



**Marin Clean Energy
Board of Directors Meeting
Thursday, January 21, 2016
7:00 P.M.**

Kathrin Sears, Chair
County of Marin

Tom Butt, Vice Chair
City of Richmond

Bob McCaskill
City of Belvedere

Alan Schwartzman
City of Benicia

Sloan C. Bailey
Town of Corte Madera

Greg Lyman
City of El Cerrito

Barbara Coler
Town of Fairfax

Kevin Haroff
City of Larkspur

Garry Lion
City of Mill Valley

Brad Wagenknecht
County of Napa

Denise Athas
City of Novato

Carla Small
Town of Ross

Ford Greene
Town of San Anselmo

Genoveva Calloway
City of San Pablo

Andrew McCullough
City of San Rafael

Ray Withy
City of Sausalito

Emmett O'Donnell
Town of Tiburon

1125 Tamalpais Avenue
San Rafael, CA 94901

1 (888) 632-3674
mceCleanEnergy.org

**The Charles F. McGlashan Board Room
1125 Tamalpais Avenue, San Rafael, CA 94901**

Agenda Page 1 of 2

1. Board Announcements (Discussion)
2. Public Open Time (Discussion)
3. Report from Chief Executive Officer (Discussion)
4. Board Introductions for 2016 (Discussion)
5. Consent Calendar (Discussion/Action)
 - C.1 12.17.15 Meeting Minutes
 - C.2 Approved Contracts Update
 - C.3 Monthly Budget Report
 - C.4 MCE New Staff Legal Team Positions for 2016
 - C.5 2nd Addendum to 2nd Agreement with Rincon Consultants
6. Formation of 2016 Ad Hoc Contracts Committee (Discussion/Action)
7. Budget Adjustment for FY 2015/16 (Discussion/Action)
8. Rates Update (Discussion)



Agenda material can be inspected at 1125 Tamalpais Avenue, San Rafael, CA 94901 on the Mission Avenue side of the building. The meeting facilities are in accessible locations. If you are a person with a disability and require this document in an alternate format (example: Braille, Large Print, Audiotape, CD-ROM), you may request it by using the contact information below. If you require accommodation (example: ASL Interpreter, reader, note taker) to participate in any MCE program, service or activity, you may request an accommodation by calling (415) 464-6032 (voice) or 711 for the California Relay Service or by e-mail at djackson@mceCleanEnergy.org not less than four work days in advance of the event.



**Marin Clean Energy
Board of Directors Meeting
Thursday, January 21, 2016
7:00 P.M.**

Kathrin Sears, Chair
County of Marin

Tom Butt, Vice Chair
City of Richmond

Bob McCaskill
City of Belvedere

Alan Schwartzman
City of Benicia

Sloan C. Bailey
Town of Corte Madera

Greg Lyman
City of El Cerrito

Barbara Coler
Town of Fairfax

Kevin Haroff
City of Larkspur

Garry Lion
City of Mill Valley

Brad Wagenknecht
County of Napa

Denise Athas
City of Novato

Carla Small
Town of Ross

Ford Greene
Town of San Anselmo

Genoveva Calloway
City of San Pablo

Andrew McCullough
City of San Rafael

Ray Withy
City of Sausalito

Emmett O'Donnell
Town of Tiburon

1125 Tamalpais Avenue
San Rafael, CA 94901

1 (888) 632-3674
mceCleanEnergy.org

**The Charles F. McGlashan Board Room
1125 Tamalpais Avenue, San Rafael, CA 94901**

Agenda Page 2 of 2

9. Energy Efficiency Update (Discussion)
10. Communications Update (Discussion)
11. Board Member & Staff Matters (Discussion)
12. Adjourn



Agenda material can be inspected at 1125 Tamalpais Avenue, San Rafael, CA 94901 on the Mission Avenue side of the building. The meeting facilities are in accessible locations. If you are a person with a disability and require this document in an alternate format (example: Braille, Large Print, Audiotape, CD-ROM), you may request it by using the contact information below. If you require accommodation (example: ASL Interpreter, reader, note taker) to participate in any MCE program, service or activity, you may request an accommodation by calling (415) 464-6032 (voice) or 711 for the California Relay Service or by e-mail at djackson@mceCleanEnergy.org not less than four work days in advance of the event.

MARIN CLEAN ENERGY

BOARD MEETING MINUTES
Thursday, December 17, 2015
7:00 P.M.

THE CHARLES F. MCGLASHAN BOARD ROOM
1125 TAMALPAIS AVENUE, SAN RAFAEL, CA 94901

Roll Call: Chair Kate Sears called the regular Board meeting to order at 7:00 p.m. An established quorum was met.

Present: Denise Athas, City of Novato
Sloan Bailey, Town of Corte Madera
Tom Butt, City of Richmond
Genoveva Calloway, City of San Pablo
Barbara Coler, Town of Fairfax
John Gamblin (Alternative to Andrew McCullough), City of San Rafael
Ford Greene, Town of San Anselmo
Kevin Haroff, City of Larkspur
Greg Lyman, City of El Cerrito
Claire McAuliffe (Alternative to Bob McCaskill), City of Belvedere
Emmett O'Donnell, Town of Tiburon
Kate Sears, County of Marin
Christina Strawbridge (Alternative to Alan Schwartzman), City of Benicia
Brad Wagenknecht, County of Napa
Ray Withy, City of Sausalito

Absent: Carla Small, Town of Ross
Ray Withy, City of Sausalito

Staff: John Dalessi, Operations & Development
Carol Dorsett, Administrative Assistant
Kirby Dusel, Resource Planning & RE Programs
Sarah Estes-Smith, Director of Internal Operations
Katie Gaier, Human Resources Manager
Darlene Jackson, Board Clerk
Elizabeth Kelly, Legal Director
Alexandra McCroskey, Community Power Organizer
Jeremy Waen, Senior Regulatory Analyst
Dawn Weisz, Chief Executive Officer

1. Swearing In of New Board Member Jessica Jackson (Discussion/Action)

This item was deferred due to the absence of Jessica Jackson.

2. Board Announcements (Discussion)

Vice Chair Butt reported on his attendance at the United Nations Climate Change Conference, also known as COP 21. He said experts in the United States and throughout the world spoke on international climate and energy policy; carbon markets and carbon market design, architecture of a climate agreement, legal issues in climate negotiations, framework for various approaches and reducing emissions from deforestation and forest degradation.

One take-away from the conference was that the UN agreement will play a vital role in promoting and coordinating ambitious climate action around the world and he thought this would happen if it ambitiously begins at local levels, city by city.

Director Bailey announced that he met with MCE staff on Tuesday with Leuwam Tesfai, staff to Commissioner Liane Randolph of the CPUC. The tentative decision by the Administrative Law Judge was 100% in favor of PG&E's request which is a 95% increase to the PCIA. The judge pointed out that there had not been much dispute with the PCIA format. MCE staff had very successfully made some in-roads in attempting to change the impact by linking a further calculation about how the PCIA is formulated and they expect a future hearing where fairness arguments could be made.

Director Coler announced that she did a video shoot for the Cool California Challenge and others members may be called upon to do similar shoots. Director Haroff asked and confirmed with Director Coler that he and Director Bailey would be contacted to do another video shoot for the Cool California Challenge in the near future.

Director Athas publicly acknowledged Justin Kudo for assisting the City of Novato. Mr. Kudo came out after regular work hours during a recent Council meeting where a speaker was stating things that were blatantly not true about MCE and thanked him for setting the record straight.

3. Public Open Time (Discussion):

Stan Sparrow congratulated MCE on its success with COP 21. He asked for help with world leaders to talk to the CPUC given the recent conflict and corruption found involving the CPUC and PG&E. He reported that the tax credit was extended today which is big news for the solar industry and stated he is working on installation of the 1 MW solar project at the Buck Institute where IBEW workers will be provided jobs. He also reported on the enormous and growing solar projects underway from the top 21 and all countries and said China's solar projects are larger than all of the west's installations. He encouraged MCE to make their own yield goals because they are popular and MCE is in a position to do this.

4. Report from Chief Executive Officer (Discussion)

Dawn Weisz, Executive Officer gave the following report:

- As a gift to the Board the meeting tonight will hopefully be the shortest in MCE's history, and she invited Directors to partake in hot cider, hot chocolate and snacks provided for the meeting.
- She said 2015 has been an exciting year and she thanked those Directors who were able to attend MCE's holiday party last Friday.
- She distributed project pictures to Directors: 1) The Buck Institute's first solar project, stating this was MCE's first contract ever signed in 2011 which began construction; 2) Novato's Cooley Quarry which is their Local Sol project scheduled to be on-line in the spring.

