1. CALL TO ORDER

Chair Carroll called to order the regular of the Orange County Power Authority Board of Directors at 10:01 a.m. on Tuesday, November 9, 2021.

The meeting was conducted using teleconference and electronic means consistent with California's public health orders and guidelines and per the Governor's Executive Orders N-25-20 and N-29-20. The Board and staff assembled in the Keaton Conference Room at Irvine City Hall. There was no location for in-person attendance. Due to the nature of the teleconference, all votes were cast via roll call. To protect public health, public members were able to provide live comments on agenda items using Zoom. The agenda items were considered in the order presented.

2. PLEDGE OF ALLEGIANCE

Director Sonne led the Pledge of Allegiance.

3. ROLL CALL

Present: Director Farrah N. Khan City of Irvine  
Director Mike Posey City of Huntington Beach  
Director Susan Sonne City of Buena Park  
Vice-Chair Fred Jung City of Fullerton  
Chair Mike Carroll City of Irvine

Also Present: Brian Probolsky Chief Executive Officer  
Antonia Castro-Graham Chief Operating Officer  
Tiffany Law Chief Financial Officer  
Ryan Baron General Counsel, Best, Best and Krieger

4. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)
Name: California Public Utilities Commission Resource Adequacy Proceeding

Chair Carroll opened the floor to public comments about the Closed Session item.
The following public speakers were concerned about discussing a litigation item in a closed session.

- Christa Martin, Advisory Council Member with WAVE
- Katherine Treseder, Irvine resident and UCI Professor
- Ayn Craciun of Climate Action Campaign
- Doug Elliott, Irvine resident
- Shanin Ziemer, Community Advisory Committee

OCPA Counsel Ryan Baron explained that he chose the closed session because it allows him to provide attorney-client privileged information that must remain confidential due to market sensitivity. He advised discussion in closed sessions rather than speaking to Directors individually or sending a confidential memo so that the public would know about the topic. He assured speakers that providing confidential advice regarding CPUC resource adequacy proceedings is standard, and other CCAs have followed the same procedure.

**Adjourn to Closed Session**
At 10:17 a.m., Chair Carroll adjourned the Regular Meeting of the Orange County Power Authority to a closed session. All Directors were present.

**Reconvene Meeting**
At 11:26 a.m., the Orange County Power Authority meeting reconvened in open session with the following in attendance: Director Khan, Director Posey, Director Sonne, Vice-Chair Jung, Chair Carroll, Chief Executive Officer Probolsky, Chief Operating Officer Graham, Chief Financial Officer Law, and General Counsel Baron.

General Counsel Baron stated there were no reportable actions.

5. **CONSENT CALENDAR**

5.1. **MINUTES FOR THE REGULAR BOARD MEETING OF OCTOBER 12, 2021**

   **Recommended Action:** Approve as submitted.

5.2 **FINDINGS TO CONTINUE HOLDING REMOTE/TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361**

   **Recommended Action:** Find and determine that the COVID-19 State of Emergency remains in effect; the Board has reconsidered the circumstances of the State of Emergency; state or local officials continue to impose or recommend measures to promote social distancing, and meetings of OCPA’s legislative bodies may be held remotely in compliance with Government Code section 54953 (e) for the next 30 days.
5.3 **APPOINTMENT OF AT-LARGE COMMUNITY ADVISORY COMMITTEE MEMBERS**

**Recommended Action:** Appoint Senait Forthal and Scott Kitcher to the Community Advisory Committee to serve as at-large members.

**Public Comments on the Consent Calendar**

Ayn Craciun, Climate Action Campaign, congratulated the new members of the Community Advisory Committee.

Shanin Ziemer thanked the Board for filling the Community Advisory Committee seats, congratulated the new members, and requested the minutes reflect note she wants her request for the CAC to have a standing position on the agenda.

Sylvia Walker, Irvine, requested the Zoom meetings continue after the end of the pandemic.

**ACTION:** Director Posey made a motion, seconded by Director Khan, and unanimously carried to:

Approve all recommendations on the Consent Calendar.

6. **REGULAR CALENDAR**

6.1. **DISCUSSION OF ORANGE COUNTY POWER AUTHORITY SERVICE OPTIONS AND ENERGY MARKET UPDATE**

CEO Brian Probolsky opened the discussion on service options by explaining that per the current plan, OCPA will procure energy within each of three rate tariffs: 1) 100% renewable energy, 2) 50% renewable energy, and 3) a proportion of renewable energy that meets California’s prevailing renewable energy procurement mandate. He anticipates that the RPS mandates will increase to 52% by 2027, making tier two redundant.

Kirby Dusel, Vice President of Pacific Energy Advisors, explained how the RPS mandates are measured, dividing the various renewable energy products permissible under RPS rules into the following three buckets, all of which OCPA is likely to use.

**Bucket 1** – Generally located in-state; highest cost RPS product; unlimited use in meeting RPS mandates (The most expensive, adding $4 to $5 per month to energy bills)
Bucket 2 – Firmed/shaped imports into CA (REC and energy quantities are balanced annually); GHG emissions equivalent to natural gas generation; use is limited by RPS

Bucket 3 – Unbundled RECs (RECs are sold separately from energy); lowest cost RPS product; also carries GHG emissions equivalent to natural gas generation; use is limited by RPS (The lowest cost, but has limited use)

Mr. Dusel described AB 1110, known as the Power Source Disclosure Program. The bill mandates energy providers to use a power content label, similar to nutrition labels on food. Given the complexity of content, he recommended thinking about how these labels will look when sent to customers.

