

## AGENDA

### ORANGE COUNTY POWER AUTHORITY SPECIAL MEETING OF THE BOARD OF DIRECTORS

Tuesday, November 23, 2021

9:00 a.m.

This meeting will proceed as a teleconference meeting in compliance with waivers to certain provisions of the Ralph M. Brown Act provided for under California Government Code section 54953(e)(1)(A) in relation to the Covid-19 state of emergency and recommended social distancing measures. There will be no location for in-person attendance. The Orange County Power Authority is providing alternatives to in-person attendance for viewing and participating in the meeting. Further details are below.

**Note:** Any member of the public may provide comments to the Orange County Power Authority Board of Directors on any agenda item, or on a matter not appearing on the agenda but within the jurisdiction of the Board. Please indicate whether your comment is on a specific agenda item or a non-agenda item when requesting to speak. When providing comments to the Board, it is requested that you provide your name and city of residence for the record. Commenters are requested to address their comments to the Board as a whole through the Chair. Comments may be provided in the following manner:

**Requests to Speak.** In-person public attendance will not be provided. To provide comments during the meeting, join the Zoom meeting by computer, mobile phone, or dial-in number. Members of the public who have requested to speak will be recognized at the appropriate time during the Zoom meeting and may speak through Zoom video conference or telephonically. On Zoom video conference by computer or mobile phone, use the “Raise Hand” feature. This will notify the Clerk that you wish to speak during a specific item on the agenda or during non-agenda Public Comment. If joining the meeting using the Zoom dial-in number, you can raise your hand by pressing \*9. Members of the public will not be shown on video but will be able to speak when called upon.

Comments shall be limited to three minutes when speaking. If you have a document that you wish to be distributed to the Board, please provide it via [comments@ocpower.org](mailto:comments@ocpower.org) and it will be distributed to Board Members.

The public may participate using the following remote options:

#### ZOOM MEETING

You are invited to a Zoom webinar.

Please click the link below to join the webinar:

[Launch Meeting - Zoom](#)

Passcode: 750485

Dial-in: 1 (669) 900 - 6833

Webinar ID: 832 3098 9727

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **REGULAR CALENDAR**

*The following items call for discussion or action by the Board of Directors. The Board may discuss and/or take action on any item listed below if the Board is so inclined.*

1. **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.

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

**Recommended Action:**

Discuss power supply options to offer OCPA member agencies and customers and provide direction to Staff.

3. **CREATION OF AD HOC COMMITTEES**

**Recommended Actions:**

1. Establish a temporary ad hoc committee related to marketing and outreach for OCPA's launch.
2. Establish a temporary ad hoc committee related to budget and finance for OCPA's launch.

4. **CONSIDERATION OF BOARD AGENDA POLICY**

**Recommended Action:**

Adopt Administrative Policy No. 12: Board Agenda Policy.

5. **DIRECTOR COMMENTS**

*Board Members may briefly provide information to other members of the Board and the public, ask questions of staff, or report on conferences, events, or activities related to Authority business. There is to be no discussion or action taken on comments made by Board Members unless authorized by law.*

6. **STAFF REPORT**

*Staff may briefly provide information to the Board and the public. The Board may engage in discussion if the specific subject matter of the report is identified, but the Board may not take any action other than to place the matter on a future agenda. Otherwise, there is to be no discussion or action taken unless authorized by law.*

7. **PUBLIC COMMENTS**

*Opportunity for members of the public to address the Board on any items not on the agenda but within the jurisdiction of the Board.*

8. **ADJOURNMENT**

***Compliance with the Americans with Disabilities Act***

Board of Directors meetings comply with the protections and prohibitions of the Americans with Disabilities Act. Individuals with a disability who require a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may contact 949-767-8700. Requests for disability-related modifications or accommodations require different lead times and should be provided at least 72-hours in advance of the public meeting.

***Availability of Board Documents***

Copies of the agenda and agenda packet are available at [www.ocpower.org](http://www.ocpower.org). Late-arriving documents related to a Board meeting item which are distributed to a majority of the Board prior to or during the Board meeting are available for public review as required by law. Late-arriving documents received during the meeting are available for review by making a verbal request to the Board Secretary in the Zoom meeting room.

**ORANGE COUNTY POWER AUTHORITY**  
**Staff Report – Item 4.1**

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To: Orange County Power Authority Board of Directors

From: Ryan Baron, General Counsel

Subject: Findings to Continue Holding Remote/Teleconference Meetings Pursuant to Assembly Bill 361

Date: November 23, 2021

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**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.