Union labors are on this job and they have IBEW workers through Cupertino Electric constructing the Buck Institute facility. Both projects are approximately 1 MW in size.

- Yesterday MCE had a very successful press conference which celebrated the launch of construction for the MCE Solar One project. The project will be 10.5 MWs when completed and is being constructed at a brownfield site at the Richmond Chevron Refinery. She presented a brief video of Director Butt installing a piling and recognized the developer, Stion Corporation that donated some sample panels to Richmond Build.
- As of today MCE's regulatory team completed the last of the meet-and-greet sessions with the California Energy Commissioners. She explained that every year MCE provides an update and discusses development issues and legislation to the 5 commissioners and these have been a great success.
- MCE staff participated in the Adopt-a-Family program this season and purchased gifts for a local family in need which consisted of many donated gifts, food cards and a couple of bicycles.
- A summary of COP 21 is before Directors which identifies some outcomes from the conference, shared concerns about climate change, solution and story-swapping and some of the themes as far as different interests. A press release is also provided regarding the U.S. commitment to put \$800 million towards climate aid for the world's poorest countries which are facing impacts from climate change, as well as a table about the Compact of Mayors. She said this might be something cities might be interested in signing onto if not already. An email will follow to each Director regarding the process and she said Richmond has already gone through the process.
- MCE is close to executing a no cost contract with Tesla that will serve as a model for on-bill payment and demand charge savings related from battery storage. They are working with Tesla on next steps regarding the residential battery deployment program, and more information will follow in January.

5. Consent Calendar (Discussion/Action):

C.1 11.19.15 Meeting Minutes

C.2 Approved Contracts Update

C.3 Monthly Budget Report

C.4 Second Addendum to First Agreement with Davis Wright Tremaine, LLP

C.5 Fourth Agreement with Association for Energy Affordability

C.6 Fifth Agreement with Community Energy Services Corporation

C.7 Fourth Agreement with Marin City Community Development Corporation

C.8 Fourth Agreement with Planet Ecosystems, Inc.

Chair Sears requested that Ms. Weisz briefly summarize those contracts up for renewal.

ACTION: It was M/S/C (Athas/Lyman) to approve Consent Calendar Items C.1 through C.8. Motion carried by unanimous roll call vote: (Absent: Small and Withy).
--

6. Resolution 2015-07 Honoring Director Garry Lion (Discussion/Action)

Chair Sears said the Board is honoring Director Lion who has chosen not to run for another term on the Mill Valley City Council.

Director Bailey read the resolution into the record recognizing and honoring Director Garry Lion for his service and commitment on the MCE Board of Directors. A round of applause followed.

ACTION: It was M/S/C (Bailey/Greene) to adopt Resolution 2015-07 Honoring Director Garry Lion. Motion carried by unanimous roll call vote: (Absent: Small and Withy).

Director Lion stated he thoroughly enjoyed his 12 years serving on the Mill Valley City Council, noting that Mill Valley has a 2 term limit. MCE has been one of his favorite causes from the beginning, even given the opposition in the beginning from the public, investor owned utility, and some Councilmembers. The City of Mill Valley recently conducted a leadership training called “Engage Mill Valley” which is to encourage residents and business owners to be more involved with community service and he served as a panelist and conveyed success stories, one of which was MCE’s. He thanked the Board and staff and wished them good luck in the future with MCE’s mission.

7. Change in Retirement Administration Plan (Discussion)

Katie Gaier, Human Resources Manager, stated earlier this year staff began looking at possible changes to MCE’s retirement system which is the 401 and 457 plan through Nationwide. Nationwide fees were fairly high and staff was trying to separate fiduciary investment advice from plan administration. Staff came to the Board in June and the Board approved staff to move forward with contracts with Genovese Burford and Brothers as the investment adviser and with PenServ Plan Services, Inc. as the plan administrator.

Unfortunately MCE’s relationship with PenServ was not satisfactory. Staff made the decision to terminate the agreement with PenServ and ask Nationwide to continue as the plan administrator.

Ms. Gaier stated the item is an update tonight as staff had brought the matter to the Executive Committee at its December meeting because the funds were due to rollover in advance of tonight’s Board meeting and the committee approved this direction. For the time being, MCE wants to continue working with Genovese Burford and Brothers. Staff is in discussions with Nationwide to determine if Nationwide can offer something that would better meet MCE needs, and Ms. Gaier indicated staff will return with an update in the near future.

8. Regulatory and Legislative Updates (Discussion)

Elizabeth Kelly, Legal Director, provided an update and PowerPoint presentation regarding the CPUC’s decision to adopt revisions to the PCIA charge, a decision which represents a significant increase in the exit fee paid by MCE ratepayers. She thanked all communities, legislators, community groups and other CCA voices for their amazing outpouring of support of letters, resolutions, and involvement, stating the event raised the profile of PCIA at the Commission and state levels.

Unfortunately, MCE lost in its efforts with a 4-1 vote of the CPUC to increase the PCIA charge by 95% which is an average of over \$150/year for every MCE residential customer which begins on January 1, 2016. However, there are some important and positive outcomes, as well.

Ms. Kelly said when MCE launched, the PCIA was perceived by the CPUC to be a small MCE issue. Now that there are other CCAs and other communities that want to have CCAs it has become a much bigger

issue and as a result, significant press came out on the matter. She presented the diverse press coverage on the issue, presented photographs from the press conference, and an overview of the results of the meeting, noting the increase represents \$36 million which will be paid by MCE customers in 2016 and also represents less renewable projects MCE will bring on-line.

CCA customers on PG&E's CARE rate pay the PCIA fee but CARE customers in Southern California Edison territory do not pay the fee, so there are some differences in tariffs.

A positive item that came out of this is a PCIA workshop will review the fairness of the PCIA which will be held in mid-February. It is now tied to a specific proceeding and MCE hopes and expects that this will lead into a new phase to review this issue at a policy level instead of whether PG&E ran a calculation correctly, given the significance of the issue.

Ms. Kelly presented photographs of MCE advocates noting the outpouring of public support and outrage, and said there were powerfully articulated comments by almost 50 speakers before the CPUC regarding the PCIA, which was inspiring. The CPUC Commissioners spoke in a very informed way, given that the public pressure forced them to take a close look and become more aware of the issue. The workshop that was to occur in the first half of 2016 was moved to the first quarter and the Commission set a tentative date as the 15th or 16th of February.

She presented photos of representatives in attendance from Southern California, Lake County and all around the Bay Area. She cited statements made calling the PCIA "corporate welfare", "un-American competition" and said people were amazingly engaged.

Regarding next steps and in trying to change the status quo, Ms. Kelly said MCE can expect some failure before success. She identified two key areas to focus on which are: 1) transparency in auditing and making sure inputs are as clear as they can be; and 2) proper valuation of costs, mitigation, inputs, methodologies and more technical aspects of the exit fees.

Ms. Kelly invited Alexandra McCroskey and Jeremy Waen to add remarks, stating Ms. McCroskey has provided significant education and information to communities throughout the North Bay and the state and has fielded questions about the PCIA to help people to better understand it.

Community Power Organizer Alexandra McCroskey recognized the media coverage and thanked Directors who encouraged their cities to pass resolutions and send in letters to the CPUC which has helped spur that momentum. While disheartening, the momentum was encouraging and she cited the very diverse representation of their constituencies which will help efforts next year regarding vintaging issues.

Ms. Kelly introduced Senior Regulatory Analyst Jeremy Waen who is MCE's technical expert and the person who submitted testimony to the CPUC. Mr. Waen initiated meetings with CPUC advisors which served as critical pathways of communication to get MCE's point across. She also stated Mr. Waen should be recognized for the efforts leading to the CPUC scheduling a workshop.

Senior Regulatory Analyst Jeremy Waen thanked Chair Kate Sears and Director Bailey for attending the meetings which was extremely valuable. It was disheartening to see the vote go the way it did and shocking to see one vote against it. He said in the almost 4 years with MCE, being able to have the venue to address PCIA has been their top priority.

