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Minutes – Legal Committee Meeting

To: NCPA Legal Committee
From: Linda Stone
Subject: July 1, 2021, NCPA Legal Committee Meeting Minutes

1. Call Meeting to Order and Roll Call

The meeting was called to order at 8:35 a.m. by Chair Barry DeWalt. At roll call the following members were present by telephone:

BART-Marco Gomez, Biggs-Gregory Einhorn, Healdsburg-Samantha Zutler, Lodi-Janice Magdich, Lompoc-Joe Pannone, Palo Alto–Amy Bartell, Plumas-Sierra-Michael Vergara, Redding-Barry DeWalt, and Santa Clara-Brian Doyle. A quorum was present.

Also participating in the meeting were Santa Clara-Caio Arellano, 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

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 Minutes

The minutes of the June 3, 2021 regular meeting were presented by staff for review and approval. Samantha Zutler (Healdsburg) made a motion to approve the minutes as presented; seconded by Janice Magdich (Lodi). There was no discussion. A roll call vote was taken, as follows. The motion passed.

Vote Summary on Motion	
Participant	Vote
Alameda Municipal Power	Absent
BART	Yes
Biggs	Yes
Gridley	Absent
Healdsburg	Yes
Lodi	Yes
Lompoc	Yes
Palo Alto	Yes
Plumas-Sierra	Yes
Port of Oakland	Absent
Redding	Yes
Roseville	Absent
Santa Clara	Yes
Shasta Lake	Absent
Truckee Donner PUD	Absent
Ukiah	Absent
Vote Summary	
Total Yes	9
Total Noes	0
Total Abstain	0
Total Absent	7
Result:	Pass

4. South Feather Water and Power Agency Third Phase Agreement and Power Purchase Agreement

Jane Luckhardt reported that comments from the South Feather Water and Power Agency were expected in June. Randy Howard said he thinks the comments were received this week but he has not seen them. NCPA will respond to the comments, and finalization of the Power Purchase Agreement and Third Phase Agreement is expected in July. NCPA plans to take the agreements to its committees for review and to the Commission for approval in August. Based on that timing, the project documents would go to the participants' governing bodies for approval in September-October. Energy delivery is targeted to begin December 18, 2021. Jane said she may set one last ad hoc committee meeting, as necessary, to review the final proposed documents.

5. Glover Solar Project Third Phase Agreement and Power Purchase Agreement

Jane reported that the project's target for commercial operation date has been moved out to April 2024 due to PGE upgrades needed to make the project deliverable. The technical team has indicated its approval of the timing. Work continues on the project documents. NCPA is working to add set milestones to the Power Purchase Agreement and the CEQA requirements will remain in the agreement.

6. NCPA Annual Conference Presentations Regarding Electric Vehicle Issues

Jane Luckhardt reported that NCPA is going Live with its Annual Conference this year. The conference will be held in Napa at the Silverado Resort from September 29 to October 1. The Legal Committee meeting kicks off the conference program on Wednesday, September 29th at 1:00 p.m. The Legal Committee meeting's program will focus on electric vehicle charging and the issues facing POU's – "Charging into the Future, Are You Ready?" Speakers for the program include Jean-Claude Bertet, Deputy City Attorney, Office of the Los Angeles City Attorney-Water & Power Division, and Marvin Moon, Assistant General Manager-Power Delivery for Pasadena Water & Power. Emily Lemei of NCPA will give the introduction including an overview of who is buying EVs and where, and Amy Bartell of Palo Alto and Caio Arellano of Santa Clara will serve as the discussion moderators. Jane Luckhardt's vision for this meeting is to explore the myriad of agreements city attorneys may have to put in place to address EV charging with a focus on the customer experience.

The committee brainstormed issues and opportunities for sharing of information during the annual conference legal committee meeting which will be beneficial to the attendees.

7. General Counsel Updates

Jane Luckhardt updated the committee with the current discovery dates in the CVPIA litigation matter leading up to the trial scheduled to commence on January 31, 2022. The trial date remains unchanged but the various discovery dates were each extended by two weeks.

8. Adjournment

The meeting was adjourned at 9:03 a.m.