



651 Commerce Drive,
Roseville, CA 95678

phone (916) 781-3636
fax (916) 783-7693
web www.ncpa.com

Commission Agenda

Date: April 27, 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>SAN FRANCISCO BAY AREA RAPID TRANSIT 2150 Webster Street Oakland, CA</p>	<p>CITY OF HEALDSBURG CITY HALL 401 Grove Street Healdsburg, CA</p>	<p>PALO ALTO CITY HALL Ground Level 250 Hamilton Ave. Palo Alto, CA</p>
<p>LARRY PRICE Plumas-Sierra 971 Chandler Road Quincy, CA</p>	<p>THE PORT OF OAKLAND 530 Water Street Oakland, CA</p>	<p>JULIE WINTER REDDING 213 Shadowrun Court Redding, CA</p>
<p>REDDING ELECTRIC 3611 Avtech Parkway Redding, CA</p>	<p>SILICON VALLEY POWER 881 Martin Ave. Santa Clara, CA</p>	<p>CITY OF SHASTA LAKE 4332 Vallecito Street Shasta Lake, CA</p>
<p>TRUCKEE DONNER PUD 11570 Donner Pass Road Truckee, CA</p>	<p>CITY OF UKIAH 200 Orr Road Ukiah, CA</p>	<p>CITY OF GRIDLEY 685 Kentucky Street Gridley, 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.

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 March 23, 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 March 31, 2023*** – approval by all members.
- 11. *Treasurer's Report for the Month Ended March 31, 2023*** – accept by all members.
- 12. *Disposal of Northern California Power Agency Surplus Property*** – note and file the report by all members for the disposal of the following: scrap metal at Lodi Energy Center.
Fiscal Impact: This report has no direct fiscal impact to the Agency.
- 13. *Resolution 23-28, OST Truck and Cranes, Inc. – Five Year Multi-Task General Services Agreement; Applicable to the following: All 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 OST Trucks and Cranes, Inc. for crane related services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,500,000 over five years for use at any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, and SCPPA Members.
Fiscal Impact: Upon execution, the total not-to-exceed amount of the agreement will not exceed \$1,500,000 over five years.
- 14. *Resolution 23-29, Mesa Energy Services, Inc. dba EMCOR Services Mesa Energy – First Amendment to Five Year Multi-Task General Services Agreement for Chiller and HVAC Maintenance Services; Applicable to the following: NCPA, NCPA Members, the 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 General Services Agreement with Mesa Energy Systems, Inc. dba EMCOR Services Mesa Energy for chiller and HVAC maintenance services, with any non-substantial changes recommended and approved by the NCPA General Counsel, modifying Exhibit A and Exhibit B, for continued use at any facilities owned and/or operated by NCPA, NCPA Members, SCPPA, and SCPPA Members.
Fiscal Impact: Upon execution the total cost of the agreement will remain unchanged at \$1,000,000.
- 15. *Resolution 23-30, Tetra Engineering Group, Inc. – Five Year Multi-Task Professional Services Agreement for Inspection 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 Multi-Task Professional Services Agreement with Tetra Engineering Group, Inc. for inspection services related to HRSG, power piping, steam plant assessments, root cause failures and consulting engineering, 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 by any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, and SCPPA Members.
Fiscal Impact: Upon execution the total not-to-exceed amount of the agreement will not exceed \$1,000,000 over five years.

