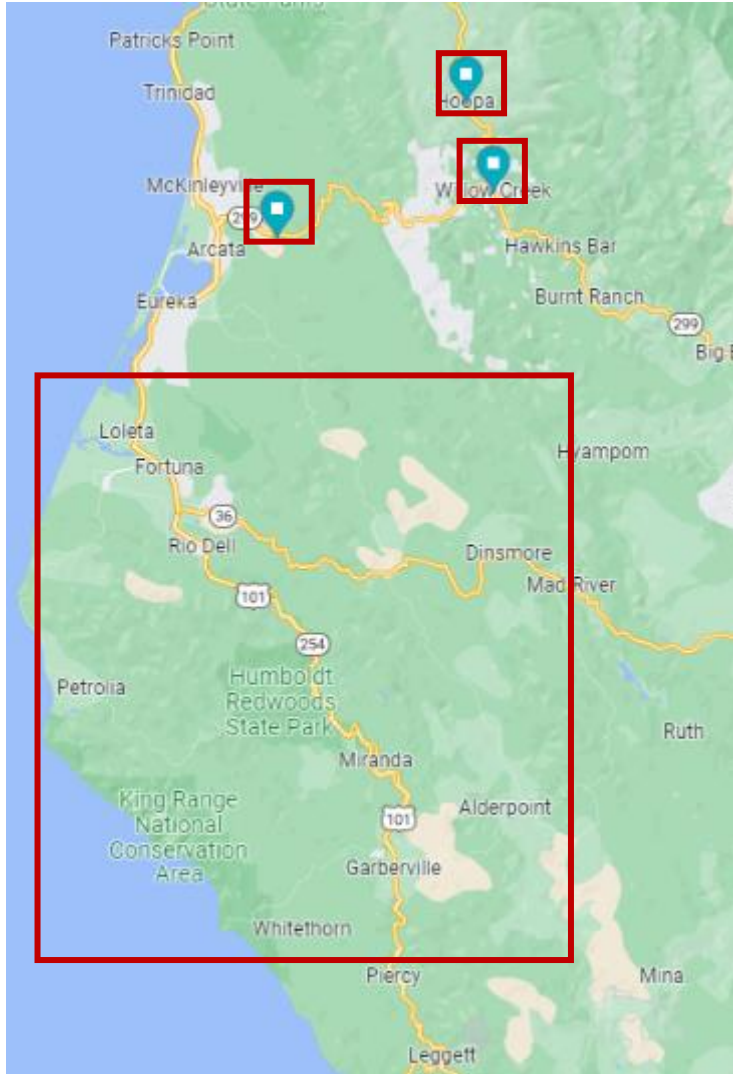


Other Considerations

- Timeliness of project development
- Straight-forward/familiar project development pathway
- Replicability
- Economics are project-specific
- Board to make final decision



Potential Projects



- A substation microgrid in Hoopa
- A substation microgrid in Willow Creek
- A storage project in Blue Lake
- A solar and storage project in Southern Humboldt/Eel River Valley
- Other projects that may materialize and fit the set criteria.



STAFF REPORT Agenda Item # 6.1

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Matthew Marshall, Executive Director
SUBJECT:	New Director Orientation and Introductions

BACKGROUND

In order to prepare new Board Members for regional energy-related decision-making responsibilities, the Executive Director provides an annual orientation for new Board Members and Alternate Board Members. In recent years, individual orientation sessions have become increasingly challenging to schedule and staff proposed setting aside a portion of a regular meeting to provide an orientation and refresher session to accommodate new and continuing Board Members' schedules.

SUMMARY

The County of Humboldt and the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell and Trinidad, and the special district of Humboldt Bay Municipal Water District executed the Redwood Coast Energy Authority Joint Powers Agreement in 2003, establishing RCEA to promote energy efficiency, conservation and increase local self-reliance. In 2015, RCEA's member agencies [amended the Joint Powers Agreement](#) to authorize the agency to implement a Community Choice Aggregation program to provide an alternative to purchasing electricity from PG&E. RCEA could now procure electricity for Humboldt County electric customers, applying electricity sale revenues to purchase renewable energy and develop local projects and programs on behalf of Humboldt County's residents, businesses and agencies.

During this Board meeting, staff will give a brief overview of RCEA's strategic plan work goals, current and upcoming projects; the financial and regulatory terrain the agency must navigate to procure energy for Humboldt County customers; and the agency's budget to accomplish these goals.

Board Members and their Alternates will be invited to individual meetings with the Executive Director to address follow-up and member agency-specific questions in the coming weeks.

ALIGNMENT WITH [RCEA'S STRATEGIC PLAN](#)

The Board Member orientation is administrative in nature and not directly related to specific agency goals. Efficient, well-informed governance, however, is essential to achieving all goals contained in RCEA's strategic plan. This orientation session strives to build a shared foundation of agency information and understanding from which the Board may work.

EQUITY IMPACTS

The Board of Directors adopted and directed staff to implement [the Racial Justice Plan of the Redwood Coast Energy Authority](#) in October 2022. Staff have included the agency's Racial Justice Plan in the new Board Member suggested reading list below to further energy equity work in our community.

RECOMMENDED ACTION

This is an informational item. Staff requests that the new and continuing Board Members briefly introduce themselves to each other and the community at the beginning of this orientation.

SUGGESTED READING

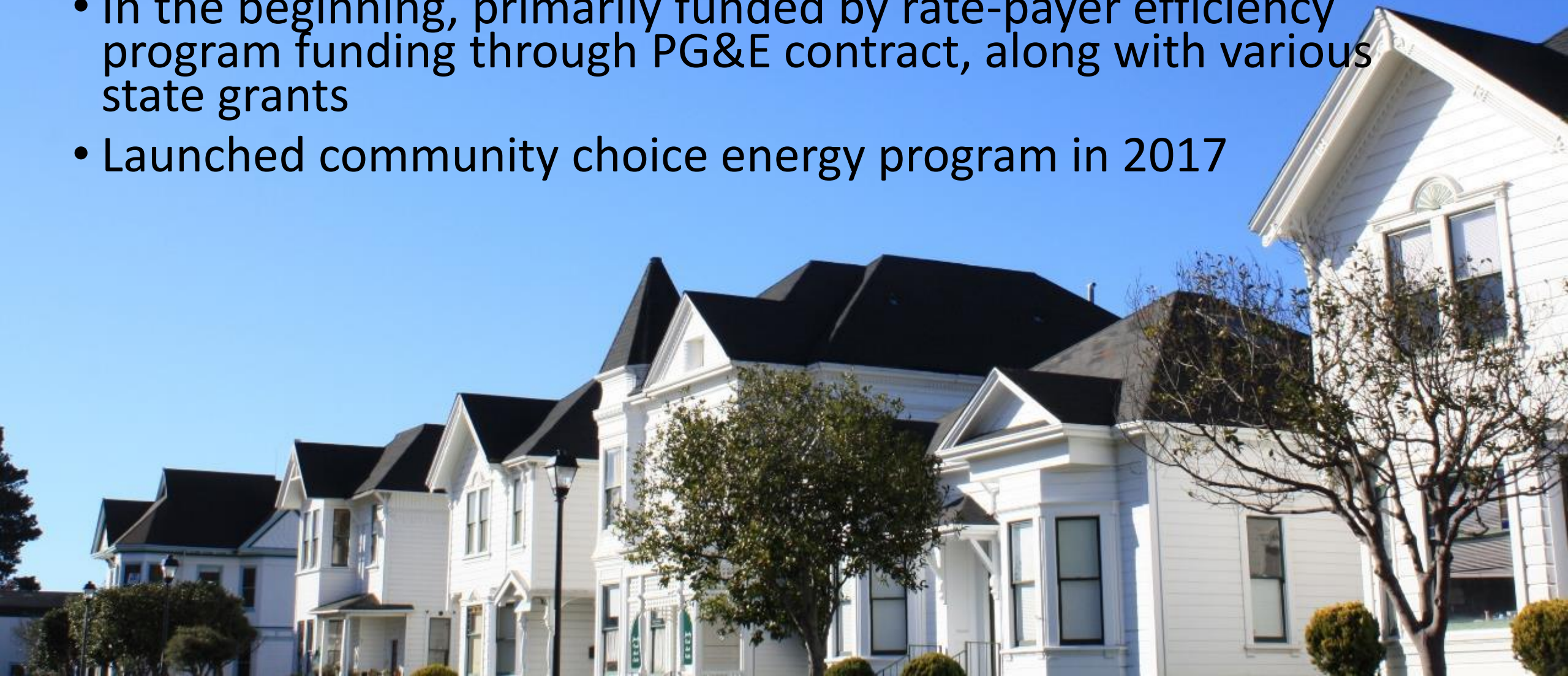
- [Board of Directors / CAC Member Reference Page](#)
 - <https://redwoodenergy.org/bodreference/>
- [RCEA Board of Directors Operating Guidelines \(2019\)](#)
 - https://redwoodenergy.org/wp-content/uploads/2021/01/RCEA_Board-Operating-Guidelines_8.22.19-with-rev-voting.pdf
- [Frequently Asked Questions](#)
 - <https://redwoodenergy.org/cce-faq/#1502717625339-5d61748d-ee65>
- [RePower Humboldt \(2019\) – RCEA's Strategic Plan](#)
 - <https://redwoodenergy.org/wp-content/uploads/2020/06/RePower-2019-Update-FINAL-.pdf>
- [RCEA Racial Justice Plan \(2022\)](#)
 - https://redwoodenergy.org/wp-content/uploads/2022/10/RCEA_Racial-Justice-Plan-Adopted-10.27.2022.pdf
- [RCEA website](#)
 - Visit <https://redwoodenergy.org/> to access residential, commercial and agency program information, as well as information about the Community Choice Energy Program's electricity sources.



REDWOOD COAST
Energy Authority

Background and Organizational Overview

- Established in 2003 (Earth Day 2023 is 20-year anniversary)
- Started as CPUC regional energy office pilot
- In the beginning, primarily funded by rate-payer efficiency program funding through PG&E contract, along with various state grants
- Launched community choice energy program in 2017



Purpose:

Develop and implement sustainable energy initiatives that:

Reduce energy demand,

Increase energy efficiency, and

Advance the use of clean, efficient and renewable resources available in the region.



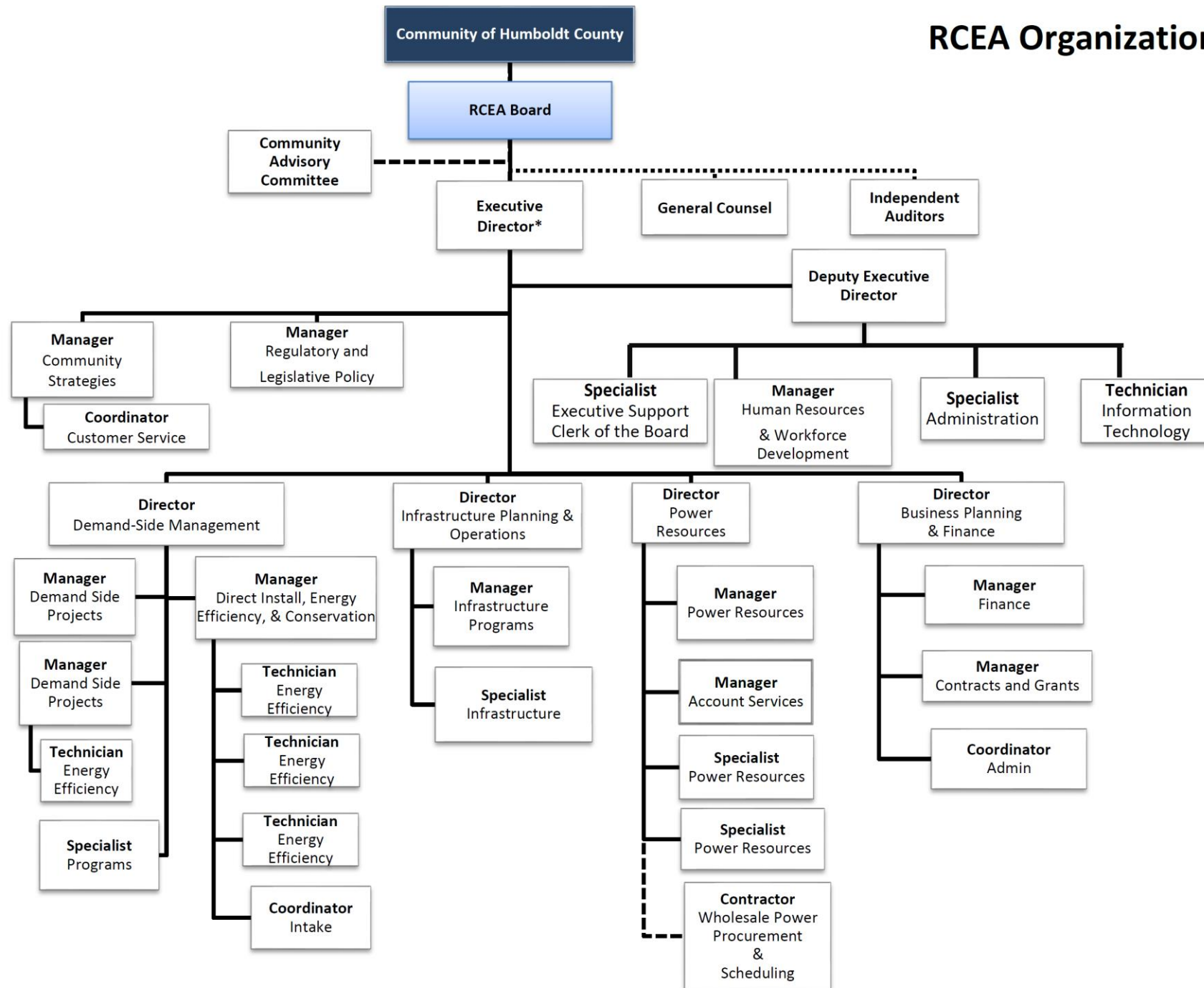
Purpose:

1. To **lead, coordinate and integrate regional efforts** that advance secure, sustainable, clean and affordable energy resources.
2. To **develop a long-term sustainable energy strategy and implementation plan.**
3. To increase awareness of, and **enhance access to, energy conservation, energy efficiency, and renewable energy opportunities** available to the region.
4. To **add value to, but not duplicate, energy services offered by utilities and others serving the region** in a manner that does not conflict with acting as a community choice aggregator..

Purpose:

5. To keep **key decision makers and stakeholders informed of policy, regulatory, and market changes** that are likely to impact the region.
6. To **support research, development, demonstration, innovation, and commercialization of sustainable energy technologies** by public and private entities operating in Humboldt County.
7. To **develop regional capabilities to respond to energy emergencies and short-term disruptions in energy supply, infrastructure, or markets** that could adversely affect Humboldt residents and businesses.

RCEA Organization Chart





STAFF REPORT
Agenda Item # 6.2

GENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Matthew Marshall, Executive Director
SUBJECT:	RePower Humboldt Strategic Plan Overview of Agency Goals, Current and Upcoming Projects (Information Only)

BACKGROUND

The RCEA Board of Directors originally adopted the Humboldt County Comprehensive Action Plan for Energy (CAPE) in September 2012. CAPE was RCEA's primary strategic planning document and identified implementation measures specific to fulfilling RCEA's mission, as well as RCEA's role as the regional energy authority.

In April 2019 RCEA undertook a comprehensive update of the CAPE to better coordinate RCEA's targets and strategies with those of the County and seven member agency cities as they developed the County-wide Climate Action Plan. The update also adapted RCEA's strategies to a quickly-changing energy landscape and integrated measures from other regional strategic planning documents, including:

- RePower Humboldt: A Strategic Plan for Renewable Energy Security and Prosperity (2013)
- North Coast Plug-in Electric Vehicle Readiness Plan (2014)
- Northwest California Alternative Fuels Readiness Plan (2016)
- Board Adopted Community Choice Aggregation Program Guidelines (2016)
- County General Plan Energy Element (2017)
- North Coast and Upstate Fuel Cell Vehicle Readiness Project (2019)

The 2019 CAPE update involved a nine-month countywide education and public outreach campaign to gather community input on actions to accomplish the strategic plan's goals. Over 1,200 written comments were received during the update process. RCEA's strategic plan was updated and reviewed by RCEA's Community Advisory Committee. Additional changes based on the Committee's review were made and the document was adopted by the Board in December 2019 under a new title: "RePower Humboldt: The Redwood Coast Energy Authority's Comprehensive Action Plan for Energy." The plan establishes goals and strategies to guide RCEA's work over the 2020-2030 period, and is available online at:

<https://redwoodenergy.org/wp-content/uploads/2020/06/RePower-2019-Update-FINAL-.pdf>

SUMMARY

Staff provides RePower Humboldt Plan updates every six months to keep the Board informed on implementation progress. At the meeting RCEA department directors will provide a presentation on the current status of plan implementation and related activities. This will include updates on the four focus areas of the plan:

1. Regional Planning and Coordination
2. Integrated Demand Side Management
3. Low-Carbon Transportation
4. Energy Generation and Utility Services.

STAFF RECOMMENDATION

N/A – Information only.

ATTACHMENTS

Presentation slides will be shared at this meeting.

