AGENDA

ORANGE COUNTY POWER AUTHORITY
MEETING OF THE BOARD OF DIRECTORS

Tuesday, November 9, 2021

10:00 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 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:

Webinar Registration -- Zoom

Passcode: 077637

Dial-in: 1 (669) 900 - 6833

Webinar ID: 878 9783 6657
1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CLOSED SESSION

   1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

      Name: California Public Utilities Commission Resource Adequacy Proceeding

5. CONSENT CALENDAR

   All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Board of Directors, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Board of Directors request specific items be removed from the Consent Calendar.

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

      Recommended Action:
      Approve as submitted.

   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.

   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.

6. 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. DISCUSSION OF ORANGE COUNTY POWER AUTHORITY SERVICE OPTIONS AND ENERGY MARKET UPDATE
Recommended Action:
Receive and file.

2. MEMORANDUM OF UNDERSTANDING WITH THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

Recommended Actions:
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.

7. 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.

8. 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.

9. 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.

10. 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 949-263-2612. 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. 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.
1. CALL TO ORDER

Chair Carroll called to order the regular meeting of the Orange County Power Authority Board of Directors at 10:02 a.m. on Tuesday, October 12, 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 N-25-20 and N-29-20. 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. Agenda items were taken in order.

2. PLEDGE OF ALLEGIANCE

Director Posey 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 Graham   Chief Operating Officer  
Ryan Baron   General Counsel, Best Best and Krieger

4. CONSENT CALENDAR

4.1 MINUTES OF THE REGULAR BOARD MEETING OF SEPTEMBER 14, 2021

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

To approve the Minutes of September 14, 2021, as submitted.
4.2 RESOLUTION NO. 2021-08 APPOINTING THE CHIEF FINANCIAL OFFICER OF THE ORANGE COUNTY POWER AUTHORITY AS ITS TREASURER AND AUDITOR

Ayn Craciun, Irvine, congratulated the Board for hiring Tiffany Law.

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

Adopt Resolution No. 2021-08 appointing the Chief Financial Officer of the Orange County Power Authority as its Treasurer and Auditor.

4.3. FINANCIAL RESULTS – QUARTER ENDED SEPTEMBER 30, 2021

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

Receive and file.

5. REGULAR CALENDAR

5.1. PRESENTATION ON MEMORANDUM OF UNDERSTANDING WITH LOS ANGELES COUNTY ON BEHALF OF THE SOUTHERN CALIFORNIA REGIONAL ENERGY NETWORK TO COLLABORATE AND PARTNER ON THE CREATION AND IMPLEMENTATION OF ENERGY EFFICIENCY PROGRAMS

Chief Operating Officer Antonia Graham reported on ongoing efforts to increase OCPA’s offerings to its customers and maximize CPUC funding opportunities. To that end, she pursued an MOU with the Southern California Regional Energy Network (SoCalREN), administered by Los Angeles County. The partnership will be one of the first between a Community Choice Aggregator and a Regional Energy Network and will enable OCPA to fund additional municipal incentives, green business certifications, and multifamily energy audits and rebates.

The COO introduced Lujuana Medina, Environmental Initiatives Manager of Regional Sustainable Programs for Los Angeles County. Ms. Medina stated SoCalREN supports twelve counties and explained how this partnership with OCPA will identify and close service and program gaps.

COO Graham gave examples on how the collaboration would expand services offered to OCPA customers such as upgrading HVACs in municipal buildings and helping cities partner to increase energy efficiencies and lower bills.

Lujuana Medina added that SoCalREN can assist OCPA by providing technical assistance and procurement support, performing audits, and offering incentives. Currently, they are working on ways to help school districts upgrade filtering and
HVAC systems, reduce operational costs, and mitigate utility cost increases. SoCalREN already works with entities in Orange County that are not members of OCPA. Those entities will be exposed to OCPA through co-branding and expanded outreach.

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

Receive and file.

### 5.2. ENERGY REGULATORY UPDATE

Ryan Baron, General Counsel, give an update on developments in the following key regulatory proceedings before the CPUC.

- Integrated Resource Planning (IRP)
- Renewables Portfolio Standard (RPS)
- Resource Adequacy (RA)

Kyler Chen of Irvine spoke in favor of 100% clean energy.

Patti Tutor of Fullerton spoke about renewable energy standards.

**ACTION:** By consensus, the Board agreed to:

Receive and file the energy regulatory update.

### 6. DIRECTOR COMMENTS

Director Khan requested further discussion on plans, goals and timelines for OCPA offerings.

Director Sonne spoke about the renewables policy in light of the pace of climate change. She requested a slot on the agenda for the OCPA Citizens Advisory Committee.

Director Posey expressed his support of energy independence and how he would like more publicity about the accomplishments and plans of the OCPA.

Chair Carroll agreed with the need for more publicity, noted that staff members accomplish a lot, and that upon launch, the OCPA will be number 5, 6 or 7 within the list of the largest CCAs in California.

### 7. STAFF REPORTS
CEO Brian Probolsky updated the OCPA on progress to date. Staff continues to focus on resource adequacy, resource planning, procurement, renewables acquisition and load forecasting. There are upcoming solicitations for energy, the OCPA is on track for launch in April 2022, and the website is expected to be up within the next few weeks.

8. PUBLIC COMMENTS

The following spoke in favor of 100% renewable energy:

- Kyler Chen, Irvine
- Jose Trinidad Castaneda, Fullerton
- Anna Donaldson, UCI
- Alejandro Barboza

Shanin Ziemer spoke regarding the benefits provided by the OCPA Community Advisory Committee.

Ayn Craciun of Climate Action Campaign spoke about financing.

