

Community Renewable Energy Agency Board Meeting Minutes

The Community Renewable Energy Agency Board met in a regular public meeting on **Monday, December 5, 2022**, at Millcreek City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106 and participated electronically via GoToMeeting.

PRESENT:

Board Members

In person

Dan Dugan, Chair, *Salt Lake City*
Glenn Wright, *Summit County*
Drew Quinn, *Holladay City*
Emily Quinton, *Summit County*
Jeff Silvestrini, *Millcreek*
Christopher Thomas, *Salt Lake City*

Electronic

Randy Aton, *Springdale*
Roger Bourke, *Alta*
Suzanne Elger, *Springdale*
Holly Smith, *Holladay City*
Sarah Stock, *Grand County*
Pamela Gibson, *Castle Valley*
Chris Cawley, *Alta*
Luke Cartin, *Park City*
Kalen Jones, *Moab*
Angela Choberka, *Ogden*
Ann Granato, *Salt Lake County*
Samantha DeSeelhorst, *Cottonwood Heights*
Jeremy Rubell, *Park City*
Patrick Schaeffer, *Kearns Metro Township*
David Brems, *Emigration Canyon Township*
Alexi Lamm, *Moab*
Elissa Martin, *Grand County*
Mara Brown, *Ogden*

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

Electronic Attendees: Bob Davis, *Division of Public Utilities*; Phillip Russell, *Attorney*; Jeremy Shinoda, *Ogden resident*; Taylor Hill, *Salt Lake City Staff*; Artie Powell, *Division of Public Utilities*; Monica O'Malley, *Salt Lake City Staff*; Janene Eller-Smith, *Ogden Staff*; Sara Montoya, *Salt Lake City staff*; Gordon Bennett, *Alta staff*; Dina Blaes, *Salt Lake County staff*; Joan Entwistle, *Summit County resident*; Ian Harris, *Cottonwood Heights staff*

Minutes by Alex Wendt, Millcreek Deputy Recorder.

REGULAR MEETING – 1:00 p.m.

TIME COMMENCED: 1:00 p.m.

1. Welcome, Introduction, and Preliminary Matters

1.1 Purpose and Overview of Meeting

1.2 Current Participation Percentages included in Board Packet

1.3 Reminder that January Board Meeting will be held on January 9, 2023.

1.4 Reminder to work with Secretary Emily Quinton on any changes in Board Member appointments

2. Business Matters

2.1 Approval of November 7, 2022, Board Meeting Minutes

Board Member Wright moved to approve the November 7, 2022, Board Meeting Minutes. Board Member Quinn seconded. Chair Dugan called 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 gave the report. The Board will be receiving some county contributions at the beginning of next year and has received the Park City payment.

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

Board Member Cawley gave the update. They focused on finalizing their request for proposals (RFP). They planned to collaborate the Program Design Committee to draft the opt-out letter for inclusion in the program application. Also, in November they met with staff from the Oregon Public Utilities Commission to discuss potential similar efforts in Oregon. In the November meeting the Board passed the Resolution 22-10 authorizing the Communication Committee to solicit consultant proposals. The RFP was posted on 11/17. Millcreek City is acting as the procurement contact. The RFP will close on Friday, December 9th. When the public service commission gives their decision the Communications Committee will submit a press release. Next steps include December meetings, developing and distributing the email newsletter. Then the Committee will review consultant responses to the RFP. Board Member Aton asked how the newsletter will go out to the public. Board Member Cawley said they would email the newsletter to people who have signed up to receive the Board Newsletters. The newsletter should also be sent out by participating communities. Board Member Silvestrini said that Millcreek would be putting more information about the Energy Board in the weekly newsletter.

Board Member Thomas gave the Program Design update. The Program Design Committee met twice in November. They held a second update meeting with the Utah Division of Public Utilities and Office of Consumer services. They have created a small coordination group on November 8th. Rocky Mountain Power says it is targeting March 2023 for filing the Program Application with the Utah Public Service Commission on behalf of the Utah 100 Communities. Previously, the communities had hoped to have the Program Application filed by December 2022. Barring any major Board Member

concerns the timeline on the website will soon be updated.