Lastly, Mr. Waen recognized a group of youth from the community of Oxnard that had bussed up to protest the respective building of another gas-fired power plant in Oxnard which will be the fourth plant in their area. Having them and MCE advocates make their case made it clear that MCE is on the right side of history and they must keep moving forward.

Chair Sears recognized everybody's involvement and hard work. She knows today was very disappointing and it seems very unfair, but staff and others did a great job in pointing out positive work and progress that has been accomplished to date. In thinking back 4 years ago, MCE was discouraged and thought the issue would not be brought up by anyone. The change in the environment has been incredible due to all of the hard work and there is a lot to be proud of. Hopefully in February, MCE will be able to continue making progress.

Director O'Donnell asked if the CPUC addressed the PCIA silo fund of almost \$1 billion and asked what would happen moving forward with this fund. Ms. Kelly said the way the PCIA works is that it is vintaged in different years. The fund relates to a vintage earlier than MCE's departure. In MCE's view, a negative indifference balance should be applied to all positive indifferences, but the CPUC viewed this as a temporal issue; that that negative balance needed to be applied only to earlier vintages, or direct access customers only. This pot of money is still there and PG&E tried to eliminate it, but MCE stopped that from happening. Therefore, for MCE it shows that this could still be an appropriate pot of money which could be used to offset costs but there may also be other pots of money that have not been as transparent that they need to look at, as well.

Director O'Donnell stated that if PG&E conceivably manages its own power purchases and resells that power this silo fund could actually continue to grow. He asked if the Commission addressed what PG&E is allowed to do with that money or how it will be allocated.

Ms. Kelly said the Commission left the accounting mechanism in place which is a status quo victory versus eliminating the balance.

Director Coler asked if San Diego Electric and Southern California Edison requested to raise their PCIA fee, as well. Ms. Kelly said she has not tracked their proceeding specifically but would guess their PCIA fees are increasing as well because it relates to the same market price benchmarks. She noted it is more dramatic in PG&E's service territory just because of the type of procurement they undertook in the past.

Mr. Waen interjected that currently there is an anomaly going on in southern territories, stating the San Onofre Nuclear Generating station shut down has resulted in a certain amount of credit associated with that power plant being returned to ratepayers. For CCA customers in the southern territories this credit is being applied against customers' PCIA charges, so they are effectively not seeing the PCIA for a couple of years because it is balanced out by that credit. However, once that credit goes away, CCA customers will see and pay for the PCIA charge again.

Director Coler said she believes that Southern California Edison has a request pending to charge the PCIA to CARE customers. Ms. Kelly confirmed that this was rejected by the Commission.

Director Coler said because PG&E did not do their power purchases correctly which was recognized by the CPUC she asked if there was any discussion of how PG&E came to 95%. To her this is an area which the workshop will address, but the fact it is so high is troubling.

Ms. Kelly said the decision was very myopic and technocratic. It focused on the methodology and looked at inputs which were run through a particular equation to determine a number. That number was a 95% increase. The issue is that the Commission did not address whether the rates were just and reasonable. When these “economically” correct numbers come out, it does not necessarily mean it is the right answer. What has not happened is that additional analysis of whether or not the methodology or its end result was fair. The methodology that came up to address bundled customer indifference is the PCIA. No one has taken that step back, particularly the CPUC, to say whether the methodology and policy is fair and what CCA customers are responsible for. What needs to stop is saying the equation is gospel. We need to identify what can be done to reduce costs and make all ratepayers - bundled and unbundled - better off. Therefore, just because the equation might have been run correctly does not mean it is the right answer.

Director Coler referred to Commissioner Sandoval’s vote against the increase, cited the amount of momentum here and asked if there is some way of mobilizing state-wide regarding the PCIA. She said the LA Times could weigh in on this and commended staff for their fantastic job.

Ms. Kelly referred to the statewide issue and said there are people in Southern California Edison who are engaged. The positive part about the venue MCE got for this view on the fairness of the PCIA is that it is a proceeding where all of the other investor-owned utilities are parties and they are already required to participate. So this is not going to be a PG&E issue but one where all parties are involved with the decision binding all of them for comprehensive reform.

Director Athas said one issue Novato brought up is that they wanted to make their letter more than just about the PCIA and also include net metering because they were concerned if it went to 30% to 10% and it might mean that people might not opt to go with solar. She asked if there was any decision made on the metering issue.

Mr. Waen said the proposed decision came out in the last couple of weeks and they must allow for 30 days before they can place it on their agenda, so it will not be until January that the CPUC considers it.

Director Athas asked if MCE is asking cities to make a concerted effort to communicate with the CPUC, given the net metering change hits people financially and might make them not choose clean energy. Mr. Waen said he did not believe there would be quite as deep a groundswell as compared to the PCIA issue, but MCE is definitely doing what they can to educate communities and advocates of the impacts this proposed decision will likely have. In reality, however, it is a difficult time to get people involved during the holiday season.

Director Athas asked what the increase of 95% or the PCIA going to \$156/year will mean to MCE’s competitiveness and budget and said she believes this to be PG&E’s end goal to get customers back.

Ms. Weisz said she thinks it will vary by customer but it is likely that the PCIA going up in January may cause customers to pay a few dollars more. PG&E’s generation rate is in flux and it looks like it will go down a bit, but how much is not known and MCE does not receive this information until December 31st and it goes into effect the next day, without the ability for letting customers know in advance. She concurred with Director Athas’ sentiments regarding the real benefit of the mobilization around the PCIA issue. There is a lot of visibility and the three things MCE will be pushing for coming out of this are transparency, accountability and accurate valuation.

Ms. Weisz said MCE also wants vintaging to be assigned per community so they can communicate with customers as to what their PCIA will be. Auditing will address this to make sure there is an accurate valuation of the amounts and the ability to communicate clearly with customers. If the overall cost for an MCE customer does rise on January 1st, she did not believe it will have a significant impact on their customer retention, given past experiences.

John Dalessi added that they will run a full analysis of the rate impacts in January and will bring this to the Board meeting in January. He thinks it is likely that costs for customers through MCE's rates will be slightly higher but as Ms. Weisz stated, MCE had this same situation in 2011/2012 and did not lose customers and expanded. An important policy objective for MCE rates is that they are competitive, which does not necessarily mean lower than PG&E. The fact that MCE has been able to provide cost savings over the last few years in addition to providing an environmentally-superior product is outstanding and we believe that MCE rates will remain competitive.

Mr. Waen added that PG&E's general rate cases cycle has begun again and the first phase of the rate case will be a significant focus in 2016. In this proceeding there are opportunities to identify credit revenue that should be passed back to customers as well as certain costs that should not be assigned to customers for which he provided examples.

Director Greene spoke of PG&E's number of attorneys assigned to address CCA issues only, which is significant. Ratepayers pay for that. It looks like as MCE and CCAs all over the state have become more successful, those attorneys and accountants strategizing at PG&E have seized upon PCIA as being the mechanism to fight back because they are losing customers. To learn that the indifference adjustment will total \$36 million in 2016 is outrageous. He said there have been many tactics PG&E has deployed and this looks like the purpose is to make MCE fail and directly assault their ability to be competitive with higher rates. What bothers him the most is that in light of the exposure of PG&E's cozy relationship and the CPUC nothing has been done and now is expressed in a 95% PCIA increase. He asked staff to fight and dismantle those equations because they are unfair.

Ms. Kelly stated the exit fee represents CCAs bearing utilities' business risk and MCE will continue its efforts in further exposing it for delving into what it is truly.

Director Lyman thanked staff for representing this issue to the El Cerrito City Council and said it speaks to the quality of MCE staff. He agreed with Director Greene that while this is a setback, it is the start of the long battle.

Ms. Kelly recognized specific staff that has worked incredibly hard on this issue as Shalini Swaroop, Alex DiGiorgio, Justin Kudo, Allen Chiu as well as all members of MCE staff.

Vice Chair Butt commented that CCAs have had good luck with the legislature in defending attacks and suggested seeking sponsors for a bill.

Ms. Weisz said there has been discussion regarding pushing legislation in the next cycle and this may occur. There is something to be said for the opportunity that exists now and some of the individuals in place at the Capitol who may be interested. On the flip side, there are some well-funded adversaries whenever there is a legislative battle and MCE must think about this further, but is open to input.

