



375 Beale Street
Suite 700
San Francisco, California

Meeting Agenda - Final

ABAG POWER Executive Committee

Chair, Angela Walton, City of Richmond
Vice Chair, Doug Williams, City of Santa Rosa

Thursday, November 17, 2022

11:00 AM

(REMOTE)

**ABAG Publicly Owned Energy Resources
Executive Committee
Special Meeting No. 2022-06**

Committee Representative Roster
Andre Duurvoort, City of Cupertino
Diana Oyler, County of Contra Costa
Chris Schroeder, City of Milpitas
Angela Walton, City of Richmond
Doug Williams, City of Santa Rosa

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361's (Rivas) provisions allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to committee members.

The agenda will be available publicly at: <https://abag.ca.gov/meetings>.

**Attendee Link: <https://bayareametro.zoom.us/j/82895555458>
Join by Telephone: 888-788-0099 or 877-853-5247 (both toll free)
Webinar ID: 828 9555 5458**

Members of the public may participate or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name and agenda item number in the subject line.

Due to the current circumstances, there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Welcome and Introductions

Call to order.
Angela Walton, ABAG POWER Executive Committee Chair, City of Richmond

Roll Call / Confirm Quorum.
Sarina Seaton, Section Administrator, ABAG/MTC

2. Public Comment

The public is encouraged to provide comment at Committee meetings. This public comment period is intended for items not agendaized.

3. Consent Calendar

[22-1667](#) Approval of ABAG POWER Resolution No. 22-11 Assembly Bill 361 (Rivas) Remote Meetings.

Action: Approval

Presenter: Ryan Jacoby, Program Manager, ABAG/MTC

Attachments: [3.a- ABAG POWER Resolution 22-11 AB 361 \(Rivas\) Remote Meetings](#)

4. Request for Offers for SB 1383-Compliant Renewable Natural Gas (RNG)

[22-1755](#) Request for authorization to survey ABAG POWER members regarding their interest in accepting a response to the program's RFO for SB 1383 RNG, and to report the survey results at the December 15, 2022, Executive Committee meeting.

Action: Approval

Presenter: Ryan Jacoby, Program Manager, ABAG/MTC

Attachments: [4.a.- Summary Sheet- RFO for SB 1383-Compliant RNG](#)
[4.b.- SB 1383 RFO Presentation](#)

5. Other Business

Committee to provide update on items within member agencies relevant to ABAG POWER and/or the ABAG/MTC energy programs.

6. Adjournment / Next Meeting

The next meeting is the ABAG POWER Board of Director Meeting scheduled to be held on December 15, 2022.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1667 **Version:** 1 **Name:**
Type: Action Item **Status:** Committee Approval
File created: 10/13/2022 **In control:** ABAG POWER Executive Committee
On agenda: 11/17/2022 **Final action:**
Title: Approval of ABAG POWER Resolution No. 22-11 Assembly Bill 361 (Rivas) Remote Meetings.
Sponsors:
Indexes:
Code sections:
Attachments: [3.a- ABAG POWER Resolution 22-11 AB 361 \(Rivas\) Remote Meetings](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:
Approval of ABAG POWER Resolution No. 22-11 Assembly Bill 361 (Rivas) Remote Meetings.

Presenter:
Ryan Jacoby, Program Manager, ABAG/MTC

Recommended Action:
Approval

Attachments: List any attachments.

Association of Bay Area Governments Publicly Owned Energy Resources

ABAG POWER

Executive Committee

November 17, 2022

Agenda Item 3.a.

Resolution No. 22-11 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of Resolution No. 22-11 regarding remote meetings pursuant to AB 361.

Background:

AB 361 provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings retroactive to Oct. 1 of this year and prospectively for 30 days following the action of the Board of Directors for the Association of Bay Area Governments Publicly Owned Energy Resources (ABAG POWER).

Issues:

Findings in support of Resolution No. 22-11 are found in the attached. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The Executive Committee for ABAG POWER is requested to adopt Resolution No. 22-11 authorizing its committees and related entities to meet remotely pursuant to the provisions of AB 361.

Attachments:

- ABAG POWER Resolution 22-11

Reviewed:

DocuSigned by:
Brad Paul
8C3380BA165B4D1...

Brad Paul

**ABAG PUBLICLY OWNED ENERGY RESOURCES
EXECUTIVE COMMITTEE**

RESOLUTION NO. 22-11

ABSTRACT

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the Association of Bay Area Governments (ABAG) Publicly Owned Energy Resources (ABAG POWER), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the ABAG POWER Summary Sheet dated November 17th, 2022.