**BACKGROUND**

The Brown Act generally requires in-person meetings and allows legislative body members to participate in a meeting by teleconference, provided that the teleconference locations are identified on the agenda, that the teleconference locations are open to the public to attend and participate in the meeting, and that a quorum of the members is located within the agency’s jurisdiction.

Since March 2020 and the issuance of Executive Order N-29-20, which originally modified certain portions of the Brown Act relating to teleconferencing at the outset of the COVID-19 pandemic, the Board and the Community Advisory Committee have held fully or partially virtual meetings without having to post the location of the legislative body members attending virtually, while also allowing members of the public to attend and participate in the meeting virtually. In June of 2021, Governor Newsom issued Executive Order N-08-21, which provided that the exceptions contained in Executive Order N-29-20 would sunset on September 30, 2021.

Newly adopted legislation, AB 361, allows for fully or partially virtual meetings under certain circumstances without being required to follow certain standard Brown Act teleconferencing requirements, similar to the prior Executive Order.

Under Government Code section 54953(e), which was adopted by AB 361, the Board and other OCPA legislative bodies can hold virtual meetings without being required to follow certain standard Brown Act teleconferencing requirements if there is a Governor-proclaimed state of emergency and one of two other criteria listed below exists:

1. State or local officials have imposed or recommended measures to promote social distancing; or
2. The legislative body determines that requiring a meeting in person would present an imminent risk to the health and safety of attendees.

Meetings held pursuant to AB 361 must meet certain requirements to ensure the public has the ability to meaningfully observe and participate in the meeting, similar to fully in-person meetings. Specifically, legislative bodies holding a meeting pursuant to AB 361 must, among other things, describe on the agenda how members of the public can access the meeting and offer public comment via a call-in or internet-based option, provide an opportunity for members of the public to provide public comment in real time, and pause the meeting and take no action if there is a disruption in the broadcast of the meeting or a disruption in the call-in or internet-based public comment function within the agency's control.

At least 30 days after a legislative body holds a meeting pursuant to Government Code section 54953(e) for the first time, it must make certain findings in order to continue doing so (and must make similar findings following subsequent 30-day periods). To continue holding meetings pursuant to AB 361, the legislative body must find that the proclaimed state of emergency still exists and that one of the two following findings can be made: (1) that state or local officials continue to impose or recommend measures to promote social distancing, or (2) that as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

Currently, the Governor's declaration of a COVID-19 State of Emergency remains in effect. Further, as reflected in the Orange County Health Officer's current Orders and Strong Recommendations, state and local health officials continue to recommend or require social distancing, including for individuals who have recently tested positive for COVID-19, been in close proximity to a person who has tested positive for COVID-19, or persons who are in vulnerable populations.

Based on the continued COVID-19 State of Emergency and required or recommended social distancing measures, OCPA held its October meetings pursuant to AB 361, thereby permitting members of the Board and Community Advisory Committee to attend meetings virtually and for the public to participate in the same manner.

In order to continue holding meetings pursuant to AB 361, OCPA's legislative bodies must make the findings required to continue meeting virtually. Because the Board of Directors is the most appropriate legislative body to make findings and policy decisions on behalf of all of OCPA's legislative bodies (including the Board and the Community Advisory Committee), the Board may make the findings for all OCPA legislative bodies under the Brown Act. This would generally eliminate the need for the Community Advisory Committee to take separate actions.

If the Board desires to continue meeting pursuant to AB 361, an action item will be placed on each Board agenda to reauthorize virtual meetings. In the event that a Community Advisory Committee meeting will be held more than thirty (30) days after required findings have been made by the Board, and the Community Advisory Committee desires to hold its meeting pursuant to AB 361, the Community Advisory Committee may take an action at the beginning of its meeting to make the necessary findings.

Lastly, it is important to note that AB 361 is optional. If the Board desires, it may choose for Board and committee meetings to be held in person, with teleconferencing only under the standard Brown Act rules, where the teleconference location must be listed on the agenda and be open for the public to attend and participate from that location.

## **FISCAL IMPACT**

There is no fiscal impact.

**ATTACHMENT**

None.

