



651 Commerce Drive,  
Roseville, CA 95678

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

# Commission Agenda

**Date:** April 28, 2022  
**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 via teleconference 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. \*

<b>CITY OF GRIDLEY</b> 685 Kentucky Street, Gridley, CA	<b>CITY OF BIGGS</b> 3016 Sixth Street Biggs, CA	<b>JENELLE OSBORNE</b> 1116 W. Barton Lompoc, CA
<b>PALO ALTO CITY HALL</b> <b>Ground Level</b> 250 Hamilton Ave. Palo Alto, CA	<b>LARRY PRICE</b> 971 Chandler Road Quincy, CA	<b>SILICON VALLEY POWER</b> 881 Martin Ave. Santa Clara, CA
<b>TRUCKEE DONNER</b> 11570 Donner Pass Road Truckee, CA	<b>CITY OF UKIAH</b> City Hall Annex 411 W. Clay Street Ukiah, CA	<b>JULIE WINTER</b> 213 Shadowrun Court Redding, CA
<b>SHASTA LAKE</b> 4332 Vallecito Street Shasta Lake, CA	<b>NCPA</b> 651 Commerce Drive Roseville, CA	

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 March 24, 2022, 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, 2022*** – approval by all members.
11. ***Treasurer's Report for the Month Ended March 31, 2022*** – 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 from the Lodi Energy Center.
13. ***Resolution 22-37, RADCO Communications, LLC – Five Year Multi-Task General Services Agreement for microwave tower and communication system maintenance; Applicable to the following: All Northern California Power Agency (NCPA) Facilities, NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members*** – adopt resolution by members authorizing the General Manager or his designee to enter into a Multi-Task General Services Agreement with RADCO Communications, LLC for microwave tower and communication system maintenance, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$2,000,000 over five years.  
**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years.
14. ***Resolution 22-38, DRS Marine, Inc. – Five Year Multi-Task General Services Agreement for underwater maintenance and inspection services; Applicable to the following: 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 DRS Marine, Inc. for underwater maintenance and inspection services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$2,000,000 over five years.  
**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years.
15. ***Resolution 22-39, TCB Industrial, Inc. – Five Year Multi-Task General Services Agreement for mechanical systems maintenance; Applicable to the following: 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 TCB Industrial, Inc. for mechanical systems maintenance, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$2,000,000 over five years.  
**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years.

- 16. Resolution 22-40, Global Diving and Salvage, Inc. – Five Year Multi-Task General Services Agreement for underwater maintenance and inspection services; Applicable to the following: 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 Global Diving and Salvage, Inc. for underwater maintenance and inspection services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$2,000,000 over five years.  
**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years.
- 17. Resolution 22-41, RESA Service, LLC – Five Year Multi-Task General Services Agreement for transformer maintenance, switchgear and engineering services; Applicable to the following: 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 RESA Service, LLC for transformer maintenance, switchgear and engineering services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$2,000,000 over five years.  
**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years.
- 18. Resolution 22-42, HDR Engineering, Inc. – Five Year Multi-Task Professional Services Agreement for Engineering Services; Applicable to the following: 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 Professional Services Agreement with HDR Engineering, Inc. for engineering services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 over five years.  
**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$1,000,000 over five years.
- 19. Resolution 22-43, Power Engineers, Inc. – Five Year Multi-Task Professional Services Agreement for Engineering Services; Applicable to the following: 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 Professional Services Agreement with Power Engineers, Inc. for engineering services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 over five years.  
**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$1,000,000 over five years.
- 20. Resolution 22-44, Knights’ Electric, Inc. – Five Year Multi-Task General Services Agreement for Electrical Maintenance Services; Applicable to the following: 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 Knights’ Electric, Inc. for electrical maintenance services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$750,000 over five years.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$750,000 over five years.