A community legal boundary may contain areas over which the community does not have jurisdictional authority. Thank you to Springdale and Castle Valley for alerting us to this issue. Ms. O'Malley from Salt Lake City is working with available data sources to develop maps that show each community's legal boundary and jurisdictional area. They have discovered that some community plat maps do not match the GIS map maintained by the state of Utah. In these cases, the Board is urging communities to submit their map to the state GIS group so the state can make updates. The Draft Model Ordinance language has been sent to Board Members. Mr. Russell, outside counsel, is going to talk about the changes to the ordinance. Please expect a board vote to approve the draft model ordinance on January 9th. The Inflation Reduction Act passed by US Congress represents a historic investment in clean energy. One funding opportunity is called the Climate Pollution Reduction Grant, administered by the EPA. There is \$250 million available in planning grants and \$4.75 billion in implementation grants. The Utah 100 Communities could request funding to support a financial backstop for program resources. Next steps include more frequent communication among the small coordination group. The Program Design Committee is planning for a third update meeting with state agencies in January or February. Plan for a vote to approve the draft model ordinance language at the January 9th Board Meeting. Plan for a vote to approve this soon.

Board Member Quinton gave the Low-Income Plan update. HB 411 outlines rules that there must be a low-income plan. Low-Income Plan Templates were sent to each community in October. Communities have been asked to work on their respective Low-Income Plan and finalize a draft by the end of December 2022. This could be extended to March 2023 to align with when the Board expects to Program Application to be submitted to Rocky Mountain Power. To finish your community Low-Income Plan; section 1 programmatic Strategies will be updated for you by the Low-Income Committee based on the outcome of the Board Vote on each strategy. No other work on this section is needed. Section 2, Outreach Strategies; this section was prepopulated with outreach strategies and organizations serving target populations in your community. Leave as is or edit it. Section 3 Elective Strategies; the strategy in this section is completely up to each community. Keep, remove, expand on the examples provided.

Board Members are asked to consider four programmatic strategies by the Low-Income Committee. Three strategies are unanimously recommended by the committee. These are the enhanced monthly bill credit, termination fee waiver, and request to facilitate elective donations. One strategy that did not receive unanimous committee support, but still up consideration is automatic opt-out. Households receiving monthly bill assistance or behind on bills by 60 days or more would not be enrolled and would need to affirmatively opt themselves into the program. If adopted, each resolution is framed to accomplish the following. The programmatic strategy will be listed on each community's plan for low-income assistance (except the elective donations). The Program Design Committee is directed to endeavor to incorporate the programmatic strategy into all necessary program design matters, documents, and agreements.

Board Member Silvestrini asked if voting on these resolutions is binding. Board Member

Quinton said that voting to approve these resolutions adds them to the Program Application. The only way Rocky Mountain Power said they could implement these strategies is if everyone does them. Board Member DeSeelhorst said the Low-Income Plan Committee gave their recommendation unanimously on the first three programmatic strategies but the Board will vote and is not bound to the Committee recommendation.

2.4 Public Comments

There were no public comments.

2.5 Attorney Update on Draft Model Ordinance

Mr. Russell, outside Counsel, gave the update and presented the ordinance at the last Board Meeting. He did receive changes to add to the draft. The ordinance is organized in two parts. The preamble discusses why the community is adopting the ordinance. Part two is a description of the Program as anticipated to be adopted by the Commission. Changes were made to part 2 to reflect what has happened. This ordinance as drafted describes things that have happened and need to happen in the future. The ordinance will be backward looking. Section 7.2 talks about the obligation of the communities to pay for 3rd party expertise. This is required and has already happened. The communities are re-adopting this obligation, but it does not mean they have to pay more money. The changes are made to clearly reflect where things stand. Board Member Wright asked if communities make changes, who do they make the changes with? Mr. Russell said the state law requires this draft ordinance to be submitted. If a community wants to make a change that is not substantive, they probably don't need to get approval but this should be discussed with Mr. Russell.