**ORANGE COUNTY POWER AUTHORITY**  
**Staff Report – Item 4.2**

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To: Orange County Power Authority Board of Directors

From: Brian Probolsky, Chief Executive Officer  
Kirby Dusel, Pacific Energy Advisors  
John Dalessi, Pacific Energy Advisors

Subject: DISCUSSION OF AND PROVIDE DIRECTION ON ORANGE COUNTY  
POWER AUTHORITY POWER SUPPLY OPTIONS

Date: November 23, 2021

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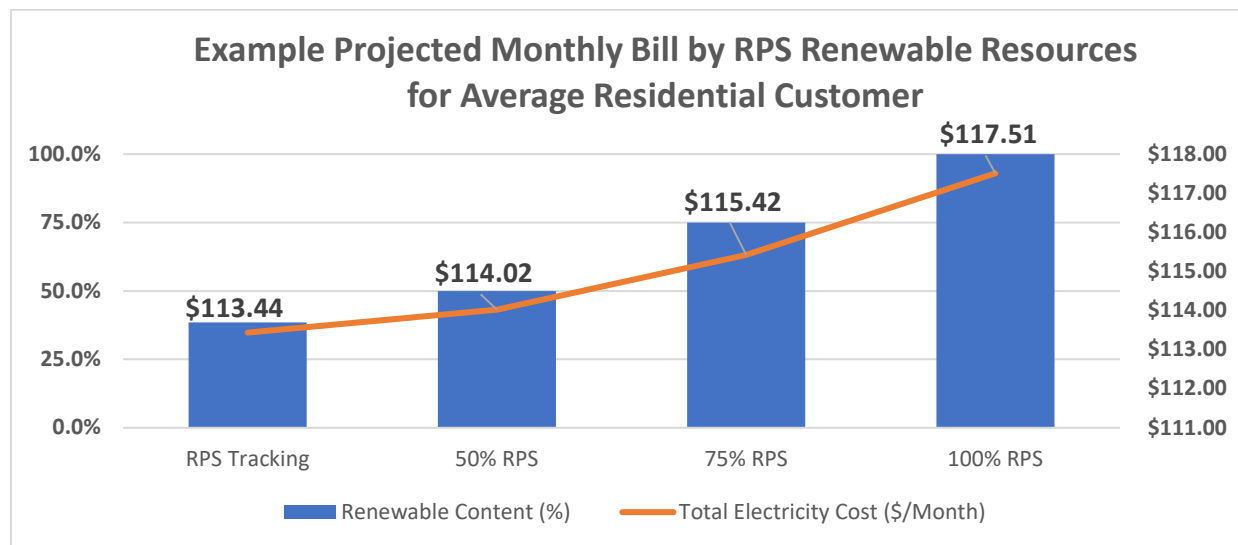
**RECOMMENDED ACTION**

Discuss power supply options to offer OCPA member agencies and customers and provide direction to Staff.

**BACKGROUND**

Staff requests the Board provide direction on the power supply options customers will have access to and consider whether their member agency desires to opt-up its jurisdiction or certain accounts.

OCPA is in the process of buying power and hedging its power requirements prior to launch of the program in April 2022. OCPA's Community Choice Aggregation Implementation Plan indicates that it will procure energy through one or more contracts with experienced, financially stable energy suppliers and provide customers a choice of three distinct power supply options: 1) 100% renewable energy; 2) 50% renewable energy, and 3) a service option that includes a proportion of renewable energy meeting California's Renewables Portfolio Standard (RPS) mandate. In addition, OCPA's power supply mix will be adjusted to account for prelaunch direction from member agencies who opt their jurisdictions up into a higher power supply tier. Therefore, both customer selection of renewable power supply options and member agency opt-up will affect OCPA's procurement, marketing, and launch.



## **DISCUSSION**

Most California CCAs offer at least two distinct retail service options. The first is a voluntary 100% renewable energy offering, typically priced at a premium relative to the CCA's default service option. The second is a default product that meets the State RPS requirement, which beginning in 2022 is 38.5% and gradually increases to 52% by 2027. A few CCAs offer a third product (or more) that is generally a 50% renewable energy offering. CCAs independently determine their respective default service options' general product composition and rate characteristics, subject to applicable statutory mandates (related to renewable energy procurement, reserve capacity acquisition, etc.). In the case of OCPA, promoting rate competitiveness and statutory compliance are key objectives when constructing the default service offering. As an alternative, and consistent with OCPA's Implementation Plan, voluntary service options providing increased access to renewable energy above the default option up to and including 100% of the participating customer's annual energy usage may also be offered.

During the Authority's November 9, 2021 Board Meeting, there appeared to be consensus for a 100% renewable energy product offering in addition to the default product. Staff is seeking specific direction from the Board regarding whether OCPA should offer a third or fourth product option.

Prior to OCPA's launch, a member agency may choose a default option into which its customers will be enrolled when service begins, e.g., 100% renewable for municipal accounts. Each OCPA member will be able to determine the default option it desires to offer customers within its jurisdiction. No matter the default option customers will have the choice to participate in any of the available power supply options. OCPA will continue increasing renewable energy supply over time to meet the State's mandates and in response to customer choice.