9. ADJOURNMENT

At 11:01 a.m. Director Posey made a motion, seconded by Vice Chair Jung, to adjourn the meeting. The next regular meeting of the OCPA Board of Directors will be held on November 9, 2021, at 10:00 a.m.

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Brian S. Probolsky, Authority Secretary
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 9, 2021

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.
To:   Orange County Power Authority Board of Directors

From:   Antonia Graham, Chief Operating Officer

Subject:  APPOINTMENT OF AT-LARGE COMMUNITY ADVISORY COMMITTEE MEMBERS

Date:   November 9, 2021

RECOMMENDED ACTION

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

BACKGROUND

In April 2021, the Board of the Orange County Power Authority approved the creation of the Community Advisory Committee and directed staff to begin accepting applications. Each member City was able to directly appoint two members; these positions were filled, and the Board began meeting in July.

To complete the Committee as per the Board action in April 2021 two at-large members may be appointed. Staff solicited applications via postings on the Authority website and through City liaisons, receiving seven applications from accomplished individuals. Staff received feedback from the Board of Directors on the applicants; and is now recommending that Senait Forthal from the City of Irvine and Scott Kitcher, the President and CEO of Sustain SoCal be seated as the two at-large Community Advisory Committee members serving an initial one-year term beginning November 9, 2021.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENTS
RECOMMENDED ACTION

Receive and file

BACKGROUND

The Authority’s Implementation Plan suggests it will procure energy through one or more contracts with experienced, financially stable energy suppliers and contemplates three distinct generation rate tariffs: 1) 100 percent renewable energy; 2) 50 percent renewable energy; and 3) a program service option that includes a proportion of renewable energy meeting California’s prevailing renewable energy procurement mandate.

DISCUSSION

Prior to launch, the Authority’s member agencies may each choose a default option into which its customers will be enrolled when service begins. After enrollment, customers will have the option to participate in any of the available energy supply options. The Authority will continue increasing renewable energy supplies over time to meet or exceed state mandates, subject to resource availability and economic viability. The Authority will also actively pursue energy efficiency projects and programs using program revenues, outside funding sources and will work collaboratively with other efficiency program administrators in the region.

The Authority is responsible for ensuring that its resource mix contains sufficient production from renewable energy resources needed to comply with the statewide Renewables Portfolio Standard (RPS); beginning in 2022 with 38.5% and increasing to 52% by 2027.

Most California CCAs offer at least two distinct retail service options. One common service option is a voluntary 100% renewable energy offering, which is typically priced at a premium relative to the CCA’s default service option. Implementing a three-tier product offering is more complicated and more expensive than a two-tier offering. Given the increasing RPS, a middle 50%-tier will quickly become redundant as the RPS minimums will exceed the middle-tier within a few short years after launch.

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, a voluntary service option providing increased access to renewable energy (at 100% of the participating customer’s annual energy usage) will also be offered.

Over the coming months, product names and rates will be brought forth to the Board for consideration.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENT

None.
RECOMMENDED ACTION

Adopt Resolution No. 2021-09 a “Resolution of the 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.”

BACKGROUND

Since the beginning of 2021, Staff has been researching various medical and ancillary benefit providers for OCPA employees to create a comprehensive benefits package. The most comprehensive and cost-effective health insurance provider is the Special District Risk Management Authority (SDRMA). SDRMA is a public agency formed under California Government Code Section 6500 et seq. and provides a full-service risk management program for California’s local governments, special districts, and joint power authorities. As an administrator of the Small Group Health Benefits Program under Public Risk Innovation, Solutions, and Management (PRISM), SDRMA can provide a health benefits program to public agencies with easy enrollment and flexibility.

To initiate a non-binding underwriting process, a Board-approved resolution and an executed Memorandum of Understanding will be submitted to SDRMA. Upon underwriting approval, including specific pricing, Staff will return for Board approval. Additionally, Staff will present a comprehensive Benefits Plan, Personnel Manual, and a detailed comparison of CCAs and their respective benefit programs.

FISCAL IMPACT

There is no fiscal impact associated with this action.

ATTACHMENT

1. Resolution No. 2021-09, “A Resolution of the 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.”
RESOLUTION NO. 2021-09

A RESOLUTION OF THE 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

A. The Orange County Power Authority, a joint powers authority duly organized and existing under and by virtue of the laws of the State of California (“OCPA”), has determined that it is in the best interest and to the advantage of OCPA to participate in the Health Benefits Program offered by Special District Risk Management Authority (“SDRMA”).

B. SDRMA was formed in 1986 in accordance with the provisions of California Government Code 6500 et seq., for the purpose of providing risk financing, risk management programs and other coverage protection programs.

C. Participation in SDRMA programs requires OCPA to execute and enter into a Memorandum of Understanding, which states the purpose and participation requirements for the Health Benefits Program.

D. All acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and OCPA is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ORANGE COUNTY POWER AUTHORITY AS FOLLOWS:

1. Findings. The OCPA Board of Directors hereby finds and determines that the actions authorized hereby relate to the public affairs of OCPA.

2. Memorandum of Understanding. The Memorandum of Understanding, to be executed and entered into by and between the OCPA and SDRMA, in the form presented at this meeting and on file with OCPA’s Secretary, is hereby approved. The OCPA Board of Directors hereby authorizes and directs the Chief Executive Officer, for and in the name and on behalf of OCPA, to execute and deliver to SDRMA the Memorandum of Understanding.

3. Program Participation. The OCPA Board of Directors approves participating in the SDRMA Health Benefits Program.
4. **Other Actions.** The Chief Executive Officer is hereby authorized and directed to execute and deliver any and all documents which are necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by the Chief Executive Officer are hereby ratified, confirmed and approved.

5. **Effective Date.** This resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED** at a meeting of the Board of Directors of the Orange County Power Authority held on November 9, 2021.

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Brian Probolsky, Secretary