**ABAG PUBLICLY OWNED ENERGY RESOURCES
EXECUTIVE COMMITTEE**

RESOLUTION NO. 22-11

**FINDINGS PURSUANT TO AB 361 TO CONTINUE VIRTUAL PUBLIC MEETINGS FOR THE
ASSOCIATION OF BAY AREA GOVERNMENTS PUBLICLY OWNED ENERGY
RESOURCES (ABAG POWER) AND ITS RELATED ENTITIES AND COMMITTEES DURING
THE COVID-19 STATE OF EMERGENCY**

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Association of Bay Area Governments Publicly Owned Energy Resources (ABAG POWER) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants to have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee on behalf of ABAG POWER hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of ABAG POWER, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days after the first meeting held in accordance with AB 361.

This foregoing was adopted by the Executive Committee at its meeting on this 17th day of November, 2022.

By: _____
Angela Walton, Chair

AYES:
NOES:
ABSENT:
ABSTAIN:

Certification of Executive Committee Approval

I, the undersigned, the appointed and qualified Secretary of the ABAG Publicly OWned Energy Resources (ABAG POWER), do hereby certify that the foregoing resolution was adopted by the Executive Committee of ABAG POWER at a duly called meeting held on the 17th day of October, 2022.

Jennifer Berg, Secretary
ABAG POWER



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1755 **Version:** 1 **Name:**
Type: Action Item **Status:** Committee Approval
File created: 11/3/2022 **In control:** ABAG POWER Executive Committee
On agenda: 11/17/2022 **Final action:**
Title: Request for authorization to survey ABAG POWER members regarding their interest in accepting a response to the program's RFO for SB 1383 RNG, and to report the survey results at the December 15, 2022, Executive Committee meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [4.a.- Summary Sheet- RFO for SB 1383-Compliant RNG](#)
[4.b.- SB 1383 RFO Presentation](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:

Request for authorization to survey ABAG POWER members regarding their interest in accepting a response to the program's RFO for SB 1383 RNG, and to report the survey results at the December 15, 2022, Executive Committee meeting.

Presenter:

Ryan Jacoby, Program Manager, ABAG/MTC

Recommended Action:

Approval

Attachments: List any attachments.

Association of Bay Area Governments Publicly Owned Energy Resources

ABAG POWER

Executive Committee

November 17, 2022

Agenda Item 4.a.

Request for Offers (RFO) for Senate Bill 1383-Compliant Renewable Natural Gas (SB 1383 RNG)

Subject:

Request for authorization to survey ABAG POWER members regarding their interest in accepting a response to the program's RFO for SB 1383 RNG, and to report the survey results at the December 15, 2022, Executive Committee meeting.

Background:

SB 1383¹ (2016), among other things, establishes population-based procurement requirements for cities and counties to reduce organic waste, a significant contributor to methane, which in turn contributes to climate change. The procurement requirements can be met by procuring these recovered organic waste products:

- Mulch
- Compost
- Renewable fuel
- Renewable electricity
- Renewable heat
- Electricity from biomass

The legislation provides two compliance pathways: "Direct Procurement" and "Direct Service Provider". The Direct Service Provider pathway would enable a city or county to contract with ABAG POWER to receive renewable heat, in the form of biomethane/renewable natural gas (RNG), in place of, or in addition to, the natural gas currently provided by ABAG POWER. The procurement of eligible resources can be a paper transaction since there is no requirement that the products are either produced within the jurisdiction or produced from organic feedback materials collected within the jurisdiction.

On October 4, 2022, staff released a RFO seeking supplies of RNG compliant with SB 1383 and its implementing regulations. An email advertising the RFO was sent to ABAG POWER members and approximately 20 additional firms, including:

- A statewide list of California Anaerobic Digestion Projects Accepting Organics from the Municipal Solid Waste Stream (as compiled by CalRecycle in May 2021)²

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383

² <https://www2.calrecycle.ca.gov/Docs/Web/115971>

Agenda Item 4.a. – RFO for SB 1383-Compliant RNG

November 17, 2022

Page 2 of 4

- Natural gas project developers and suppliers who participated in ABAG POWER's 2021 stakeholder engagement events
- CalRecycle, StopWaste, and other public agencies

The RFO closed on October 27, 2022. Of the proposal(s) received, staff has learned that the cost to purchase SB 1383 compliant gas is estimated to be 5-7 times higher compared to current gas offered by ABAG POWER. For example, one proposal offers a volume in the range of 500-1,000 million British Thermal Units (MMBTU or dekatherms (Dth)) per day, a desired multi-year contract term, and a price in the \$30-40 range³ per MMBTU.