RePower Humboldt Strategic Plan Introduction February 2023



RCEA's RePower Humboldt Strategic Plan

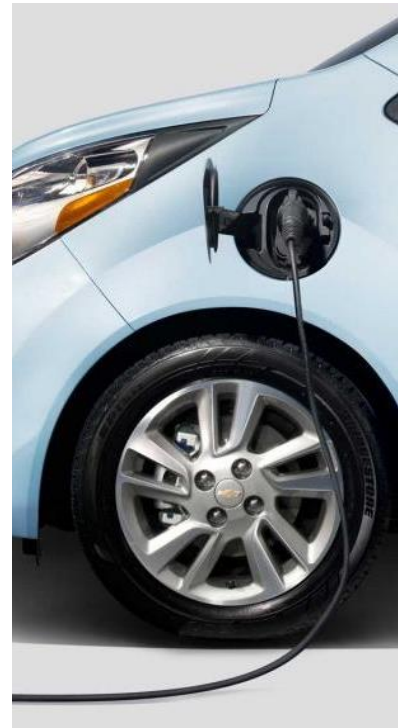
Updated December 2019 – 4 focus areas:



**Regional
Planning &
Coordination**



**Integrated
Demand Side
Management**



**Low-Carbon
Transportation**



**Energy
Generation &
Utility Services**



**Regional
Planning &
Coordination**

Main goals:

- Achieve net-zero greenhouse gas emissions county-wide by 2030
- Establish Humboldt County as energy secure community by 2030: local capabilities/infrastructure to address energy emergencies and disruptions
- Build the clean energy sector as a cornerstone of the local economy: innovation, R&D, business development





**Regional
Planning &
Coordination**

Current activities:

- Continuing work with County and Cities on regional climate action plan
- Working with PG&E, regulators, and others on grid capacity issues
- Exploring next phase of microgrids: Tribes, other airport sites, essential services, southern Humboldt
- **Offshore wind leases auction held**, developer site assessment plans and associated studies are the next step

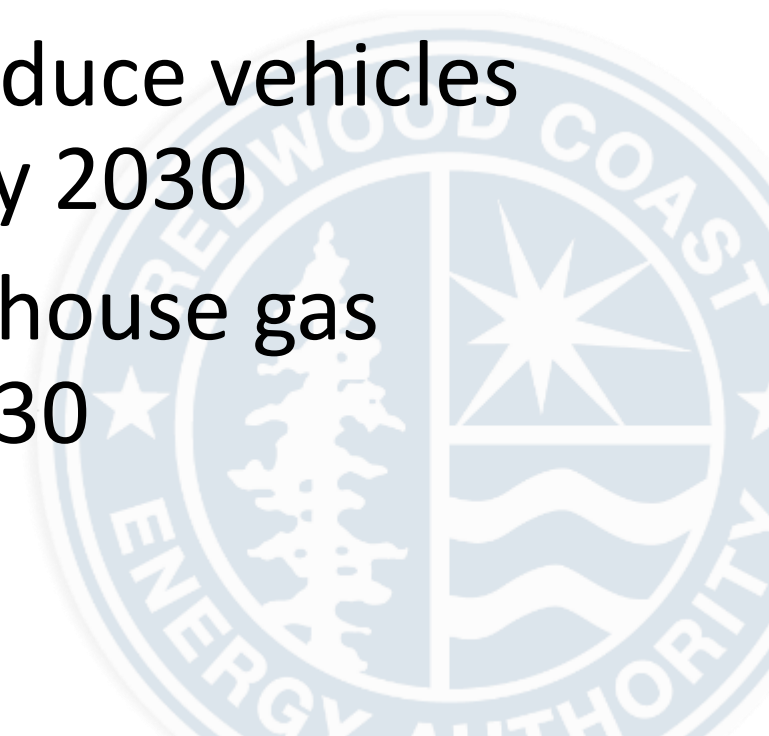




**Low-Carbon
Transportation**

Main goals:

- Reach 6,000+ EVs in Humboldt by 2025
Reach 22,000 EVs by 2030
- Develop EV charging infrastructure to support EV targets
- With other public entities, reduce vehicles miles traveled at least 25% by 2030
- Reduce transportation greenhouse gas emissions by over 65% by 2030





**Low-Carbon
Transportation**

Current activities:

- RCEA's EV charging network
 - 15 sites; 4 new sites to be added in 2023
- \$200k CA Energy Commission (CEC) grant to develop blueprint for medium-duty/heavy-duty fleet conversions and fueling infrastructure
- \$700k CEC grant to install EV charging at rural community service centers with resiliency and low-income emphasis
- RCEA-funded customer rebates for EVs, EV chargers, and e-bikes



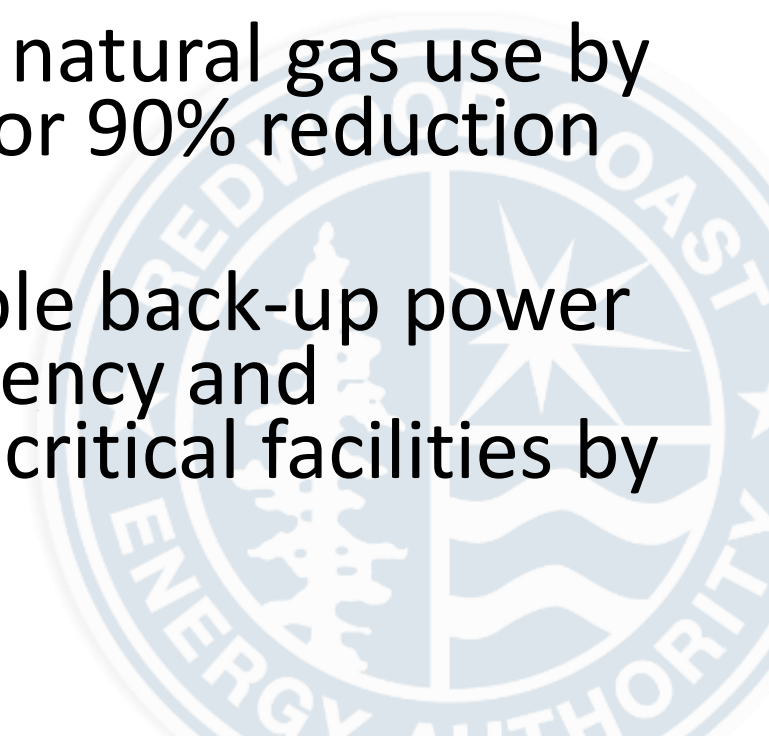
**Integrated
Demand Side
Management**

AKA:

**Customer
Energy
Solutions**

Main goals:

- Support the wide-spread installation of customer solar energy systems to reach 30MW of customer solar installed by 2025 and 50MW by 2030.
- Provide energy efficiency and conservation services to every household and business in the county by 2030.
- Implement programs to reduce natural gas use by 20% by 2030 with a trajectory for 90% reduction by 2050.
- Deploy microgrids and renewable back-up power systems to provide energy resiliency and emergency energy supply at all critical facilities by 2030.





**Integrated
Demand Side
Management**

AKA:

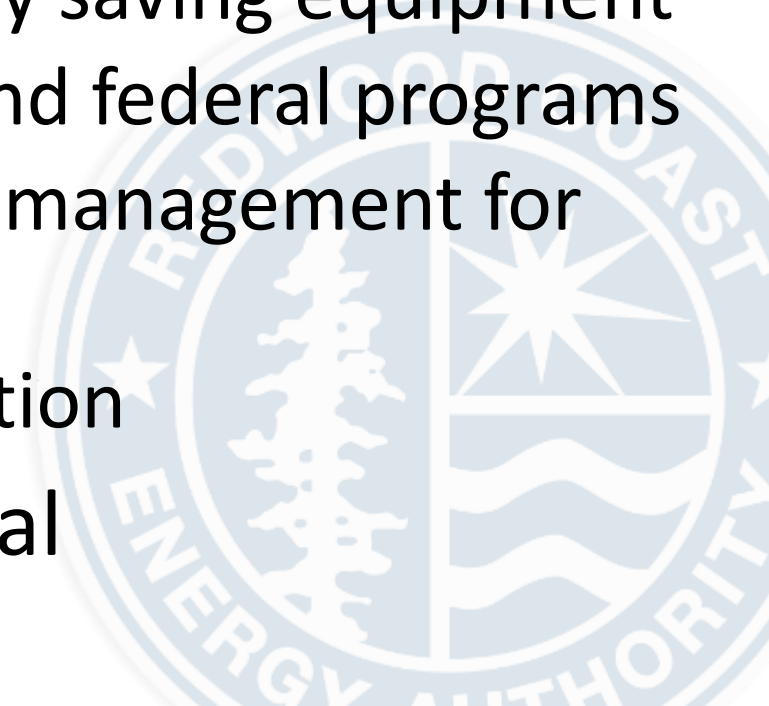
**Customer
Energy
Solutions**

What we do:

Provide customers ...

- tools to manage energy use, costs, and environmental impact
- One-stop-shop to access multiple programs
- rebates and incentives for energy saving equipment
- referrals to other state, utility, and federal programs
- technical assistance and project management for public agencies
- community outreach and education

...to help keep energy dollars local





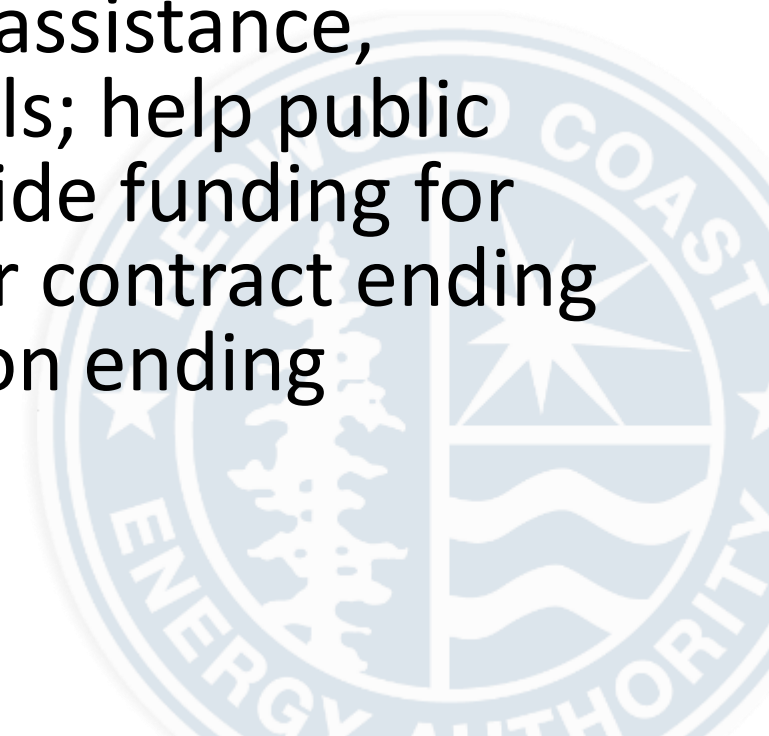
**Integrated
Demand Side
Management**

AKA:

**Customer
Energy
Solutions**

What we do:

- **Ratepayer-funded programs through the CPUC** for equipment (including lighting, heat pumps, refrigeration) rebates and installation incentives. \$1.9M three-year program ending June 2023
- **Local Government Partnership with PG&E** to provide customers with technical assistance, assessments, and program referrals; help public agencies secure and manage outside funding for energy projects. \$766k, three-year contract ending June 2023; \$1M, 2.5-year extension ending December 2027.





**Integrated
Demand Side
Management**

AKA:

**Customer
Energy
Solutions**

What we do:

- **TECH Clean CA Quick Start Grant:** \$161,480 for heat pump rebates for propane and kerosene fuel users
- **Customer programs internally-funded by RCEA's Community Choice Energy Program:**
 - Solar net-energy-metering program with enhanced customer compensation compared to PG&E
 - Key Account Services for public agencies, schools, Tribes, and large commercial customers
 - Free Residential Energy Kits
 - Heat Pump Rebates
 - “Community Grid Program” that pays customers with battery storage to be part of a “virtual power plant” to provide grid benefits



**Integrated
Demand Side
Management**

AKA:

**Customer
Energy
Solutions**

What's next:

Rural “Regional Energy Network” (Rural REN)

- \$90 million, four-year state-wide program proposal is currently going through CPUC review/approval process.
- RCEA designated as program administrator on behalf of seven implementation partners serving different part of the state.

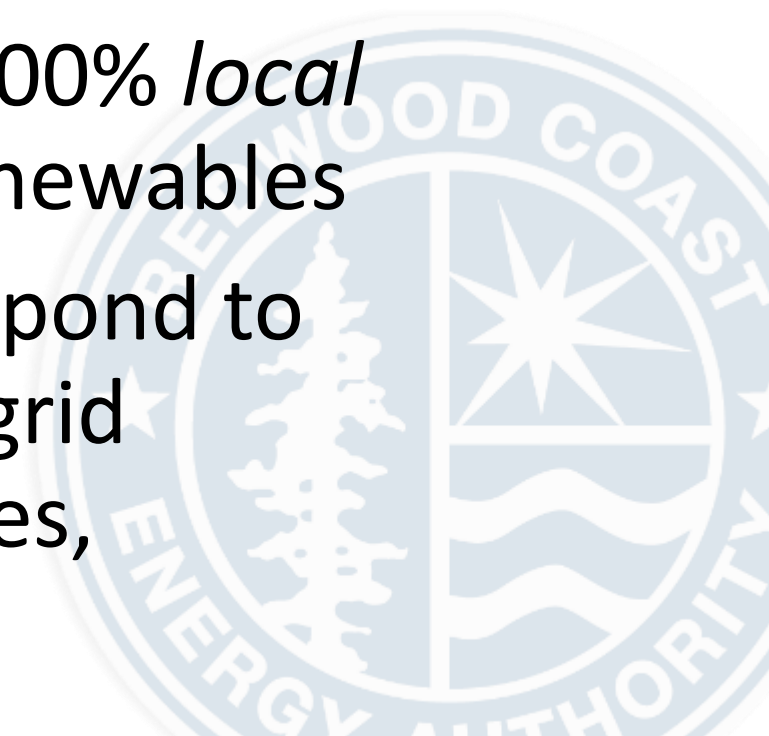




Energy Generation & Utility Services

Main goals:

- By 2025, 100% of RCEA power mix will be from renewable sources
- By 2030 Humboldt will be a net exporter of renewable electricity
- By 2030, power mix will be 100% *local* net-zero-carbon-emission renewables
- Humboldt County able to respond to electric disruptions through grid modernization, local resources, microgrids





**Energy
Generation &
Utility Services**

Current activities:

- Airport microgrid getting fine-tuned; gained positive national press for winter emergency performance.
- Pursuing collaboration on resilient clean local power generation in northeastern area served by Hoopa and Willow Creek substations
- New solicitation just released; ideal offers would help with State compliance while building toward 100% local renewable goal



Highlight: Redwood Coast Airport Microgrid exceeds expectations

- Airport microgrid performed well during worst-case earthquake, storm scenario
- National press
 - “Earthquakes? Winter Storm? No Problem for the Redwood Coast Energy Authority Microgrid”; Microgrid Knowledge
 - “Clean Energy Microgrid Keeps Arcata Airport and U.S. Coast Guard Station Powered Following Humboldt Quake and Winter Storms”; PG&E Currents
 - “Microgrid Keeps Airport Up and Running After Earthquake”; Flying Magazine
- Establishes the bar for future microgrid work in the region and state





REDWOOD COAST Energy Authority

STAFF REPORT Agenda Item # 8.1

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Jaclyn Harr, TEA Client Services Specialist Richard Engel, Director of Power Resources
SUBJECT:	Energy Risk Management Quarterly Report

BACKGROUND

The RCEA Board of Directors adopted an [Energy Risk Management Policy \(RCEA-ERMP-Approved-Dec-2022.pdf \(redwoodenergy.org\)\)](#) in December 2016 and most recently revised in December 2022, to establish functions and procedures to manage the risks associated with the Community Choice Energy program's power procurement activities. In accordance with this policy, a quarterly update on activities and projected financial performance is presented to the Board during regularly scheduled meetings.

SUMMARY

The Energy Authority (TEA) Client Services Specialist Jaclyn Harr and RCEA staff will provide an energy risk management quarterly update. This quarter's update will be preceded by a brief presentation on RCEA's Community Choice Energy program and the need for energy risk management in operating such a program.

ALIGNMENT WITH [RCEA'S STRATEGIC PLAN](#)

Not applicable

EQUITY IMPACTS

Not applicable

RECOMMENDED ACTION

Accept Energy Risk Management Quarterly Report.

ATTACHMENTS

Energy Risk Management Quarterly Report slides will be presented at the meeting.



Agenda Item 8.1: Overview of Community Choice Energy and Energy Risk Management

February 2023 Board Meeting

Redwood Coast Energy Authority

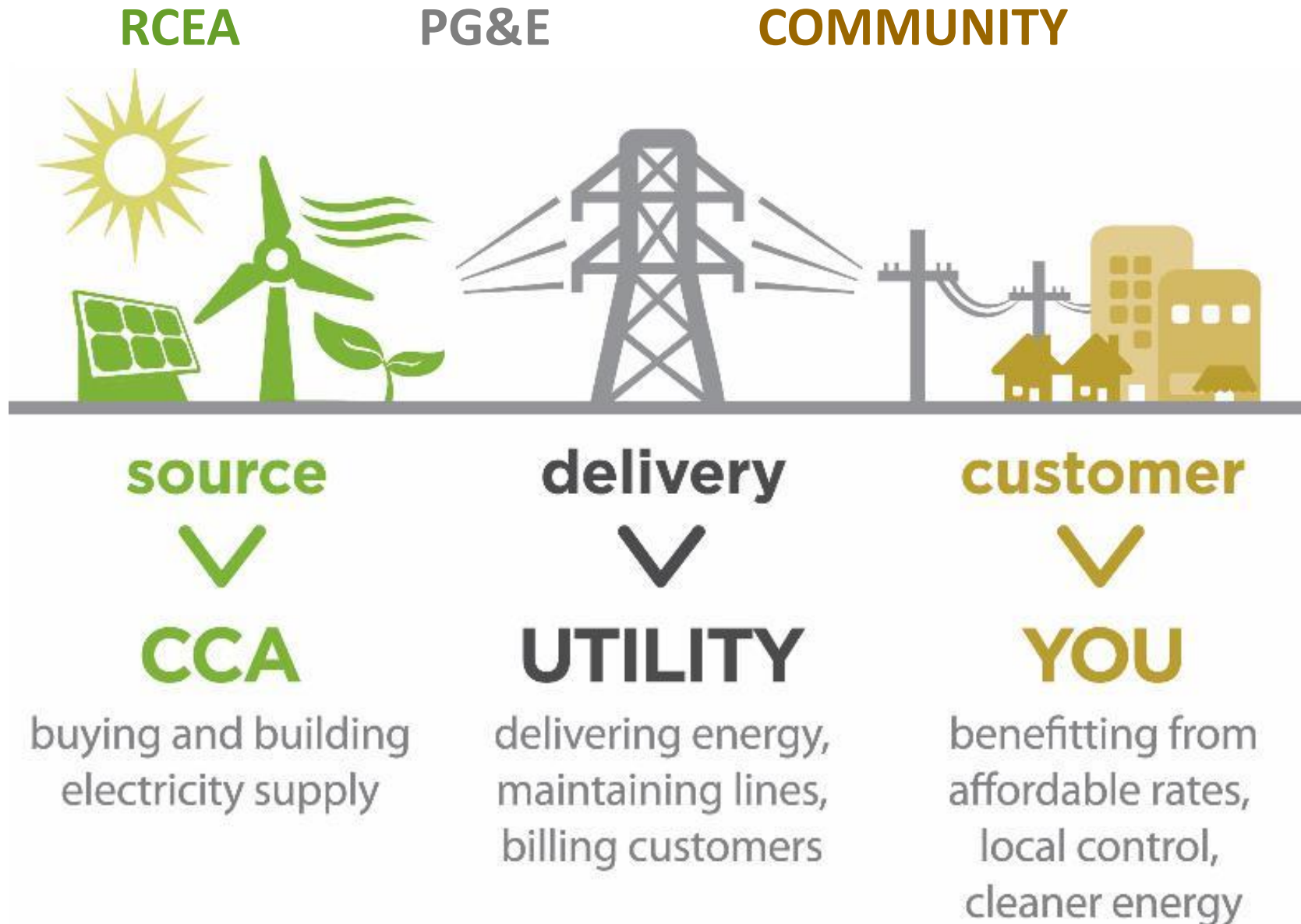


Topics

- The Community Choice Energy (CCE) business model
- Growth and development of CCE in California
- RCEA as a CCE provider
- CCE rate setting and customer bills
- The importance of energy risk management
- RCEA's energy risk management policy and strategies
- Quarterly energy risk management update