Staff will return in December for discussion and selection of product brand names, and in January, rates will be brought forth to the Board for consideration.

## **FISCAL IMPACT**

Fiscal impacts will be calculated based on future rate setting decisions.

## **ATTACHMENT**

None.



**ORANGE COUNTY POWER AUTHORITY**  
**Staff Report – Item 4.3**

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To: Orange County Power Authority Board of Directors

From: Antonia Graham, Chief Operating Officer

Subject: CREATION OF AD HOC COMMITTEES

Date: November 23, 2021

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**RECOMMENDED ACTION**

1. Establish a temporary ad hoc committee related to marketing and outreach for OCPA's launch.
2. Establish a temporary ad hoc committee related to budget and finance for OCPA's launch.

**BACKGROUND**

From time to time, Board Members are needed to engage with Staff on a variety of issues. This ensures that staff is implementing the Board's goals and objectives. An Ad Hoc Committee is defined as a committee gathered to address a particular issue, task, or objective and is dissolved upon completion of the purpose. These are not Brown Act bodies.

It is requested that the Board create the following subcommittees: Marketing and Outreach Committee and the Budget and Finance Committee. The Marketing and Outreach Committee will work with Staff to accelerate the development of marketing and outreach materials and advise on strategy as we begin to launch service. The Budget and Finance Committee will work with Staff on tracking the budget and devising a rate strategy.

**FISCAL IMPACT**

There is no fiscal impact.

**ATTACHMENT**

None.

**ORANGE COUNTY POWER AUTHORITY**  
**Staff Report – Item 4.4**

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To: Orange County Power Authority Board of Directors

From: Antonia Graham, Chief Operating Officer

Subject: CONSIDERATION OF BOARD AGENDA POLICY

Date: November 23, 2021

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**RECOMMENDATION**

Adopt Administrative Policy Number 012: Board Agenda Policy.

**BACKGROUND**

A main goal of the Authority Board is to conduct business in a transparent, orderly, productive, and timely manner. A formal policy for placing items on the agenda will enable all Board Members to have input on the agenda setting process.

Administrative Policy No. 012 formalizes the process for Board Member initiated agenda items. The Policy states that any Board Member initiated items for consideration on an Agenda must be submitted to the Chief Executive Officer at least ten business days prior to the next regularly scheduled Board Meeting and be either jointly initiated by two Board Members or initiated by the Chair of the Board. This timeline will allow for review and research by Staff and legal counsel if necessary. Items submitted less than 10 business days before the scheduled regular meeting date may be postponed to a later meeting to allow for sufficient consideration.

**FISCAL IMPACT**

There is no fiscal impact.

**ATTACHMENT**

1. Administrative Policy Number 012: Board Agenda Policy.

# **Orange County Power Authority Policy No. 012**

## **Board Agenda Policy**

### **PURPOSE**

The Orange County Power Authority Board has adopted a policy and procedures for placement of agenda items for all meetings to be adhered to by board members requesting items to be placed on the agenda.

### **AGENDA POSTING REQUIREMENTS**

The OCPA Chief Executive Officer shall cause an agenda for each regular or special meeting of the Authority to be posted in accordance with the Ralph M. Brown Act.

### **GENERAL**

The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. The description shall be sufficient to apprise interested persons of the subject matter of the discussion or the business to be conducted. The business of OCPA shall be taken up for consideration and disposition in the order of the Agenda.

### **PROCEDURES FOR REQUESTS TO BE PLACED ON AGENDA**

Board Member initiated items for consideration on an Agenda must be submitted to the Chief Executive Officer at least ten business days prior to the next regularly scheduled Board Meeting and be either jointly initiated by two Board Members or initiated by the Chair. This allows for review and research, if necessary, and facilitates for a meaningful discussion and appropriate action. Items submitted less than 10 business days before the scheduled regular meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

Items of a routine nature will be considered under the Consent Calendar. These items will be acted upon as one item. Any board member shall have the right to remove any item from the Consent Calendar for separate discussion. Recognizing the occasional need to rearrange the order of business, the reorder of business shall be done at the discretion of the Chair or by a majority vote of the Board.

### **PROCEDURES FOR FINALIZING AGENDA**

The below steps shall be followed in finalizing the meeting agenda.

1. Upon receipt of the requested agenda items, the CEO will cause a draft of the meeting agenda to be created.
2. Once the drafted agenda is completed, the CEO will submit it to the General Counsel for legal review and verification of the necessary materials/documents. Any revisions will be given to the CEO.
3. The CEO will revise the drafted agenda, if necessary, for the Board Chair's review.
4. After approval of the Board Chair, the CEO will post agenda as required.