Ms. Kelly said this is a point well taken. There has been talk about the supreme disappointment coming out of this CPUC meeting and MCE must do its legwork for the upcoming proceeding. Separately, MCE will communicate with legislators about what their expectations are which she repeated as transparency, auditing and proper valuation of the exit fee. There needs to be accountability at the CPUC to have this occur. They will be educating legislators on what their expectations and needs are and the most efficient and least political risky way to address this is through the CPUC with accountability coming from communities, organizations, legislators and from the Governor's office to the extent legislation is necessary, which carries a lot of risk.

Director Bailey cited Commissioner Mike Florio's quote in the newspaper about why they approved the PCIA which states: "The reason the increase of the exit fee has to be so large is because of high cost and renewable energy contracts which PG&E was required by law to enter into and this Commission approved. Those contracts were approved with the promise by the CPUC that PG&E could recover those costs in rates. We're stuck with that now." Ms. Kelly noted that this identifies the regulatory co-dependency occurring and MCE is not part of it.

Vice Chair Butt stated this is really a public policy argument and was not sure the CPUC was the right place to make the argument. It is about whether California is going to be a leader in energy reform or not.

Mr. Waen stated they have been working with communities up and down the state that are aspiring to implement programs like this and they complete technical studies designed to analyze the operational feasibility based on today's market conditions. It is frustrating for communities and those completing the studies because they must have to throttle it back because of these types of charges that pose additional costs and compromise the rate competitiveness. He thinks it is odd to see this happen in the conflict of state environmental policy objectives where there are plenty of people who want to get to 100% in renewable energy.

Director Bailey said the problem they have sometimes in communicating is not just to show how clearly and persuasively they can provide their own view of the world, but they must listen to what the other side's perspective is. He read the opinion at length and the perspective of the CPUC was not that they did not recognize the impact on MCE and its customers, but it is they wanted to be fair to PG&E customers or bundled customers who are being left behind. The Commission perceived themselves as standing up for fairness and MCE must be willing to acknowledge there is a perspective change which may never happen.

Mr. Waen agreed this was a fair point and it seems appropriate to the comment about business risk. PG&E is a big business but the protection they receive is unique as well as the fact that MCE's customers' finance that is also unique.

Director Bailey stated he thinks PG&E is in their own sense having their own sense of truth and MCE needs to try to show them there is another path. He agrees MCE should fight the fight but there should be another path to come at this.

Ms. Weisz stated another comment to add to this list is the result of a great brainstorming this afternoon with some key people on customer indifference. This is the primary belief behind those comments just stated and also some of the primary belief that Mr. Waen talked about where they should not have MCE customers paying for legal time for power supply contracts. If MCE can make

customer indifference a reality, this should make PG&E and MCE happy. They just need transparency to allow for that customer indifference to occur in an accurate way.

Director Bailey said this is a great argument, but the argument that is not persuasive to him is that it is just too much money and MCE cannot afford it. Therefore, they need to argue something else.

Director Athas asked if MCE has the opportunity to get involved with the League of California Cities to help them with this. When they hold events at the League, there is a very strong presence of PG&E, they endorse candidates and she thought she heard MCE is prohibited from doing any endorsements of candidates and Ms. Weisz confirmed.

Director Athas said it seems this is an inequity and did not understand why this is the case. Ms. Weisz stated local government agencies are prohibited from taking a position on ballot initiatives or from sponsoring candidates given they may use taxpayer or community-based funds. PG&E can because it is privately owned. She said she would, however, be happy to present this to the League, and Director Athas stated Nancy Bennett is their representative.

Chair Sears opened the public comment period.

Sam Sparrow stated gas and oil are at their lowest prices and PG&E is over-generating by 175%. California's energy has not increased and residents have to pay for energy that cannot be used which is a huge loss. Their stock price of \$54/share is the highest it has ever been except for a run in January/February 2015. In the 2016 election they had a ballot initiative for CCAs and a renewable energy credit. He noted that while MCE cannot, he can initiate a ballot measure to place a moratorium on the CPUC and PG&E.

Chair Sears thanked everybody for a great conversation on this and asked all Directors to provide a round of applause for MCE staff.

Ms. Kelly concluded her presentation and stated SDG&E submitted an advice letter stating they would like an independent marketing division to market against CCAs. In their long-term procurement plan they say they will not plan for any CCAs departing and then in their advice letter they plan on marketing against CCAs. This is just another quirk of working before the CPUC. They are hoping people in Southern California will engage on this. MCE submitted comments on the advice letter jointly and coordinated with other CCA entities so there is never a dull moment.

Ms. Weisz commented having a marketing division to market against CCAs is not a terrible thing, but the fact that they have to create a plan and create a separate division is something MCE pushes for after their experience launching, as it is part of the code of conduct for all investor-owned utilities. San Diego Electric is the first IOU to submit such a plan, and MCE thinks the plan is deficient because it does not create a functionally separate entity. That entity still has many connections to San Diego Gas and Electric. Hopefully, they will improve upon their plan and there will be more transparency.

Mr. Waen said at the voting meeting today there was representation from San Diego speaking out against the PCIA. In addition, the City of San Diego recently approved their climate actions plan and they are planning to reach 100% renewable energy in 20 years and a key component of that is forming a CCA. He thinks things like this advice letter are clearly helping to galvanize the effort to start taking the

regulatory arena seriously so he thinks San Diego's CCA effort will likely have a more prominent voice in the regulatory arena in the coming year.

Vice Chair Butt stated PG&E has announced that PG&E will offer their version of Light Green and Deep Green sometime in 2016. He thinks it is part of a grand plan to put CCAs out of business, and he asked if staff had any insight as to when it will roll out and what it will look like.

Mr. Waen said the CPUC approved PG&E's initial rates and launch, approved their marketing efforts and they will definitely launch this service in the coming year. Both programs are 100% solar supplied. One will be similar to MCE's Deep Green Program where there are a portfolio of resources with individual customers can participate in purchasing solar energy for half or the entire bill.

He said the other PG&E program is similar to MCE's Local Sol program, but they are structuring it differently and loosening the requirement of how close one must be to the generation resource. There is a bit of a strategic play and the green tariff has been in progress for many years now, but one step that came into play is that MCE was able to include language to make sure the customer indifference is maintained. The silver lining is that their participants must also pay the PCIA. So the strategy might not be so well executed, but it will make news in the coming year. He thinks there is a high likelihood they will be fully subscribed in time and then going back to the Commission for another increase in their program.

Ms. Weisz noted that MCE's Deep Green program premium is 1 cent per KW hour. They expect PG&E's program to be at least 2 cents and they are also required to pay PCIA.

Kirby Dusel said he thinks one thing MCE will track is the marketing of PG&E's regional solar choice program, which creates a more direct contractual relationship between participating customers and specific solar projects within proximity to their home or business. Because that program will be jointly marketed with PG&E and individual developers, he thinks it is important that there is some oversight with regard to customer interactions. Because there will be interaction between customers and third-party project developers, MCE will want to make sure that everything communicated by PG&E and its third-party partners is valid, accurate and not detrimental to MCE's business operations. MCE has reviewed PG&E's application to get green energy certification and MCE will coordinate with Green-e Energy staff regarding related comments in early January.

9. Board Member & Staff Matters (Discussion)

Chair Sears wished everybody a happy holiday. In closing, there is a lot going on in many arenas and she suggested staff prepare a chart of what is occurring in the regulatory arena, given the Board's interest in engagement and strategies.

10. Adjournment

The Board of Directors adjourned the meeting at 8:43 p.m. to the next Regular Board Meeting on January 21, 2016.

Kate Sears, Chair

Attest:

Dawn Weisz, Secretary



January 21, 2016

TO: Marin Clean Energy Board
FROM: Sarah Estes-Smith, Director of Internal Operations
RE: Report on Approved Contracts (Agenda Item #04 – C.2)

Dear Board Members:

SUMMARY: This report summarizes agreements entered into by the Chief Executive Officer in the past month. This summary is provided to the Board for information purposes only.

Review of Procurement Authorities

In March 2013 your Board adopted Resolution 2013-04 as follows;

The Chief Executive Officer is hereby authorized to enter into and execute contracts for an amount not to exceed \$25,000 per contractor per fiscal year, consistent with the Board approved budget, the Joint Powers Agreement, and the Operating Rules and Regulations.

In November 2012 your Board approved the MCE Integrated Resource Plan stating;

Power purchase agreements (energy, capacity, RECs) with terms of 12 months or less may be entered into on MCE's behalf by the Chief Executive Officer.