How Community Choice Energy works



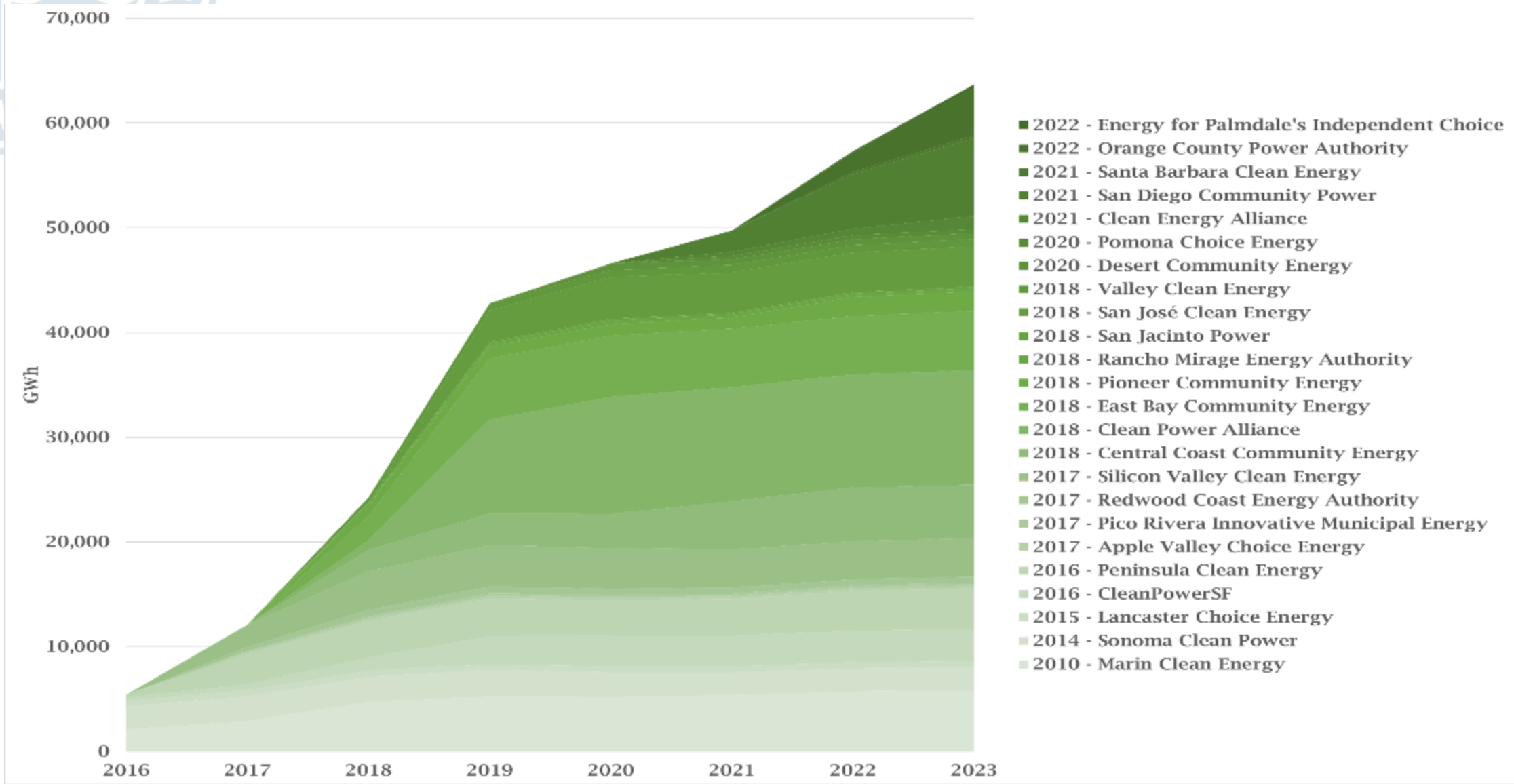
Community Choice Energy* in California

- Enabled by AB 117 in 2002
- Began with Marin County in 2010
- In 2017 RCEA was 7th CCE to launch
- Now 25 programs serve over 11 million customers across the state

* Officially known as Community Choice Aggregation



Community Choice Energy Load Growth 2016-2023

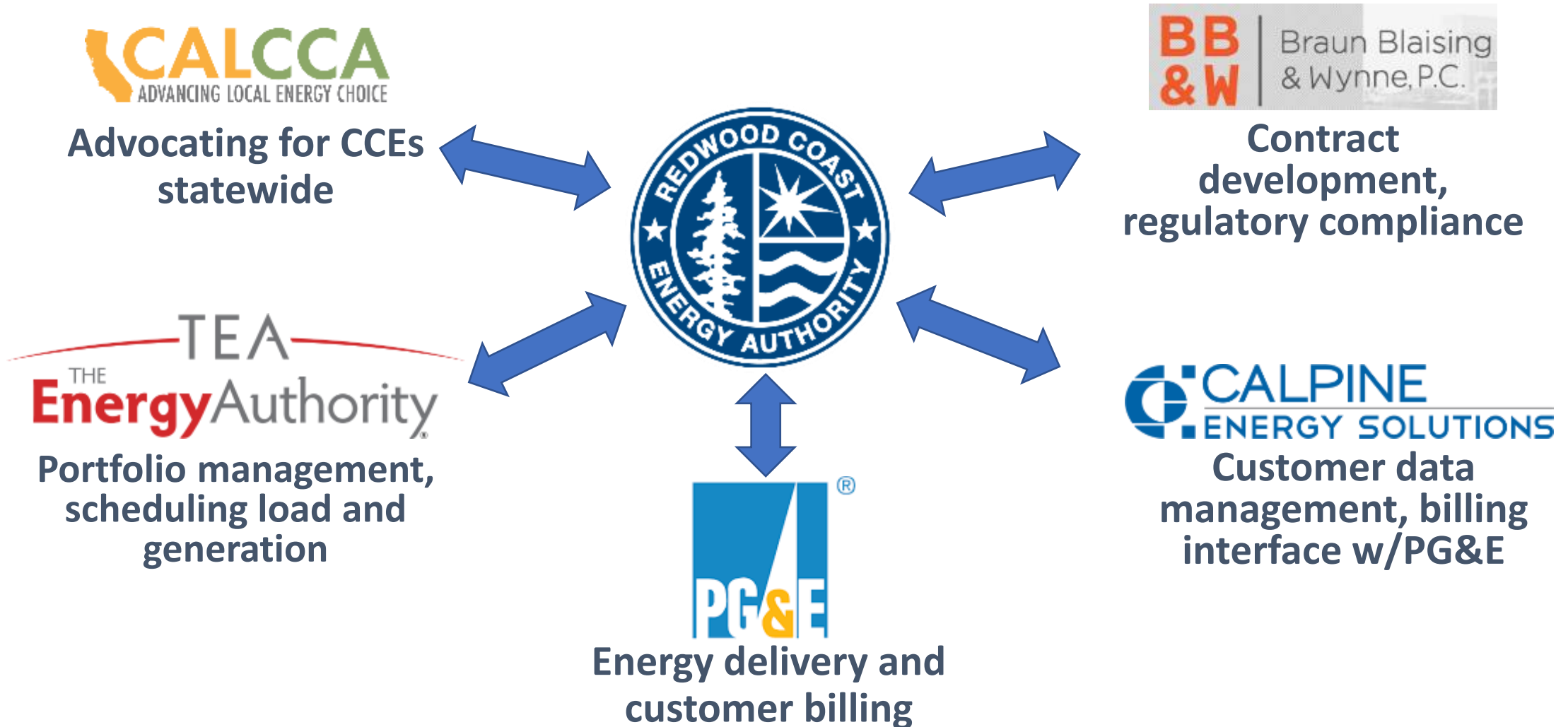




RCEA CCE Program Metrics

- 63,500+ customer accounts
- 93% participation rate, 85% of Humboldt County load
- 630 million kWh annual load
- 115 MW peak demand
- 2%-0.5% discount below PG&E's customer rates
- Board-adopted targets of 100% clean and renewable energy by 2025 and 100% local renewable energy by 2030

Partnerships enable RCEA's Community Choice Energy program





**Cove
Hydroelectric**



**Tierra Buena
Battery Storage**



**Humboldt Sawmill Co.
Biomass**



Offshore Wind

Aker Offshore Wind

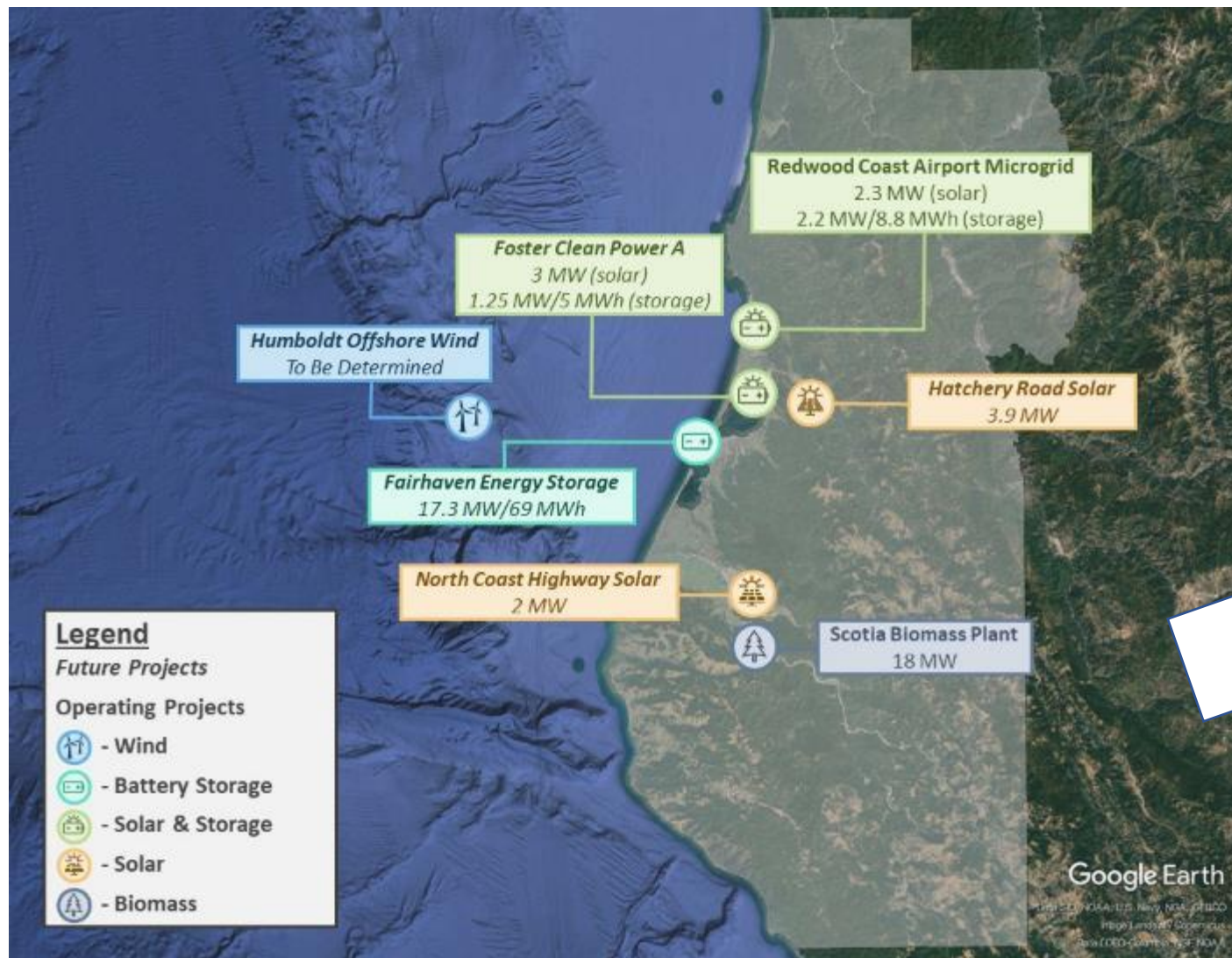


Redwood Coast Airport Microgrid

RCEA's Current and Future Renewable Energy Projects

...plus others in development

Building RCEA's Diversified Portfolio local and regional resources



How RCEA's CCE Program Looks to Customers:

Three options for service



- Standard electricity service level.
- All eligible Humboldt County customers are automatically enrolled at this level of service.



- 100% renewable and carbon-free
- Costs just \$0.01 per kWh more than the standard REpower rate (about \$5 per month extra for an average family)

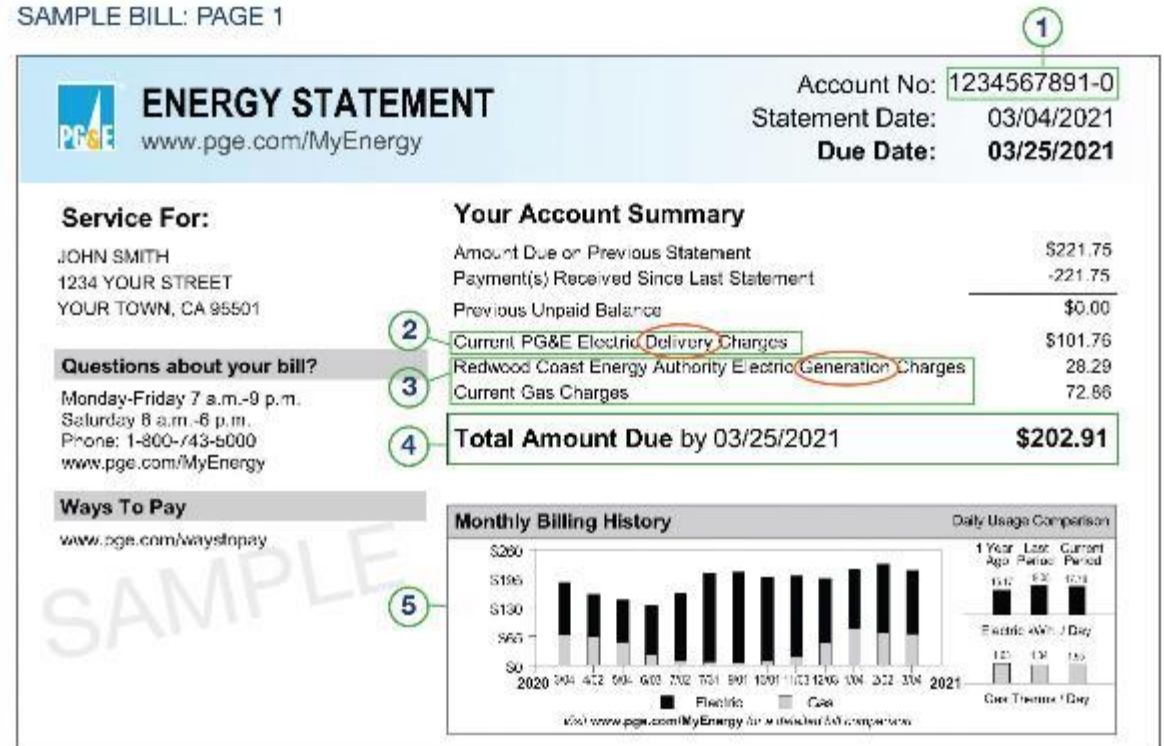
Opt out

- Customer receives generation from PG&E
- Pays “bundled” PG&E rate for generation plus delivery



How RCEA's CCE Program Looks to Customers: Bills

- Customer receives a single bill from PG&E
- Itemizes PG&E delivery charges and RCEA generation charges
- PG&E charges include a state-authorized Power Charge Indifference Adjustment assessed on CCE participants
- RCEA's rate-setting must take this PCIA into account



1 Account Number

This is where you will find your existing PG&E account number.

2 PG&E Electric Delivery Charges

This is PG&E's charge for the delivery of electricity to your home or business. It includes transmission, distribution, and a variety of other fees explained in Point 5 (page 2 of your Sample Bill). It does NOT include generation charges if you're an RCEA customer.

3 RCEA Electric Generation Charges

This is RCEA's charge for generating the electricity that powers your home or business. This charge replaces PG&E's fee for the same service. These charges are detailed on Page 4 of your Sample Bill.

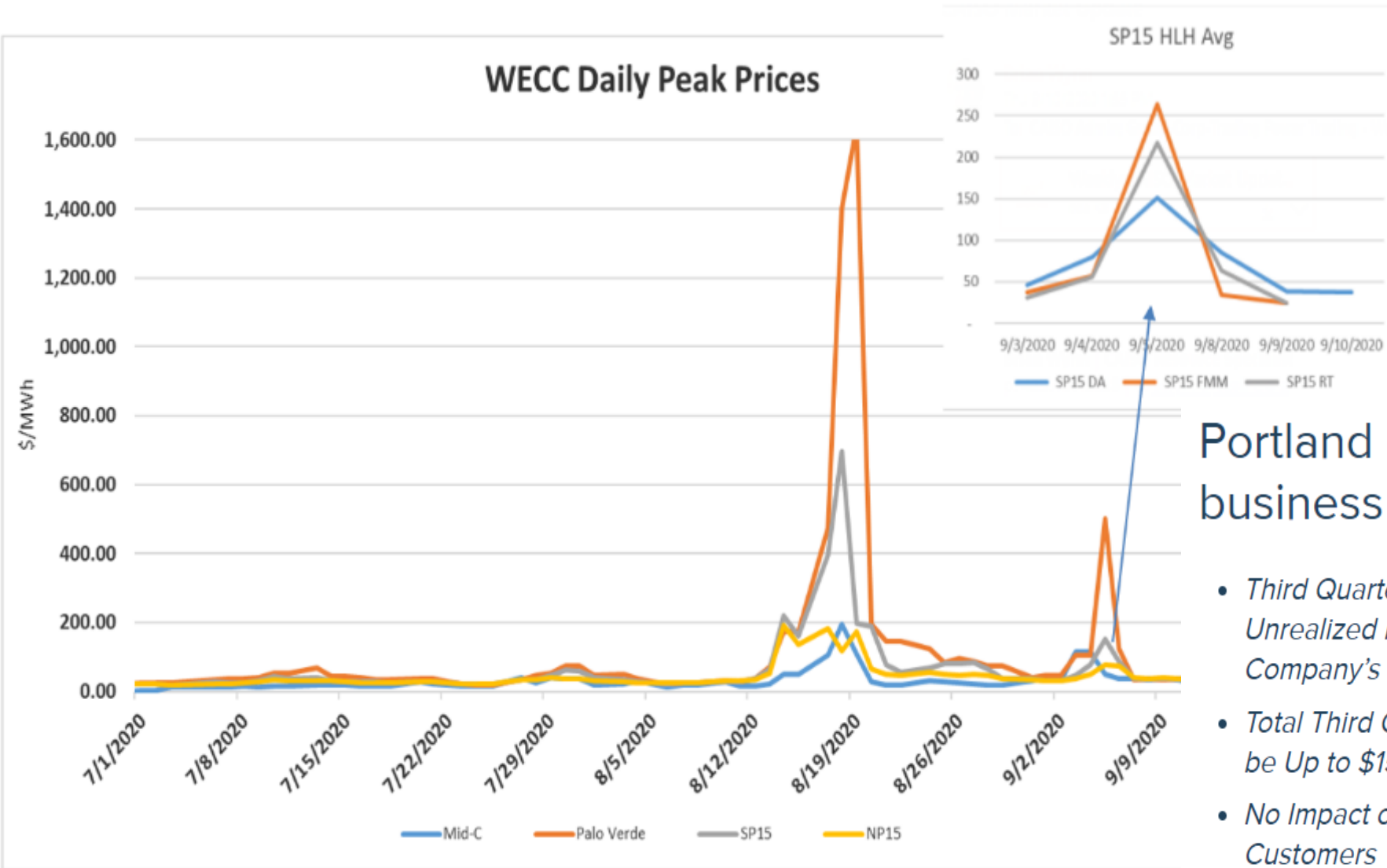
4 Total Amount Due

The total amount due includes ALL of your fees for PG&E gas services and electric delivery, and RCEA electric generation services. You should remit the total amount due on your bill to PG&E, as indicated.

5 Monthly Billing History

This graph gives you a sense of your current bill compared to recent bills. The daily usage bar graphs show you how you are doing with energy consumption compared to previous billing periods.

Risk Management is Critical in Energy!



