

Community Renewable Energy Agency Board Meeting Minutes

The Community Renewable Energy Agency Board met in a regular public meeting on **Monday, January 8, 2024**, at Millcreek City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106 and participated electronically via GoToMeeting.

PRESENT:

Board Members

In person

Angela Choberka, Vice Chair, *Ogden*
Drew Quinn, *Holladay*
Emily Quinton, *Summit County*
Jeff Silvestrini, *Millcreek*
Christopher Thomas, *Salt Lake City*

Electronic

Randy Aton, *Springdale*
Pamela Gibson, *Castle Valley*
Chris Cawley, *Alta*
Luke Cartin, *Park City*
Patrick Schaeffer, *Kearns Metro Township*
David Brems, *Emigration Canyon Township*
Emily Paskett, *Salt Lake County*
Alexi Lamm, *Moab*
Samantha DeSeelhorst, *Cottonwood Heights*
Roger Armstrong, *Summit County*
Kyla Topham, *Springdale*

In Person Attendees: Kurt Hansen, *Millcreek*; Alex Wendt, *Millcreek*

Electronic Attendees: Bob Davis, *Division of Public Utilities*; Brenda Salter, *Division of Public Utilities*; Sara Montoya, *Salt Lake City staff*; Samantha Pensari, *O2 Utah*; Lorenzo Long, *Ogden City staff*; Sam Owen, *Salt Lake City staff*; Carmen Valdez, *HEAL Utah*; Jeanne Evenden, *Ogden Resident*; Joan Entwistle, *Park City Resident*

Minutes by Alex Wendt, Millcreek Deputy Recorder.

REGULAR MEETING – 1:00 p.m.

TIME COMMENCED: 1:08 p.m.

1. Welcome, Introduction, and Preliminary Matters

1.1 Purpose and Overview of Meeting

Vice Chair Angela Choberka called the meeting to order at 1:08 p.m.

1.2 Current Participation Percentages included in Board Packet

2. Business Matters

2.1 Approval of December 4, 2023, Board Meeting Minutes

Board Member Silvestrini made the motion to approve the December 4, 2023, Board Meeting Minutes. Board Member Quinn seconded. Vice Chair Choberka asked for the vote. All Board Members voted yes. The motion passed unanimously.

2.2 Treasurer Report (Year-to-Date Contributions and Expenses)

Board Member Silvestrini said the report is in the packet, the only change has been a couple bills paid to the communication consultant and legal counsel.

2.3 Reports From Committees (Program Design, Low-Income Plan, Communications)

Board Member Chris Cawley gave the update for the Communication Committee. The Communications Committee held an open house style meeting. Participants from more than half the Agency communities attended the meeting. Collaboration with Penna Powers on social media, newsletters, and content drafting is going well. The next committee meeting is on January 12th. Communications channel performance trends are trending upwards but still low. 52% of the budget is expended as of December 7th, 2023. Not to exceed cost is \$93,500. The contract expires on June 30th. The Board will need to discuss if they wish to extend the contract with Penna Powers. Some options include reducing Penna Powers time with newsletter drafting, which would save \$7,000. Another option is to reduce their involvement with social media. During the next Communications Committee meeting we will discuss scope adjustment with Penna Powers, strategize press releases, develop newsletter content, and coordinate with other committees.

Board Member DeSeelhorst gave the update from the Low-Income Plan Committee. They will work on polishing materials for the Low-Income Plan outreach. More updates are coming in February.

Board Member Thomas gave the Program Design Committee update. Mr. Thomas added three new rows to the Program Application checklist. They are proposed program solicitation rules, proposed resource contracting provisions, and proposed agency resource solicitation documents. The Program Design Committee met twice in December; the small group met twice as well. They drafted a resolution regarding using remaining funds for program design and resource solicitation. They also worked with the Millcreek City Attorney to draft a resolution that would amend the Agency's financial administration policy with respect to program resources.

As discussed previously, PacifiCorp suspended their 2022 All Source RFP. The Agency had hoped to review pricing and select a resource from this solicitation. The Program Design Committee discussed hosting our own Agency solicitation. The Agency had earmarked \$300,000 for legal and analytical consulting expenses. As of December 31st, there is \$41,288.25 left. There is also \$106,5000 that is not obligated for any purpose.