Power purchase agreements (energy, capacity, RECs) with terms of greater than 12 months and less than or equal to 5 years and which are made pursuant to a Board approved resource plan may be entered into on MCE's behalf by the Chief Executive Officer in conjunction with the MCE Board Chair. An ad hoc committee of the MCE Board will be consulted prior to execution of any medium-term contracts.

Power purchase agreements (energy, capacity, RECs) with terms of greater than 5 years shall require Board approval prior to execution.

The Chief Executive Officer is required to report all such contracts and agreements to the MCE Board on a monthly basis.

Summary of Agreements entered into by the Chief Executive Officer in the past month

Month	Purpose	Contractor	Maximum Annual Contract Amount	Term of Contract
December	Addendum increasing contract maximum for design services for Energy Efficiency Learning Center collateral	Moore Iacofano Goltsman, Inc.	\$24,700	7 months

December	Window shades for MCE office	Sunset Screens	\$12,590.86	N/A
December	Addendum extending demand response services for an additional 12 months and decreasing contract maximum by \$3,750	Schneider Electric USA, Inc.	\$15,000	25 months
December	Purchase of Renewable Energy	Rising Tree Wind Farm	\$2,625	1 month
December	Purchase of Renewable Energy	Rising Tree Wind Farm II	\$1,125	1 month
January	Sale to SENA of 6 MW Resource Adequacy March 2016	Shell Energy North America	(\$5,100)	1 month
January	Sale to SENA of 11 MW Resource Adequacy March 2016	Shell Energy North America	(\$9,350)	1 month

Fiscal Impact: These expenses are accounted for under the existing MCE budget.

Recommendation: Information only. No action required.



January 21, 2016

TO: Marin Clean Energy Board

FROM: David McNeil, Finance and Project Manager
Mike Maher, Maher Accountancy

RE: Monthly FY 15/16 Budget Report (Agenda Item #05 - C.3)

ATTACHMENT: MCE Budget Reports 2015-11 (Unaudited)

Dear Board Members:

SUMMARY:

The attached budget update compares the FY 2015/16 budget to the unaudited revenue and expenses of MCE for the month ending November 2015.

OPERATING BUDGET:

Year-to-date revenues continue slightly over budget by approximately 2%. The cost of energy is below budget by approximately 4%. Non-energy operating expenditures are generally below anticipated year-to-date levels but much of this will be smoothed as the year continues. A budget amendment is being brought to the Board's January meeting to obtain approval for expenditures expected to vary from the approved budget.

ENERGY EFFICIENCY PROGRAM BUDGET:

The Energy Efficiency Program is entirely funded by the California Public Utilities Commission. For financial reporting purposes, MCE treats funds received from this program as a reimbursable grant. The result is that program expenses are offset by revenue. A deferred asset is recorded for funds received by the CPUC that have yet to be expended by MCE.

In FY 2015/16, Energy Efficiency (EE) revenue is being recognized to offset \$52,784 of prior year EE "planning" expenses not originally intended to be provided for by EE grant funds. The \$52,784 FY 2015/16 "increase" in fund balance equals the prior year "decrease" in fund balance. There is no cumulative effect on fund balance.

LOCAL DEVELOPMENT RENEWABLE ENERGY BUDGET:

This program is funded through a portion of the revenue from the Deep Green service provided to customers. To date, expenses primarily relate to legal and consulting costs associated with establishing a local renewable energy project.

RENEWABLE ENERGY RESERVE BUDGET:

This fund is intended for the procurement or development of renewable energy not planned for in the operating funds. Resources may accumulate from year to year and be expended as management determines.

Recommendation: No action needed. Informational only.



Financial Plumline

ACCOUNTANTS' COMPILATION REPORT

Board of Directors
Marin Clean Energy

We have compiled the accompanying budgetary comparison schedules of Marin Clean Energy (a California Joint Powers Authority) for the period ended November 30, 2015. We have not audited or reviewed the accompanying financial statement and, accordingly, do not express an opinion or provide any assurance about whether the financial statement is in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements with undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statement.

The supplementary information contained on page 4 is presented for purposes of additional analysis. The supplementary information has been compiled from information that is the representation of management. We have not audited or reviewed the supplementary information and, accordingly, do not express an opinion or provide any assurance on such supplementary information.

Certain accounting functions provided by Maher Accountancy are considered management functions by the American Institute of Certified Public Accountants. Accordingly, we are not independent with respect to Marin Clean Energy.

Maher Accountancy

December 18, 2015

TEL 415.459.1249
FAX 415.459.5406
WEB www.mahercpa.com



MARIN CLEAN ENERGY
OPERATING FUND
BUDGETARY COMPARISON SCHEDULE
April 1, 2015 through November 30, 2015

	<u>Actual from April 1, 2014 through November 30, 2014</u>	<u>2015/16 YTD Budget (Amended)</u>	<u>2015/16 YTD Actual</u>	<u>2015/16 YTD Budget Variance (Under) Over</u>	<u>2015/16 YTD Actual/Budget %</u>	<u>2015/16 Annual Budget (Amended)</u>	<u>2015/16 Budget Remaining</u>
REVENUE AND OTHER SOURCES:							
Revenue - Electricity (net of allowance)	\$ 66,879,532	100,141,899	\$ 101,990,149	\$ 1,848,250	101.85%	\$ 145,933,098	\$ 43,942,949
Other revenues	35,159	-	436,012	436,012	-	-	-
Total sources	<u>66,914,691</u>	<u>100,141,899</u>	<u>102,426,161</u>	<u>2,284,262</u>	<u>102.28%</u>	<u>145,933,098</u>	<u>43,942,949</u>
EXPENDITURES AND OTHER USES:							
CURRENT EXPENDITURES							
Cost of energy	54,566,388	84,862,105	81,342,737	(3,519,368)	95.85%	129,522,715	48,179,978
Staffing	1,296,574	1,938,950	1,920,617	(18,333)	99.05%	2,964,000	1,043,383
Technical consultants	335,477	431,631	416,433	(15,198)	96.48%	629,000	212,567
Legal counsel	247,524	240,000	231,391	(8,609)	96.41%	360,000	128,609
Communications consultants and related expenses	373,460	500,667	488,372	(12,295)	97.54%	751,000	262,628
Data manager	1,767,276	1,908,000	1,901,559	(6,441)	99.66%	2,862,000	960,441
Service fees- PG&E	450,919	614,000	576,004	(37,996)	93.81%	921,000	344,996
Other services	225,827	278,667	278,189	(478)	99.83%	418,000	139,811
General and administration	246,036	219,333	171,947	(47,386)	78.40%	329,000	157,053
Occupancy	-	173,333	129,925	(43,408)	74.96%	260,000	130,075
Integrated Demand side pilot programs	-	33,333	21,440	(11,893)	64.32%	50,000	28,560
Marin County green business program	-	10,000	-	(10,000)	0.00%	10,000	10,000
Solar rebates	-	7,000	4,000	(3,000)	0.00%	35,000	31,000
Total current expenditures	<u>59,509,481</u>	<u>91,217,020</u>	<u>87,482,614</u>	<u>(3,734,406)</u>	<u>95.91%</u>	<u>139,111,715</u>	<u>51,629,101</u>
CAPITAL OUTLAY	14,398	132,000	145,327	13,327	110.10%	150,000	4,673
DEBT SERVICE *	747,431	2,080,000	2,147,718	67,718	103.26%	2,080,000	(67,718)
INTERFUND TRANSFER TO:							
Renewable Energy Reserve Fund	-	1,000,000	1,000,000	-	100.00%	1,000,000	-
Local Renewable Energy Development Fund	109,994	151,383	151,383	-	100.00%	151,383	-
Total expenditures	<u>60,381,304</u>	<u>94,580,403</u>	<u>90,927,042</u>	<u>\$ (3,653,361)</u>	<u>96.14%</u>	<u>142,493,098</u>	<u>\$ 51,566,056</u>
Net increase (decrease) in available fund balance	<u>\$ 6,533,387</u>	<u>\$ 5,561,497</u>	<u>\$ 11,499,119</u>	<u>\$ 5,937,622</u>		<u>\$ 3,440,000</u>	<u>\$ (7,623,107)</u>

* Debt Service includes fees related to a Line of Credit and a Letter of Credit issued during the 2015/16 year.