Portland General Electric provides business update

- *Third Quarter Realized Losses of \$104 Million and Unrealized Mark-to-Market Losses of \$23 Million in the Company's Energy Trading Portfolio as of August 24, 2020*
- *Total Third Quarter Losses in the Portfolio are Estimated to be Up to \$155 Million Subject to Market Conditions*
- *No Impact on Customer Prices or PGE's Ability to Serve Customers*

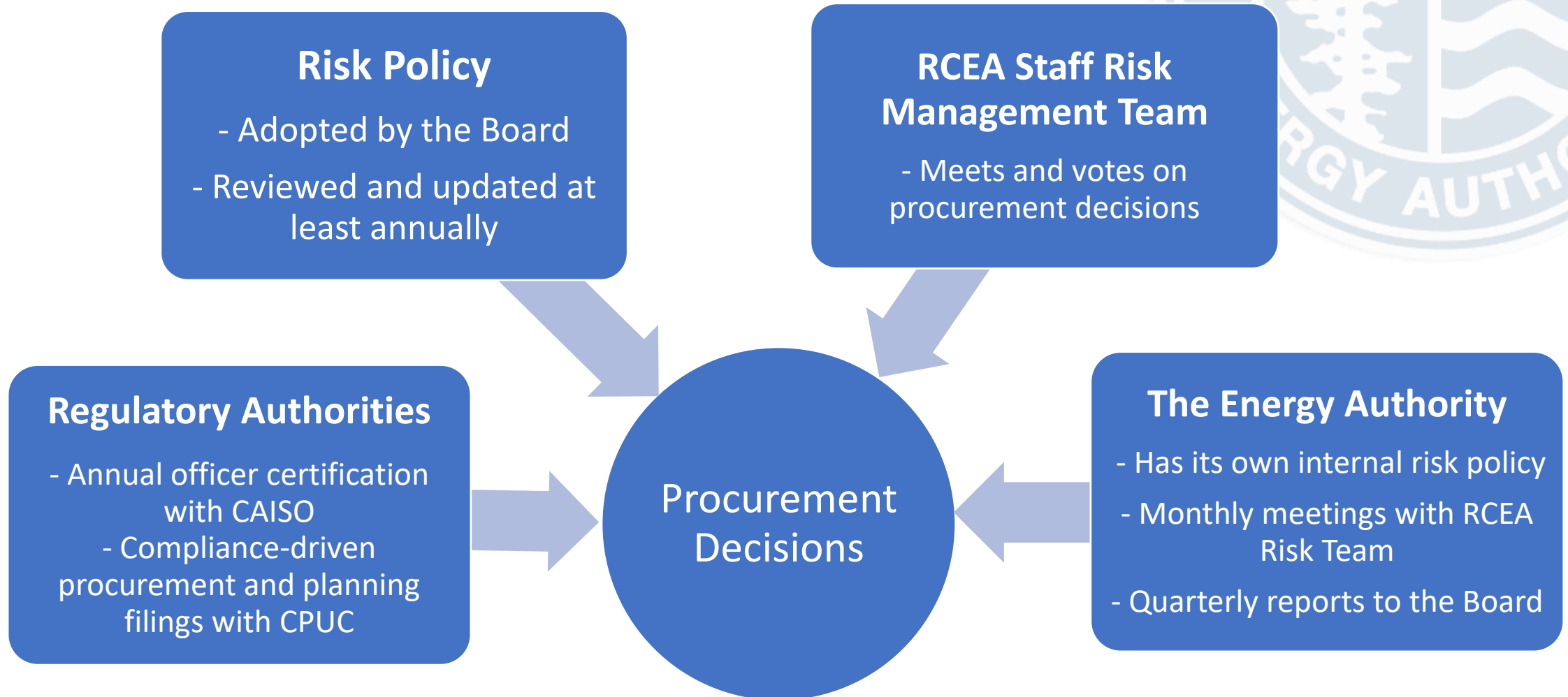
CCE Programs can be vulnerable to risk

The San Diego Union-Tribune
Riverside County community
choice energy program closes its
doors for good after bankruptcy

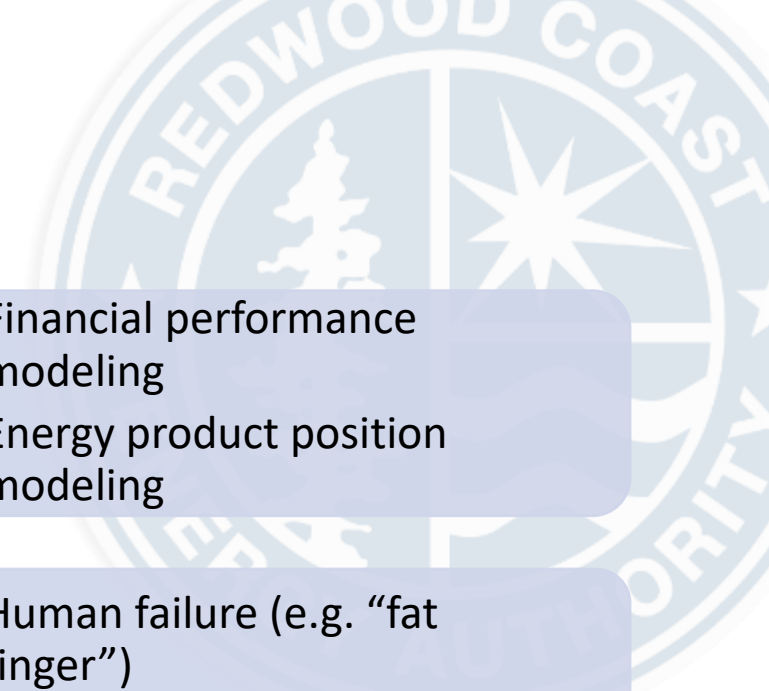
- Western Community Energy shut down in 2021 after just a year in operation
- Launched just as pandemic was starting
- Many customers out of work, unable to pay bills
- Summer 2020 wholesale power cost surge added to financial stress
- Newly established program had built no reserves
- Prompted other CCEs to reassess our risk policies and strategies



RCEA's Risk Management Structure



What Risks Does RCEA Face?



Customer

- Rate competitiveness with PG&E and customer opt-outs
- Uncollected customer debt

Model

- Financial performance modeling
- Energy product position modeling

Market

- Variability in commodity prices of various energy products

Operational

- Human failure (e.g. “fat finger”)
- Data security

Regulatory

- General “playing field” of CCAs & IOUs (e.g. PCIA)
- Mandated procurement

Counterparty Credit

- Counterparty fails to meet contractual obligations

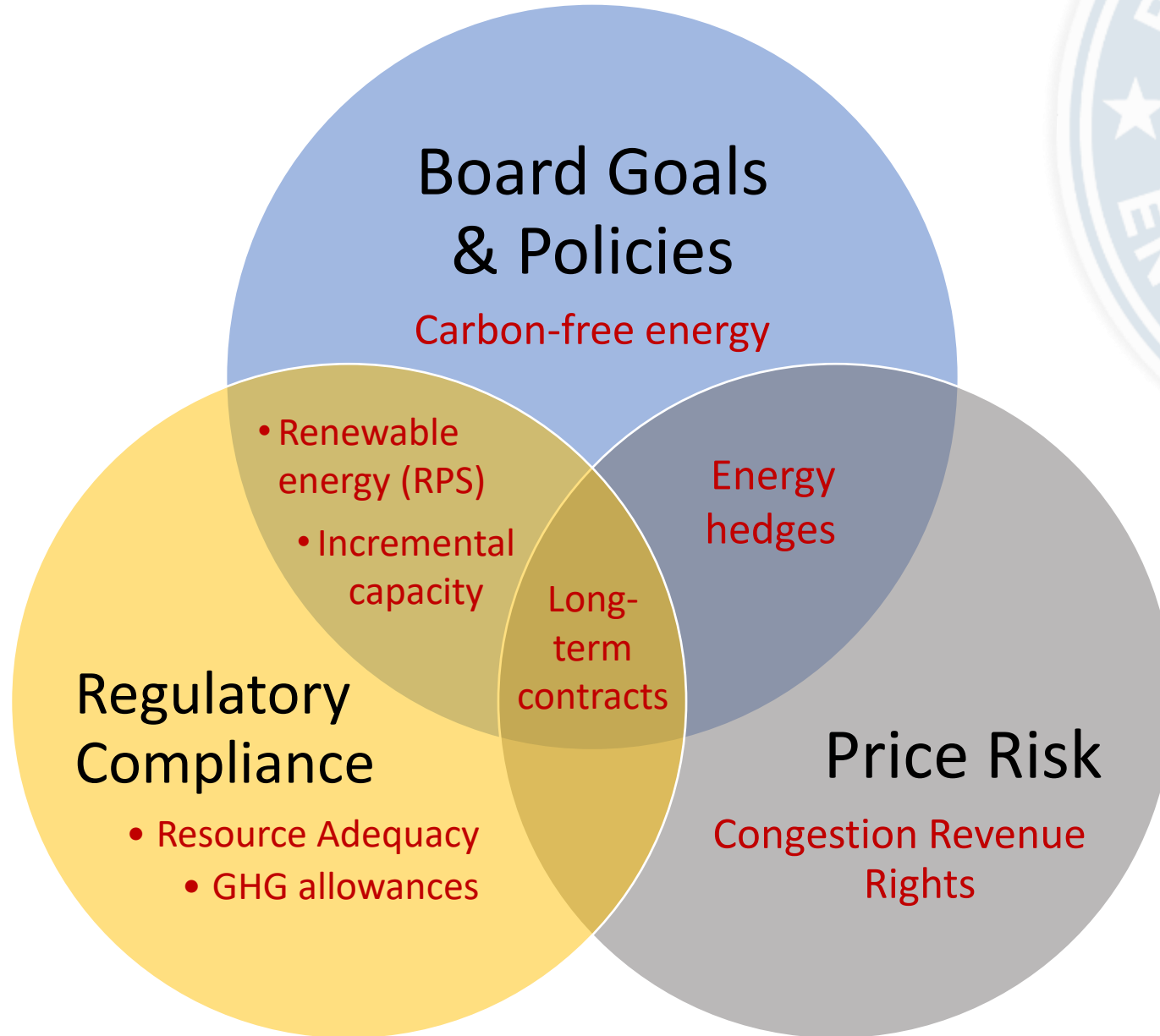
Volumetric

- Retail load uncertainty (e.g. COVID load impacts, weather)

Reputational

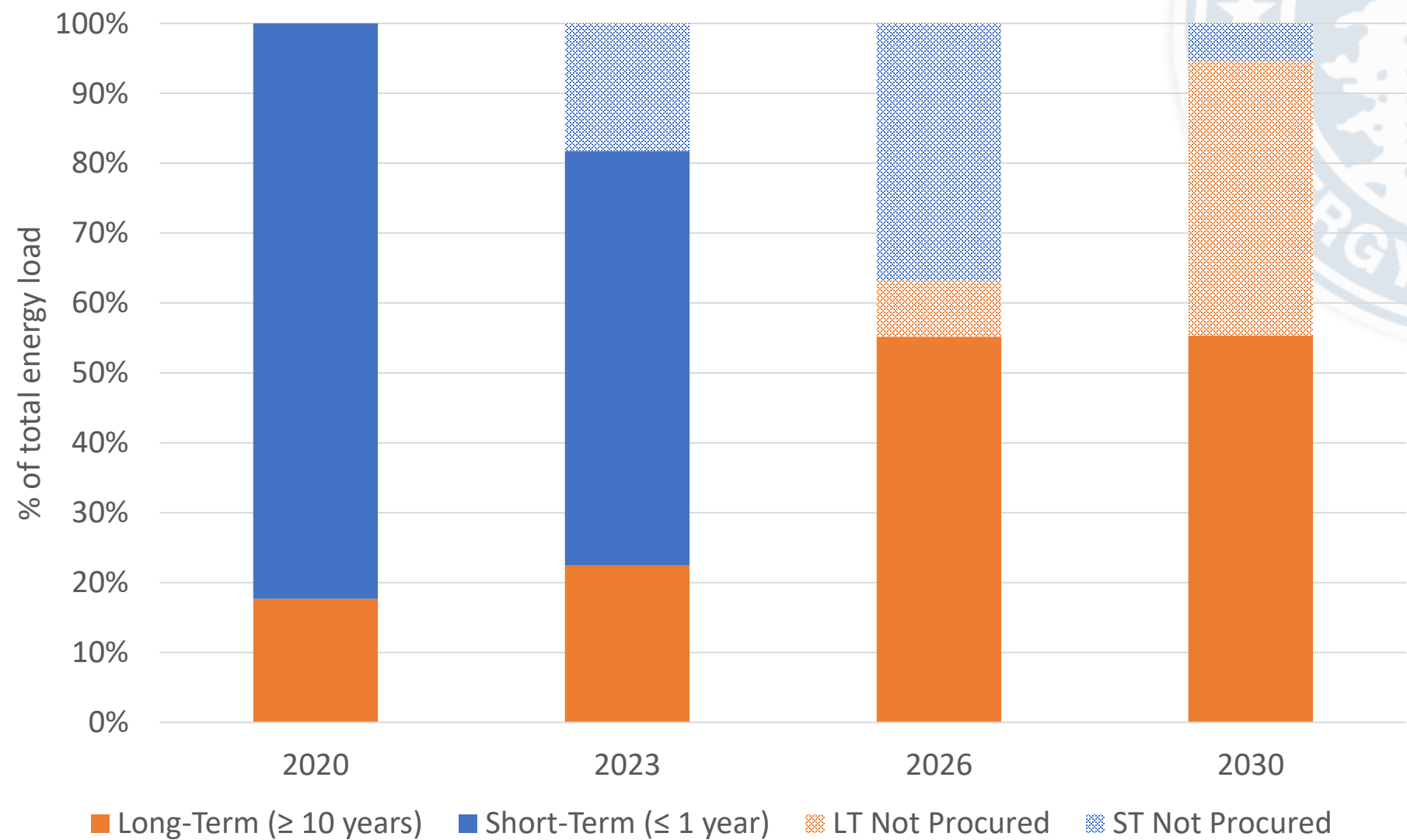
- Loss of community & customers’ trust
- Customer opt-outs

Procurement Purposes & Products

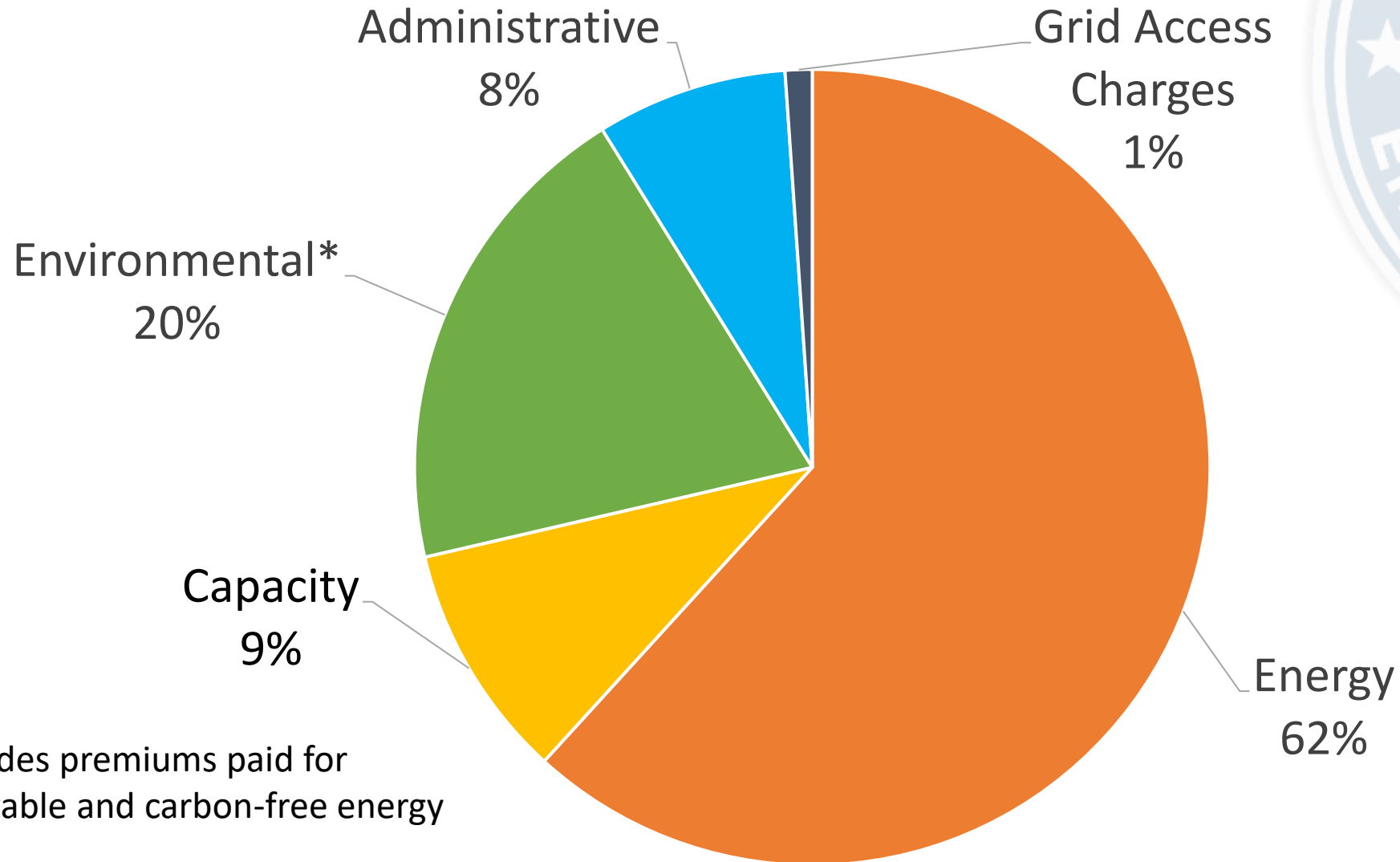


RCEA Portfolio Progress

Moving toward longer-term procurement



CCE Program Costs



*includes premiums paid for renewable and carbon-free energy



Risk Policy Overview

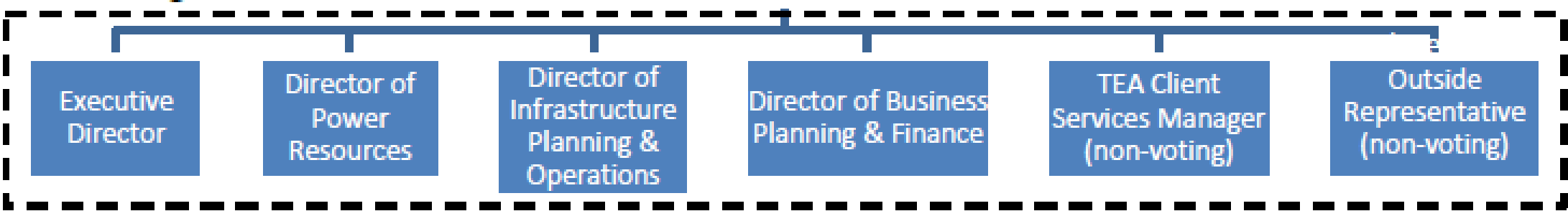
- 2.2 – Risk Exposures
- 3 – Business Practices
- 4 – Roles & Responsibilities
- 5 – Delegation of Authority
- 6 – Credit Policy
- 7 – Risk Reporting
- 8 – Policy Revision
- Appendix D – Hedging Strategy

Risk Management Team



Board of Directors

Risk Management Team



Delegation of Authority

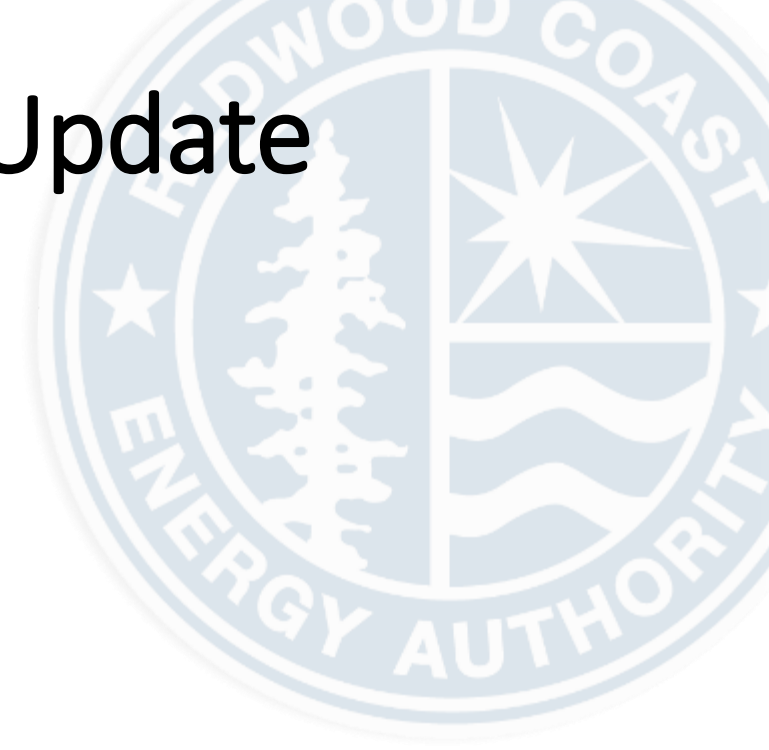


Position	Maturity Limit	Term Limit	Volume Limit (MWh) ¹	Value Limit ²
RCEA Board of Directors	Any transaction that exceeds the Risk Management Team limits			
Risk Management Team	42 Months	36 Months	500,000	\$5,000,000
Executive Director	36 Months	30 Months	375,000	\$3,000,000
TEA	30 months	24 Months	250,000	\$1,500,000

