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Commission Agenda

Date: December 3, 2020
Subject: NCPA Commission Meeting / Teleconference
Location: NCPA, 651 Commerce Drive, Roseville, California 95678
Time: 9:30 am

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Act, Governor Gavin Newsom's Emergency Declaration related to COVID-19, and Governor Newsom's Executive Order N-29-20 issued March 17, 2020, that allows attendance by NCPA Commissioners, staff and the public to participate and conduct the meeting by teleconference.

You may participate in the meeting via teleconference by:

Dial: 1-669-900-6833

Meeting ID: 916 8304 2856#

Zoom Link: <https://zoom.us/j/91683042856>

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 – 9:40 am)*
2. *Approve Minutes of the October 29, 2020, Regular 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, 2020*** – approval by all members.
11. ***Treasurer's Report for the Month Ended October 31, 2020*** – accept by all members.
12. ***Disposal of Northern California Power Agency Surplus Property*** – note and file by all members for the disposal of gas turbine insulation and gas turbine fuel piping.
Fiscal Impact: This report has no direct fiscal impact to the Agency.
13. ***Resolution No. 20-80, Acterra: Action for a Healthy Planet - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (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 execute a Multi-Task Consulting Services Agreement with Acterra: Action for a Healthy Planet, to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$750,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.
Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The total contractual not-to-exceed cost of the agreement is \$750,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.
14. ***Resolution No. 20-81, Charge Across Town - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (NCPA), NCPA Members, the Southern*** – adopt resolution by all members authorizing the General Manager or his designee to execute a Multi-Task consulting services agreement with Charge Across Town, to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$500,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.
Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The total contractual not-to-exceed cost of the agreement is \$500,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.
15. ***Resolution No. 20-82, CLEAResult Consulting Inc. - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (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 execute a Multi-Task Consulting Services Agreement with CLEAResult Consulting Inc., to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.

Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The total contractual not-to-exceed cost of the agreement is \$1,000,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.

- 16. Resolution No. 20-83, Cool the Earth - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (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 execute a Multi-Task Consulting Services Agreement with Cool the Earth, to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$750,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.

Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The total contractual not-to-exceed cost of the agreement is \$750,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.

- 17. Resolution No. 20-84, D&R International, Ltd. - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (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 execute a Multi-Task Consulting Services Agreement with D&R International, Ltd., to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.

Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The total contractual not-to-exceed cost of the agreement is \$1,000,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.

18. Resolution No. 20-85, Christopher Alan Consulting dba Electric Car Insider - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (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 execute a Multi-Task Consulting Services Agreement with Christopher Alan Consulting dba Electric Car Insider (Electric Car Insider), to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$500,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.

Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The total contractual not-to-exceed cost of the agreement is \$500,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.

19. Resolution No. 20-86, Frontier Energy, Inc. - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (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 execute a Multi-Task Consulting Services Agreement with Frontier Energy, Inc., to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.

Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The total contractual not-to-exceed cost of the agreement is \$1,000,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.

20. Resolution No. 20-87, Plug In America - Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (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 execute a Multi-Task Consulting Services Agreement with Plug In America, to provide electrification education and outreach services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$750,000 over three years for NCPA, NCPA Members, SCPPA, and SCPPA Members. Delegation of Authority to NCPA General Manager or his designee to administer this contract to provide these services to eligible entities under the NCPA Support Services Agreement and the SCPPA Joint Services Agreement.

Fiscal Impact: These agreements do not commit NCPA to any new expenditure of funds. The

total contractual not-to-exceed cost of the agreement is \$750,000 over three years to enable NCPA, NCPA Members, SCPPA, and SCPPA Members to utilize these services. Work completed by this consultant under this agreement will be processed and billed to the individual utility system as a pass-through charge in accordance with NCPA's Shared Services Agreement. Should NCPA itself utilize services under these contracts, the cost will be covered by previously-approved funds in NCPA's existing budget.

21. Resolution No. 20-97, 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.

22. Resolution No. 20-98, FY2019-20 Annual Billing Settlements – adopt resolution by all members approving the FY2019-20 Annual Billing Settlements.

Fiscal Impact: Upon approval by the Commission, the amount of \$5,584,181 will be distributed to participants. NCPA member refund amounts will be deposited into their respective General Operating Reserve accounts, and non-members will receive a credit miscellaneous billing in early December.

23. Resolution No. 20-92, Professional Services Agreement between NCPA and the BAMx Participants – adopt resolution by all members authorizing the General Manager or his designee to enter into a five-year Professional Services Agreement between NCPA and the cities of Palo Alto and Santa Clara, including any non-substantial changes to the Professional Services Agreement approved by NCPA's General Counsel.

Fiscal Impact: Pursuant to the terms and conditions of the Professional Services Agreement, NCPA will invoice the BAMx Members \$625 each month for related billing services under the Professional Services Agreement. Payments for services provided under the Professional Services Agreement are accounted for in the NCPA annual budget, and all costs incurred for the services shall be allocated to the BAMx Members. Total consulting services expenditures authorized under the Professional Services Agreement shall not exceed (i) \$3,250,000 during the five-year term of this agreement, and (ii) \$650,000 plus any remaining unused funds from prior years of the Agreement during each annual period during the Term of the Agreement. For example, if during the first year the total payment to Consultant is \$600,000, the remaining \$50,000 not expended in the first year can be added to the second year for a total not to exceed amount of \$700,000 for services rendered.

