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# Agenda

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**Date:** January 16, 2020

**Subject:** NCPA Commission Meeting

**Location:** The Kimpton Sawyer Hotel, 500 J Street, Sacramento, California  
(Magnolia Ballroom)

**Time:** 9:00 am

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The Commission may take action on any of the items listed on this Agenda regardless of whether the matter appears on the Consent Calendar or is described as an Action Item, a Report or an Informational Item. This agenda is supplemented by Staff Reports which are available to the public upon request. Pursuant to California Government Code Section 54957.5, the following is the location at which the public can view Agendas and other public writings: NCPA Offices, 651 Commerce Drive, Roseville, California, or [www.ncpa.com](http://www.ncpa.com).

Time estimates are provided as part of the Commission's effort to manage its time at Commission meetings. Listed times are estimated only and are subject to change at any time, including while the meeting is in progress. The Commission reserves the right to use more or less time on any item, to change the order of items, and/or to continue items to another meeting. Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public. To ensure participation in a particular item, we suggest arriving at the beginning of the meeting and remaining until the item is called.

Persons requiring accommodations in accordance with the Americans with Disabilities Act in order to attend or participate in this meeting are requested to contact the NCPA Secretary at 916.781.3636 in advance of the meeting to arrange for such accommodations.

1. *Call Meeting to Order and Introductions (9:00 – 9:10 am)*
2. *Approve minutes of the December 5, 2019, Regular Commission Meeting (9:10 – 9:15 am)*

## **PUBLIC FORUM**

Any member of the public who desires to address the Commission on any item considered by the Commission at this meeting before or during the Commission's consideration of that item shall so advise the Chair and shall thereupon be given an opportunity to do so. Any member of the public who desires to address the Commission on any item within the jurisdiction of the Commission and not listed on the Agenda may do so at this time.

## OPEN SESSION

### REPORTS AND COMMITTEE UPDATES (9:15 – 9:45 am)

3. General Manager's Business Progress Report and Update
4. Executive Committee
5. Facilities Committee
6. Finance Committee
7. Legal Committee
8. Legislative & Regulatory Affairs Committee
9. Members' Announcements & Meeting Reporting

### CONSENT CALENDAR (9:45 – 10:00 am)

All items on the Consent Calendar are considered routine and will be approved without discussion by a single roll call vote. Any Commissioner or member of the public may remove any item from the Consent Calendar. If an item is removed, it will be discussed separately following approval of the remainder of the Consent Calendar. Prior to the roll call vote to approve the Consent Calendar, the Commissioners will be polled to determine if any Member wishes to abstain from one or more items on the Consent Calendar.

**10. NCPA's Financials for the Month Ended November 30, 2019** – approval by all members.

**11. Treasurer's Report for the Month Ended November 30, 2019** – accept by all members.

**12. Resolution 20-02, Process Innovations, Inc. – Five Year Multi-Task Consulting Services Agreement for OS/soft Plant Information (PI) Software Support Services; Applicable to the following projects: All Northern California Power Agency (NCPA) Facilities, NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task Consulting Services Agreement with Process Innovations, Inc. for OS/soft PI software support services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$500,000 over five years, for use at all facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, or by SCPPA Members.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$500,000 over five years. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

**13. Resolution 20-03, Premium Inspection Company – Five Year Multi-Task General Services Agreement for maintenance inspection services; Applicable to the following projects: All Northern California Power Agency (NCPA) Facilities, NCPA Members,**

***Southern California Public Power Authority (SCPPA), and SCPPA Members*** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task General Services Agreement with Premium Inspection Company for maintenance inspection services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$500,000 over five years, for use at all facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, or by SCPPA Members.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$500,000 over five years. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

- 14. Resolution 20-04, Fossil Consulting Services, Inc. – Five Year Multi-Task Consulting Services Agreement for developing, reviewing and updating training and qualification manuals; Applicable to the following projects: All Northern California Power Agency (NCPA) Facilities, NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task Consulting Services Agreement with Fossil Consulting Services, Inc. for services related to developing, reviewing and updating training and qualification manuals, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 over five years, for use at all facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, or by SCPPA Members.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$1,000,000 over five years. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

- 15. Resolution 20-05, Kimberly Fields dba K. Weatherman Logging – First Amendment to Five Year Multi Task General Services Agreement; Applicable to the following Projects: All Northern California Power Agency (NCPA) Facilities and NCPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a First Amendment to the Multi-Task General Services Agreement with Kimberly Fields dba K. Weatherman Logging, with any non-substantial changes as recommended and approved by the NCPA General Counsel, increasing the not to exceed amount from \$235,000 to \$1,000,000, expanding the Scope of Work to include heavy machinery usage and road easement maintenance, and amending the Compensation Schedule to include heavy equipment rates, for continued use at any facilities owned and/or operated by NCPA and NCPA Members.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$1,000,000 over five years. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