1 Volume limit applies only to energy transactions.

2 Value limits apply to non-energy transactions (e.g. Resource Adequacy).

Quarterly Energy Risk Management Update



Presented by Jaclyn Harr, Client Service Manager from The Energy Authority



Overview of Financial Drivers Impacting RCEA

Rates & Revenues:

- Implemented Rates for 2023 & Updated Forecast of PG&E Rates in 2024+
 - Finalized 2023 Gen Rates & PCIA result in \$5.5M decrease in expected revenue
 - Jan 2023 loads 15% lower than expected, resulting in \$1.5M decrease in expected revenue
 - Forecast of 2024 PG&E Gen Rates & PCIA result in \$18.7M increase in expected revenue
- Sandrini Sol 1 project online date delayed from June to early Q4

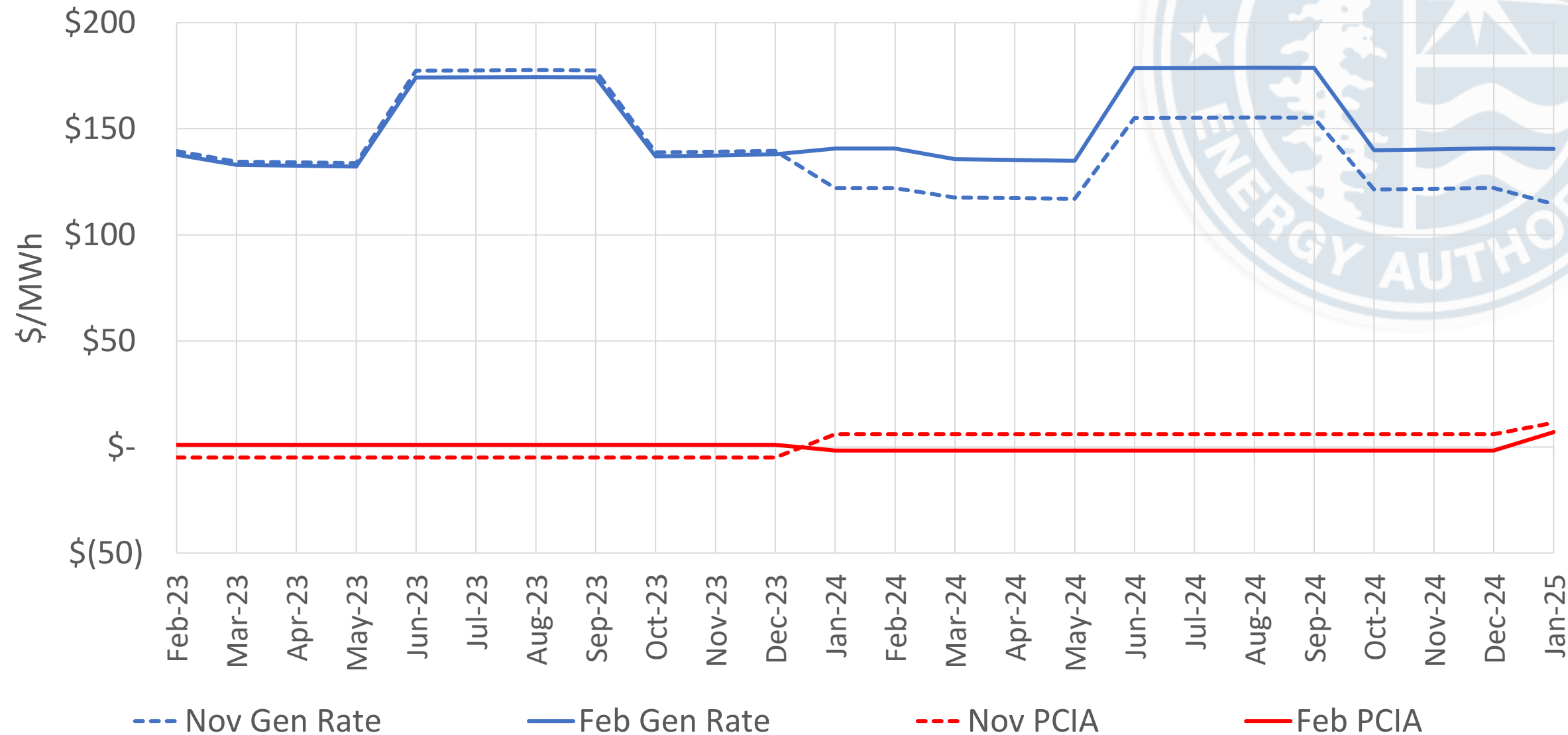
Net Power Costs:

- NP15 forward energy prices (including shaping) generally down
 - **Balance of Year 2023:** down 21% (average hedged: 75%)
 - **2024:** down 6% (average hedged: 66%)
 - **Jan 2025:** up 30% (average hedged: 34%)

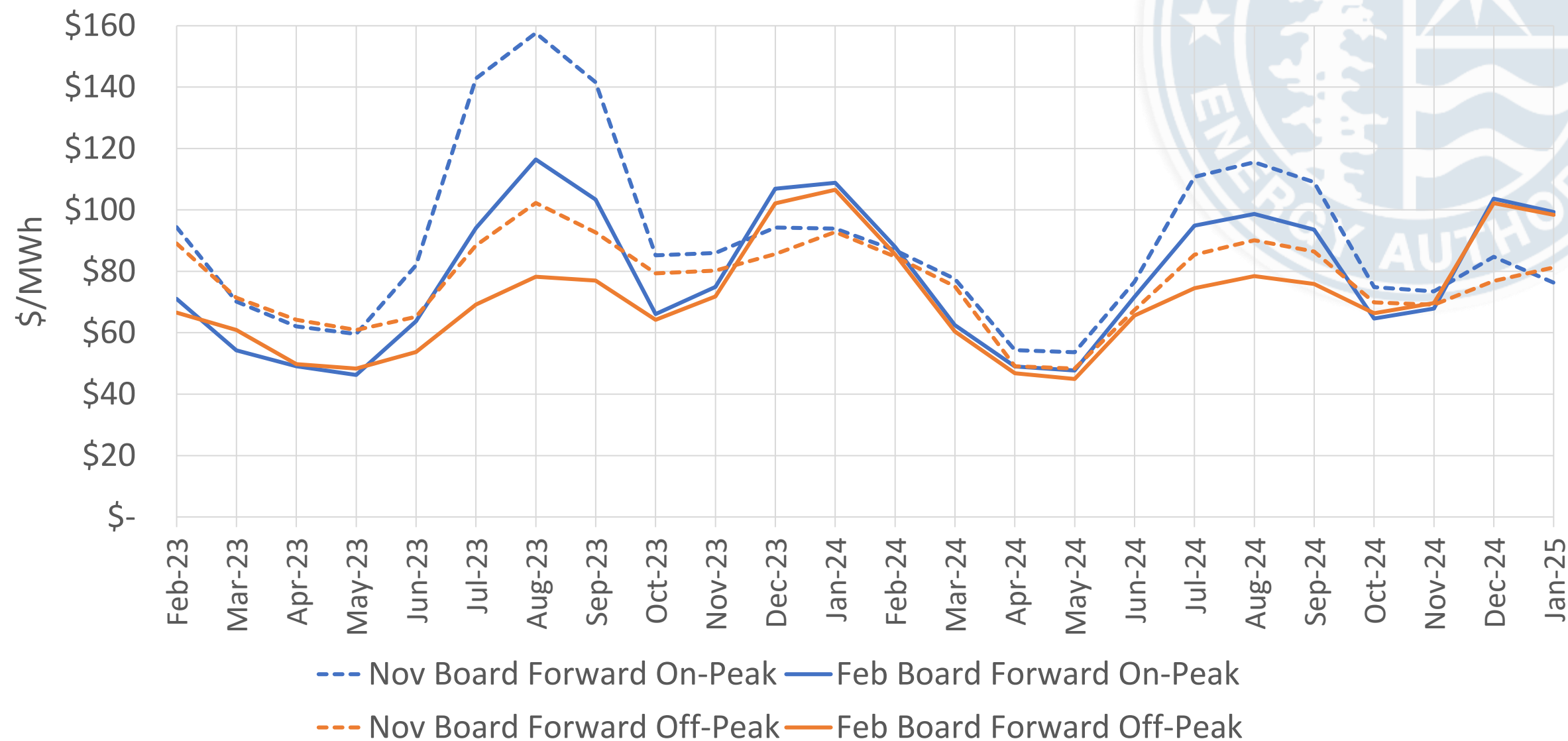
Sandrini Sol 1 Project Delay

- Sandrini Sol 1 Project
 - 100 MW solar facility located in Kern County
 - RCEA has a 15-year contract for all products (energy, RECs, and RA)
 - Project is a large component of RCEA's power portfolio: over summer period renewable generation volume from the project is ~50% of RCEA's load
- Delay of ~4 months impacts multiple products in RCEA's power portfolio
 - Loss of energy & RA over the summer (when most valuable)
 - Loss of expected PCC1 RECs for RCEA's environmental goals
- Estimated Cost of Delay:
 - **Baseline Cost Estimate to RCEA with no remediation: \$8.6M**
 - Delay Damages from the developer (~\$3.3M) and decisions around backfilled procurement of various products can reduce cost impact

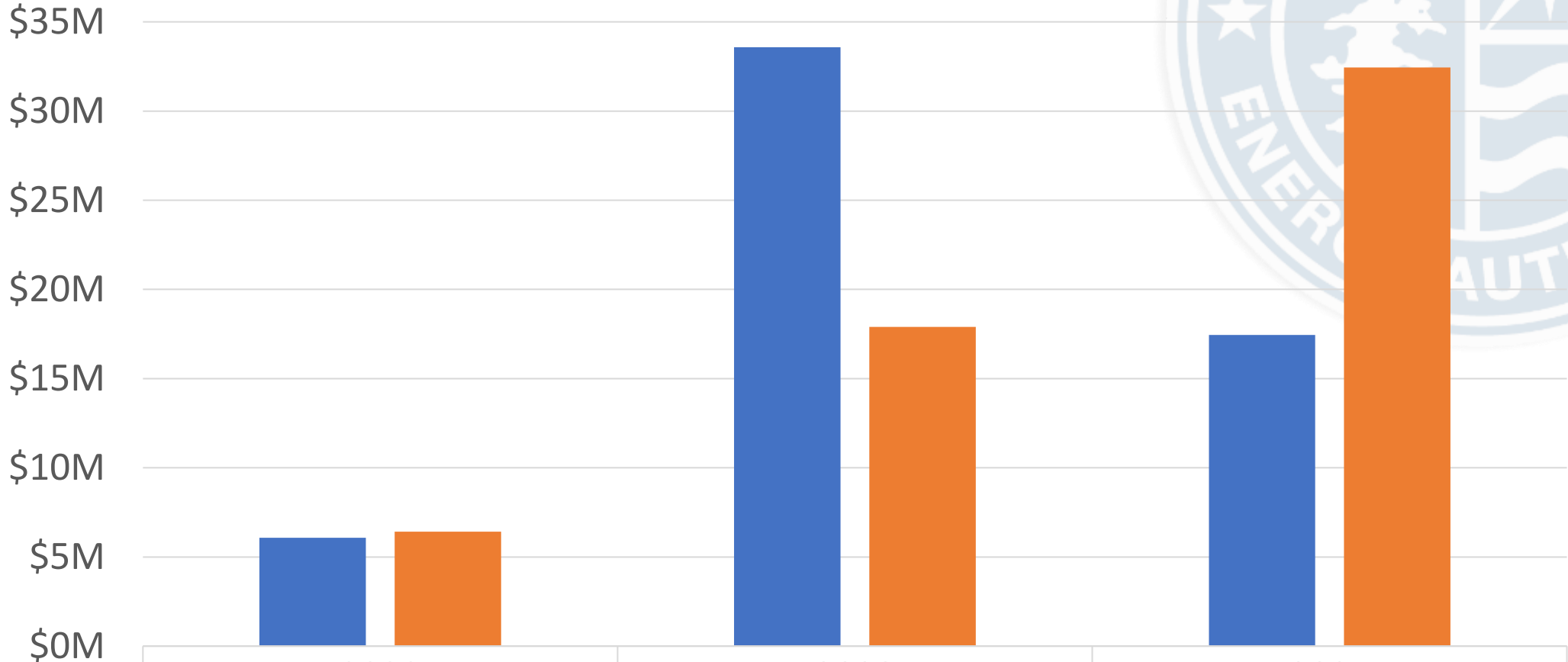
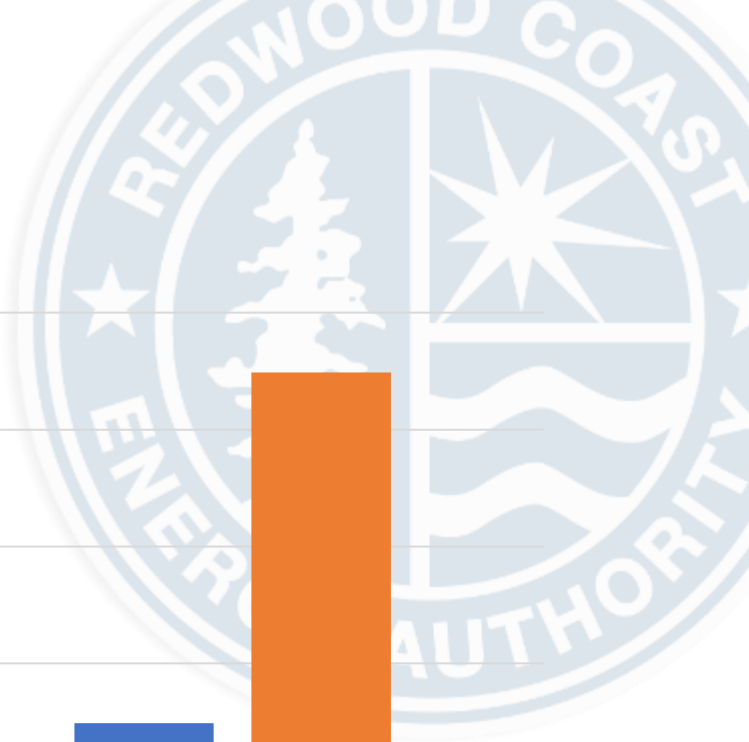
Forecasted PG&E Generation Rates & PCIA



Forecasted RCEA Energy Prices

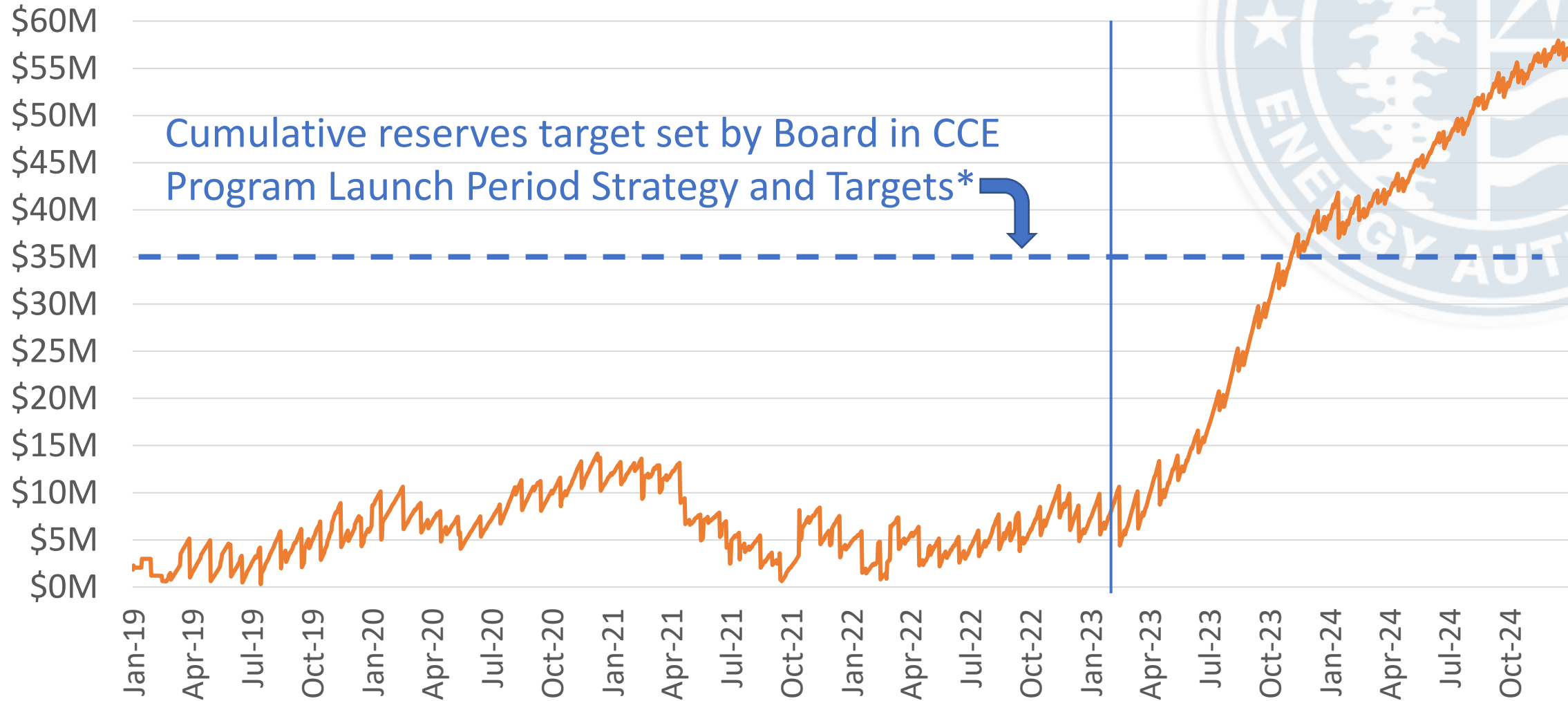


RCEA Annual Net Revenue Forecast



■ Nov 22 Board	\$6,071,122	\$33,585,315	\$17,444,748
■ Feb 23 Board	\$6,419,224	\$17,898,980	\$32,448,900

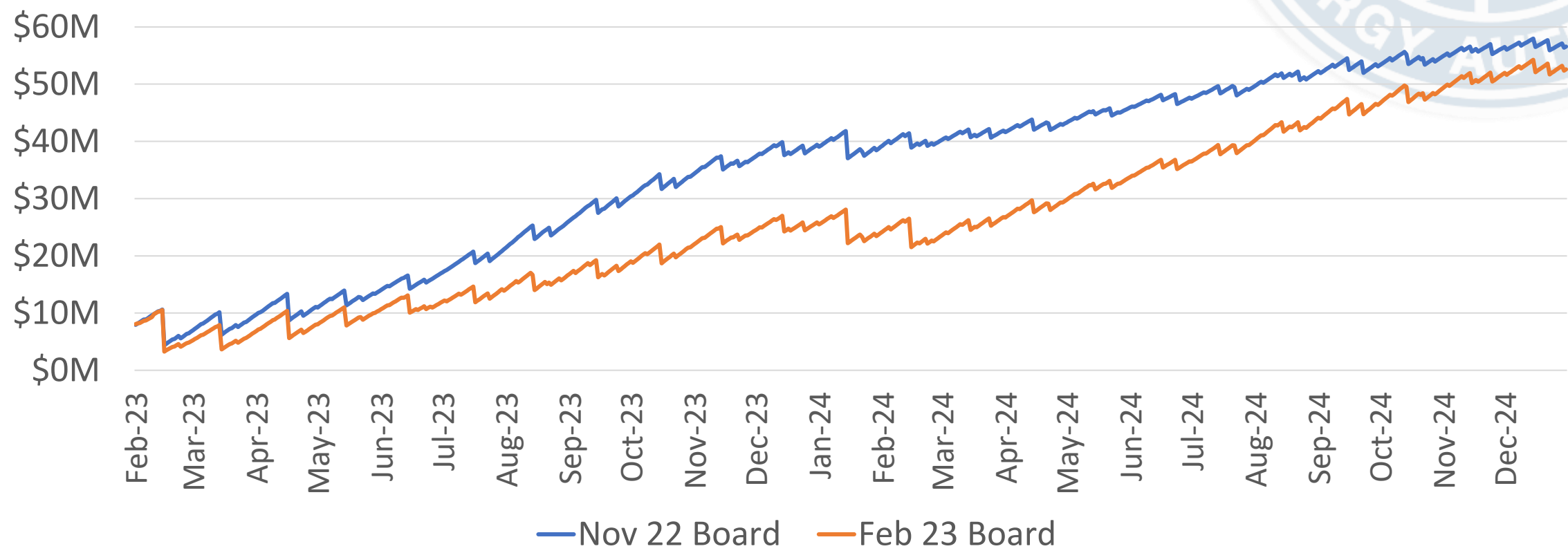
RCEA Cash Balance History & Projection



* https://redwoodenergy.org/wp-content/uploads/2018/12/RCEA-Community-Energy-Program-Guidelines_Update-5.21.18.pdf

RCEA Two-Year Cash Projection

	Feb - Dec 2023			CY 2024		
	Min	Avg	Ending	Min	Avg	Ending
Nov 22 Board	\$4.4M	\$21.3M	\$39.4M	\$37.0M	\$47.9M	\$56.6M
Jan 23 Board	\$3.3M	\$14.3M	\$25.9M	\$21.5M	\$37.4M	\$52.6M





REDWOOD COAST Energy Authority

STAFF REPORT

Agenda Item # 9.1

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Lori Biondini, Business Planning and Finance Director
SUBJECT:	Fiscal Year 2022-2023 Budget Overview and Q2 Update

SUMMARY

Staff will present an overview of the fiscal year 2022-2023 budget and actual revenue and expense through Q2 and make recommendations for updates. Reviewing and updating the budget mid-year keeps the Board apprised of the dynamic nature of electricity rates and power costs and allows staff to better manage net income.