**MARIN CLEAN ENERGY
ENERGY EFFICIENCY PROGRAM FUND
BUDGETARY COMPARISON SCHEDULE
April 1, 2015 through November 30, 2015**

	<u>Budget</u>	<u>Actual</u>	<u>Budget Remaining</u>	<u>Actual/ Budget</u>
REVENUE AND OTHER SOURCES:				
Public purpose energy efficiency program	\$ 1,505,702	\$ 753,047	\$ 752,655	50.01%
EXPENDITURES AND OTHER USES:				
CURRENT EXPENDITURES				
Public purpose energy efficiency program	<u>1,505,702</u>	<u>700,263</u>	<u>805,439</u>	<u>46.51%</u>
Net increase (decrease) in fund balance	<u>\$ -</u>	<u>\$ 52,784</u>		

**LOCAL RENEWABLE ENERGY DEVELOPMENT FUND
BUDGETARY COMPARISON SCHEDULE
April 1, 2015 through November 30, 2015**

	<u>Budget</u>	<u>Actual</u>	<u>Budget Remaining</u>	<u>Actual/ Budget</u>
REVENUE AND OTHER SOURCES:				
Transfer from Operating Fund	\$ 151,383	\$ 151,383	\$ -	100.00%
EXPENDITURES AND OTHER USES:				
Capital Outlay	<u>151,383</u>	<u>134,642</u>	<u>16,741</u>	<u>88.94%</u>
Net increase (decrease) in fund balance	<u>\$ -</u>	<u>\$ 16,741</u>		

**RENEWABLE ENERGY RESERVE FUND
BUDGETARY COMPARISON SCHEDULE
April 1, 2015 through November 30, 2015**

	<u>Budget</u>	<u>Actual</u>	<u>Budget Remaining</u>	<u>Actual/ Budget</u>
REVENUE AND OTHER SOURCES:				
Transfer from Operating Fund	\$ 1,000,000	\$ 1,000,000	\$ -	100.00%
EXPENDITURES AND OTHER USES:				
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net increase (decrease) in fund balance	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>		

See accountants' compilation report.

MARIN CLEAN ENERGY
BUDGETARY SUPPLEMENTAL SCHEDULE
April 1, 2015 through November 30, 2015

	Actual
Other services	
Audit	\$ 35,500
Accounting	96,000
IT Consulting	49,323
Human resources & payroll fees	5,169
Legislative consulting	60,000
Miscellaneous professional fees	32,197
	\$ 278,189
	\$ 278,189
 General and administration	
Cell phones	\$ 544
Data and telephone service	21,603
Insurance	7,169
Office and meeting rentals	2,638
Office equipment lease	3,639
Dues and subscriptions	38,350
Conferences and professional education	17,027
Travel	15,404
Business meals	5,321
Office supplies and postage	60,252
	\$ 171,947
	\$ 171,947

See accountants' compilation report.



January 21, 2016

TO: Marin Clean Energy Board of Directors

FROM: Katie Gaier, Human Resources Manager
David McNeil, Finance and Project Manager

RE: New Staff Positions (Agenda Item #05 – C.4)

ATTACHMENT: A. Job Description – Legal Assistant I/II
B. Job Description – Staff Attorney

SUMMARY:

With increased growth in the depth and breadth of the responsibilities of the Legal and Regulatory Team, staff has realized the need to hire additional staff to maintain the on-going operations of the team. The legal and regulatory functions of MCE are expanding to support the continued growth of the organization. Two areas have been identified in need of support. First, in the administrative area, the functions include supporting MCE interests related to MCE customers, supporting continued inclusion of new MCE communities, and supporting MCE in regulatory and legal proceedings. Secondly, there is a need to provide support to General Counsel in the basic and transactional areas of the law, including review, evaluation, and finalization of contracts and related policies. To meet these needs, staff recommends the addition of new staff positions as follows:

- Legal Assistant I/II
- Staff Attorney

The attached draft job descriptions and compensation level recommendations have been reviewed and approved for your consideration by the MCE Executive Committee at the December 2, 2015 and the January 13, 2016 meetings

Legal Assistant I and II

The Legal Team has identified a need to hire an administrative staff person with specific experience and knowledge of legal administrative support. The new hire would allow some existing tasks to shift away from staff at more senior levels and create more support for the critical functions of the Legal Team. Tasks would include regulatory filings, record maintenance and tracking, contract management, managing meeting logistics and some correspondence. Depending on the qualifications of the new hire, the selected candidate would either be hired for the position of Legal Assistant I or Legal Assistant II.

The basic requirements and duties of the Legal Assistant I position are similar to that of the Administrative Assistant position whose annual approved salary range is \$47,224 to \$70,826, including the January cost of living increase. A compensation analysis supported the proposed recommendation to use this range for the Legal Assistant I position. At MCE salary ranges between different tiers within a series of positions are typically separated by approximately 12%. Therefore, the salary range for Legal Assistant II would be placed at 12% above the tier I position and would have a range of \$52,890 to \$78,720 per annum. .

Fiscal Impact:

An amended FY2015/16 budget is expected to be presented to the board at the February board meeting. Staff costs associated with the position are included in the Budget Amendment. Should the Budget Amendment be approved there will be no budget impact.

Recommendation:

Approve the new position of Legal Assistant I/II as well as the job description and related salary ranges.

Staff Attorney:

Due to the increased workload of the General Counsel, a need for an attorney to support the General Counsel in the basic and advanced transactional areas of the law, including review, evaluation and finalization of contracts and related policies has been realized. The emphasis of the position will be on legal transactions between MCE and its contractors who provide a wide-range of services in support of the agency's operation and compliance with municipal and state law. The assignment of these duties to a Staff Attorney will allow the General Counsel to focus on the highest and most complex level of legal and regulatory responsibilities within MCE as well as management of the Legal and Regulatory team. The addition of the position will allow for a reduction in the use of outside counsel.

There are currently four levels of attorney positions within the Legal and Regulatory team, from Regulatory Counsel I through the General Counsel. In order to maintain adequate spreads between salary ranges based on level of responsibility, it has been determined that the salary for Staff Attorney be set at a level between Regulatory Counsel II and Regulatory & Legislative Counsel. The recommended salary, therefore, is \$108,560 - \$173,206.

Fiscal Impact:

It is anticipated that the position will be filled on or after April 1, 2016. The fiscal impact on the regular salary budget for FY 2016/17, if the position is filled at the bottom level would be \$141,128 and \$225,168 at the top level. These are fully-loaded (salary plus benefits) costs. The FY 2016/17 Budget will be presented to the Board in February.

Recommendation:

Approve the new position of Staff Attorney as well as the job description and related salary ranges.



Legal Assistant I and II **Job Description**

DRAFT

Summary

The Legal Assistant, under supervision of the Regulatory and Legislative Coordinator, supports the Marin Clean Energy Regulatory and Legal team by performing a variety of legal and regulatory duties that are vital to the operations and success of MCE. The incumbent will be expected to independently manage a variety of responsibilities and work in collaboration with other MCE teams as needed.

Class Characteristics

Working under the supervision of the Regulatory and Legislative Coordinator and/or the direction of other Regulatory and Legal team members, the Legal Assistant provides legal, regulatory, and administrative support to the daily operations of the team and the legal obligations of MCE. This class is similar to the Regulatory Associate position due to its administrative responsibilities. It differs from the Regulatory and Legislative Coordinator position due to the latter's level of responsibility in developing and managing key operations and obligations.

Supervision

This position has no supervisory responsibilities.

Essential Duties and Responsibilities (Illustrative Only)

Regulatory and Legal Team

- Prepare standard form contracts
- Develop and implement the contracts management process
- File and serve regulatory documents with Regulatory agencies
- Prepare filing templates for the Regulatory and Legal Team
- Maintain complex calendars and tracking for Regulatory Proceedings
- File digital and hard copy documents on MCE server
- Prepare reporting to meet regulatory and legal requirements

General

- Prepare for and set-up meetings:
 - AV equipment
 - Conference line set-up
 - Agendas
 - Meeting materials
 - Food and beverages, as needed
- Manage calendars and coordinate among Staff, Consultants, Board, and Vendors
- Monitor incoming filings through a dedicated email account
- Organize and maintain electronic files on server
- Prepare expense reports for team members
- Maintain and improve processes for file maintenance, document tracking, and management
- Prepare documents (Word), spreadsheets (Excel) and presentations (PowerPoint)
- Support all members of the Regulatory and Legal Team on various projects as needed

Break-Down of Time Spent on Various Work Areas

Legal Support	45%
Regulatory Support	45%
Administrative Support	10%

Minimum Qualifications

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Experience/Education: Legal Assistant I

Education and experience equivalent to an Associate's degree and two (2) years of progressively responsible experience as a Legal/Administrative Assistant working in fast-paced work environments. A background in contracts management preferred but not required.