2.6 Discussion and Consideration of Resolution 22-11, Resolution of the Board Approving Enhanced Monthly Bill Credit as a Programmatic Approach to Low-Income Assistance.

Board Member Thomas gave an overview on item 2.6, Resolution 22-11. This supports an enhanced monthly bill credit as a programmatic approach to low-income assistance. The enhanced monthly bill credit would give participating customers an additional monthly bill credit in the amount of a rate impact not to exceed \$7. This will be funded by a monthly surcharge and shall not exceed \$0.70 per month. If it is adopted by the Board all communities plan for low-income assistance will be updated with this approach. If the Board adopts this the Program Design Committee will be directed to add this to all necessary, program design matters. Board Member Wright asked how Rocky Mountain Power will accomplish the billing arithmetic. Board Member Thomas said Rocky Mountain power has indicated their current billing software will accomplish this. Board Member Quinn presented this to her City Council, they were concerned about the cost of this. Were the numbers chosen with reference to real Rocky Mountain Power customers or were they pulled out of the air. Board Member Thomas said the \$7 cap reflects a calculation to estimate the monthly residential bill impact before getting to the point where a bill increase would cause a super majority vote, this is explained in the governance agreement. What is the monthly residential bill impact we might see before a super majority vote is needed. The answer was \$7 per month more. The \$0.70 surcharge reflects discussions with RMP. Board Member DeSeelhorst said, the resolution is worded to not exceed \$7 but if the rate impact is less than the monthly bill credit will be less.

Board Member Wright moved to approve Resolution 22-11, Resolution of the Board Approving Enhanced Monthly Bill Credit as a Programmatic Approach to Low-Income Assistance. Board Member DeSeelhorst seconded the motion. Board Member Dugan asked for the roll call vote. Alta voted yes, Castle Valley voted yes, Coalville did not vote and was not present, Cottonwood Heights voted yes, Emigration Canyon Township voted yes, Francis did not vote and was not present, Grand County Unincorporated voted yes, Holladay voted yes, Kearns voted yes, Moab voted yes, Millcreek voted yes, Oakley did not vote and was not present, Ogden voted yes, Park City voted yes, Salt Lake County Unincorporated voted yes, Springdale voted yes, Summit County Unincorporated voted yes, Salt Lake City voted yes. The motion passed. 15-0.

2.7 Discussion and Consideration of Resolution 22-12, Resolution of the Board Approving Termination Fee Waiver as a Programmatic Approach to Low-Income Assistance.

Board Member Thomas said this resolution supports a termination fee waiver. This would be a Program wide approach. For participating customers this would waive their termination fee if they are on bill assistance currently with RMP. Board Member Dugan asked how do notices go out to customers? Board Member Thomas said all customers will receive 2 mailed notices. These will be sent 60 days before the Program begins.

Board Member Wright made the motion to approve Resolution 22-12, Resolution of the Board Approving Termination Fee Waivers as a Programmatic Approach to Low-Income Assistance. Board Member Quinn seconded the motion. Board Member Dugan asked for the roll call vote. Alta voted yes, Castle Valley voted yes, Coalville did not vote and was not present, Cottonwood Heights voted yes, Emigration Canyon Township voted yes, Francis did not vote and was not present, Grand County Unincorporated voted yes, Holladay voted yes, Kearns voted yes, Moab voted yes, Millcreek voted yes, Oakley did not vote and was not present, Ogden voted yes, Park City voted yes, Salt Lake County Unincorporated voted yes, Springdale voted yes, Summit County Unincorporated voted yes, Salt Lake City voted yes. The motion passed. 15-0.

2.8 Discussion and Consideration of Resolution 22-13, Resolution of the Board Approving a Request to Facilitate Elective Donations as a Programmatic Approach to Low-Income Assistance.

Board Member Thomas gave the summary. If the Board adopts this resolution the board asks Rocky Mountain power to facilitate elective donations for the Program. Rather than making this a programmatic approach it is a request for RMP to create this in the future because RMP cannot manage this currently. Board member Silvestrini asked what the reason that RMP gave for not being able to do this currently. Board Member Thomas said RMP related their website does not have the security features needed to facilitate the donation. They may have also been concerned about donations competing for programs already in existence. The Board can ask RMP to do this in the future. Board Member DeSeelhorst said they accept mail donations and in her conversations with RMP they indicated that their website may be changing in the future.