Resolution 24-01 would approve the use of the remaining funds totaling \$147,788.35 for legal and analytical expenses. Board Member Silvestrini said that because there have been delays from Rocky Mountain Power, The Resource Solicitation Rough timeline is as follows. Rocky Mountain power should file the proposed solicitation rules, solicitation documents, and template resource contracts with the Utah Public Service Commission (PSC). In April, Rocky Mountain Power should file the remaining Program Application documents with the PSC. In June, if the PSC approves the February filing, Millcreek can publish a resource solicitation on behalf of the Agency. In September: the Agency could select a resource and ask PacifiCorp to sign a Power Purchase Agreement, contingent on the Program Application being approved and the resource being approved by the PSC.

Resolution 24-02 would amend the Agency's financial administration policy to allow Millcreek to host a solicitation for Program Resources. This allows for the development of program resource bid documents and allows for a bid fee to be collected for program resource bids like how PacifiCorp/Rocky Mountain Power charges bid fees to offset costs. The resolution also allows for resource bids to be submitted directly to a third party. The invitation for resource bids will follow Millcreek's process for acquisition of services and supplies. If the resolution passes, the committee will work on creating solicitation bid documents and template contracts to be ready to submit to the Utah PSC by the end of February.

Board Member Silvestrini said that these resolutions clean up items flagged by the Millcreek City Attorney. The bid fee is not uncommon in the realm of energy procurement. Board Member David Brems asked who is liable if something goes wrong if Rocky Mountain Power is not involved. Board Member Thomas said that the Agency has been in contact with RMP. The ultimate contract would be signed with RMP on behalf of the Agency and a 3rd party developer. Board Member Brems asked why would RMP be willing to sign this contract? Board Member Thomas said that state law allows program resources to be procured this way. The Board does not have a specific reason to think that RMP would not do this. Board Member Silvestrini said that there would be language deflecting liability from the Agency. Board Member Brems said that he is worried that misunderstandings in a bidding process could lead the Agency to be caught up in a dispute with energy developers. Board Member Thomas said that wording could be added that says the Agency does not have to select a winning bidder. This would help mitigate risk, but risk cannot be removed entirely. Board Member Brems said that he would like each community legal counsel to review the documents to consider risk.

2.4 Public Comments

There were no public comments.

2.5 Discussion and Consideration of Resolution 24-01, Resolution of the Board Approving Unobligated Funds for Program Design and Resource Solicitation

Board Member Silvestrini made the motion to approve Resolution 24-01, Resolution of the Board Approving Unobligated Funds for Program Design and Resource Solicitation. Board Member Armstrong seconded the motion. Vice Chair Choberka asked for the vote. All Board Members voted yes. The motion passed unanimously.

2.6 Discussion and Consideration of Resolution 24-02, Resolution of the Board Amending the Financial Administration Policy

Board Member Silvestrini made the motion to approve Resolution 24-02, Resolution of the Board Amending the Financial Administration Policy. Board Member Quinn seconded the motion. Vice Chair Choberka asked for the vote. All Board Members voted yes. The motion passed unanimously.

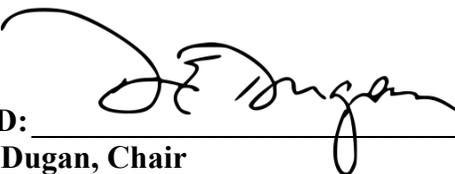
2.7 Board Member Comments

Secretary Quinton welcomed the new Board Members from Springdale and in the future Moab.

2.8 Closed Session (If needed): The Board may convene in a closed session to discuss items as provided by Utah Code Ann. 52-4-205

3. Adjournment

Board Member Quinn made the motion to adjourn the meeting at 1:46 p.m. Board Member Silvestrini seconded. Vice Chair Choberka called for the vote. All Board Members voted yes. The motion passed unanimously.

APPROVED:  Date **2-20-24**
Dan Dugan, Chair

ATTEST:

Emily Quinton, Secretary