1. CALL TO ORDER
Chair Carroll called to order the special of the Orange County Power Authority Board of Directors at 9:01 a.m. on Tuesday, November 23, 2021.

The meeting was conducted utilizing teleconference and electronic means consistent with public health orders and guidelines in California and in accordance with the Governor’s Executive Orders. The chair and staff assembled in the Autry 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. In an effort to protect public health, members of the public 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 Khan 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. REGULAR AGENDA

4.1 FINDINGS TO CONTINUE REMOTE/TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361

ACTION:
Director Posey made a motion, seconded by Director Sonne, and unanimously carried to:
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.

4.2. **DISCUSSION OF AND PROVIDE DIRECTION ON ORANGE COUNTY POWER AUTHORITY POWER SUPPLY OPTIONS**

CEO Brian Probolsky introduced the item and Kirby Dusel, Vice President of Pacific Energy Advisors, to talk about the retail service offerings.

Mr. Dusel began by pointing out that the Authority’s Implementation Plan contemplated that OCPA would provide three retail service options as follows:
- 100% Renewable Energy
- 50% Renewable Energy (middle tier)
- Proportion of renewable energy meeting the State’s prevailing renewable energy procurements mandate (RPS tracking)

The third (minimum) option will continue to rise due to annual increases in the RPS Procurement Mandates as follows.

➢ Interim Annual RPS (minimum) Procurement Mandates:
  - 38.5% in 2022
  - 41.3% in 2023
  - 44.0% in 2024 (end of Compliance Period 4)
  - 52.0% in 2027 (end of Compliance Period 5)

Mr. Dusel presented a chart comparing offerings by other CCAs in the state and provided examples of projected monthly bills for the average medium commercial customer, small commercial customer, and residential customer. The Authority’s member agencies may choose a preferred option into which customers will be enrolled when service begins. This was referred to as the default. After enrollment, individual 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 continue to meet or exceed mandates.

In response to discussions by the Board, Kirby Dusel confirmed that OCPA can set the middle tier so that it will move proportionate to the upward movement of the RPS rate. He also said that the middle tier could “split the difference” and be pegged directly in between the lowest and the highest tiers, for example at 70%. This would allow customers to move toward the renewables without having to select the maximum. He gave examples of where other CCAs have started off and said most customers remain with the tier they are defaulted into.

Public Comments
Alejandro (no last name provided) spoke in favor of 100% renewables and against other options. Rachel Abalos of Irvine spoke in favor of 100% renewables as the default option.

Roger Gloss, Orange County for Climate Action, suggested moving up the middle tier encourage customers to move up.

Melissa Maasri gave her credentials and in favor of 100% renewables as the default option and methods to select alternative options.

Kyler Chin, Sunrise Movement spoke about the urgency of climate change and in favor of the 100% renewable default option.

Ayn Craciun spoke about rates.

Linda Kraemer thanked all for the special meeting and for considering three rate tiers. She advocated renewables and carbon-free goals.

Craig Preston, acknowledged the need for three tiers, in support of 100% renewables and for an education campaign.

Terry LePage, of Irvine, speaking for the Green Faith Ministries of Irvine United Congregational Church, said burning of fossil fuels is a moral issue. She asked for 100% renewables and no less than the middle tier.

Keith Linker, Irvine resident, favored the 100% renewable tier and acknowledged economics considerations.

Ashton Gilbert, of Santa Ana, Citizens Climate Lobby, favored the 100% renewables option.

An anonymous caller with 347 as the last three digits of her phone number, asked about delivery of energy across one grid.

Luis Huang recommended three rates and explained them.

Danny Gray, Dana Point resident and employed by Alcon, favored 100% renewable and being realistic about the need for three tiers.

Michele M. (no last name), Transforming Justice Orange County, was thankful for discussion, recognized the middle tier and encouraged educated about 100% renewables.

Sandra Smallshaw of Huntington Beach supported the middle tier and stated the base tier is not good enough.
**Board Discussion**

The directors discussed the RPS mandates which will be 38.5% in 2022, the rate level of the middle tier, and the Authority’s power to create the tiers and select the default rate.

Director Khan made a motion to define a policy that sets the goal of achieving 100% renewable energy by a certain date, for example, 2030, and following that up with a strong education campaign. Director Khan made a second motion to select 70% renewables as the middle tier and as the default.