Experience/Education: Legal Assistant II

In addition to the experience requirements for Legal Assistant I, a Paralegal certification from an accredited school or equal amount of education, training, and experience is required.

Knowledge of

- Principles and practices of administrative and legal support
- The purpose, organization, and operations of a public agency
- Information systems management
- Scheduling, maintaining calendars, and internal filing systems
- Advanced Microsoft Office Suite (Excel, Word, Outlook, and PowerPoint) and Adobe
- Document retention requirements and practices
- Energy and environmental issues generally, such as climate change

Ability to

- Take responsibility and work independently
- Work accurately and swiftly under pressure
- Handle multiple ongoing projects in a fast-paced, team-oriented environment
- Demonstrate patience, tact, and courtesy
- Communicate effectively in written and verbal form
- Establish and maintain effective working relationships with persons encountered during the performance of duties
- Demonstrate highest level of accountability, integrity, judgment, and confidentiality
- Add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals; compute rate, ratio, and percent and to create and interpret bar graphs

Language and Reasoning Skills

- Exercise sound judgment, creative problem solving, and commercial awareness
- Manage multiple priorities and quickly adapt to changing priorities in a fast-paced, dynamic environment
- Develop high-quality writing, research, and communication work products
- Deliver clear and persuasive oral communication
- Interact effectively with administrative bodies, MCE's Executive Officer and Board of Directors, MCE staff, and external vendors and contractors
- Apply strong problem-solving skills
- Be thorough and detail-oriented and focus on work at hand

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is frequently required to use hands to finger, handle, or feel and reach with hands and arms. The employee must occasionally lift and/or move up to 20 pounds.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. The noise level in the work environment is usually moderate.

ADA Compliance

MCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.



Staff Attorney Job Description DRAFT

Summary

The MCE Staff Attorney works under direction from the General Counsel and has responsibility for a wide range of Marin Clean Energy (MCE) transactional matters, with particular emphasis on contracts and areas of municipal and state law. The Attorney reviews, evaluates and finalizes MCE contracts and related policies to ensure compliance with municipal and state law, and performs other duties as assigned.

Class Characteristics

The MCE Staff Attorney works under the general direction of the General Counsel. Incumbents are assigned to support the General Counsel in the basic and advanced transactional areas of the law, including, but not limited to review, evaluation and finalization of contracts and related policies. The emphasis of the position is on legal transactions between MCE and its contractors who provide a wide-range of services in support of the agency's operations and compliance with municipal and state laws.

Essential Duties and Responsibilities (Illustrative Only)

Incumbents may perform some or all of the following:

- Review, evaluate and finalize various contracts;
- Develop contracts, terms and conditions, and non-disclosure agreements for ongoing energy management technology pilots and programs;
- Respond to Public Records Act requests, including review of documents related to Public Records Act requests;
- Develop policies, terms and conditions, and other materials supporting MCE functions;
- Address questions related to laws and regulations impacting MCE, including the Brown Act;
- Litigate matters or manage litigation matters for MCE;
- Assist in refining MCE's contract management processes;

- Determine criticality of contracts that may need referral to outside counsel;
- Coordinate with outside counsel to finalize referred contracts.

Supervisory Responsibilities

The Staff Attorney may provide lead work direction to Law Clerks and other Interns.

Breakdown of Time Spent on Various Work Areas

- | | |
|--------------------------|-----|
| • Contract Review | 65% |
| • Related Legal Analysis | 25% |
| • Other Analytical Tasks | 10% |

Minimum Qualifications

Education/Experience:

A law degree from an ABA approved law school and at least three (3) years of municipal law experience is required. Experience in contract law and with a public utility is preferred.

Knowledge of

- Marin Clean Energy and its mission and purpose.
- California laws governing the operation of electric utilities, in particular Community Choice Aggregation (CCA) programs, including data privacy requirements.
- Terminology typically used in the electric utility industry.
- Contract language in general and specific to the utility industry.
- Utility rate design and electric resource planning.
- Community Choice Aggregation program related issues.
- Microsoft Office Suite including Excel, Word, and PowerPoint, and Adobe Acrobat.

Ability to

- Communicate effectively in written and oral form.
- Analyze data and produce effective written reports and arguments.
- Manage multiple priorities.
- Quickly adapt to changing priorities in a fast paced, dynamic environment.
- Take responsibility and work independently, as well as coordinate team efforts.
- Be thorough and detail-oriented.
- Work accurately and swiftly under pressure.
- Demonstrate patience, tact, and courtesy.
- Establish and maintain effective working relationships with persons encountered during the performance of duties.

Language and Reasoning Skills

- Exercise exceptional analytical skills, sound judgment, creative problem solving, and commercial awareness.
- Analyze and interpret large amounts of information quickly and accurately, and make sound policy recommendations.
- Develop high-quality writing, research and communication work products.
- Deliver clear and persuasive oral communication.
- Interact effectively with administrative bodies and MCE's Legal Director, Chief Executive Officer and Board of Directors.
- Manage projects and time efficiently.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is frequently required to use hands to finger, handle, or feel and reach with hands and arms. The employee must occasionally lift and/or move up to 20 pounds.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. The noise level in the work environment is usually moderate.

ADA Compliance

MCE will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.



January 21, 2016

TO: Marin Clean Energy Board of Directors

FROM: Greg Brehm, Director of Power Resources

RE: Second Addendum to Second Agreement with Rincon Consultants, Inc.
(Agenda Item #05 – C.5)

ATTACHMENTS:

- A. Second Agreement with Rincon Consultants, Inc.
- B. First Addendum to Second Agreement with Rincon Consultants, Inc.
- C. Draft Second Addendum to Second Agreement with Rincon Consultants, Inc.

Dear Board Members:

Summary:

On March 16, 2015, MCE entered into the Second Agreement with Rincon Consultants, Inc. ("Agreement") to provide California Environmental Quality Act (CEQA) document support services for the MCE 10.5-megawatt Chevron Refinery Solar Project located in the City of Richmond, CA. The Agreement stated that the maximum cost to MCE would be \$25,000.

On September 17, 2015, MCE executed the First Addendum to the Agreement, reflecting a contract maximum increase of \$15,000 for a total amount not to exceed \$40,000. Because of additional work primarily required to respond to the CEQA comments and challenges of Adams Broadwell Joseph & Cardozo, this budget will be exceeded.

MCE staff requests approval of the present Second Addendum, which would expand the scope of services to include preconstruction surveys and biological monitoring services. This Addendum would also reflect a contract maximum increase of \$31,440 for a total amount not to exceed \$71,440.

Fiscal Impact: Expenses for this contract are budgeted for in the Local Renewable Energy Development Fund.

Recommendation: Approve Second Addendum to Second Agreement with Rincon Consultants, Inc.

**MARIN CLEAN ENERGY
STANDARD SHORT FORM CONTRACT**

**SECOND AGREEMENT
BY AND BETWEEN
MARIN CLEAN ENERGY AND RINCON CONSULTANTS, INC.**

THIS SECOND AGREEMENT ("Agreement") is made and entered into this day March 16, 2015 by and between MARIN CLEAN ENERGY, hereinafter referred to as "MCE" and RINCON CONSULTANTS, INC., hereinafter referred to as "Contractor."

RECITALS:

WHEREAS, MCE desires to retain a person or firm to provide the following services: California Environmental Quality Act (CEQA) document support services for the MCE 10.5-megawatt Chevron Refinery Solar Project located in the City of Richmond, CA;

WHEREAS, Contractor warrants that it is qualified and competent to render the aforesaid services;

NOW, THEREFORE, for and in consideration of the agreement made, and the payments to be made by MCE, the parties agree to the following:

1. SCOPE OF SERVICES:

Contractor agrees to provide all of the services described in Exhibit A attached hereto and by this reference made a part hereof.

2. FURNISHED SERVICES:

MCE agrees to make available all pertinent data and records for review, subject to MCE Policy 001 - Confidentiality.