CalRecycle assigns each population-based procurement requirement in "tons of organic waste" and provides conversion factors that convert the procurement target into quantities of recovered organic waste products⁴, shown as:

$$8,000 \text{ tons of organic waste} = 22 \text{ therms} = 2.2 \text{ Dth}$$

Provided as an attachment to this memorandum is a list of the annual procurement targets for each of the 34 members currently subject to the procurement requirement. If accepted, the offer would provide an option to satisfy the procurement requirements for a majority of the membership, albeit at significant expense.

If at least one member of ABAG POWER is interested in accepting the offer, next steps would include:

- Confirming with CalRecycle that the existing offer and supporting materials are SB 1383 compliant.
- Drafting a SB 1383 Program Agreement that establishes a separate program of ABAG POWER to independently record and allocate costs associated with procurement.
 - It is likely that external legal counsel would be engaged to assist with preparing a form agreement, thus resulting in administrative costs.
- Determining a methodology that allocates limited SB 1383 RNG amongst interested members if interest is received from multiple member agencies in quantities that exceed current supply.

Issues:

None.

Recommended Action:

The ABAG POWER Executive Committee is requested to authorize staff to survey ABAG POWER members regarding their interest in accepting a response to the program's RFO for SB

³ MTC's procurement policies prohibit employees from disclosing certain proposal information while a procurement is ongoing.

⁴ Conversion factors are listed in 14 CCR Section 18993.1(g) of the regulations.

Agenda Item 4.a. – RFO for SB 1383-Compliant RNG

November 17, 2022

Page 3 of 4

1383 RNG, and to report the survey results at the December 15, 2022 Executive Committee meeting.

Attachments:

- SB 1383 RNG RFO Presentation

Reviewed:

DocuSigned by:
Brad Paul
8C3380BA165B4D1...

Brad Paul

Jurisdiction Procurement Targets Based on January 1, 2021 Population Estimates

The list below indicates the annual recovered organic waste product procurement targets for each jurisdiction (city, county, or city and county) in California that will be in effect from January 1, 2022 through December 31, 2026. This data is organized alphabetically by county and includes all cities within the county and the unincorporated county.

Rural jurisdictions are included in the list below; however, please note that rural jurisdictions may be eligible to delay their implementation of the procurement requirements. Rural counties (counties that have a total population of less than 70,000 persons), and jurisdictions located within rural counties that are exempt from the organic waste collection requirements pursuant to 14 CCR Section 18984.12(c), are not required to comply with the recovered organic waste product procurement requirements until January 1, 2027.

For more information, please contact CalRecycle at SLCP.Organics@CalRecycle.ca.gov.

County/City	Total Population (1/1/2021 Population Estimate)	Annual Procurement Target (Tons of Organic Waste)	Approximate Annual Procurement Target (Dth)
Alameda			
Alameda	80,884	6,471	14,236
Albany	17,055	1,364	3,001
Fremont	234,239	18,739	41,226
Oakland	435,514	34,841	76,650
Pleasanton	78,371	6,270	13,794
Union City	72,779	5,822	12,808
Contra Costa			
Hercules	25,864	2,069	4,552
Moraga	16,820	1,346	2,961
Orinda	19,078	1,526	3,357
Richmond	110,130	8,810	19,382
Unincorporated County	174,423	13,954	30,699
Marin			
Mill Valley	14,550	1,164	2,561
San Rafael	59,016	4,721	10,386
Monterey			
Salinas	160,206	12,816	28,195
Napa			
Unincorporated County	23,386	1,871	4,116
San Mateo			
Atherton	6,896	552	1,214
Half Moon Bay	12,309	985	2,167
Millbrae	22,509	1,801	3,962
Pacifica	37,890	3,031	6,668
San Carlos	29,814	2,385	5,247
Unincorporated County	64,880	5,190	11,418
Santa Clara			
Cupertino	58,656	4,692	10,322
Los Altos	30,510	2,441	5,370
Milpitas	75,663	6,053	13,317
Monte Sereno	3,604	288	634
Saratoga	30,546	2,444	5,377
Unincorporated County	85,634	6,851	15,072
Santa Cruz			
Watsonville	51,366	4,109	9,040
Solano			
Benicia	27,111	2,169	4,772
Vallejo	117,846	9,428	20,742
Sonoma			
Petaluma	61,104	4,888	10,754
Santa Rosa	171,711	13,737	30,221
Windsor	27,855	2,228	4,902
Yolo			
Winters	7,618	609	1,340