General Counsel Baron explained that the first motion would have to be deferred until next meeting for Brown Act compliance. He quoted the JPA which gave each member entity the power to set a default for its customers, required the Board to set the bottom tier at the RPS rate, and set the top at the 100% renewables level. He added that any modifications to the JPA would require a two-thirds vote of the Board.

Board members asked staff to bring back information as to whether SCE exceeds the RPS mandates.

John Dalessi of Pacific Energy Advisors stated that member entities could have until January to choose a default option, but for this meeting, must define the three tiers.

**ACTION**

*After further discussion, Chair Carroll restated and seconded Director Khan’s motion. The motion carried unanimously as follows:* 

Direct staff to create three tiers with 100% renewables as the maximum, 38.5% as the minimum, and with a middle tier directly mid-point between the maximum and minimum tiers and that floats up as the RPS rate forces up the minimum.

### 4.3. CREATION OF AD HOC COMMITTEES

COO Antonia Graham presented a staff report and explained the benefit of establishing Ad Hoc Committees. This item would create a Marketing and Outreach Committee and a Budget and Finance Committee, with more committees to be added at a later date.

The Board discussed creating standing committees. General Counsel Baron explained that action on standing committees would have to take place at another meeting. The law requires the committees to have a limited purpose, which means the committees must be ad-hoc, temporary, at this time.

Ayn Craciun and Luis Huang spoke about transparency.
ACTION
Director Posey made a motion, seconded by Chair Carroll and unanimously carried to:

Establish an ad hoc Marketing and Outreach Committee for OCPA’s launch and appoint Directors Sonne and Posey as members.

Establish an ad hoc Budget and Finance Committee for OCPA’s launch and appoint Director Khan and Vice Chair Jung as members.

4.4. CONSIDERATION OF BOARD AGENDA POLICY

Antonia Graham, Chief Operating Officer, presented a draft policy authorizing the Chair of the Board or any two Board Members to submit an agenda item to the Chief Executive Officer at least ten business days prior to the next regularly scheduled Board Meeting. Items submitted less than ten business days before the scheduled regular meeting date may be postponed to a later meeting to allow for sufficient research and staff input.

The following speakers opposed the recommendation, preferring that a single board member be able to propose an agenda item or recommending that the item be deferred to the next meeting:

- Melissa Maasri
- Sylvia Walker
- Doug Elliott
- Branda Lin
- Anonymous caller with number ending in 347
- Kathleen Treseder
- Sandra Smallshaw

ACTION
Board Member Posey made a motion, seconded by Board Member Sonne, and unanimously carried that:

Any Board Member may submit an agenda item to the Chief Executive Officer at least ten business days prior to the next regular board meeting. Items submitted less than ten business days before the regular meeting date may be postponed to a later meeting.

5. DIRECTOR COMMENTS

Director Khan encouraged members agencies to be ready to establish their default rates at the next meeting, December 14, 2021.
Director Posey spoke about progress being made on marketing and outreach.

Chair Carroll thanked staff for the work they have been doing and gave some examples. He also said there may be a rate-setting meeting in December.

6. STAFF REPORT

CEO Brian Probolsky spoke of several accomplishments including renewal of contracts, working with Calpine on the back-office functions, making product decisions, the progress of some of the consultants such as Reveille that launched the new website, presenting to the cities of Tustin and Orange, RA sales agreements, and the decision by the Orange County Board of Supervisors to join the OCPA. The Orange County Board of Supervisors appointed Supervisors Don Wagner as primary, and Doug Chaffee as alternate representatives of Orange County on the OCPA Board and that this will result in adding 130,000 potential customers from unincorporated areas.

7. PUBLIC COMMENTS

Ayn Craciun, Climate Action Campaign, spoke about renewable energy credits (RECs), why the International Brotherhood of Electrical Workers (IBEW), opposes them, and about JPA requirements.

Danny Gray and Jose Trinidad Castaneda complemented the Board on the new website.

Branda Lin spoke of attendance by Community Advisory Committee members, the website, and a video from 2020 that is not on the website.

Kathleen Treseder, Irvine resident, requested an investigation into anonymous public comments at a previous meeting, and about a speaker from a July 13, 2021, meeting.

8. ADJOURNMENT

At 11:32 a.m. Vice Chair Jung and Director Posey made a motion to adjourn the meeting. The next meeting is scheduled for December 14, 2021.

Brian S. Probolsky, Chief Executive Officer