- 21. Resolution 22-48, Colantuono, Highsmith & Whatley, PC – Three Year Legal Services Agreement for Assistant General Counsel Services with Option to Extend for Up to Two Additional Years** – adopt resolution by all members authorizing the General Manager or his designee to enter into a three-year Legal Services Agreement with Colantuno, Highsmith & Whatley, PC (CHW) for outside Assistant General Counsel services to be provided primarily by David J. Ruderman, with a not to exceed amount of \$500,000. The agreement includes the possibility for amendment to extend the term for up to two additional years for a maximum contract length of five years.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$500,000 over three years. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures. The dollar amount is not a guarantee that NCPA will pay the full amount, but is merely a limit of potential expenditures under the Agreement.

- 22. Resolution 22-49, Law Offices of Susie Berlin – Three Year Legal Services Agreement for State Regulatory Specialized Services with Option to Extend for Up To Two Additional Years** – adopt resolution by all members authorizing the General Manager or his designee to enter into a three-year Legal Services Agreement with the Law Offices of Susie Berlin for specialized State Regulatory Counsel services, with a not to exceed amount of \$380,000 per year and not to exceed \$1,140,000 over the three year term. The agreement includes the possibility for amendment to extend the term for up to two additional years for a maximum contract length of five years.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$380,000 per year and not to exceed \$1,140,000 over the three-year term of the agreement. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures. The dollar amount is not a guarantee that NCPA will pay the full amount, but is merely a limit of potential expenditures under the Agreement. NCPA's approved FY22 legal budget includes \$225,000 for legislative and regulatory services, plus funds in other subject matter line items should services be required. The approved FY23 budget increased the legislative and regulatory services amount to \$260,000.

- 23. Resolution 22-50, Archer Energy Solutions, LLC – Five Year Multi-Task Consulting Services Agreement for NERC Cyber Security Supply Chain Management Services and other NERC CIP or Operations and Planning Standards related tasks; Applicable to the following: 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 Archer Energy Solutions, LLC for NERC Cyber Security Supply Chain Management Services and other NERC CIP or Operations and Planning Standards related tasks, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$500,000 over five years.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$500,000 over five years.

- 24. Resolution 22-52, Approval of First Amendment to Antelope Expansion 1B, LLC Power Purchase Agreement** – adopt resolution by all members approving the First Amendment to the Power Purchase Agreement between NCPA and Antelope Expansion 1B, LLC, and to authorize the General Manager of NCPA to execute the First Amendment to the PPA, including any non-substantive modifications to First Amendment to the PPA approved by NCPA's General Counsel.

**Fiscal Impact:** Work associated with developing the Amendment was undertaken pursuant to approved Power Management budget categories, and costs associated with this effort are allocated in accordance with approved cost allocation methodologies as described in the NCPA annual budget.

25. **Resolution 22-53, Stearns, Conrad and Schmidt, Consulting Engineers, Inc. dba SCS Engineers – Five Year Multi-Task Consulting Services Agreement for Low Carbon Fuel Standard Fuel Pathway Application, Validation, and Verification Consulting Services; Applicable to the following: Northern California Power Agency (NCPA), 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 Stearns, Conrad and Schmidt, Consulting Engineers, Inc. dba SCS Engineers (“SCS Engineers”) for Low Carbon Fuel Standard fuel pathway application, validation, and verification consulting services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$350,000 over five years.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$350,000 over five years

26. **Resolution 22-54, Tetra Tech, Inc. – Five Year Multi-Task Consulting Services Agreement for Low Carbon Fuel Standard Fuel Pathway Validation and Verification Consulting Services; Applicable to the following: Northern California Power Agency (NCPA), 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 Tetra Tech, Inc. for Low Carbon Fuel Standard fuel pathway validation and verification consulting services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$250,000 over five years.