Overall, total income and expenses are 38% and 32% of their respective budgets for the year with electricity sales revenue being the largest driver of income, and energy costs the largest driver of expense. Budgeting for energy revenue and expense has been historically difficult as the financial modeling that staff uses to forecast is updated daily and rate changes typically occur during the middle of the fiscal year.

Mid-Year Revenue

- Revenue from government agencies is at 38% of the expected total for the year. This budget line item includes the RCEA-administered California Public Utilities Commission efficiency program and is anticipated to be fully expended by the end of the fiscal year.
- Program related sales include RCEA's electric vehicle charging network fees and feed-in-tariff project application fees and are at 75% of the expected total.
- Revenue expected from nongovernment agencies includes RCEA's contract with Pacific Gas & Electric Company as a Local Government Partner as well as the TECH Grant for the heat pump program and remaining California Energy Commission grant funds for the Airport Microgrid and is at 38%.
- Total electricity sales are at 38% of the budgeted total for the year.

Mid-Year Expenses

- Wholesale power expenses are at 30% of the budgeted total for the year.
- Personnel expenses are about on track at 45% of the budget amount.
- The facilities and operations expenses are at 32% of their expected total. This category includes final capital expenses associated with the airport microgrid (final interconnection engineering true-up fees and Tesla final notice of completion payment) that may not be realized until late Spring 2023.
- Communications and outreach expenses are at 32%.

- Total expenses for professional and program services are at 47%. Wholesale services are tracking a little higher than budgeted at 64%. Other expenses in this category are low or on target.
- Program expenses include customer billing fees and remittance of collected energy user taxes and are on track at 52%.
- Incentives and rebates are on track at 53%.
- The non-operating costs category is at 80% and includes interest paid on short-term loans, including a \$2 million loan from Blue Lake Rancheria which was paid off in September, and the service fee associated with the short-term energy transaction with MCE for \$4 million that was cancelled/re-paid in November. The remainder of expenses in this category will be quarterly payments on the Federal Financing Bank note for the long-term loan through the USDA Rural Utilities Services program.

Summary of Recommended Changes

Electricity sales and power supply: Based on the latest financial modeling prepared by The Energy Authority for RCEA, staff is recommending reducing the budgeted amounts for electricity sales revenue and wholesale power costs. The proposed changes take into consideration the most up-to-date power cost forecasting and anticipated rate changes approved last fall to take effect in January 2023.

Facilities and operations: The costs associated with moving the RCEA office to a new leased location around late March or early April are anticipated to be around \$175,000 this fiscal year. The estimate includes rent for the new space for April to June; IT equipment, networking and electrical set-up and reconfiguration; utility service set-up; interior improvements including office build-out; procuring and placing an on-site storage shed for inventory; alarm system installation; and moving costs.

Incentives and rebates: To continue the highly successful Heat Pump Rebate program, Staff is recommending allocating an additional \$100,000 to the Incentives & Rebates budget line item. After a couple of years of limited outreach due to the global pandemic, there has been a rapid increase of customer interest in the energy-saving incentives and rebates that RCEA offers as a CPUC Program Administrator and through CCE-funded programs. The Demand Side Management department combines multiple funding streams to provide consistent rebate amounts to residential and commercial customers. Allowing for additional rebates to be issued this fiscal year would be timely to take advantage of ongoing momentum.

FINANCIAL IMPACT

Budget Item	Current Budget	Actual as % of Budget	Proposed Budget	Actual as % of Budget
Revenue – Electricity Sales	\$93,848,684	38%	\$78,613,344	45%
Expense – Wholesale Power Supply	\$76,236,276	31%	\$54,381,799	43%
Expense – Facilities and Operations	\$801,816	32%	\$976,816	27%
Expense – Incentives & Rebates	\$477,823	53%	\$577,823	44%
Net Income	\$10,000,000	88%	\$16,344,137	54%

Although financial forecasts indicate that lower than anticipated electricity rates and load has and will continue to result in lower sales revenue, power costs have decreased as well. This results in a net increase of about \$6.3 million. Staff continues to recommend conservative budgeting beyond the modest incentive allocation and facilities costs increases. Continuing to focus on increasing cash reserves will help RCEA and its customers weather market instability associated with unexpected events such as severe weather and global pandemics, as we have experienced, and increase RCEA's credit worthiness which in turn decreases administrative costs associated with procuring energy and other operations.

RECOMMENDED ACTIONS

Approve the proposed changes to the RCEA Fiscal Year 2022-23 Budget.

ATTACHMENT

- RCEA July - December 2022 Profit & Loss Budget vs. Actual Financial Statement with Proposed Budget Changes

Redwood Coast Energy Authority
P & L Budget vs. Actual w/ Changes
 July through December 2022

	<u>Jul - Dec 22</u>	<u>Current Budget</u>	<u>% of Budget</u>	<u>Proposed Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense					
Income					
Total 4 GRANTS AND DONATIONS	2,500.00				
5 REVENUE EARNED					
Total 5000 · Revenue - government agencies	416,214.67	1,101,031.00	37.8%	1,101,031.00	37.8%
Total 5100 · Revenue - program related	22,676.70	30,400.00	74.59%	30,400.00	74.59%
Total 5300 · Revenue - interest on deposits	341.85				
Total 5400 · Revenue-nongovernment agencies	152,920.89	489,124.00	31.26%	489,124.00	31.26%
Total 5500 · Revenue - Electricity Sales	35,756,628.72	93,848,684.00	38.1%	78,613,344.00	45.48%
Total 5 REVENUE EARNED	<u>36,348,782.83</u>	<u>95,469,239.00</u>	<u>38.07%</u>	<u>80,233,899.00</u>	<u>45.3%</u>
Total Income	<u>36,351,282.83</u>	<u>95,469,239.00</u>	<u>38.08%</u>	<u>80,233,899.00</u>	<u>45.31%</u>
Gross Profit	36,351,282.83	95,469,239.00	38.08%	80,233,899.00	45.31%
Expense					
Total 6 WHOLESALE POWER SUPPLY	23,321,605.10	76,236,276.00	30.59%	54,381,799.00	42.89%
Total 7 PERSONNEL EXPENSES	1,837,412.09	4,071,684.00	45.13%	4,071,684.00	45.13%
Total 8.1 FACILITIES AND OPERATIONS	259,441.91	801,816.00	32.36%	976,816.00	26.56%
Total 8.2 COMMUNICATIONS AND OUTREACH	57,321.99	177,004.00	32.39%	177,004.00	32.39%
8.4 PROFESSIONAL & PROGRAM SRVS					
8400 · Regulatory	81,324.88	180,000.00	45.18%	180,000.00	45.18%
8410 · Contracts - Program Related Ser	73,251.80	290,000.00	25.26%	290,000.00	25.26%
8420 · Accounting	12,419.00	87,455.00	14.2%	87,455.00	14.2%
8430 · Legal	93,961.22	180,000.00	52.2%	180,000.00	52.2%
8450 · Wholesale Services - TEA	420,656.46	654,984.00	64.22%	654,984.00	64.22%
8460 · Procurement Credit - TEA	278,131.49	690,545.00	40.28%	690,545.00	40.28%
8470 · Data Management - Calpine	368,664.00	737,532.00	49.99%	737,532.00	49.99%
Total 8.4 PROFESSIONAL & PROGRAM SRVS	<u>1,328,408.85</u>	<u>2,820,516.00</u>	<u>47.1%</u>	<u>2,820,516.00</u>	<u>47.1%</u>
Total 8.5 PROGRAM EXPENSES	329,386.43	638,100.00	51.62%	638,100.00	51.62%
Total 8.6 INCENTIVES & REBATES	253,991.33	477,823.00	53.16%	577,823.00	43.96%
Total 9 NON OPERATING COSTS	<u>195,887.71</u>	<u>246,020.00</u>	<u>79.62%</u>	<u>246,020.00</u>	<u>79.62%</u>
Total Expense	<u>27,583,455.41</u>	<u>85,469,239.00</u>	<u>32.27%</u>	<u>63,889,762.00</u>	<u>43.17%</u>
Net Ordinary Income	<u>8,767,827.42</u>	<u>10,000,000.00</u>	<u>87.68%</u>	<u>16,344,137.00</u>	<u>53.65%</u>
Net Income	<u>8,767,827.42</u>	<u>10,000,000.00</u>	<u>87.68%</u>	<u>16,344,137.00</u>	<u>53.65%</u>

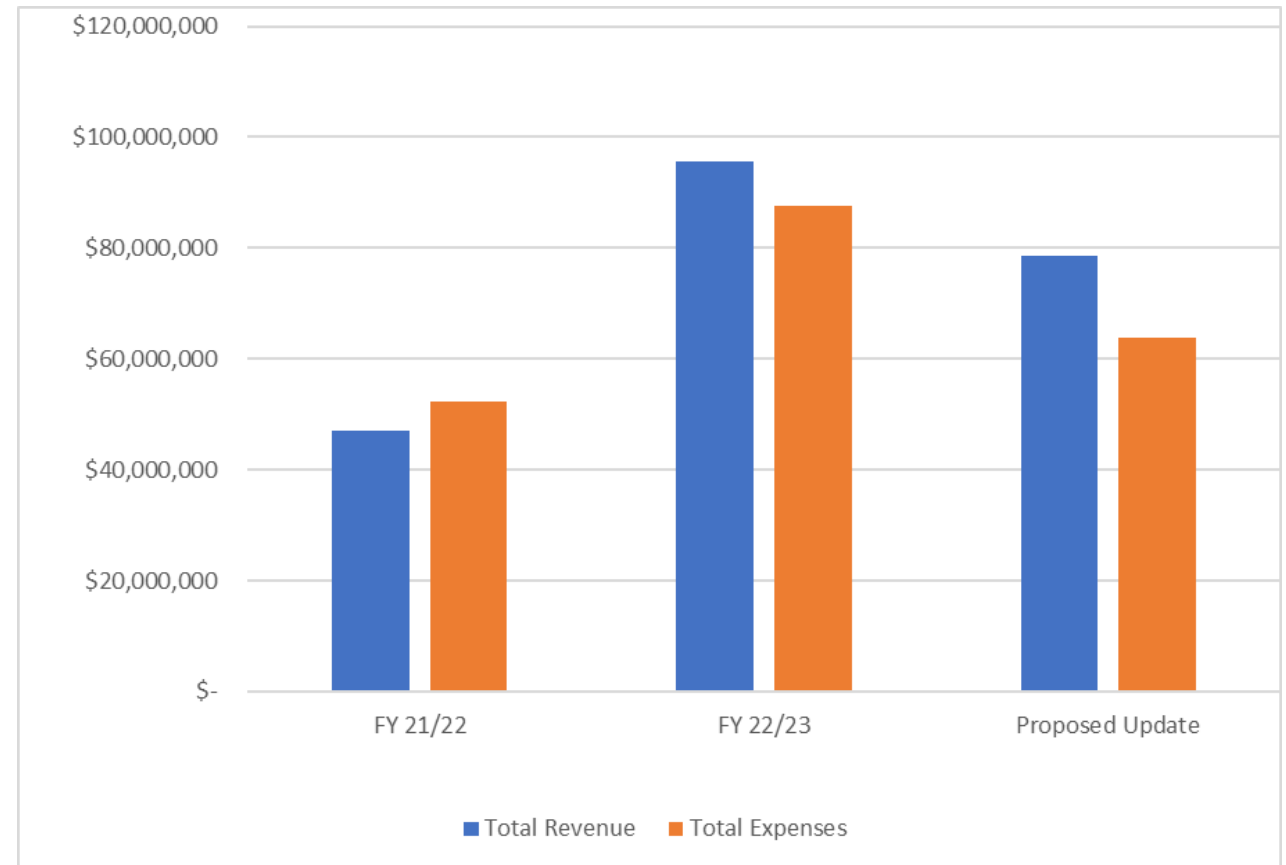
Fiscal Year 2022-23 Mid-year Budget Update

FY22-23 Budget Assumptions:

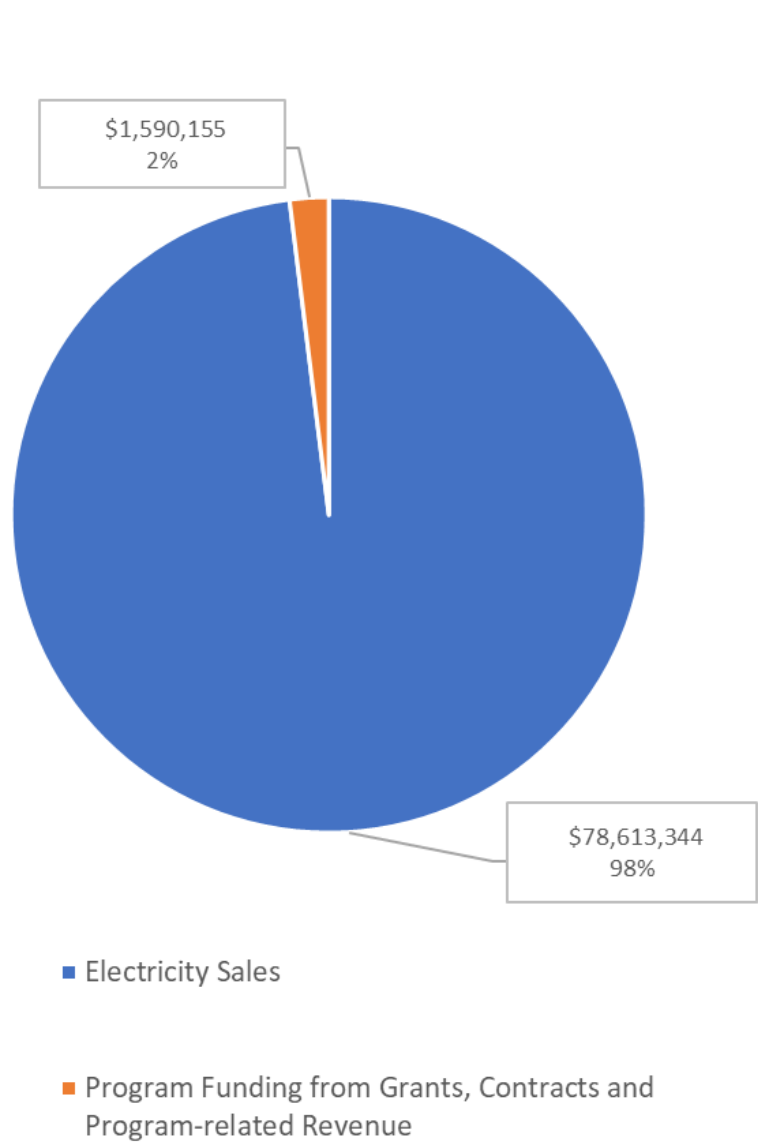
- Electricity sales revenue and wholesale power costs are based on a financial model prepared by RCEA consultant, The Energy Authority, and updated everyday with actuals and any changes in forecasted amounts.
- The proposed mid-year updates are based on the model from February 3, 2023, which was the latest available at the time staff prepared the proposed updates and includes the customer rate change effective in January 2023 to maintain a 0.5% retail rate discount from PG&E rates.

Proposed Updates:

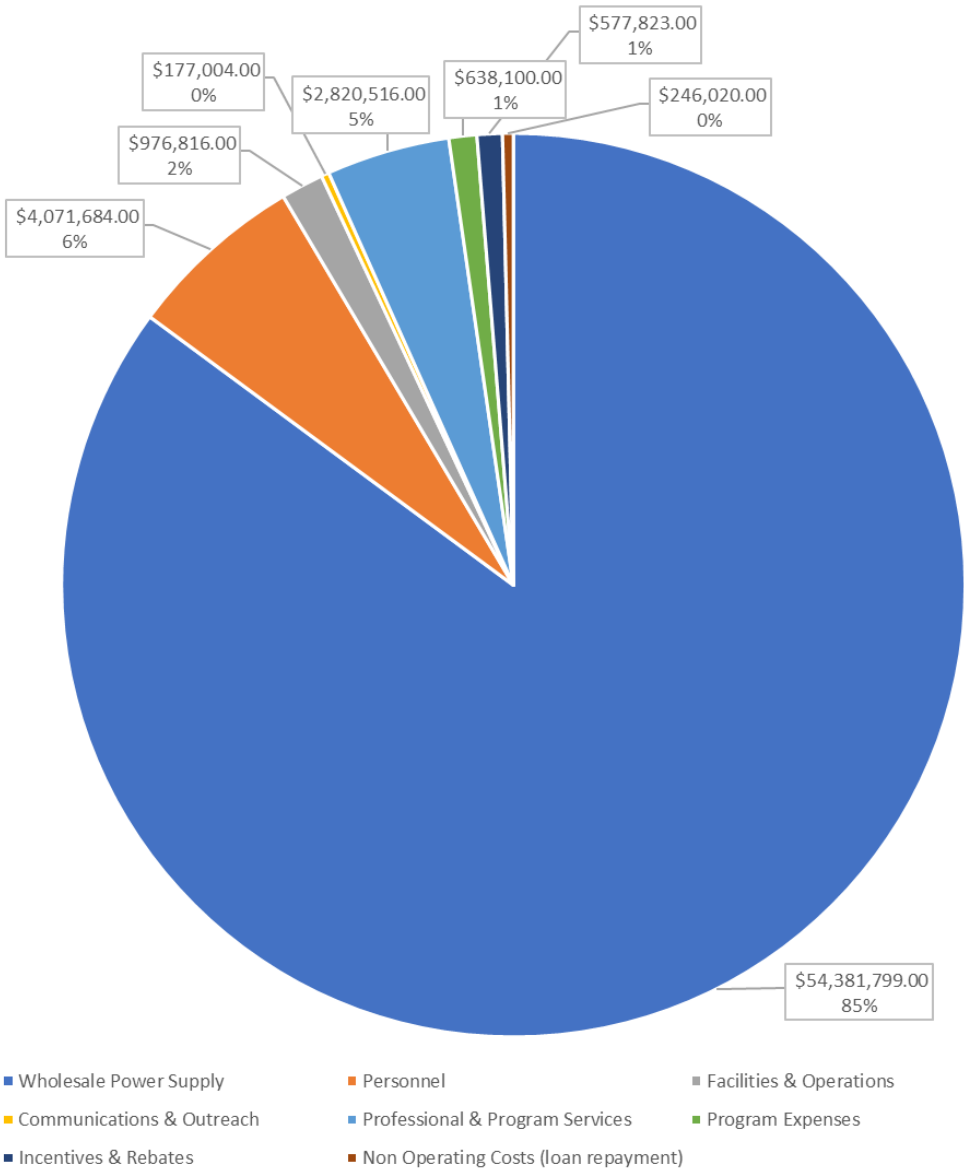
- **Energy** – Electricity sales revenue projected to decrease to \$78.6M and wholesale power costs projected to decrease to \$54.4M.
- **Facilities and operations** – Proposed increase of \$175,000 includes anticipated costs associated with moving the RCEA office.
- **Incentives and Rebates** – Proposed increase of \$100,000 includes funding for additional heat pump rebates in response to increased customer interest and to leverage PA funds.



