



651 Commerce Drive,  
Roseville, CA 95678

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# Commission Agenda

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**Date:** December 2, 2021  
**Subject:** NCPA Commission Meeting  
**Location:** NCPA, 651 Commerce Drive, Roseville, CA 95678  
**Time:** 9:30 am

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\* 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. \*

**CITY OF GRIDLEY**  
685 Kentucky Street,  
Gridley, CA

**CITY OF HEALDSBURG**  
401 Grove Street  
Healdsburg, CA

**CITY OF LODI**  
221 W. Pine Street  
Lodi, CA

**CITY OF LOMPOC**  
100 Civic Center Plaza  
Lompoc, CA

**CITY OF REDDING**  
777 Cypress Ave  
Redding, CA

**CITY OF UKIAH**  
300 Seminary Street  
Ukiah, CA

**PORT OF OAKLAND**  
530 Water Street, #240  
Oakland, CA

**LARRY PRICE**  
971 Chandler Road  
Quincy, CA

**TRUCKEE DONNER**  
11570 Donner Pass Road  
Truckee, CA

**NCPA**  
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 – 9:40 am)*
2. *Approve Minutes of the October 28, 2021, Regular Commission Meeting, and the November 12, 2021, Special Commission Meeting (9:40 am – 9:45 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 (9:45 am – 10:15 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 (10:15 am – 10:25 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 October 31, 2021** – approval by all members.

**11. Treasurer's Report for the Month Ended October 31, 2021** – 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: 2006 Ford F450 Mechanic's Truck from Lodi Energy Center; 2007 Ford F450 I&C Truck for Lodi Energy Center; and Bandit Wood Chipper 250XB from Hydroelectric Facility.

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

**13. Resolution, 21-107, Contra Costa Electric, Inc. – First Amendment to 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 First Amendment to the Multi-Task General Services Agreement with Contra Costa Electric, Inc., for electrical maintenance services, with any non-substantial changes recommended and approved by the NCPA General Counsel, increasing the not-to-exceed amount from \$500,000 to \$1,500,000, for continued use at any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, and SCPPA Members.

**Fiscal Impact:** Upon execution, the total cost of the agreement will be not to exceed \$1,500,000 over the remainder of the contract term.

**14. Resolution 21-108, Airgas Specialty Products, Inc. – Five Year Multi-Task Agreement for Purchase of Equipment, Materials and Supplies for Chemical Purchases; Applicable to the following: All Northern California Power Agency (NCPA) Facilities** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task Agreement for Purchase of Equipment, Materials and Supplies with Airgas Specialty Products, Inc., for chemical purchases, with any non-substantial changes recommended and approved by the NCPA General Counsel, for use at any facilities owned and/or operated by NCPA.

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

**15. Resolution 21-111, Three Year Multi-Task Consulting Services Agreement with Association Management Solutions for Conference and Event Planning Services; Applicable to NCPA, NCPA Members, SCPPA, and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into Multi-Task Consulting Services Agreements with Association Management Solutions (AMS) to provide needed support for the planning and management of NCPA conferences and events, as well as for use separately by signatories to the Shared Services Agreement (NCPA Members, SCPPA, and SCPPA Members).

