



651 Commerce Drive,  
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# Commission Agenda

**Date:** February 23, 2023  
**Subject:** NCPA Commission Meeting  
**Location:** NCPA, 651 Commerce Drive, Roseville, CA 95678  
**Time:** 9:30 am

\* In compliance with the Brown Act, you may participate at one of the meeting locations listed below. In either case, please: 1) post this Agenda at a publicly accessible location at the participation location no later than 72-hours before the meeting begins, and 2) have a speaker phone available for any member of the public who may wish to attend at your location. \*

<p><b>SAN FRANCISCO BAY AREA RAPID TRANSIT</b> 300 Lakeside Drive Oakland, CA</p>	<p><b>CITY OF HEALDSBURG CITY HALL</b> 401 Grove Street Healdsburg, CA</p>	<p><b>PALO ALTO CITY HALL Ground Level</b> 250 Hamilton Ave. Palo Alto, CA</p>
<p><b>LARRY PRICE Plumas-Sierra</b> 971 Chandler Road Quincy, CA</p>	<p><b>THE PORT OF OAKLAND</b> 530 Water Street Oakland, CA</p>	<p><b>JULIE WINTER REDDING</b> 213 Shadowrun Court Redding, CA</p>
<p><b>REDDING ELECTRIC</b> 3611 Avtech Parkway Redding, CA</p>	<p><b>SILICON VALLEY POWER</b> 881 Martin Ave. Santa Clara, CA</p>	<p><b>CITY OF SHASTA LAKE</b> 4332 Vallecito Street Shasta Lake, CA</p>
<p><b>TRUCKEE DONNER PUD</b> 11570 Donner Pass Road Truckee, CA</p>	<p><b>CITY OF UKIAH City Hall Annex</b> 411 W. Clay Street Ukiah, CA</p>	

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.

## **REVIEW SAFETY PROCEDURES**

1. *Call Meeting to Order, Introductions and Roll Call (9:30 am – 9:35 am)*
2. *Approve Minutes of the January 19, 2023, Regular Commission Meeting (9:35 am – 9:40 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 (9:40 am – 10:00 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 (10:00 am – 10:10 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 December 31, 2022** – approval by all members.

**11. NCPA's Financials for the Month Ended January 31, 2023** – approval by all members.

**12. Treasurer's Report for the Month Ended January 31, 2023** – accept by all members.

**13. Disposal of Northern California Power Agency Surplus Property** – note and file the report by all members for the disposal of the following: Halon bottles from CT Facilities.

**Fiscal Impact:** This report has no direct fiscal impact to the Agency.

**14. Debt and Interest Rate Management Report ending December 31, 2022** – accept and file by all members the Debt and Interest Rate Management Report for the period ending December 31, 2022.

**Fiscal Impact:** There is no fiscal impact in accepting the Debt and Interest Rate Management Report for the period ending December 31, 2022. There were no material changes, and no defaults and the ratings remained the same on the rated projects.

**15. Resolution 23-13, Revised Deposit Calculation Requirements for Schedule Coordination Program Agreement (SCPA), Third Phase Agreements, Market Purchase Program, Gas Purchase Program, NCPA Green Power Program, and Single Member Services Agreements**– adopt resolution by all members authorizing the revised deposit calculation requirements for the Schedule Coordination Program Agreement, Third Phase Agreements, Market Purchase Program, Gas Purchase Program, NCPA Green Power Program, and Single Member Services Agreements (collectively “Programs”) unless otherwise required by the underlying agreements and approving the General Manager to his designee to temporarily implement revised Schedule Coordination Program Agreement deposit requirements through 2023 to allow time for the Members to vet and approve changes to the program agreement terms. The revised SCPA deposit calculation will be based on the highest two months of estimate CAISO costs, and the revised deposit calculation for the other Programs will be based on the highest single-month contract cost(s) plus the two highest months of Mark-to-Market, unless otherwise required by the underlying agreements.

**Fiscal Impact:** There is no direct fiscal impact on the appropriations already authorized by the approval of the FY2023 budget. This action will free up committee funds for the non-SCPA Programs in members’ GOR balances and result in an estimated deposit of approximately \$1.3 million into members’ GOR accounts for the release of the excess of SCPA Program deposits.

**16. Resolution 23-16, Approval of Northern California Power Agency's Casualty Insurance Program Renewal for March 2023 to March 2024** – adopt resolution by all members authorizing the General Manager or his designee to negotiate and bind the Casualty Insurance program for the term starting March 1, 2023 and ending March 1, 2024, at a not-to-exceed premium of \$2,210,000 for the Northern California Power Agency and Lodi Energy Center.

**Fiscal Impact:** The total cost to renew the Casualty Insurance program is estimated not to exceed \$2,210,000. This amount is already included in the Risk Management budget, and no budget augmentation is required.

**17. Resolution 23-18, Nexant Cost Allocation Model Modifications and Updates for Fiscal Year 2024** – adopt resolution by all members authorizing the modifications to the Nexant Cost Allocation Model for Fiscal Year 2024.

**Fiscal Impact:** The updated Nexant determinants will result in a change to all members' allocated shares of Power Management costs in varying amounts. Table 2 of Appendix A provides indicative changes in allocated Nexant Power Management costs to members based on current Fiscal Year 2023 budget after applying updated Calendar Year 2022 determinants to the model

**18. Resolution 23-19, D&R International, Ltd. – First Amendment to Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: NCPA, NCPA Members, the 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 First Amendment to the Multi-Task Consulting Services Agreement with D&R International, Ltd. for electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, to extend the term of the Agreement for an additional two-year period, to increase the total not-to-exceed amount by \$1,000,000, and to update the Scope of Services and Compensation Schedule, for continued use by NCPA, NCPA Members, by SCPPA, and SCPPA Members.