REVENUE BUDGET
w/ Proposed Changes



EXPENSE BUDGET
w/ Proposed Changes



Bottom-Line:

	Current FY22-23 Budget	Proposed FY22-23 Budget
Revenue	\$95.5M	\$80.2M
Expenses	\$85.5M	\$63.9M
Net Revenue	\$10M	\$16.3M

- In FY 21-22, RCEA experienced negative net revenue which caused a decrease in cash reserves and required RCEA to acquire loans to cover energy costs without raising customer rates.
- For FY 22-23, a contribution of \$8M to cash reserves was included in the budget, including repaying a \$2M short-term loan liability. The loan was repaid in Q1 and removed as a budgeted expense, resulting in anticipated net income increasing to \$10M. Updated financial modeling indicates net revenue may increase to about \$16.3M.



STAFF REPORT Agenda Item # 9.2

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Eileen Verbeck, Deputy Executive Director
SUBJECT:	Board and CAC Hybrid Meetings

BACKGROUND

In response to the COVID-19 public health emergency and in compliance with emergency Brown Act meeting law changes, the RCEA Board of Directors, Community Advisory Committee and the subcommittees of those bodies have been meeting online via the Zoom teleconference platform since April 2020. In September 2021 Governor Newsom signed AB 361 into law. This bill authorized legislative bodies to meet virtually provided there is a state of emergency, and either 1) state or local officials have imposed or recommended measures to promote social distancing, or 2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

Governor Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023. After this date the Board cannot conduct fully virtual meetings under AB 361 unless another state of emergency is declared.

Recently the State Legislature passed AB 2449 which provides a new avenue for a minority of a local agency's board to meet remotely without noticing or providing public access to their remote meeting location under modified Brown Act requirements. Under the provisions of AB 2449, agencies would not be obligated to post agendas at all teleconference locations, would not be obligated to identify all teleconference locations in the meeting agendas, and would not be obligated to make each teleconference location open to the public.

However, for an agency to proceed under AB 2449 procedures, **at least a quorum** of the legislative body members must participate in-person from a single, physical location clearly identified on the agenda which is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction. Another departure from AB 361 rules is that remote AB 2449 participation must be done for specified reasons — either because of a "just cause" or as a result of "emergency circumstances."

SUMMARY

In anticipation of returning to in-person meetings, staff reserved the Jefferson Community Center auditorium (1000 B Street Eureka, CA 95501) for upcoming Board and CAC meeting times. The Jefferson Community Center has hybrid meeting capabilities.

After February 28, 2023, all meetings will be in person and hybrid options will comply with the Brown Act. Remote participation must comply with one of the following:

1. Standard Teleconferencing Procedures – a member may attend a meeting via teleconference or videoconference if the agenda is posted at all teleconference locations and the teleconference location is accessible to the public.
2. Expanded Teleconferencing Procedures (AB 2449) – a member may attend via videoconference without the need to comply with the standard teleconferencing procedures for “just cause” or “emergency circumstances.” Review the Brown Act meeting Teleconferencing Policy for the details of these procedures.
3. Emergency Teleconferencing Procedures – If another state of emergency is declared the legislative body may hold the meeting entirely virtually if all of the AB 361 requirements are met.

A Brown Act Meeting Teleconferencing Policy has been drafted to outline the circumstances that allow for teleconferencing and videoconferencing and the procedures for ensuring compliance with the Brown Act.

RCEA will begin airing and archiving Board meetings on Access Humboldt on March 23, 2023. The meetings will not be aired live (as they are currently available to the public live via Zoom teleconferencing), but the recorded meetings will be available on demand for public viewing.

ALIGNMENT WITH [RCEA'S STRATEGIC PLAN](#)

N/A – Operations.

EQUITY IMPACTS

N/A. Staff recommends taking measures to reduce health risks to vulnerable populations. Signs strongly recommending the wearing of masks will be posted at the meeting site and masks will be provided.

FINANCIAL IMPACT

Jefferson Community Center auditorium rental rates are \$75/hour. The approximate cost of meeting in this auditorium for one year is approximately \$3,375. Annual teleconferencing subscription costs have been included in the Fiscal Year 2022-23 budget. There is no charge for airing meeting recordings and archiving them online through Access Humboldt.

STAFF RECOMMENDATION

Approve Resolution No. 2023-5, A Resolution of the Board of Directors of the Redwood Coast Energy Authority Adopting the Redwood Coast Energy Authority Brown Act Meeting Teleconferencing Policy.

ATTACHMENTS

1. RCEA Brown Act Meeting Teleconferencing Policy

2. Resolution No. 2023-5 A Resolution of the Board of Directors of the Redwood Coast Energy Authority Adopting the Redwood Coast Energy Authority Brown Act Meeting Teleconferencing Policy

REDWOOD COAST ENERGY AUTHORITY

BROWN ACT MEETING TELECONFERENCING POLICY

I. Policy

The foregoing policy ("Policy") shall govern the RCEA's use of Teleconferencing for the remote attendance at Meetings of the Members of Legislative Bodies. The Standard Teleconferencing Procedures set out in Section IV below shall apply in all instances, except when (1) a Board Member has either "just cause" or an "emergency circumstance," as defined in Section V.4 below, so as to permit the use of the AB 2449 Teleconferencing Procedures, or (2) a State of Emergency issued by the California Governor is in effect sufficient to trigger the use of the AB 361 Emergency Teleconferencing Procedures. It is the intent of this Policy to implement the remote Meeting attendance requirements of the Ralph M. Brown Act, as amended in part by AB 361 in 2021 and by AB 2449 in 2022.

II. Definitions

Unless otherwise defined herein, the following definitions shall apply to this Policy:

AB 361 – shall mean Stats. 2021 ch. 165 § 3, amending Section 54953 of the Brown Act, effective September 16, 2021, and repealed effective January 1, 2024.

AB 2449 – shall mean Stats 2022 ch. 285 § 1, amending Section 54953 of the Brown Act, effective September 22, 2022, and repealed January 1, 2026.

Brown Act / Ralph M. Brown Act – shall refer to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the California Government Code, known as the "Ralph M. Brown Act" pursuant to Government Code section 54950.5, as such shall be amended from time to time.

Legislative Body – shall mean the governing body of a RCEA or any RCEA commission, committee, board, or other RCEA body, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a Legislative Body. However, an advisory committee, composed solely of the Members of the Legislative Body that created it and which is less than a quorum of the that Legislative Body, is not a Legislative Body under this Policy, except that standing committees of a Legislative Body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a Legislative Body are Legislative Bodies for purposes of this Policy.

Member – shall mean any person serving as part of a Legislative Body.

Meeting — shall mean any congregation of a majority of the Members of a Legislative Body at the same time and location, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Legislative Body.

State of Emergency – shall mean a state of emergency proclaimed by the California Governor or such others as may be empowered pursuant to Section 8625 of the California Emergency Services Act, as set forth in Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2 of the California Government Code.

Teleconferencing – shall mean a Meeting of a Legislative Body, the Members of which are in different locations, connected by electronic means through either audio or video, or both.

III. Teleconferencing Policies – Non-Legislative Body Member

At the discretion of the RCEA Board of Directors or the Executive Director, any RCEA employee, consultant, vendor, or individual presenting or attending a Meeting of a Legislative Body, shall be permitted to attend the Meeting via Teleconference without compliance with the rules or conditions set forth in this Policy.

IV. Standard Teleconferencing Procedures

A Member may attend a Meeting via Teleconference if all of the following conditions are satisfied:

1. At least a quorum of the Members of the Legislative Body participates in the Meeting from locations within the boundaries of RCEA. For purposes of conducting CCA Program business at a Meeting, a “quorum of the Members” shall mean a majority of the CCA program participating Members representing a majority of the CCA total vote, as set out in the RCEA Amended and Restated Joint Powers Agreement.
2. The agenda posted for the Meeting is posted at all Teleconference locations, each of which are identified in the notice and the agenda for the Meeting.
3. Each Teleconference location complies with the Americans with Disabilities Act of 1990 (ADA, 42 U.S.C. Sec. 12132), is accessible to the public, and the public is permitted to comment at each Teleconference location as otherwise permitted by the Brown Act.
4. All votes are taken by roll-call.
5. The Meeting is conducted in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Legislative Body.
6. Members of the public are permitted access to the Meeting and an opportunity to address the Legislative Body as required by the Brown Act.

V. AB 2449 Teleconferencing Procedures (Effective Through January 1, 2026)

A Member may attend a Meeting remotely, without the need to list the location of such Member on the agenda, post the agenda at their location, or make such location accessible to the public, if all of the following conditions are satisfied:

1. At least a quorum of the Members of the Legislative Body participates in-person from a single physical location accessible to the public, which is within the jurisdictional boundaries of the RCEA and clearly identified in the posted agenda. For purposes of conducting CCA Program business at a Meeting, a “quorum of the Members” shall mean a majority of the CCA program participating Members representing a majority of the CCA total vote, as set out in the RCEA Amended and Restated Joint Powers Agreement.
2. The public is permitted to attend the Meeting either by Teleconference in a manner such that the public can remotely attend and offer real-time comment during the Meeting.
3. Notice of the means by which the public can remotely attend the Meeting via Teleconference and offer comment during the Meeting is included within the posted agenda.
4. The Member participates in the Meeting using **both** audio and visual technology.
5. The Member(s) attending remotely has either “just cause” or an “emergency circumstance” that justifies their remote attendance, defined as follows:
 - a. A Member shall only have “just cause” for remote attendance if such participation is for one of the following reasons:
 - i. To provide childcare or caregiving need to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner;
 - ii. Due to a contagious illness that prevents the Member from attending in-person;
 - iii. Due to a need related to a physical or mental disability as defined in Government Code sections 12926 and 12926.1 not otherwise accommodated; and
 - iv. Due to travel while on official business of the Legislative Body or another state or local agency.
 - b. A Member shall have an “emergency circumstance” for remote Meeting attendance if such participation is due to a physical or family medical emergency that prevents the Member from attending in person.
6. The Member(s) has not attended a Meeting remotely on the basis of “just cause” for more than two Meetings in the current calendar year.
7. The Member(s) has not attended a Meeting remotely on the basis of “just cause” or “emergency circumstance” for more than three consecutive months or more than 20 percent of the regular Meetings in a calendar year. Based on the existing RCEA Board of Directors Meeting calendar, Members of the RCEA Board of Directors may not miss more than two Meetings in a calendar year due to a “just cause” and “emergency circumstance.”
8. The Legislative Body has, and has implemented, a procedure for receiving and

swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the Meeting is otherwise given or the agenda for the Meeting is otherwise posted, the Legislative Body shall also give notice of the procedure for receiving and resolving requests for accommodation.

This Section V shall be in effect only until January 1, 2026, at which time it shall be automatically repealed.

VI. AB 2449 Teleconferencing Procedures Notification and Action (Effective Through January 1, 2026)

In order to utilize the Teleconference Procedures set out in Section V above, a Member shall:

1. For a “just cause” circumstance, notify the Legislative Body at the earliest opportunity, including at the start of a regular Meeting, of their need to participate remotely for “just cause,” including a general description of the circumstance relating to their need to appear remotely at the given Meeting;
2. For an “emergency circumstance,” request to participate at a Meeting from a remote location due to an “emergency circumstance” as soon as possible, preferably before the posting of the agenda but up to the start of the Meeting, with such request including a general description of the circumstances relating to their need to appear remotely at the given Meeting, though any description for emergency circumstances need not exceed 20 words and need not include any medical diagnosis or disability or personal medical information exempt from disclosure by law;
3. The Member shall publicly disclose at the Meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the Member, and the general nature of the Member’s relationship with such individuals;
4. Participate through videoconferencing, with both audio and visual technology;
5. Upon receipt of a request from a Member to utilize the Teleconference procedures set out in Section V above, the Legislative Body shall take action by majority vote on a request to participate remotely due to an “emergency circumstance” at its earliest opportunity, which may be taken as a noticed agenda item or as an added item if sufficient time was not provided to place the proposed action on the agenda;
6. In the event of a disruption that prevents the broadcast of the Meeting to members of the public, or in the event of a disruption within the RCEA’s control that prevents members of the public from offering public comment using the teleconferencing or videoconferencing options, the Legislative Body shall take no further action during a Meeting until such access is restored.

VII. AB 361 Emergency Teleconferencing Procedures (Effective Through January 1, 2024)

1. Notwithstanding the Standard Teleconferencing Procedures, a Legislative Body may elect to use these “Emergency Teleconferencing Procedures” to allow Teleconferencing if any of the following circumstances apply:
 - a. The Legislative Body holds a Meeting during a proclaimed State of Emergency and California State or local officials have imposed or recommended measures to promote social distancing.
 - b. The Legislative Body holds a Meeting during a proclaimed State of Emergency for the purpose of determining, by a majority vote, whether as a result of the emergency, Meeting in person would present imminent risks to the health or safety of attendees; or
 - c. The Legislative Body holds a Meeting during a proclaimed State of Emergency and the Legislative Body has determined, by majority vote, that as a result of the emergency, Meeting in person would present imminent risks to the health and safety of attendees.
2. If utilizing the AB 361 Emergency Teleconferencing Procedures set out in this Section VII, the Legislative Body shall give notice in the agenda for such Meeting of the means by which members of the public may access the Meeting and offer public comment via a call-in or internet-based service option, which shall include an opportunity for public comment in real-time.
3. In the event of a disruption that prevents the broadcast of the Meeting to members of the public, or in the event of a disruption within the RCEA’s control that prevents members of the public from offering public comment using the call-in or internet-based options, the Legislative Body will take no further action during a Meeting until such access is restored.
4. The Legislative Body shall allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time for members of the public to register to comment or otherwise be recognized for the purpose of providing public comment.
5. The Legislative Body may continue use of the AB 361 Emergency Teleconferencing Procedures for as long as the State of Emergency remains active, provided that, not later than 30 days after Teleconferencing for the first time, and every 30 days thereafter, the Legislative Body finds by majority vote that:
 - a. The Legislative Body has reconsidered the circumstance of the State of Emergency; and
 - b. Any of the following circumstances exist:
 - i. The State of Emergency continues to directly impact the ability of the Members to meet safely in person; or

- ii. California state or local officials continue to impose or recommend measures to promote social distancing.
- 6. In the event of the use of these AB 361 Emergency Teleconferencing Procedures, it shall not be necessary for the RCEA to provide a physical location from which the public may attend or comment.

VIII. Compliance with the Brown Act

The Teleconferencing Procedures set forth herein are intended to comply with Government Code sections 54953(b), (f), and (e), respectively, and, as such, in the event of a conflict between this Policy and such statutory provisions, the statutory provisions shall control and be implemented as if set forth in full in this Policy.

RESOLUTION NO. 2023-5

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE REDWOOD COAST ENERGY AUTHORITY
ADOPTING THE REDWOOD COAST ENERGY AUTHORITY
BROWN ACT MEETING TELECONFERENCING POLICY**

WHEREAS, in September 2021 Governor Newsom signed AB 361 into law amending provisions of the Ralph M. Brown Act to authorize legislative bodies to meet virtually provided there is a state of emergency; and

WHEREAS, the Governor's COVID-19 State of Emergency will end on February 28, 2023; and

WHEREAS, after February 28, 2023, the RCEA Board of Directors and all RCEA Brown Act legislative bodies will no longer be able to conduct fully virtual meetings unless another state of emergency is declared; and

WHEREAS, the State Senate passed AB 2449 which provides a new avenue for a minority of a legislative body to meet remotely until its automatic repeal on January 1, 2026; and

WHEREAS, the RCEA Board of Directors wishes to establish guidelines to ensure that all meetings of its legislative bodies comply with the Brown Act.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Redwood Coast Energy Authority hereby adopts the Redwood Coast Energy Authority Brown Act Meeting Teleconferencing Policy as set forth in Appendix A, attached hereto and incorporated herein.

Adopted this ____ day of _____, 2023.

ATTEST:

Sheri Woo, RCEA Board Chair

Lori Taketa, Clerk of the Board

Date: _____

Date: _____

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2023-5 passed and adopted at a regular meeting of the Redwood Coast Energy Authority, County of Humboldt, State of California, held on the ____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Clerk of the Board, Redwood Coast Energy Authority

APPENDIX A

**REDWOOD COAST ENERGY AUTHORITY
BROWN ACT MEETING TELECONFERENCING POLICY**



STAFF REPORT
Agenda Item # 9.3

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
PREPARED BY:	Eileen Verbeck, Deputy Executive Director
SUBJECT:	RCEA Office Lease

SUMMARY

Redwood Coast Energy Authority operates out of a single facility at 633 3rd Street in Eureka (6,202 SF). The lease at 633 3rd Street expires on February 28, 2023, and the agency has a month-to-month extension agreement until September 30, 2023. Staff additions have caused RCEA to exceed the capacity of the current office space (e.g. the maximum allowable occupancy of the facility's largest room is not sufficient to allow for a full staff meeting with all employees in attendance). Staff have identified the need for a minimum of 10,000 SF for current staffing needs.

RCEA has located a building for lease that will meet the existing needs of RCEA and allow staff time to explore the feasibility of building or purchasing an office in the future. The building is located at 1034 6th Street and is 11,533 SF and will be available in April 2023. The building is centrally located in Eureka, ADA-compliant, includes parking, and will allow RCEA to have public meetings on site.

The building owner has proposed the following lease terms:

- Base Rent - \$1.25/SF/month (3% annual increase)
- Triple Net Lease Cost (NNN) - \$0.34/SF/month (including taxes, insurance, common area maintenance)
- Utilities – tenant pays direct
- Landlord responsibilities – roof, structure and HVAC
- 7-year lease agreement with a 3-year option
- Tenant would have right of first refusal for any sale during lease terms.