- 16. Resolution 23-31, Siemens Energy, Inc. – Five Year Multi-Task General Services Agreement for T3000 Maintenance and Support Services; applicable to the following: All NCPA Lodi Energy Center (LEC) and Geothermal Facility Locations, City of Redding and City of Roseville** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task General Services Agreement for T3000 maintenance and support services, with any non-substantial changes recommended and approved by NCPA General Counsel, which shall not exceed \$6,000,000 over five years, for continued use at NCPA LEC and Geothermal Facilities as well as the City of Redding and the City of Roseville.
Fiscal Impact: Upon execution, the total cost of the agreement will not exceed \$6,000,000 over five years.
- 17. Resolution 23-32, Baker Tilly Virchow Krause, LLP – First Amendment to the Two Year Multi-Task Professional Services Agreement for Annual Audit 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 this First Amendment to the Multi-Task Professional Services Agreement for annual audit services, with any non-substantial changes recommended and approved by the NCPA General Counsel, accepting assignment to Baker Tilly US, LLP extending the agreement term for a second additional three-year term from July 1, 2023 to July 1, 2026, and increasing the not to exceed amount from \$500,000 to \$1,000,000, for continued use at NCPA, NCPA Members, SCPPA, and SCPPA.
Fiscal Impact: Upon execution, the total cost of the agreement will not exceed \$1,000,000.
- 18. Resolution 23-34, Parker Landscape Development Inc. – Five Year Multi-Task General Services Agreement for Landscape Maintenance Services; applicable to the following: All NCPA Facilities** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task General Services Agreement with Parker Landscape Development, Inc. for professional commercial landscape maintenance services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$300,000 over five years, for use only at any facilities owned and/or operated by NCPA.
Fiscal Impact: Upon execution the total cost of the agreement will not exceed \$300,000 over five years.
- 19. Resolution 23-35, Approval of Northern California Power Agency’s Cyber Insurance Liability Program Renewal for April 2023 to April 2024** – adopt resolution by all members authorizing the General Manager or his designee to negotiate and bind the Cyber Liability Insurance Program for the term starting April 27, 2023 and ending April 27, 2024, at a not-to-exceed premium of \$258,000 for the Northern California Power Agency and Lodi Energy Center.
Fiscal Impact: The total cost of the policy year 2023 Cyber Liability Insurance program is estimated not to exceed \$258,000. This amount is already included in the Risk Management budget, therefore no budget augmentation is required.
- 20. Admission of Plumas-Sierra Rural Electric Cooperative as a New Amended and Restated Market Purchase Power Program Participant** – adopt resolution by all members authorizing Plumas-Sierra Rural Electric Cooperative (REC) to become a new Participant as defined under the Amended and Restated Market Purchase Program Agreement (MPP Agreement), upon Plumas-Sierra REC’s execution of the MPP Agreement.
Fiscal Impact: NCPA’s administrative costs for development and administration of the MPP Agreement will be allocated to Members in accordance with approved cost allocation methodologies as described in the NCPA annual budget.

21. **Approval of Western Area Power Administration (WAPA) 2023 Renewable Energy Credit (REC) Program Letter of Agreement 23-SNR-02937** – adopt resolution by all members authorizing the General Manager or his designee to execute the WAPA 2023 REC Program Letter of Agreement 23-SNR-02937, on behalf of NCPA, including any non-substantive changes recommended and approved by NCPA’s General Counsel.
Fiscal Impact: Costs associated with entering into the WAPA 2023 REC Program Letter of Agreement 23-SNR-02937 are estimated to be less than \$10,000 for the term of the agreement, and will be allocated according to Base Resource percentages of the represented Members.
22. **Resolution 23-20, CLEAResult Consulting, Inc. – Revised 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 the revised 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, modifying Exhibit A, for continued use at any facilities owned and/or operated by NCPA, NCPA Members, SCPPA, and SCPPA Members.
Fiscal Impact: Upon execution the total cost of this agreement will not exceed \$2,000,000.

Consent Items pulled for discussion: _____

DISCUSSION/ACTION ITEMS

23. **Resolution 21-109, NCPA Geothermal Second Amendment to Resolution 21-109 for the NCPA Geothermal Plant 2 Unit 4 Overhaul Project; Applicable to the following: NCPA Geothermal Facility** – adopt resolution by all members 1) delegating authority to the General Manager or his designee to execute Proof of Loss forms for \$3,599,999 (gross) for the Plant 2 Unit 4 Steam Turbine Damage Claim and deposit the balance back into the Maintenance Reserve account, and 2) modifying the Scope of Work increasing the total not to exceed amount of this project from \$5,000,000 to \$6,409,275; and 3) authorizing the use of an additional \$1,409,275 from the Maintenance Reserve.
24. **Approval of Exhibit C, Revision 25 to Contract 96-SNR-00110 (WAPA O&M Funding Commitment)** – adopt resolution by all members authorizing the General Manager or his designee to execute Exhibit C, Revision 25 to Contract 96-SNR-00110 on behalf of NCPA, including any non-substantive changes recommended and approved by NCPA’s General Counsel.
Fiscal Impact: WAPA will invoice and collect funds according to a monthly schedule. Approximately one month following payment, WAPA will return funds to NCPA through a bill credit on the monthly WAPA power bill. Therefore, the net fiscal impact is approximately zero dollars. Costs associated with this commitment will be allocated to the Assigning Members based on Western Allocation percentages.
25. **Approval of an Amendment to the Second Amended and Restated Pooling Agreement adding Pooling Schedule 14 (Meter Maintenance Program)** – adopt resolution by all members authorizing the addition of Pooling Schedule 14 (Meter Maintenance Program) to the Second Amended and Restated Pooling Agreement including any non-substantive modifications as approved by NCPA’s General Counsel.
Fiscal Impact: There is no direct fiscal impact to NCPA.
26. **Approval of the General Services Agreement between NCPA and Ulteig Engineers, Inc. for Meter Maintenance** – adopt resolution by all members authorizing the General Manager or his designee to enter into a General Services Agreement with Ulteig