**Fiscal Impact:** Upon execution the total not-to-exceed amount of the agreement will increase from \$1,000,000 to \$2,000,000 over the remainder of the amended contract term

**19. Resolution 23-20, CLEAResult Consulting Inc. – First Amendment to Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: NCPA, NCPA Members, SCPPA, and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a First Amendment to the Multi-Task Consulting Services Agreement with CLEAResult Consulting, Inc. for electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, to extend the term of the Agreement for an additional two-year period, to increase the total not-to-exceed amount by \$1,000,000, and to update the Scope of Services and Compensation Schedule, for continued use by NCPA, NCPA Members, by SCPPA, and SCPPA Members.

**Fiscal Impact:** Upon execution the total not-to-exceed amount of the agreement will increase from \$1,000,000 to \$2,000,000 over the remainder of the amended contract term.

**20. Resolution 23-21, NewGen Strategies and Solutions, LLC – First Amendment to the Five Year Multi-Task Consulting Services Agreement for Cost of Service, Rate Design and Related Services; applicable to the following: NCPA, NCPA Members, SCPPA, and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a First Amendment to the Multi-Task Consulting Services Agreement with NewGen Strategies and Solutions, LLC for cost of service, rate design and related services, with any non-substantial changes recommended and approved by the NCPA General Counsel, increasing the not-to-exceed amount from \$250,000 to \$1,500,000 and amending Exhibit B – Compensation Schedule and Hourly Fees, for continued use by NCPA, NCPA Members, SCPPA, and SCPPA Members.

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

## **CLOSED SESSION ITEMS (10:10 – 10:40)**

### **21. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

- A. Pursuant to Government Code Section 54956.9(d)(1) – Existing Litigation, three (3) cases:
- 1) Case Name: *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.
  - 2) Case Name: *City of Santa Clara dba Silicon Valley Power and Northern California Power Agency v. California Department of Water Resources*, Sacramento County Superior Court, Case No. 34-2022-00323425.
  - 3) Case Name: *In Re PG&E Corporation and Pacific Gas and Electric Company: United States Court, Northern District of California*, Case No. 4:22-cv-02833-HSG.
- B. Pursuant to Government Code Section 54956.9(d)(2) – Potential Litigation, one (1) case.

### **22. CONFERENCE WITH LABOR NEGOTIATORS AND PERFORMANCE EVALUATION -**

- a) Labor negotiations pursuant to Government Code Section 54957.6: Agency representatives: NCPA Executive Committee Members and Human Resource Manager Brynna Bryant: Unrepresented Public Employee: General Manager; and b) Performance evaluation pursuant to Government Code Section 54957: Unrepresented Employee: One Category: General Manager.

### **23. CONFERENCE WITH LABOR NEGOTIATORS AND PERFORMANCE EVALUATION –**

- a) Labor negotiations pursuant to Government Code Section 54957.6: Agency representatives: NCPA Executive Committee Members and Human Resources Manager Brynna Bryant: 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**

### **DISCUSSION / ACTION ITEMS (10:40 am – 11:00 am)**

#### **24. *Resolution 23-14 Approval of the First Amendment to the Amended Employment***

***Agreement for Randy S. Howard, General Manager*** – adopt resolution by all members approving the First Amendment to the Amended Employment Agreement for Randy S. Howard; authorize the Chair of the Commission to execute the First Amendment to the Amended Employment Agreement for Randy S. Howard; authorize the Chair of the Commission to award a merit increase effective January 1, 2023, add an additional opt-in year extending the term of the agreement through January 31, 2026 and approve the General Manager’s Performance Goals for 2023.

**Fiscal Impact:** The cost associated with the General Manager’s compensation change is covered within the current fiscal year budget. No budget augmentation is required.

**25. Resolution 23-15, Approval of the Sixth Amendment to Employment Agreement with Jane E. Luckhardt, General Counsel** – adopt resolution by all members approving the Sixth Amendment to Employment Agreement between NCPA and Jane E. Luckhardt; authorize the Chair of the Commission to execute the Sixth Amendment to Employment Agreement; authorize the Chair of the Commission to award a merit increase effective January 1, 2023, additional hours of administrative leave to be taken in 2023, and approve the General Counsel’s Performance Goals for 2023.

**Fiscal Impact:** The cost associated with the General Counsel’s compensation change is covered within the current fiscal year budget. No budget augmentation is required.

**26. Resolution 23-17, Approve the Appointment to NCPA Finance Committee** – adopt resolution by all members appointing DeAnna Hilbrants, City of Santa Clara/Silicon Valley Power, as a member of the Finance Committee.

**Fiscal Impact:** Appointment of a new Finance Committee member has no fiscal impact to the Agency.

**27. Resolution 23-22, Designation of Applicant’s Agent Resolution for Non-State Agencies** – adopt resolution by all members authorizing renewal of the California Office of Emergency Services (Cal OES) Designation of Applicant’s Agent Resolution for Non-State Agencies to the General Manager, Chief Financial Officer, and Treasurer-Controller.

## **NEW BUSINESS**

## **ADJOURNMENT**