**Fiscal Impact:** The total cost of this agreement is not to exceed \$450,000 over three years.

- 16. Resolution 21-112, California Municipal Utilities Association and Southern California Public Power Authority** – Third Amendment to the Funding Agreement for Energy Efficiency Services – adopt resolution by all members authorizing the General Manager or his designee to enter into a Third Amendment to the Funding Agreement with the California Municipal Utilities Association (CMUA) and Southern California Public Power Authority (SCPPA) for the development and maintenance of a demand side management cost-effectiveness tool and reporting platform, with any non-substantial changes recommended and approved by the NCPA General Counsel, to increase the total not-to-exceed amount by \$458,000, of which NCPA will be responsible for payment of \$58,562.  
**Fiscal Impact:** Upon execution, the total not to exceed amount of the agreement will increase from \$1,288,600 to \$1,746,600 over the remainder of the contract term. No fiscal impact to NCPA.
- 17. Resolution 21-114, Approval of Revisions to NCPA’s Personnel Policies and Procedures Manual** – adopt resolution by all members authorizing the General Manager or his designee to implement the revisions to NCPA’s Personnel Policies and Procedures Manual.  
**Fiscal Impact:** Approval of these changes to NCPA’s Personnel Policies and Procedure Manual will have minimal fiscal impacts. This action does not require a budget augmentation.
- 18. Resolution 21-115, FY 2020-2021 Annual Billing Settlements** – adopt resolution by all members and the attachments thereto regarding the FY 2020-2021 Annual Billing Settlements.  
**Fiscal Impact:** Upon approval by the Commission, the amount of \$1,322,423 will be distributed to participants. NCPA member refund amounts will be deposited into their respective General Operating Reserve accounts while collections will be billed on a miscellaneous billing in December, which will include a General Operating Reserve (GOR) letter of direction template. Non-members will receive a credit or debit miscellaneous billing in early December.
- 19. Resolution 21-117, Three Year Multi-Task Consulting Services Agreement with Association Management Solutions for Conference and Event Planning Services; Applicable to NCPA, NCPA Members, SCPPA, and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into Multi-Task Consulting Services Agreements with Association Management Solutions (AMS) to provide needed support for the planning and management of NCPA conferences and events, as well as for use separately by signatories to the Shared Services Agreement (NCPA Members, SCPPA, and SCPPA Members)—the agreement shall not exceed \$450,000 over three years including all fees, costs, and expenses.  
**Fiscal Impact:** The total cost of this agreement is not to exceed \$450,000 over three years.
- 20. Resolution 21-119, Delegate Investment Duties to the Treasurer-Controller** – adopt resolution by all members confirming delegation to the Treasurer-Controller the authority to establish proper safeguards, controls, and procedures to maintain NCPA funds in a lawful, rational, and prudent manner including the investment of such funds. The Treasurer-Controller assumes full responsibility for investment transactions until the authority is revoked or expires, and shall make a report each month of those transactions to the Commission.  
**Fiscal Impact:** There is no direct dollar impact to this proposed policy. The resolution delegates authority to the Treasurer-Controller for the investment activities of the Agency.
- 21. Resolution 21-120, Execute Confirmation Number 0236 for CLEAResult Consulting Inc., Services to the City of Santa Clara/Silicon Valley Power and Issue a Corresponding Purchase Order Under the Support Services Program** – adopt resolution by all members authorizing the NCPA General Manager or his designee to execute Confirmation Number 0236,

with any non-substantive changes as approved by the NCPA General Counsel, and issue a Purchase Order to CLEAResult Consulting Inc., (CLEAResult) for electric vehicle charging infrastructure assistance, electrification education, and electrification assessment services.  
**Fiscal Impact:** There is no fiscal impact to NCPA.

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

**CLOSED SESSION ITEMS (10:25 am – 11:00 am)**

- 22. 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.*
- 23. 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.*
- 24. CONFERENCE WITH LABOR NEGOTIATORS AND PERFORMANCE EVALUATION** – Labor negotiations pursuant to Government Code section 54957.6: Agency representatives: NCPA Executive Committee Members and Human Resources Manager Elizabeth Gonzalez; Unrepresented Public Employee: General Manager; and b) Performance evaluation pursuant to Government Code Section 54957: Unrepresented Public Employee: One Category: General Manager.
- 25. CONFERENCE WITH LABOR NEGOTIATORS AND PERFORMANCE EVALUATION** – Labor negotiations pursuant to Government Code section 54957.6: Agency representatives: NCPA Executive Committee Members and Human Resources Manager Elizabeth Gonzalez; 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 (11:10 am – 11:45 am)**

- 26. Resolution 21-113, Approval of Letter Agreement to Award Additional Paid Administrative Leave for Calendar Year 2022 to Randy S. Howard, General Manager** – adopt resolution by all members authorizing the Chair of the Commission to award the General Manager a Letter Agreement awarding additional leave that may not be cashed out for use in 2021 and approve the General Manager’s Performance Goals for 2022.  
**Fiscal Impact:** Funds are available in the Executive Services – General Manager Salaries and Benefits account; there is no material change to the current fiscal year budget.