- 16. Resolution 20-06, Ronwright Logging Lumber Construction, Inc. – First Amendment to Five Year Multi Task General Services Agreement; Applicable to the following Projects: All Northern California Power Agency (NCPA) Facilities and NCPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a First Amendment to the Multi-Task General Services Agreement with Ronwright Logging Lumber Construction, Inc., with any non-substantial changes as recommended and approved by the NCPA General Counsel, increasing the not to exceed amount from \$225,000 to \$1,000,000 and expanding the Scope of Work to include road and easement maintenance, for continued use at any facilities owned and/or operated by NCPA and NCPA Members.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$1,000,000

over five years. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

- 17. Resolution 20-07, Tanner Logging, Inc. – Second Amendment to Five Year Multi-Task General Services Agreement; Applicable to the following Projects: All Northern California Power Agency (NCPA) Facilities and NCPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Second Amendment to the Multi Task General Services Agreement with Tanner Logging, Inc., with any non-substantial changes as recommended and approved by the NCPA General Counsel, increasing the not to exceed amount from \$225,000 to \$1,000,000 and expanding the Scope of Work to include road and easement maintenance, for continued use at any facilities owned and/or operated by NCPA and NCPA Members.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$1,000,000 over five years. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

- 18. Resolution 20-08, NCPA Geothermal Plant 1 HVAC System Project; Applicable to the following projects: NCPA Geothermal Facility** – adopt resolution by all members authorizing the NCPA Geothermal Plant 1 HVAC System Project and delegating authority to the General Manager or his designee to award bids, execute agreements, and to issue purchase orders for the project in accordance with NCPA Purchasing Policies and Procedures, without further approval by the Commission, for a total not to exceed amount of \$893,817.

**Fiscal Impact:** The Plant 1 HVAC System Project will cost \$893,817. This project was deferred from FY19 budget to FY20 budget. Purchase orders referencing the terms and conditions of any agreements executed for work related to this project will be issued following NCPA procurement policies and procedures.

- 19. Resolution 20-09, NCPA Geothermal Plant 2 Unit 4 NCG Steam Ejector Replacement Project; Applicable to the following projects: NCPA Geothermal Plant 2 Facility** – adopt resolution by all members authorizing the NCPA Geothermal Plant 2 Unit 4 NCG Steam Ejector Replacement Project, and delegating authority to the General Manager or his designee to award bids, execute agreements, and to issue purchase orders for the project in accordance with NCPA purchasing policies and procedures, without further approval by the Commission, for a total not to exceed amount of \$300,000.

**Fiscal Impact:** The NCPA Geothermal Plant 2 Unit 4 NCG Steam Ejector Replacement Project was included as a part of NCPA's Geothermal facility FY20 budget, approved in the May 28, 2019 Commission meeting (Resolution 19-43). This project was originally budgeted to cost \$200,000. The forecasted project cost has increased, and staff is now seeking an additional \$100,000, for a total revised project cost not to exceed \$300,000. The additional requested funds can be absorbed within the FY20 budget, and no budget augmentation is required.

**Consent Items pulled for discussion:** \_\_\_\_\_

**DISCUSSION / ACTION ITEMS (10:00 – 10:15 am)**

- 20. Resolution 20-10, Approval of Amendment No. 2 to the Services Agreement between Northern California Power Agency and the City of San José** – adopt resolution by all members approving Amendment No. 2 to the Services Agreement between NCPA and the

City of San José, pursuant to Resolution 20-10, and authorize the General Manager of NCPA to execute Amendment No. 2 to the Services Agreement, acting on behalf of NCPA, including any non-substantive modifications to Amendment No. 2 to the Services Agreement approved by NCPA's General Counsel.

**Fiscal Impact:** By extending the Services Agreement for one (1) additional year beyond the Initial Term, NCPA will receive \$655,452 as compensation for the services rendered to the City of San José. NCPA's administrative costs for development of Amendment No. 2 to the Services Agreement will be allocated in accordance with approved cost allocation methodologies as described in the NCPA annual budget.

**21. Resolution 20-11, Approval of Third Amendment to Employment Agreement with Jane E. Luckhardt, General Counsel** – adopt resolution by all members approving the Third Amendment to Employment Agreement between NCPA and Jane E. Luckhardt; authorize the Chair of Commission to execute the Third Amendment to Employment Agreement; and approve the General Counsel's Performance Goals for 2020.

**Fiscal Impact:** Funds are available in the Executive Services – Legal Salaries and Benefits account; there is no material change to the current fiscal year budget.

### **CLOSED SESSION (10:15 – 11:00 am)**

**22. CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to Government Code Section 54956.9(d)(1): Name of case: *Northern California Power Agency, City of Redding, City of Roseville, and City of Santa Clara v. the United States*, Court of Federal Claims No. 14-817C.

**23. CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to Government Code Section 54956.9(d)(1): Name of case: *In Re PG&E Corporation and Pacific Gas and Electric Company, Debtors; United States Bankruptcy Court, Northern District of California*, Case Nos. 19-30088 (Lead Case) and 19-30089 DM.

**24. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION** – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) – One (1) case.

**25. CONFERENCE WITH LABOR NEGOTIATORS AND PERFORMANCE EVALUATION** – a) Labor negotiations pursuant to Government Code section 54957.6: Agency representatives: NCPA Executive Committee Members and Assistant General Manager/CFO Monty Hanks; Unrepresented Public Employee: General Counsel; and b) Performance evaluation pursuant to Government Code Section 54957: Unrepresented Public Employee: One Category: General Counsel.

### **OPEN SESSION**

### **REPORT FROM CLOSED SESSION (11:00 am)**

### **NEW BUSINESS**

**ADJOURNMENT**