**Fiscal Impact:** Upon execution, the total cost of the agreement is not to exceed \$250,000 over five years.

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

### **DISCUSSION / ACTION ITEMS (10:10 am – 10:45 am)**

27. **Resolution 22-45, Approval of Fiscal Year 2023 Annual Budget** – adopt resolution by all members approving the FY2023 Annual Budget and Working Capital and Funding Requirement as outlined in Resolution 22-45 and as detailed in the attached budgetary support and Annual Budget document.

**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 FY2023 is approximately \$562.6 million, which represents an increase of 25.9% or a \$115.6 million dollar increase over the FY2021 budget as summarized in the attached schedule. Allocation of the FY2023 Annual Budget between members and LEC participants is based on participation levels in NCPA programs and projects and the approved cost allocations. Final funding allocation for each member is attached to this staff report and shown in Section 13 of the budget document. The total calculated FY2023 Working Capital Deposit and Funding Requirements for the Annual Budget has increased \$218k or 2.2%. The attached schedule shows each participant’s additional Requirement Charge or (Refund). The Additional Requirement Charge will be billed on the next ARB following Commission approval, and Refunds of credit amounts will likewise be deposited into the applicable participant’s individual GOR account.

**28. Resolution 22-51, Approval of Exhibit C, Revision 24-1 to Contract 96-SNR-00110 (Western Area Power Administration (WAPA O&M Funding Commitment)** – adopt resolution by all members approving Exhibit C, Revision 24-1 to Contract 96-SNR-00110, and authorizing the General Manager of NCPA to execute Exhibit C, Revision 24-1 to Contract 96-SNR-00110, on behalf of NCPA, including any non-substantive modifications to Exhibit C, Revision 24-1 to Contract 96-SNR-00110 approved by NCPA’s General Counsel.

**Fiscal Impact:** WAPA will invoice and collect funds according to a monthly schedule.

Approximately one (1) 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 (\$0.00). Costs associated with this commitment will be allocated to the Assigning Members based on Western Allocation percentages. NCPA’s authority to act on behalf of the Assigning Members is provided through the Assignment Administration Agreement (AAA Agreement), which requires an affirmative vote of all Assigning Members. Execution of Exhibit C, Revision 24-1 to Contract 96-SNR-00110 would establish a commitment by NCPA, specifically the Assigning Members, to provide funds associated with federal Fiscal Year 2024 in the amount of \$11,918,438.68. The obligation to provide funds survives termination of the O&M Agreement, but any and all future obligations would be absolved coincident with the termination of the Base Resource contract.

## **CLOSED SESSION ITEMS (10:45 am – 12:00 pm)**

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

Pursuant to Government Code Section 54956.9(d)(1) - Existing Litigation, three (3) cases:

- A. 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.
- B. Case Name: *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.
- C. Case Name: *City of Santa Clara dba Silicon Valley Power and Northern California Power Agency, Claimants, v. California Department of Water Resources, Respondent, American Arbitration Association*, Case No. 01-22-0001-3527.

**30. CONFERENCE WITH LEGAL COUNSEL** – pursuant to Government Code Section 54956.9(d)(2) – Anticipated Litigation – one (1) case.

**31. THREAT TO PUBLIC SERVICES OR FACILITIES** – Threat to public services or facilities pursuant to Government Code Section 54957:

Consultation with Chief Financial Officer / Assistant General Manager Administrative Services, Monty Hanks, Assistant Manager, Information Services, Christopher Carnesi, and Energy Resource Analyst II – Risk Management, Randall Kramer.

**32. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – Pursuant to Government Code

Section 54956.8:

Property: 5034 Sunrise Blvd, Fair Oaks, California.

Agency negotiator: Randy Howard, General Manager; Monty Hanks, CFO / Assistant General Manager of Administrative Services; and Jonathan Ashcraft, Facilities Manager

Negotiating parties: Ethan Conrad

Under negotiation: Offer Price and Terms of Payment

**OPEN SESSION**

**REPORT FROM CLOSED SESSION**

**NEW BUSINESS**

**ADJOURNMENT**