

AGENDA

ORANGE COUNTY POWER AUTHORITY MEETING OF THE BOARD OF DIRECTORS

**Tuesday, April 5, 2022
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 items by requesting to speak during Item 4, or on any matter not appearing on the agenda but within the jurisdiction of the Board by requesting to speak during Item 5. 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:

To provide comments during the meeting, join the Zoom meeting by computer, mobile phone, or dial-in number. Before or during Items 4 and 5 (for providing comments on agenda items and non-agenda items, respectively), the Chair or Clerk will ask members of the public to join the queue to provide public comment. The queue will remain open for a reasonable amount of time to allow members of the public sufficient time to request to speak and inform the Board of the number of speakers. After such time, the queue will be closed and the members of the public who have joined the queue to speak will be recognized at the appropriate time may speak through Zoom video conference or telephonically. To join the queue on Zoom video conference by computer or mobile phone, use the “Raise Hand” feature. If joining the meeting using the Zoom dial-in number, you can raise your hand and join the queue by pressing *9. Members of the public will not be shown on video but will be able to speak when called upon.

Comments shall generally be limited to three minutes when speaking, provided that the Chair may equally reduce each speaker’s time to accommodate a large number of speakers or a large number of agenda items. If you have anything that you wish to be distributed to the Board, please provide it via comments@ocpower.org, who will distribute the information to the Members.

The public may participate using the following remote options:

ZOOM WEBINAR

Please click the link below to join the webinar:

[Launch Meeting - Zoom](#)

Dial-in: 1-669-900-6833

Webinar ID: 897 1013 0045

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **PUBLIC COMMENTS ON AGENDA ITEMS**

Opportunity for members of the public to address the Board on any items on the agenda.

5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

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

6. **DIRECTOR ANNOUNCEMENTS**

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.

7. **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. There is to be no other discussion or action taken unless authorized by law.

8. **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 March 1, 2022**

Recommended Action:

Approve as submitted.

2. **FINDINGS NECESSARY FOR REMOTE PARTICIPATION IN PUBLIC MEETINGS**

Recommended Action:

Declare that the findings made in Resolution No. 2022-02, "Resolution of the Orange County Board of Directors Making Findings Necessary for Remote Participation in Public Meetings" remain valid and applicable, so as to allow remote participation in public meetings for the next 30 days.

9. 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. COMMERCIAL SERVICE LAUNCH UPDATE

Recommended Action:

Receive and File.

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.



**MINUTES
REGULAR MEETING
BOARD OF DIRECTORS
ORANGE COUNTY POWER AUTHORITY**

March 1, 2022

1. CALL TO ORDER

Chair Carroll called to order the regular meeting of the Orange County Power Authority Board of Directors at 10:04 a.m. on Tuesday, March 1, 2022.

The meeting was conducted using teleconference and electronic means consistent with public health orders and guidelines in California and in accordance with the Governor's Executive Orders. 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.

2. PLEDGE OF ALLEGIANCE

Director Khan led the Pledge of Allegiance.

3. ROLL CALL

Present:	Director Don Wagner	County of Orange
	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

4. CONSENT CALENDAR

4.1. MINUTES FOR THE REGULAR BOARD MEETING OF FEBRUARY 8, 2022

Recommended Action:

Approve as submitted.

4.2. FINDINGS NECESSARY FOR REMOTE PARTICIPATION IN PUBLIC MEETINGS

Recommended Action:

Declare that the findings made in Resolution No. 2022-02, "Resolution of the Orange County Board of Directors Making Findings Necessary for Remote Participation in Public Meetings" remain valid and applicable, so as to allow remote participation in public meetings for the next 30 days.

ACTION

Vice Chair Jung made a motion, seconded by Director Posey, and unanimously carried to:

Approve Consent Calendar Items 4.1 and 4.2.

4.3. UPDATE ANNUAL ENERGY USE AND VOTING SHARES

Recommended Action:

Approve Updates to Annual Energy Use and Voting Shares.

This item was removed from the Consent Calendar by Director Khan.

General Counsel Ryan Baron explained the distribution of voting shares.

ACTION

Director Khan made a motion, seconded by Chair Carroll, and unanimously carried to:

Approve the updates to the Annual Energy Use and Voting Shares.

4. 4. AUTHORIZE EMPLOYER “PICK-UP” OF THE MANDATORY EMPLOYEE CONTRIBUTIONS UNDER THE 401(a) PLAN

Recommended Action:

Authorize employer “pick-up” of mandatory employee contributions under the 401(a) plan.