Engineers, Inc. for member meter maintenance services, with any non-substantive changes as recommended and approved by the NCPA General Counsel, which shall not exceed \$1,200,000 over five years.

Fiscal Impact: Upon execution, the total cost of this agreement will not exceed \$1,200,000 over five years. However, there is no direct fiscal impact to NCPA. All costs associated with the Meter Maintenance Program will be invoiced to each Participant in accordance with the procedures set forth in Section 9 of the Second Amended and Restated Pooling Agreement.

27. Approval of the FY2024 Annual Budget – adopt resolution by all member approving the FY2024 Annual Budget and Working Capital and Funding Requirement as detailed in the budgetary support and Annual Budget documents.

Fiscal Impact: The Executive Summary section of the budget document contains an analysis of the overall budget. The total proposed net annual budget cost for FY2024 is approximately \$671.7 million, which represents an increase of 19.4% or a \$109.1 million dollar increase over the FY2023 budget as summarized in the schedule provided in the Commission packet. Allocation of the FY2024 Annual Budget between members and LEC Participants is based on participation levels in NCPA programs and projects and the approved cost allocations. The final funding allocation for each member is shown in Section 13 of the budget document.

28. Central Valley Project Improvement Act (CVPIA) Refund – Authorizing NCPA to Disburse Funds to Members as Specified in the “CVPIA Settlement Distribution REVISED3” Spreadsheet Prepared by NCPA Accounting Department as Adjusted for Additional Accumulated Interest to the Date of Disbursement – adopt resolution by all members authorizing NCPA to disburse Central Valley Project Improvement Act (CVPIA) refunds as specified in the “CVPIA Settlement Distribution REVISED3: Spreadsheet Prepared by NCPA Accounting Department as Adjusted for Additional Accumulated Interest to the Date of Disbursement.

Fiscal Impact: After review and revision, NCPA staff recalculated the damages award and legal fees due to (and from) each Participating Member and those calculations are specified in the “CVPIA Settlement Distribution REVISED3” spreadsheet. Upon final approval, additional accrued interest will be added to each Participating Members’ disbursement in the same manner as the \$212,640 of interest is applied in the “CVPIA Settlement Distribution REVISED3” spreadsheet. NCPA staff will provided the disbursement to each Participating Member according to that Participating Member’s instructions to NCPA’s accounting department.

CLOSED SESSION ITEMS (10:40 – 11:00)

29. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

A. Pursuant to Government Code Section 54956.9(d)(1) – Existing Litigation, two (2) cases:

- 1) Case Name: *Northern California Power Agency, City of Redding, City of Roseville, and City of Santa Clara v. the United States*, United States Court of Appeals for the Federal Circuit, Case No. 23-1188.
- 2) Case Name: *In Re PG&E Corporation and Pacific Gas and Electric Company*: United States District Court, Northern District of California, Case No. 4:22-cv-02833-HSG
- 3) Case Name: *City of Santa Clara dba Silicon Valley Power and Northern California Power Agency, Plaintiffs, v. California Department of Water Resources, Defendant*, Sacramento County Superior Court, Case No. 34-2023-00338449

30. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

- A. Pursuant to Government Code Section 54956.9(d)(2) – Potential Litigation, one (1) case.

OPEN SESSION

REPORT FROM CLOSED SESSION

NEW BUSINESS

ADJOURNMENT