



651 Commerce Drive  
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## Agenda – Legal Committee Meeting

**Notice Date:** January 30, 2020

**Meeting Date:** **February 6, 2020 Legal Committee Meeting**

**Location:** 651 Commerce Drive, Roseville, CA, and via Posted Teleconference Locations

**Time:** 8:30 a.m. PST

In compliance with the Brown Act, you may participate in person at the meeting location or via teleconference at one of the locations listed below. In either case, please (1) post the Agenda at a publically accessible location at the participation location at least 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><b>Northern California Power Agency</b> 651 Commerce Drive Roseville, CA 95678</p>	<p><b>City of Alameda</b> Alameda City Attorney's Office 2263 Santa Clara Avenue, No. 280 Alameda, CA 94501</p>	<p><b>Bay Area Rapid Transit</b> 300 Lakeside Drive, 23rd Floor Oakland, CA 94612</p>
<p><b>City of Ukiah</b> Rapport and Marston 405 West Perkins Street Ukiah, CA 95482</p>	<p><b>City of Gridley</b> Rich, Fuidge, Bordsen &amp; Galyean 1129 D Street Marysville, CA 95901</p>	<p><b>City of Healdsburg</b> Burke Williams 101 Howard Street, Suite 400 San Francisco, CA 94105</p>
<p><b>City of Lodi</b> 221 West Pine Street Lodi, CA 95242</p>	<p><b>City of Lompoc</b> Aleshire &amp; Wynder, LLP 6001 Boeing Place Los Angeles, CA 90045</p>	<p><b>Plumas-Sierra Rural Electric Coop</b> Somach, Simmons &amp; Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814</p>
<p><b>City of Palo Alto</b> Palo Alto City Attorney's Office 250 Hamilton Avenue Palo Alto, CA 94301</p>	<p><b>City of Palo Alto</b> Assistant City Attorney Office 54 Bosworth Field Mendon, NY 14506</p>	<p><b>Port of Oakland</b> Office of General Counsel 530 Water Street Oakland, CA 94607</p>
<p><b>City of Redding</b> 777 Cypress Avenue Redding, CA 96001</p>	<p><b>City of Roseville</b> Civic Center-City Attorney's Office 311 Vernon Street Roseville, CA 95678</p>	<p><b>City of Santa Clara</b> Santa Clara City Attorney's Office 1500 Warburton Ave. Santa Clara, CA 95050</p>
<p><b>City of Shasta Lake</b> 2701 Park Marina Drive Redding, CA 96001</p>		

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.

Time estimates are provided as part of the Legal Committee effort to manage its time at the meetings. Listed times are estimated only and are subject to change at any time, including while the meeting is in progress. The Legal Committee 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.

- **Review Safety Procedures – NCPA Headquarters Facility**

- 1. CALL MEETING TO ORDER AND ROLL CALL (8:30-8:35 a.m.)**

- 2. PUBLIC COMMENT (8:35-8:40 a.m.)**

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 (8:40-8:45 a.m.)** Seeking approval of:

- Minutes of September 25, 2019 Annual (Regular) Meeting
- *October 17, 2019 Special Meeting – No quorum*
- November 21, 2019 Special Meeting

### **CLOSED SESSION**

- 4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (8:45 – 8:55 a.m.)**

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

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.*

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*

- 5. REPORT FROM CLOSED SESSION (8:55 a.m.)**

- 6. STATUS UPDATE REGARDING CLEAN FUEL REWARD PROGRAM GOVERNANCE AGREEMENT –** NCPA’s General Counsel will provide status update **(8:55-9:00 a.m.)**
  
- 7. COMMUNITY SOLAR DEVELOPMENT AND CONSISTENCY WITH THE SURPLUS LANDS ACT (Cal. Gov. Code §§ 54220 et seq.) -** AB 2135 adds provisions to further promote the use of surplus lands for low- and moderate-income housing and provides first priority to use of surplus land for low income housing. The discussion will focus on whether providing an easement, lease, license, right of access or right of way to a solar company to which the local agency has a solar power purchase agreement would be considered disposal of the land? Whether this type of arrangement can be considered “agency use” to support agency operations or utility sites? Or, whether an exemption applies for the contemplated use? **(9:00-9:15 a.m.)**
  
- 8. STATUS UPDATE REGARDING NCPA’S SUPPORT SERVICES PROGRAM –** NCPA’s General Counsel will provide status update about Member subscription levels and usage since the Program’s inception in 2016 **(9:15-9:25 a.m.)**
  
- 9. GENERAL COUNSEL UPDATES (9:25-9:30 a.m.)**  
NCPA’s General Counsel will update the Committee on miscellaneous business matters of interest.
  
- 10. ADJOURNMENT**