



**MINUTES
REGULAR MEETING
BOARD OF DIRECTORS
ORANGE COUNTY POWER AUTHORITY
Tuesday, January 17, 2023**

1. CALL TO ORDER

Chief Executive Officer (CEO) Probolsky called to order the Regular Meeting of the Orange County Power Authority Board of Directors at 10:05 a.m. on Tuesday, January 17, 2023.

The meeting was conducted using teleconference and electronic means in accordance with Government Code Section 54953(e). 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 Kim led the Pledge of Allegiance.

3. ROLL CALL

Present:	Director Jose T. Castañeda	City of Buena Park
	Director Tammy Kim	City of Irvine
	Director Casey McKeon	City of Huntington Beach
	Director Donald P. Wagner	County of Orange
	Vice Chair Kathleen Treseder	City of Irvine
	Chair Fred Jung	City of Fullerton

4. PUBLIC COMMENTS ON AGENDA ITEMS

The following spoke in public comments regarding January 17, 2023, agenda items:

Ayn Craciun
Danny Gray

5. PUBLIC COMMENTS ON NON-AGENDA ITEMS

The following commented on non-agenda matters, but within the jurisdiction of the Board:

Doug Elliott
Walter Nobrega
Harvey Liss
Linda Kraemer

6. SPECIAL ORDER OF BUSINESS

1. ADMINISTRATION OF THE OATHS OF OFFICE

The board clerk administered the oaths of office to all the board members.

2. SELECTION OF CHAIR AND VICE CHAIR

Director Treseder requested clarification on the participating and serviced members' ability to vote.

Action:

Director Treseder made a motion to nominate Director Castañeda for Chair; Director Kim made a motion to nominate Director Jung for Chair; no seconds were required.

The motion to make Director Jung the Chair carried by a 4-2 roll call vote as follows:

<u>Director</u>	<u>Voted For</u>
Castañeda:	Castañeda
Treseder	Castañeda
Kim	Jung
McKeon	Jung
Jung	Jung
Wagner	Jung

Action:

Director Kim made a motion to nominate Director Treseder for Vice Chair; Director Castañeda made a motion to nominate himself for Vice Chair; no seconds were required.

Three rounds of roll call votes ensued, the motion to make Director Treseder the Vice Chair carried by a 3-3 vote as follows:

Round 1		Round 2		Round 3	
<u>Director</u>	<u>Voted For</u>	<u>Director</u>	<u>Voted For</u>	<u>Director</u>	<u>Voted For</u>
Castañeda	Castañeda	Castañeda	Castañeda	Castañeda	Treseder
Treseder	Treseder	Treseder	Treseder	Treseder	Treseder
McKeon	Abstained	McKeon	Abstained	McKeon	Abstained
Kim	Treseder	Kim	Treseder	Kim	Treseder
Wagner	Abstained	Wagner	Abstained	Wagner	Abstained
Jung	Castañeda	Jung	Castañeda	Jung	Abstained

7. DIRECTOR ANNOUNCEMENTS

Vice Chair Treseder stated that she was very happy to be on the Board. She wanted to reform OCPA and rebuild public trust.

Director Castañeda congratulated Chair Jung and Vice Chair Treseder. He thanked the members of the public for attending. He stated that misinformation had been weaponized in the past political campaign season to super charge the number of withdrawals from the cities of Irvine and Huntington Beach. The City of Buena Park has made sure that they are proactive by providing information on the city's webpage, and he engages in the social media platforms to provide correct information. He also thanked the CAC members for engaging in these discussions and sharing the correct and factual information. Moving forward he wants to provide factual information not hearsay rhetoric. Board Member Castañeda requested a special meeting to discuss whether to appoint two members to seek and return proposals for interim general counsel with the scope of work to be defined at said special meeting.

8. STAFF REPORT

CEO Brian Probolsky deferred to the written staff report.

9. CONSENT CALENDAR

Vice Chair Treseder removed items 3, 4, and 5 for separate discussion.

ACTION

Director Kim made a motion, seconded by Director Castañeda, and unanimously carried to approve consent calendar items 9.1 and 9.2.

1. FINDINGS NECESSARY FOR REMOTE PARTICIPATION IN PUBLIC MEETINGS

Action Taken:

Declared 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.

2. MINUTES FOR THE REGULAR BOARD MEETING OF DECEMBER 13, 2022

Action Taken:

Approved as submitted.

Items 3, 4 and 5 were taken out of order at the end of the Regular Calendar.

3. TREASURER'S REPORT – FISCAL YEAR ENDED NOVEMBER 30, 2022

Action Taken:

Received and filed the Treasurer's Report ending November 30, 2022.

4. COMMUNITY ADVISORY COMMITTEE UPDATE

Action Taken:

Received and filed an update on the Community Advisory Committee.

5. RESIDENTIAL SERVICE LAUNCH UPDATE

Action Taken:

Received and filed residential service launch update.

10. REGULAR CALENDAR

1. RATIFY THE 2023 OCPA RATES EFFECTIVE JANUARY 9, 2023

Director Kim left the meeting at 11:11 p.m.

Action:

Director Castañeda made a motion, seconded by Vice Chair Treseder to:

Ratify the 2023 OCPA rates effective January 9, 2023.

The motion carried by the following vote:

Ayes:	Chair Jung, Vice Chair Treseder, Director Wagner, Director Castañeda
Noes:	None
Abstain:	Director McKeon,
Absent:	Director Kim

2. ADOPTION OF 2023 MEETING SCHEDULE

Director McKeon made a motion, seconded by Chair Jung to:

Adopt Resolution 2023-01 A Resolution of the Board of Directors of Orange County Power Authority Establishing Regular Meetings of the Board of Directors for 2023.

The motion carried by the following vote:

Ayes:	Chair Jung, Vice Chair Treseder, Director Wagner, Director McKeon, Director Castañeda
Noes:	None
Absent:	Director Kim

3. JOINT POWERS AUTHORITY MEMBER AGENCY STATUS UPDATE AND DISCUSSION

Action Taken:

Discussed and received Board Direction regarding withdrawal by County of Orange, and potential withdrawals of City of Huntington Beach and City of Irvine, and potential changes in rate selection.

Consent Calendar Items 3, 4 and 5 were taken at this time.

11. CLOSED SESSION

Recess to Closed Session

At 11:52 a.m., Chair Jung announced the Board was recessing to closed session. The following Directors were present: Castañeda, McKeon, Wagner, Treseder and Jung. Also present were CEO Probolsky, Director of Communications & External Affairs Mosca, and Board Counsel Baron.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Significant exposure to litigation: Two (2) potential cases

Reconvene

At 12:34 p.m., the Regular Meeting of the Orange County Power Authority reconvened with the following present: Directors Castañeda, McKeon, Wagner, Treseder and Jung.

Chair Jung stated that there was no reportable action from Closed Session.

12. ADJOURNMENT

Chair Jung thanked the public for their participation and welcomed the new board members. There being no further business before the board, Chair Jung adjourned the January 17, 2023, Regular Meeting of the OCPA Board of Directors at 12:35 p.m.

Submitted by:



Brian S. Probolsky, Authority Secretary