24. Resolution No. 20-93, Consulting Services Agreement between NCPA and Flynn Resource Consultants, Inc., – adopt resolution by all members authorizing the General Manager or his designee to enter into a five-year Consulting Services Agreement between NCPA and Flynn Resource Consultants Inc. (Flynn RCI), under which Flynn RCI is to act as project manager and shall coordinate the efforts of BAMx Members, including any non-substantial modifications approved by NCPA's General Counsel.

Fiscal Impact: Total expenditures authorized under the Consulting Services Agreement shall not exceed (i) \$3,250,000 during the five year term of this agreement, and (ii) \$650,000 plus any remaining unused funds from prior years of the Agreement during each annual period of the Term of the Agreement. For example, if during the first year the total payment to Consultant is

\$600,000, the remaining \$50,000 not expended in the first year can be added to the second year for a total not to exceed amount of \$700,000 for services rendered.

25. Resolution No. 20-94, Tesco Controls, Inc. – Five Year Multi-Task General Services Agreement; 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 Tesco Controls, Inc. to provide integrating electrical and process control systems services, 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.

26. Resolution No. 20-95, Process Innovations, Inc. – First Amendment to transfer assignment of Five Year Multi-Task Consulting Services Agreement for OSISoft PI support services to Brandenburg Holdings, LLC dba Process Innovations/Process Plugins, and approval of related Standard Software License Agreement; 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 First Amendment to the Multi-Task Consulting Services Agreement with Process Innovations, Inc. to transfer assignment of the agreement to Brandenburg Holdings, LLC dba Process Innovations/Process Plugins for OSISoft PI support services, and further approval of the related Standard Software License Agreement, both with any non-substantial changes recommended and approved by the NCPA General Counsel, which Consulting Services Agreement shall not exceed \$500,000 over five years, for continued use at all facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, or by SCPPA Members.

Fiscal Impacts: Upon execution, the total cost of the Multi-Task Consulting Services 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.

27. Resolution No. 20-96, ORR Protection Systems, Inc. – First Amendment to Five Year Multi-Task General Services Agreement; 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 First Amendment to the Multi-Task General Services Agreement with ORR Protection Systems, Inc., with any non-substantial changes recommended and approved by the NCPA General Counsel, increasing the not to exceed amount from \$1,500,000 to \$3,000,000, for continued 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 \$3,000,000 over the existing five year term. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

28. Resolution No. 20-100, Authorize NCPA General Manager to Execute Amended Confirmation No. 0117 for Burns & McDonnell Services to the City of Lodi/Lodi Electric Utility and Issue a Corresponding Purchase Order Under the Support Services Program – adopt resolution by all members authorizing the General Manager or his designee to execute Amended Confirmation No. 0117, with any non-substantive changes as approved by the NCPA

General Counsel, and issue a corresponding Purchase Order to Burns & McDonnell for additional engineering, design, and environmental analysis services for the Pacific Gas & Electric No. San Joaquin 230kV Transmission PEA Development Project.

Fiscal Impact: There is no fiscal impact to NCPA. The services provided by Burns & McDonnell to the City of Lodi/Lodi Electric Utility will be billed to and paid by Lodi pursuant to the terms of the Support Services Program Agreement. NCPA's administrative costs will be reimbursed by Lodi.

Consent Items pulled for discussion: _____

DISCUSSION / ACTION ITEMS (10:25 am – 11:00 am)

29. Resolution No. 20-88, Approval of Letter Agreement to Award Additional Paid Administrative Leave for Calendar Year 2021 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 2021.

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.

30. Resolution No. 20-89, Approval of Fourth Amendment to Employment Agreement with Jane E. Luckhardt, General Counsel – adopt resolution by all members approving the Fourth Amendment to Employment Agreement between NCPA and Jane E. Luckhardt; authorize the Chair of Commission to execute the Fourth 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 2021; and approve the General Counsel's Performance Goals for 2021.

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.

31. Resolution No. 20-99, Approval of Northern California Power Agency's Major Insurance Renewals for Policy Year 2021 – adopt resolution by all members delegating the authority to the General Manager to negotiate and bind property damage and casualty coverage amounts as presented (or better) and a not-to-exceed proposed premiums of approximately \$5,783,200.

Fiscal Impact: The total cost of the policy year 2021 insurance programs is estimated not to exceed \$5,783,200. This is approximately 53% higher than current year premiums. Staff will return in January with a final report of coverages and premiums.

32. Resolution No. 20-101, FY20-21 New Slate of Officers – adopt resolution by all members approving the election of Vice-Chair David Hagele to serve for the remainder of the term of office of the departing Chair, and the nomination of Executive Committee Member Jerry Serventi to serve for the remainder of the term of office of the vacant seat of Vice-Chair.

Fiscal Impact: No monetary impact to the Agency is expected to result from this action.

33. Resolution No. 20-90, Approval of Resolution Commending Roger Frith – adopt resolution by all members commending Roger Frith.

34. Resolution No. 20-91, Approval of Resolution Commending Teresa O'Neill – adopt resolution by all members commending Teresa O'Neill.

CLOSED SESSION ITEMS (11:00 am – 11:45 am)

- 35. 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.
- 36. 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.
- 37. 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 Manager; and b) Performance evaluation pursuant to Government Code Section 54957: Unrepresented Public Employee: One Category: General Manager.
- 38. 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

NEW BUSINESS

ADJOURNMENT