This item was removed at the request of Director Posey.

CEO Brian Probolsky answered questions.

ACTION

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

Approve Consent Calendar Item 4.4, authorizing the employer “pick-up” of mandatory employee contributions under the 401(a) plan.

5. REGULAR CALENDAR

5.1. APPROVE MARKETING AND COMMUNICATIONS AGREEMENTS WITH ZODIAC SOLUTIONS, REVEILLE, AND GOLDENCOMM

CEO Brian Probolsky and the marketing communications team gave a presentation and answered questions.

ACTION

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

Approve the Marketing and Communications agreements with Zodiac Solutions, Reveille, and GoldenComm for a two-year term, and delegate execution of the agreements to the Chief Executive Officer.

5.2. APPROVE FISCAL YEAR 2021-2022 MID-YEAR OPERATING BUDGET

CFO Tiffany Law gave an update on the FY 2021-22 Budget and answered questions.

Doug Elliott spoke in public comments

ACTION

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

Approve the Fiscal Year 2021-2022 Mid-Year Operating Budget.

5.3. COMMUNITY ADVISORY COMMITTEE REPORT

Jose Trinidad Castaneda gave a Community Advisory Committee Report.

6. DIRECTOR COMMENTS

Chair Carroll gave a re-cap of OCPA accomplishments to date, the benefits of CCAs, and the urgency of addressing climate change.

7. STAFF REPORT

There were no additional staff reports.

8. PUBLIC COMMENTS

The following spoke in public comments:

David Lingerfelt

Walter Nobrega

Branda Lin

Linda Kraemer

Jeremy Ficarola

Doug Elliott

Ayn Craciun

9. ADJOURNMENT

At 11:35 a.m., Director Wagner made a motion, seconded by Chair Carroll, to adjourn the Regular Meeting of the Orange County Power Authority. The next meeting will be held on Tuesday, April 5, 2022, at 10:00 a.m.

Brian S. Probolsky, Board Secretary

ORANGE COUNTY POWER AUTHORITY
Staff Report – Item 8.2

To: Orange County Power Authority Board of Directors

From: Ryan Baron, General Counsel

Subject: Findings Necessary For Remote Participation in Public Meetings

Date: April 5, 2022

RECOMMENDED ACTION

Declare that the findings made in Resolution No. 2022-02, “Resolution of the Orange County Board of Directors Making Findings Necessary for Remote Participation in Public Meetings” remain valid and applicable, so as to allow remote participation in public meetings for the next 30 days.

BACKGROUND

AB 361 allows public agencies to hold fully or partially virtual meetings under certain circumstances, without being required to follow certain standard Ralph M. Brown Act teleconferencing requirements.

Under AB 361, a legislative body holding virtual meetings pursuant to AB 361 must make certain findings at least every thirty (30) days. Specifically, the legislative body must find that it has reconsidered the circumstances of the state of emergency and either of the following: (1) state or local officials continue to impose or recommend measures to promote social distancing, or (2) as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Based on current COVID-19-related circumstances, the Board can continue to make the required findings. Staff therefore recommends that the Board of Directors declare that the findings made in Resolution 2022-02 remain valid and applicable, so as to allow the Board of Directors and its subordinate legislative bodies to continue to exercise remote participation options under AB 361.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENT

Resolution No. 2022-02 a Resolution of the Orange County Board of Directors Making Findings Necessary for Remote Participation in Public Meetings.

RESOLUTION NO. 2022-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY POWER AUTHORITY MAKING FINDINGS NECESSARY FOR REMOTE PARTICIPATION IN PUBLIC MEETINGS

A. The Ralph M. Brown Act (“Brown Act”) requires, with specified exceptions, that all meetings of the governing body and all subordinate legislative bodies be open and public and that all persons be permitted to attend and participate.

B. The Brown Act contains provisions for remote participation in meetings by members of a legislative body subject to the existence of certain conditions and requirements.

C. Government Code section 54953(e) requirements include, but are not limited to, (1) the existence of a state of emergency declared by the California Governor pursuant to Government Code section 8625, and (2) state or local officials have imposed or recommended measures to promote social distancing.

D. On March 4, 2020, the Governor issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect.

E. On March 17, 2020, the Governor issued Executive Order N-29-20, which suspended and modified the remote participation requirements under the Brown Act to allow local legislative bodies to hold public meetings via teleconference.

F. On June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021. The Governor subsequently signed Assembly Bill 361 (Rivas, 2021) revising requirements for remote public meetings (“AB 361”).