As of the writing of this staff report, RCEA has not been provided a lease agreement from the building owners. Once a lease agreement is received, RCEA will work with General Counsel on reviewing and editing the lease agreement. RCEA is requesting that the Board of Directors authorize the Board Office Relocation Ad Hoc Subcommittee to approve the final lease agreement not to exceed a base rent of \$1.25/SF/month and NNN of \$0.34/SF/month and a term of 7 years and provide authorization to the Executive Director to execute all applicable documents.

FINANCIAL IMPACTS

RCEA currently pays \$8,372.70 per month (\$1.35/SF/mo.) in rent. Rent in the new office space will increase to \$18,337.47 per month (\$1.59/SF/mo.). Additionally, RCEA will need to make some interior building improvements to create office space in some of the open floor plan areas. There will also be associated moving, IT, and alarm costs. A budget adjustment

totaling \$175,000 is included in the mid-year budget adjustment to cover the cost of the increase in rent, improvements, and moving costs.

RECOMMENDED ACTIONS

Authorize the Board Office Relocation Ad Hoc Subcommittee to approve the final lease agreement at 1034 6th Street Eureka, CA, for an amount not to exceed a base rent of \$1.25/SF/month and Triple Net Lease Cost (NNN) of \$0.34/SF/month and lease term not to exceed 7 years and additional lease terms as described in the staff report and authorize the Executive Director to execute all applicable documents.


ATTACHMENT

Property Summary for 1034 Sixth Street Eureka, CA 95501

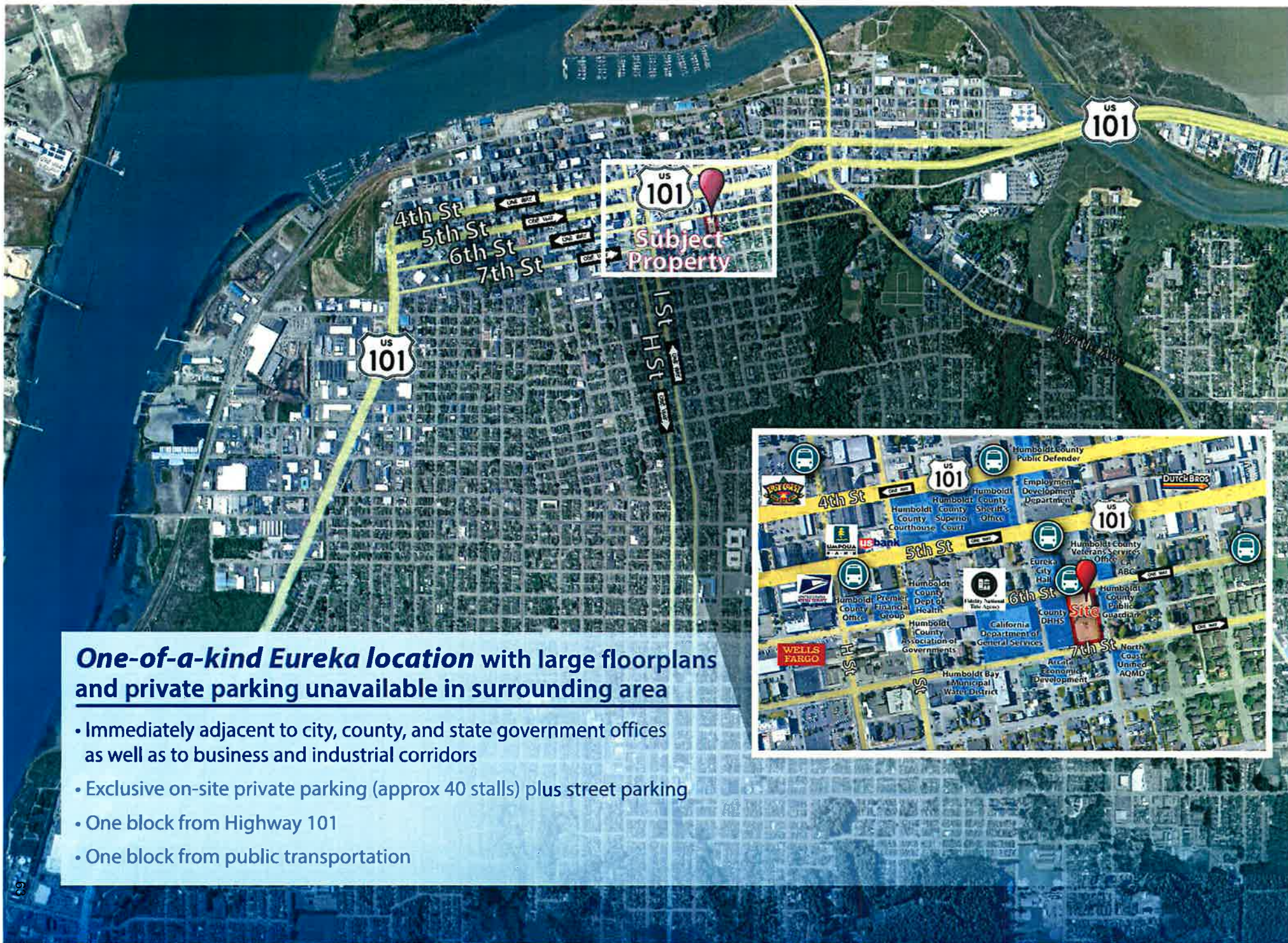
PRIME OFFICE SPACE

11,533 SF BUILDING FOR LEASE

1034 Sixth St, Eureka, CA 95501

- 
- Centrally located in Eureka, CA — Humboldt County's main economic hub and county seat
 - Fully ADA-compliant including path of travel
 - Ample parking exclusive to tenant
 - Immediately adjacent to US Highway 101 and public transportation

ANDREW HALE • 707.235.9921 • andrew@thecarrco.com



***One-of-a-kind Eureka location* with large floorplans and private parking unavailable in surrounding area**

- Immediately adjacent to city, county, and state government offices as well as to business and industrial corridors
- Exclusive on-site private parking (approx 40 stalls) plus street parking
- One block from Highway 101
- One block from public transportation

PRIME OFFICE SPACE FOR LEASE

PROPERTY SUMMARY
1034 SIXTH ST, EUREKA, CA 95501

1034 SIXTH ST EUREKA | CA 95501

BUILDING SIZE: 11,533 sq ft
AVAILABLE: 11,533 sq ft
LOT SIZE: .68 acres
ZONING: COMMERCIAL OFFICE
CROSS STREETS: L ST, SEVENTH ST

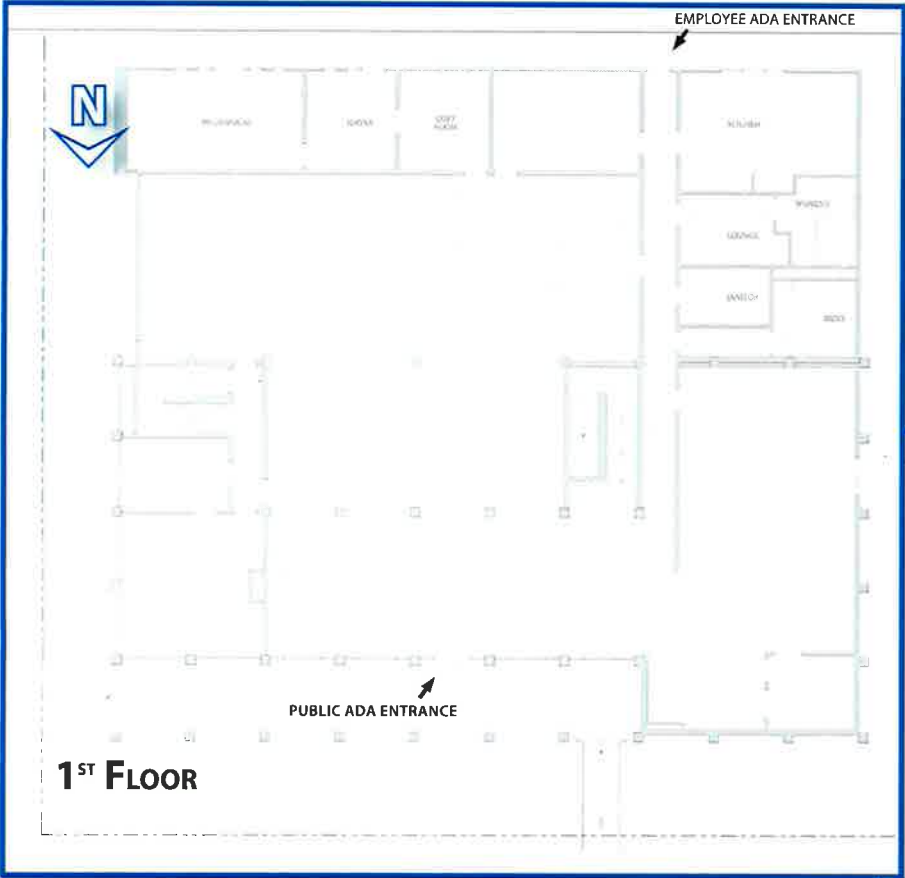
HIGHLIGHTS

- Full ADA path of travel to building
- ADA parking and access ramp, ADA restrooms
- Large, spacious lobby/reception
- Off-street parking with approx 40 stalls
- Separate public and employee entrances
- Central position in Humboldt County
- Immediately adjacent to public transportation
- Stately, professional presentation
- Building is locally owned by responsive landlord



PRIME OFFICE SPACE FOR LEASE

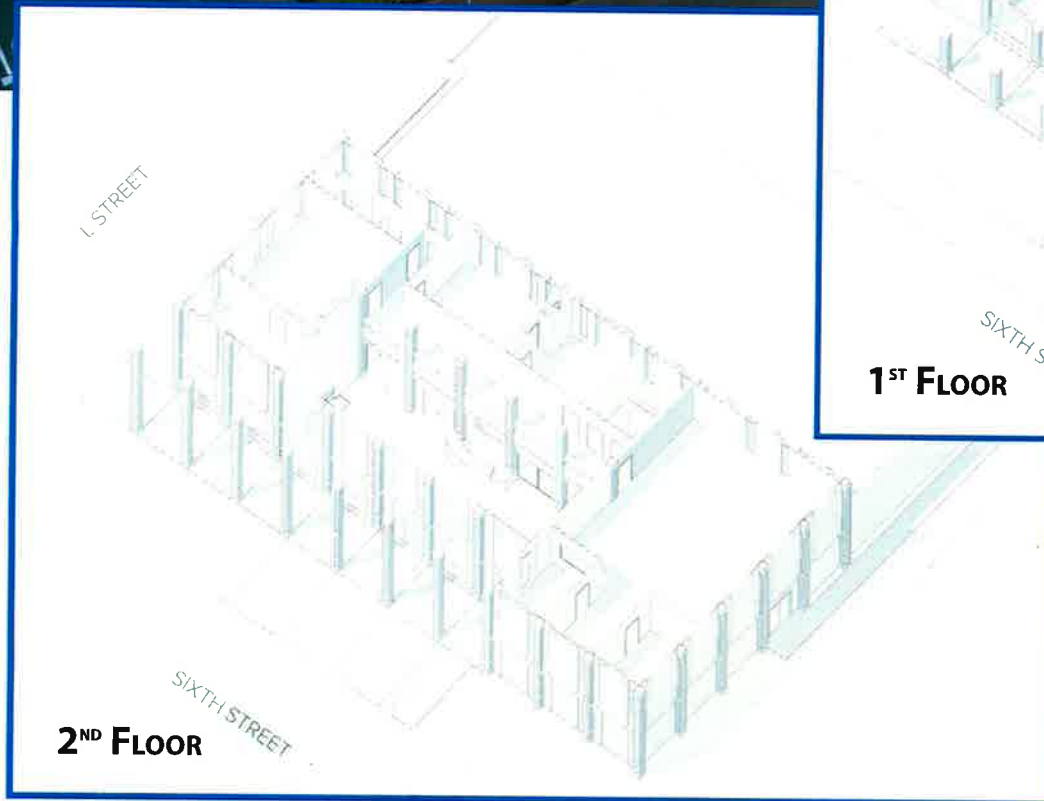
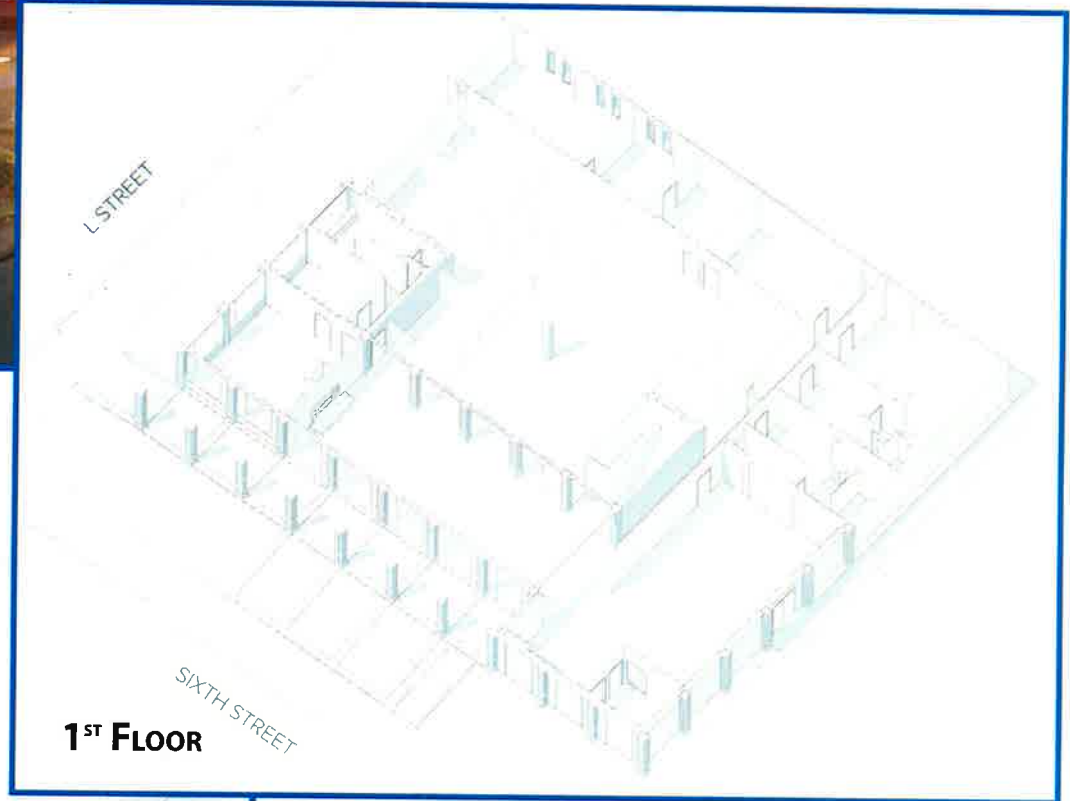
1034 SIXTH ST, EUREKA — FLOOR PLAN



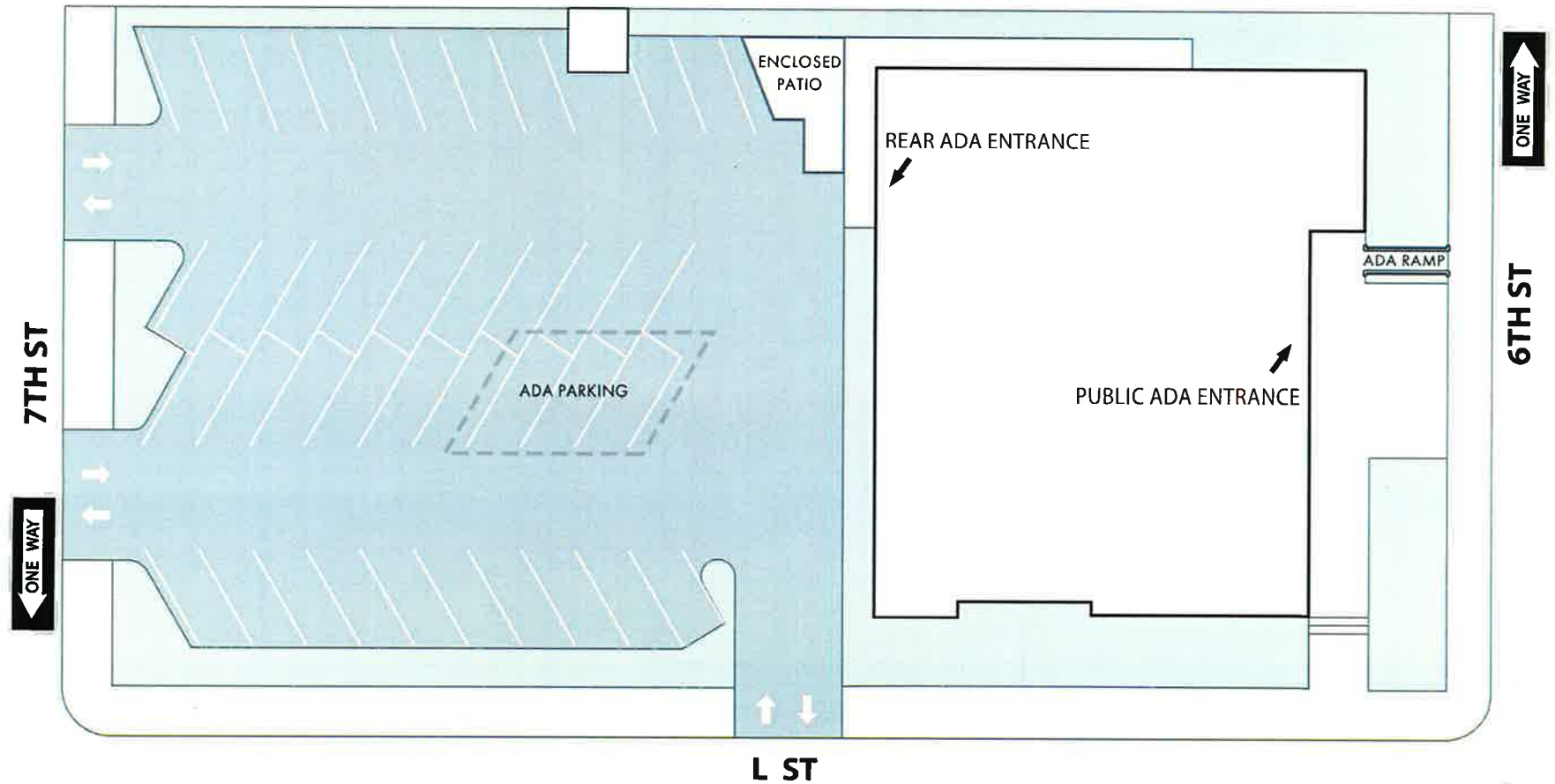
FLOOR	SqFt
1 st	8,233
2 nd	3,300



PRIME OFFICE SPACE FOR LEASE



FLOOR	SqFt
1 st	8,233
2 nd	3,300



Humboldt Bay entrance looking north into Eureka

EUREKA

Eureka, the Humboldt County Seat, unites the diverse communities of the Tri-City region. With a population of approximately 138,000 people, this MSA provides a center of operations for government agencies, commercial endeavors, and industry both within Humboldt County as well as for Del Norte, Trinity, and Mendocino counties.

HUMBOLDT COUNTY

Located on California's northern coast an easy drive from the Oregon border, this Redwood Country tourist destination sits approximately three hours from any other regional hubs. Redwood adventures, fishing, historical architecture, mountains and beaches in a year-round temperate climate delight thousands of visitors each year and provide recreation and employment opportunities for locals.



Subject property with views of Woodley Island Marina and downtown business district





REDWOOD COAST **Energy**Authority

STAFF REPORT **Agenda Item # 10.1**

AGENDA DATE:	February 23, 2023
TO:	Board of Directors
FROM:	Matthew Marshall, Executive Director
SUBJECT:	Executive Director's Report

SUMMARY

Executive Director Matthew Marshall will provide updates on:

- CORE Hub offshore wind development community engagement, and
- Other topics as needed.

RECOMMENDED ACTION

None. (Information only.)