- 27. Resolution 21-122, Approval of Fifth Amendment to Employment Agreement with Jane E. Luckhardt, General Counsel** – adopt resolution by all members approving the Fifth Amendment to Employment Agreement between NCPA and Jane E. Luckhardt; authorize the Chair of Commission to execute the Fifth Amendment to Employment Agreement; authorize the Chair of the Commission to award a Letter Agreement awarding additional leave that may not be cashed out for use in 2022; and approve the General Counsel's Performance Goals for 2022.  
**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.
- 28. Resolution 21-109, Geothermal Plant 2 Unit 4 Overhaul Project; Applicable to the following: NCPA Geothermal Facility** – adopt resolution by all members authorizing the Geothermal Plant 2 Unit 4 Overhaul Project and delegating authority to the General Manager or his designee to award bids, execute agreements, and to issue purchase orders for the maintenance project in accordance with NCPA purchasing policies and procedures, without further approval by the Commission, for a total cost not to exceed \$3,500,000, and authorizing the use of \$3,500,000 from Maintenance Reserve to fund this project.  
**Fiscal Impact:** The estimated cost of the Geothermal Plant 2 Unit 4 Overhaul Project is not to exceed \$3,500,000. The FY2022 budget was approved to pre-collect funds in the Maintenance Reserve for this work. All proposed work performed shall be funded through the Maintenance Reserve account.
- 29. Resolution 21-117, Approval of Power Purchase Agreement between South Sutter Water District and Northern California Power Agency, and the Third Phase Agreement for Power Purchase Agreement with South Sutter Water District** – adopt resolution by all members authorizing the General Manager of Northern California Power Agency (NCPA) to enter into the Power Purchase Agreement between South Sutter Water District (SSWD) and Northern California Power Agency (PPA), and the Third Phase Agreement for Power Purchase Agreement with South Sutter Water District (Third Phase Agreement), including any non-substantial modifications to the PPA and Third Phase Agreement recommended and approved by the NCPA General Counsel.  
**Fiscal Impact:** SSWD has agreed to sell to NCPA, and NCPA has agreed to purchase from SSWD, certain energy, capacity rights and associated environmental attributes produced by the Camp Far West Hydroelectric Project for the purchase price set forth in Appendix A of the PPA. NCPA's costs for development and administration of the PPA and Third Phase Agreement will be allocated to Members in accordance with the Third Phase Agreement, the Power Management and Administrative Services Agreement, the Amended and Restated Facilities Agreement, and approved cost allocation methodologies as described in the NCPA annual budget.
- 30. Resolution 21-118, Approval of Contract 21-SNR-02661 and Request for Assignment of Base Resource Percentage** – adopt resolution by all members authorizing the General Manager of NCPA to enter into Contract 21-SNR-02661 (2025 Base Resource Contract) with the United States Department of Energy Western Area Power Administration Sierra Nevada Region (Western), and to enter into Request for Assignment of Base Resource Percentage letter agreements with Members (Request for Assignment Agreement), including any non-substantial modifications to Contract 21-SNR-02661 or the Assignment of Base Resource Percentage letter agreement recommended and approved by the NCPA General Counsel.  
**Fiscal Impact:** Pursuant to the 2025 Base Resource Contract, Western markets Base Resource on a take-or-pay basis. NCPA, acting on behalf of the Members' who assign all or a portion of their Base Resource percentage to NCPA, will be obligated to pay its Base Resource percentage share of Base Resources costs, as set forth in the Marketing Plan and associated rate schedules. Therefore, in addition to the 2025 Base Resource Contract and Request for

Assignment of Base Resource Percentage letter agreement, each Member who elects to assign all or a portion of its Base Resource percentage to NCPA will be required to execute the AAA between NCPA and the Member, and the AAA sets forth the terms and conditions under which NCPA will administer the Member's Base Resource percentage, and establishes the assigning Member's obligation to pay for all Base Resource costs incurred by NCPA as a result of the assignment.

31. ***NCPA's Emergency Declaration Discussion*** – staff to provide an update and discussion on NCPA's Existing Emergency Declaration regarding COVID-19.

## **NEW BUSINESS**

## **ADJOURNMENT**