G. In order to preserve public health and safety, the State Public Health Officer and Orange County Health Officer have issued various orders and guidance, as they may be amended from time to time, regarding COVID-19 prevention measures, which include references and a statement of support for social distancing recommendations. (*See, e.g., Guidance for Use of Face Coverings*, revised January 5, 2022; *COVID-19 Public Health Recommendations for Fully Vaccinated People*, dated October 28, 2021; *County of Orange Health Officer’s Orders and Strong Recommendations*, revised January 14, 2022).

H. In light of the foregoing, the Board of Directors desires to continue to have the flexibility to meet via remote participation for public meetings, as long as the state of emergency and social distancing recommendations continue, and that it and its legislative bodies shall be permitted to conduct their meetings by remote participation in accordance with Government Code section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by that section therein.

NOW, THEREFORE, BE IT RESOLVED by the Orange County Power Authority Board of Directors as follows:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Orange County Power Authority Board of Directors finds and declares for itself and each of its subordinate legislative bodies, as follows:

- a. A continued state of emergency, as declared by the State of California, continues to exist.
- b. The Board of Directors has reconsidered the circumstances of the state of emergency.
- c. State and local officials continue to impose or recommend measures to promote social distancing.
- d. The Orange County Power Authority promotes social distancing measures, including, without limitation, promoting and utilizing remote attendance options at Board of Directors meetings.

Section 3. The Board of Directors and any of its legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act or executive order, as such may be amended or promulgated from time to time.

Section 4. This resolution shall take effect immediately upon its adoption and apply to all Orange County Power Authority public meetings of its legislative bodies including those held during the state of emergency since the passage of and governed by AB 361.

PASSED AND ADOPTED at a meeting of the Orange County Power Authority Board of Directors held on February 8, 2022.


Secretary

ORANGE COUNTY POWER AUTHORITY
Staff Report – Item 9.1

To: Orange County Power Authority Board of Directors

From: Brian Probolsky, Chief Executive Officer

Subject: Commercial Service Launch Update

Date: April 5, 2022

RECOMMENDED ACTION

Receive and File Commercial Service Launch Update.

BACKGROUND

Beginning April 1, 2022, Orange County Power Authority (OCPA) will offer service to more than 38,000 commercial, industrial, agriculture, and streetlighting accounts within the communities of Buena Park, Fullerton, Huntington Beach, and Irvine.

ANALYSIS AND DISCUSSION

Over the past several months, OCPA staff have worked tirelessly to prepare for the commercial service launch for over 38,000 commercial, industrial, agriculture, and streetlight accounts within the Southern California Edison (SCE) service territory. Staff and consultants will present on the efforts made to reach this historic milestone.

As of March 29, 2022, enrollment stands at over 98% of eligible customer accounts with about 76% of these customers being enrolled in 100% Renewable Choice, 17% enrolled in Smart Choice, and 7% enrolled in Basic Choice.

Prior to launch, OCPA sent out 43,862 pieces of mail to over 15,000 unique commercial customers. These mailings included a pre-enrollment postcard, a pre-enrollment letter, and courtesy letters to customers enrolled in specific Southern California Edison programs such as Critical Peak Pricing (CPP), Net Energy Metering (NEM), and Green Rate. Two additional post-enrollment notices will be sent out to all commercial customers within two months of their enrollment date. In addition, OCPA staff reached out directly via phone calls, emails, or via customer site visits to a majority of the top 400 energy consumers located within the OCPA service area.

CalPine Energy Solutions continues to support data management and contact center functions critical to OCPA launch and on-going operations. In preparation for launch, CalPine and OCPA staff developed essential operational materials, such as frequently asked questions (FAQ's), interactive voice response (IVR) scripts, web forms, etc. As of March 26, 2022, the contact center received over 300 calls with an average time to answer of less than 30 seconds.

OCPA has contracted for all of its anticipated energy requirements for CY2022 and significant portions of its expected energy requirements in CY2023-2025. OCPA projected energy requirements for the summer of 2022 has been fully hedged. The summer is when the

ORANGE COUNTY POWER AUTHORITY
Staff Report – Item 9.1

supply/demand balance tends to be the tightest and the risk of exceptionally high spot market prices is the greatest.

OCPA has completed 74 separate energy and capacity supply transactions with 22 individual counterparties. OCPA's electric supply mix is estimated to include a renewable energy content in excess of 90%, making OCPA one of the greenest electric providers in the nation.

FISCAL IMPACT

There is no fiscal impact.