Board Member Wright made the motion to approve Resolution 22-13, Resolution of

the Board Approving a Request to Facilitate Elective Donations as a Programmatic Approach to Low-Income Assistance. Board Member Silvestrini seconded the motion. Board Member Dugan asked for the roll call vote. Alta voted yes, Castle Valley voted yes, Coalville did not vote and was not present, Cottonwood Heights voted yes, Emigration Canyon Township voted yes, Francis did not vote and was not present, Grand County Unincorporated voted yes, Holladay voted yes, Kearns voted yes, Moab voted yes, Millcreek voted yes, Oakley did not vote and was not present, Ogden voted yes, Park City voted yes, Salt Lake County Unincorporated voted yes, Springdale voted yes, Summit County Unincorporated voted yes, Salt Lake City voted yes. The motion passed. 15-0.

2.9 Discussion and Consideration of Resolution 22-14, Resolution of the Board Approving an Automatic Opt-out as a Programmatic Approach to Low-Income Assistance

Board Member Thomas gave the fourth and final summary. This resolution would ask for the opt-out of certain customers automatically. Per the state law everyone in a community is automatically enrolled. This resolution would flip that for certain customers, and they would have to opt themselves in. These customers would be customers in schedule 3 or 60 days behind on their payments. These customers would not be enrolled in the program and would receive two automatic opt-in notices. Any customers opted out would be allowed to opt-in at no cost and at no delay. Board Member Silvestrini said this is the most problematic resolution to him. People opted out are already in arrears or are already receiving assistance. Board Member Silvestrini said this option is almost paternalistic that they do not want to participate in more renewable energy. What happens if someone who is opted out and then opts in are they still allowed to get the fee waiver and monthly bill credit. Board Member DeSeelhorst said yes, the Committee did meet with community groups who help with low-income assistance. That does not mean that every organization would agree. There are arguments to be made on both sides. Board Member DeSeelhorst said this strategy does not aim to assume that low-income households do not want to contribute to renewable energy. It instead considers that this strategy could ease discomfort about high energy bills in general. Perhaps opting out could be too much of a time burden. Board Member Wright said he is not in favor of this resolution. Resolution 22-11 should cover most people in the low-income program. Board Member Rubell asked that assuming the answer is no to this resolution and people in the low-income programs are auto-enrolled, and they have auto-pay, people need outreach so they can know what is coming and that their bill may change. Board member Thomas said all customers will receive the opt-out notices separate from bills. Board Member Choberka said her concern is there is a lot of communication happening all at once that will make the communication convoluted. Chair Dugan said he would like to give everyone the ability to participate. If your employer has automatic 401k enrollment then more people participate. Board Member Rubell asked how will the communications be sent out? Board member DeSeelhorst said that the opt-out notices will come back for approval with the Board. Board Member Aton said he agrees with Board Member Wright and is not in favor of this resolution. There are multiple options given to people if they wish to opt out or continue with the Program and receive a bill credit.

No motion was made. The Resolution fails.

2.10 Board Member Comments

Board Member Quinton was informed that the Intermountain Sustainability Summit will be in March 2023 and is happy to help brainstorm about a proposal to speak at the Summit. Board member Silvestrini said he thought this is a good opportunity to make the Program more available to the public. Board Member Quinton said the call for speakers ends on January 6th, 2023.

Board Member Choberka asked that members of the Board come to Ogden for the Summit. Chair Dugan thanked Board Member Stock and Board Member Wright for their help and energy given to the Community Energy Board. Board Member Thomas said he is pleased and proud to be part of this organization.

2.11 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 Silvestrini moved to adjourn the meeting at 2:37 p.m. Board Member Wright seconded. Chair Dugan called for the vote. All Board Members voted yes. The motion passed unanimously.

APPROVED: _____

Dan Dugan, Chair

Date

9 JAN 2023

ATTEST:

Emily Quinton, Secretary