Mr. Dusel presented a table showing energy products offered throughout the state by other CCAs. The two most common are the voluntary 100% green option and a product that tracks or is slightly more costly than the prevailing renewable energy procurement mandate (RPS), trending upward each year. OCPA offerings include the same two. The 100% renewable energy option will be the most expensive at a premium of $4 to $5 per month. Next, he provided a graph that was a snapshot of wholesale power cost trends and how those will affect OCPA’s buying power and exit fees.

Per Mr. Dusel, customers will have a choice to participate in any of the available energy supply options. Over time, the Authority will continue to increase renewable energy supplies to meet or exceed mandates. He explained RPS compliance periods, which span years for planning flexibility purposes.

CEO Probolsky added that each member city may designate a preferred option. OCPA can absorb energy option changes by customers, but it would be harder to adjust if an entire municipality wanted to make a change.

Public Comments

Kathleen Robinson, UCI Cal PERT, suggested additional public discussions of rates, market conditions, portfolio options, and any trade-offs for achieving the 100% renewable energy product.

Ayn Craciun, Climate Action Campaign, thanked the Authority for providing rate projections and requested more public discussion of launch factors and supported exceeding minimums.

Christa Martin of WAVE asked for more public discussion of rates and energy market conditions, portfolios, and trade-offs.
Shanin Ziemer suggested addressing the redundancy inherent in the middle tier by changing it to 80% or minimum plus ten and opposed offering only two options.

Kyler Chin of the Sunrise Movement spoke to the urgency of addressing climate change.

Jose Trinidad Castaneda, a resident of Buena Park, asked about the power choices that member cities will make.

Linda Kramer requested more meetings and gave information about the power offerings and goals of other CCAs.

Director Posey explained that OCPA must move towards carbon-free energy while remaining competitive. He favored a middle tier with competitive pricing that is also mindful of greenhouse gas reduction. OCPA will also stay competitive by offering a more comprehensive array of clean energy choices than customers currently receive.

Director Sonne added that income generated by OCPA would return to local communities as opposed to the shareholders of investor-owned utilities. She asked for information about the impact of the three options on commercial customers.

Vice-Chair Jung requested a study session on service options.

Chair Carroll supported incentivizing customers toward the 100% tier by including a middle choice as an initial buy-in.

CEO Probolsky stated that onboarding Calpine for back-end operations is the next step as far as timing, and there are no timing constraints on the power purchase side.

**ACTION:** By consensus, the Board agreed to receive and file the agenda item on service options, and the energy market update.

6.2. **MEMORANDUM OF UNDERSTANDING WITH THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA)**

COO Antonia Graham stated staff has been researching medical and ancillary benefits providers for inclusion in an OCPA benefits package. The best choice is the Special District Risk Management Authority (SDRMA), a public agency. SDRMA requires the OCPA Board of Directors to enter into the Memorandum of Understanding included within the agenda packet as a prerequisite to offering pricing and underwriting parameters.

Ayn Craciun requested any late-arriving documents for this item.
ACTION: Director Posey made a motion, seconded by Director Sonne, to:

Adopt Resolution 2021-09, A Resolution of Board of Directors of the Orange County Power Authority Approving the Form of and Authorizing the Execution of a Memorandum of Understanding and Authorizing Participation in the Special District Risk Management Authority's Health Benefits Program.

The motion carried by the following vote:

Ayes: Directors Posey, Sonne, Jung, Carroll
Noes: None
Absent: Director Khan

7. DIRECTOR COMMENTS

Director Sonne requested agenda review before every board meeting, a standing agenda item for reports from the CAC and for a warrant request and check register, more rate discussion, and broader outreach.

Director Posey requested an agenda item to develop protocol for placing items on the agenda, an agenda review process, agenda placement for the Community Advisory Committee when they have something to report, a check register, and engaging a public relations firm to work on messaging.

8. STAFF REPORTS

Due to the length of the meeting, CEO Probolsky deferred his staff report.

9. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Jose Trinidad Castaneda requested more OCPA presence at events.

Kathleen Treseder, Irvine resident, supported financial details on the agenda.

Senait Forthal thanked the Board for appointing her to the CAC and spoke about the OCPA mission to increase carbon-free energy use and access.

Shanin Ziemer added to the comments about outreach, suggesting that CAC members promote OCPA at public events.

Linda Kramer suggested attendance at the December 1, 2021, all-CCA meeting and how networking among CCAs can lead to combined purchasing power and additional rate tier offerings and recommended better use of volunteers.

An anonymous caller spoke about the public comments of others.
10. ADJOURNMENT

Vice-Chair Jung made a motion, seconded by Director Sonne, to adjourn the meeting. The next Regular Meeting of the Orange County Power Authority will be held on December 14, 2021, at 10:00 a.m.

Brian S. Probolsky, Authority Secretary