



651 Commerce Drive  
Roseville, CA 95678

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

## Agenda – Legal Committee Regular Meeting

---

**Notice Date:** May 1, 2020  
**Meeting Date:** May 7, 2020 Legal Committee Regular Meeting  
**Meeting Time:** 8:30 a.m. PT  
**Location:** Teleconference Meeting Only

---

**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 Legal Committee Members, staff, and the public to participant and conduct the meeting by teleconference.**

**Dial (Toll Free): 1-877-309-2073  
Code: 535-405-317**

---

*Persons requiring accommodations in accordance with the Americans with Disabilities Act in order to 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 AND ROLL CALL**
- 2. PUBLIC COMMENT**

Any member of the public who desires to address the NCPA Legal Committee on any item considered by the Legal Committee at this meeting, before or during the Committee’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 NCPA Legal Committee on any item within the jurisdiction of the Legal Committee and not listed on the Agenda may do so at this time.

- 3. APPROVAL OF MEETING MINUTES** - Seeking approval of April 2, 2020 Regular and Special meeting minutes.

## **CLOSED SESSION**

4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) - two (2) cases.
5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Discussion pursuant to Government Code Section 54956.9(d)(1) – two (2) cases.
  - a. 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 - Appeal from the United States Court of Claims No. 14-817-TCW.*
  - b. Case Name: *Voluntary Petitions for Filing of Chapter 11 Bankruptcy, PG&E Corporation, Debtor, and Pacific Gas and Electric Company, Debtor, United States Bankruptcy Court, Northern District of California, San Francisco Division, jointly administered under No. 19-30088*

## **OPEN SESSION**

6. **REPORT FROM CLOSED SESSION**
7. **GENERAL COUNSEL UPDATES** - NCPA's General Counsel will update the Committee on miscellaneous business matters of interest.
8. **ADJOURNMENT**

*Note - The Committee may take action on any of the items listed on this Agenda regardless of whether an item is described as an Action Item, a Report or an Informational Item. This agenda may be 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).*



651 Commerce Drive  
Roseville, CA 95678

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

## Minutes – Regular Legal Committee Meeting

---

**To:** NCPA Legal Committee  
**From:** Linda Stone  
**Subject:** April 2, 2020 NCPA Legal Committee Regular Meeting Minutes

---

NCPA General Counsel Jane Luckhardt reminded everyone to exercise social distancing and noted that in accordance with Orders issued as a result of the COVID-19 pandemic, this is the last meeting where the public will be allowed to attend in person until further notice.

### 1. Call Meeting to Order and Roll Call

The meeting was called to order at 8:36 a.m. by Chair Barry DeWalt. At roll call the following members were present by telephone at the posted teleconference locations listed on the agenda and at the NCPA headquarters office, 651 Commerce Drive, Roseville, California:

BART-Marco Gomez, Biggs-Gregory Einhorn, Gridley-Anthony Galyean, Healdsburg-Samantha Zutler, Lompoc-Joe Pannone, Palo Alto-Amy Bartell, Plumas-Sierra-Michael Vergara, Port of Oakland-Catrina Fobian, Redding-Barry DeWalt, Roseville-Joe Mandell, and Santa Clara-Brian Doyle. A quorum was present. Alameda-Alan Cohen joined the meeting at 8:40 a.m.

Also present were Jake Baldwin from Redding, NCPA General Counsel Jane Luckhardt, NCPA General Manager Randy Howard, NCPA Legislative and Regulatory Assistant General Manager Jane Cirrincione, NCPA staff Jack Lincoln, and NCPA administrative support Linda Stone.

### 2. Public Comment

The Chair read the notification regarding Public Comment and asked if any member of the public would like to address the Committee. There was no public comment.

### 3. Approval of Meeting Minutes

The meeting minutes from the February 6, 2020 regular meeting were presented for approval. Joe Pannone (Lompoc) moved approval of the minutes as presented; second by Amy Bartell (Palo Alto). A roll call vote was taken, as follows. The motion passed.

<b>Vote Summary on Motion</b>	
<b>Participant</b>	<b>Vote</b>
Alameda Municipal Power	Yes
BART	Yes
Biggs	Yes
Gridley	Yes
Healdsburg	Yes
Lodi	Absent
Lompoc	Yes
Palo Alto	Yes
Plumas-Sierra	Yes
Port of Oakland	Yes
Redding	Yes
Roseville	Yes
Santa Clara	Abstain
Shasta Lake	Absent
Truckee Donner PUD	Absent
Ukiah	Absent
<b>Vote Summary</b>	
Total Yes	11
Total Noes	0
Total Abstain	1
Total Absent	4
Result:	Pass

#### **4. COVID-19 Legislation, Presidential Proclamations, Executive Orders and Related Actions**

Jane Cirrincione and Jack Lincoln provided the Committee with an overview of actions taken in response to the COVID-10 pandemic, including discussion of the Families First Act and at the federal level the Cares Act. They also discussed options for handling of customers when non-payment is an issue, credits on billings, and policies being put into place to address these matters. Jane noted the benefits of joint action aided in dealing with these issues. Jane Luckhardt added that in light of the various changes to the Brown Act, going forward all meetings will be handled electronically until further notice.

#### **5. General Counsel Updates**

Jane Luckhardt was happy to report that as a result of NCPA's locating further transactions, the Attorneys General approved NCPA's claim for an additional payment in the AG-Citi LIBOR settlement of \$271,759. NCPA's time to locate the records was well spent.

#### **6. Adjournment**

At 8:52 a.m. the regular meeting was adjourned.



651 Commerce Drive  
Roseville, CA 95678

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

# Minutes – Special Legal Committee Meeting

---

**To:** NCPA Legal Committee

**From:** Linda Stone

**Subject:** April 2, 2020 NCPA Special Legal Committee Meeting Minutes

---

## 1. Call Meeting to Order and Roll Call

The meeting was called to order at 8:53 a.m. by Chair Barry DeWalt. At roll call the following members were present by telephone at the posted teleconference locations listed on the agenda and at the NCPA headquarters office, 651 Commerce Drive, Roseville, California:

Alameda-Alan Cohen, BART-Marco Gomez, Biggs-Gregory Einhorn, Gridley-Anthony Galyean, Healdsburg-Samantha Zutler, Lompoc-Joe Pannone, Palo Alto-Amy Bartell, Plumas-Sierra-Michael Vergara, Port of Oakland-Catrina Fobian, Redding-Barry DeWalt, Roseville-Joe Mandell, and Santa Clara-Brian Doyle. A quorum was present.

Also present were Jake Baldwin from Redding, NCPA General Counsel Jane Luckhardt, NCPA General Manager Randy Howard, NCPA Legislative and Regulatory Assistant General Manager Jane Cirrincione, and NCPA administrative support Linda Stone.

## 2. Public Comment

There was no public comment.

## 3. Closed Session

At 8:55 a.m. the Committee convened to closed session. The Legal Committee returned to open session at 9:22 a.m.

## 4. Report from Closed Session

General Counsel Jane Luckhardt reported that no reportable action was taken during closed session.

## 5. Adjournment

The meeting was adjourned at 9:22 a.m.