430,463

ABAG POWER

Executive Committee Meeting

Thursday, November 17, 2022

Ryan Jacoby
Program Manager



1

Senate Bill 1383 Assistance

- Members have expressed concerns regarding compliance with SB 1383, and a desire for procurement assistance. In response, staff:

December 16, 2021:
Formalized SB 1383
Procurement Strategy
in Strategic Roadmap

March – June 2022:
Conducted member
surveys

October 4, 2022:
Issued a
Request for Offers

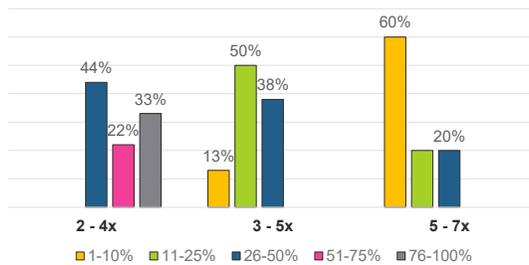


2

SB 1383 Survey Results Recap

Q4:

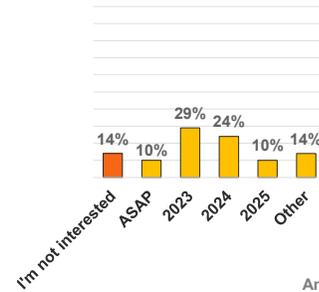
Given the below ranges for a potential price premium, what percentage, if any, of your agency's current gas usage would you be willing to replace with SB 1383-eligible renewable gas?



Answered: 9
 Skipped: 12

Q5:

Disregarding current availability, how soon would you be willing to begin purchasing SB 1383-eligible renewable gas?



Answered: 21
 Skipped: 0

3

SB 1383 Request for Offers

- Issued October 4, 2022
 - ✓ Distributed to members and approximately 20 external firms
- One or more offers received
 - ✓ Quantity: in the range of 500-1,000 MMBtu/day
 - ✓ Price: in the range of \$30-\$40/MMBtu
 - Price is ~5x more than current fossil-based natural gas
 - ✓ Term: multi-year preferred

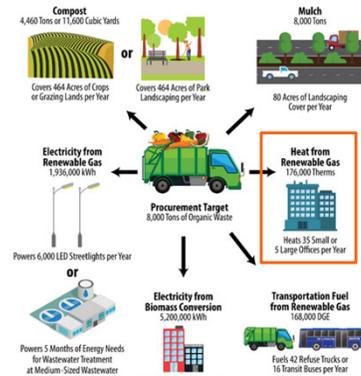


4

SB 1383 Request for Offers

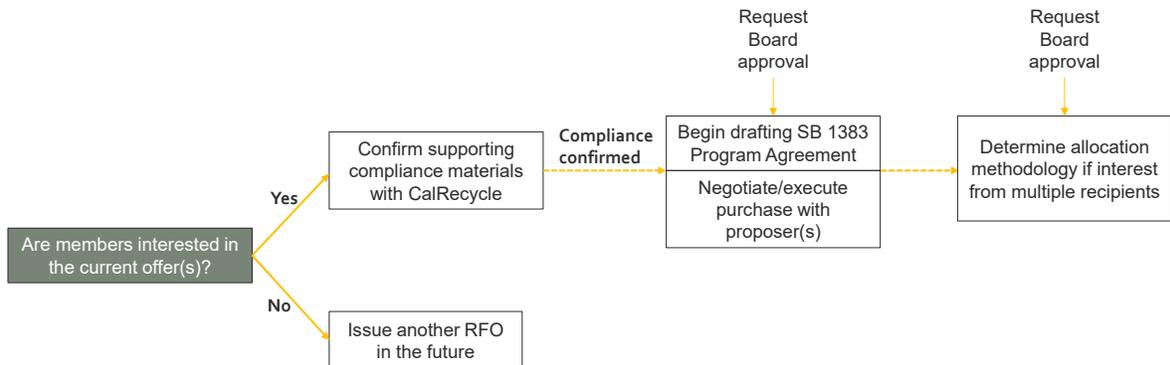
- The offered volume *is* significant and represents a \$10+ million contract per year.
- 34 of POWER's 37 members are currently assigned procurement targets.
 - As a stand-alone solution, this offer satisfies 72% of the entire procurement target for all 34 jurisdictions

Calculating Procurement of Recovered Organic Waste Products



5

Potential Next Steps



6