3. FEES AND PAYMENT SCHEDULE; INVOICING:

The fees and payment schedule for furnishing services under this Agreement shall be based on the rate schedule which is attached hereto as Exhibit B and by this reference incorporated herein. Said fees shall remain in effect for the entire term of the Agreement. Contractor shall provide MCE with his/her/its Federal Tax I.D. number prior to submitting the first invoice. Contractor is responsible for billing MCE in a timely and accurate manner. Contractor shall invoice MCE on a monthly basis for any services rendered or expenses incurred hereunder. Fees and expenses invoiced beyond 90 days will not be reimbursable. The final invoice must be submitted within 30 days of completion of the stated scope of services or termination of this Agreement.

4. MAXIMUM COST TO MCE:

In no event will the cost to MCE for the services to be provided herein exceed the maximum sum of \$25,000.

5. TIME OF AGREEMENT:

This Agreement shall commence on April 1, 2015, and shall terminate on March 31, 2016. Certificate(s) of Insurance must be current on the day the Agreement commences and if scheduled to lapse prior to termination date, must be automatically updated before final payment may be made to Contractor.

6. INSURANCE:

All required insurance coverages shall be substantiated with a certificate of insurance and must be signed by the insurer or its representative evidencing such insurance to MCE. The general liability policy shall be endorsed naming Marin Clean Energy and its employees, officers and agents as additional insureds. The certificate(s) of insurance and required endorsement shall be furnished to MCE prior to commencement of work. Each certificate shall provide for thirty (30) days advance written notice to MCE of any cancellation or reduction in coverage. Said policies shall remain in force through the life of this Agreement and shall be payable on a per occurrence basis only, except those required by paragraph 6.4 which may be provided on a claims-made basis consistent with the criteria noted therein.

Nothing herein shall be construed as a limitation on Contractor's obligations under paragraph 16 of this Agreement to indemnify, defend and hold MCE harmless from any and all liabilities arising from the Contractor's negligence, recklessness or willful misconduct in the performance of this Agreement. MCE agrees to timely notify the Contractor of any negligence claim.

Failure to provide and maintain the insurance required by this Agreement will constitute a material breach of the agreement. In addition to any other available remedies, MCE may suspend payment to the Contractor for any services provided during any time that insurance was not in effect and until such time as the Contractor provides adequate evidence that Contractor has obtained the required coverage.

6.1 GENERAL LIABILITY

The Contractor shall maintain a commercial general liability insurance policy in an amount of no less than one million dollars (\$1,000,000) with a two million dollar (\$2,000,000) aggregate limit. MCE shall be named as an additional insured on the commercial general liability policy and the Certificate of Insurance shall include an additional endorsement page. (see sample form: ISO - CG 20 10 11 85).

6.2 AUTO LIABILITY

Where the services to be provided under this Agreement involve or require the use of any type of vehicle by Contractor in order to perform said services, Contractor shall also provide comprehensive business or commercial automobile liability coverage including non-owned and hired automobile liability in the amount of one million dollars combined single limit (\$1,000,000.00).

6.3 WORKERS' COMPENSATION

The Contractor acknowledges the State of California requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code. If Contractor has employees, a copy of the certificate evidencing such insurance or a copy of the Certificate of Consent to Self-Insure shall be provided to MCE prior to commencement of work.

6.4 PROFESSIONAL LIABILITY INSURANCE

Coverages required by this paragraph may be provided on a claims-made basis with a "Retroactive Date" either prior to the date of the Agreement or the beginning of the contract work. If the policy is on a claims-made basis, coverage must extend to a minimum of twelve (12) months beyond completion of contract work. If coverage is cancelled or non-renewed, and not replaced with another claims made policy form with a "retroactive date" prior to the Agreement effective date, the contractor must purchase "extended reporting" coverage for a minimum of twelve (12) months after completion of contract work. Contractor shall maintain a policy limit of not less than \$1,000,000 per incident. If the deductible or self-insured retention amount exceeds \$100,000, MCE may ask for evidence that contractor has segregated amounts in a special insurance reserve fund or contractor's general insurance reserves are adequate to provide the necessary coverage and MCE may conclusively rely thereon.

7. NONDISCRIMINATORY EMPLOYMENT:

Contractor and/or any permitted subcontractor, shall not unlawfully discriminate against any individual based on race, color, religion, nationality, sex, sexual orientation, age or condition of disability. Contractor and/or any permitted subcontractor understands and agrees that Contractor and/or any permitted subcontractor is bound by and will comply with the nondiscrimination mandates of all Federal, State and local statutes, regulations and ordinances.

8. SUBCONTRACTING:

The Contractor shall not subcontract nor assign any portion of the work required by this Agreement without prior written approval of MCE except for any subcontract work identified herein. If Contractor hires a subcontractor under this Agreement, Contractor shall require subcontractor to provide and maintain insurance coverage(s) identical to what is required of Contractor under this Agreement and shall require subcontractor to name Contractor as additional insured under this Agreement. It shall be Contractor's responsibility to collect and maintain current evidence of insurance provided by its subcontractors and shall forward to MCE evidence of same.

9. ASSIGNMENT:

The rights, responsibilities and duties under this Agreement are personal to the Contractor and may not be transferred or assigned without the express prior written consent of MCE.

10. RETENTION OF RECORDS AND AUDIT PROVISION:

Contractor and any subcontractors authorized by the terms of this Agreement shall keep and maintain on a current basis full and complete documentation and accounting records, employees' time sheets, and correspondence pertaining to this Agreement. Such records shall include, but not be limited to, documents supporting all income and all expenditures. MCE shall have the right, during regular business hours, to review and audit all records relating to this Agreement during the Contract period and for at least five (5) years from the date of the completion or termination of this Agreement. Any review or audit may be conducted on Contractor's premises or, at MCE's option, Contractor shall provide all records within a maximum of fifteen (15) days upon receipt of written notice from MCE. Contractor shall refund any monies erroneously charged.

11. WORK PRODUCT:

All finished and unfinished reports, plans, studies, documents and other writings prepared by and for Contractor, its officers, employees and agents in the course of implementing this Agreement shall become the sole property of MCE upon payment to Contractor for such work. MCE shall have the exclusive right to use such materials in its sole discretion without further compensation to Contractor or to

any other party. Contractor shall, at MCE's expense, provide such reports, plans, studies, documents and writings to MCE or any party MCE may designate, upon written request. Contractor may keep file reference copies of all documents prepared for MCE.

12. TERMINATION:

- A. If the Contractor fails to provide in any manner the services required under this Agreement or otherwise fails to comply with the terms of this Agreement or violates any ordinance, regulation or other law which applies to its performance herein, MCE may terminate this Agreement by giving five (5) calendar days written notice to the party involved.
- B. The Contractor shall be excused for failure to perform services herein if such services are prevented by acts of God, strikes, labor disputes or other forces over which the Contractor has no control.
- C. Either party hereto may terminate this Agreement for any reason by giving thirty (30) calendar days written notice to the other parties. Notice of termination shall be by written notice to the other parties and be sent by registered mail.
- D. In the event of termination not the fault of the Contractor, the Contractor shall be paid for services performed to the date of termination in accordance with the terms of this Agreement so long as proof of required insurance is provided for the periods covered in the Agreement or Amendment(s).

13. AMENDMENT:

This Agreement may be amended or modified only by written agreement of all parties.

14. ASSIGNMENT OF PERSONNEL:

The Contractor shall not substitute any personnel for those specifically named in its proposal unless personnel with substantially equal or better qualifications and experience are provided, acceptable to MCE, as is evidenced in writing.

15. JURISDICTION AND VENUE:

This Agreement shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue shall be in Marin County, California.

16. INDEMNIFICATION:

Contractor agrees to indemnify, defend, and hold MCE, its employees, officers, and agents, harmless from any and all liabilities including, but not limited to, litigation costs and attorney's fees arising from any and all claims and losses to anyone who may be injured or damaged by reason of Contractor's negligence, recklessness or willful misconduct in the performance of this Agreement.

17. NO RECOURSE AGAINST CONSTITUENT MEMBERS OF MCE:

MCE is organized as a Joint Powers Authority in accordance with the Joint Exercise of Powers Act of the State of California (Government Code Section 6500, et seq.) pursuant to the Joint Powers Agreement and is a public entity separate from its constituent members. MCE shall solely be responsible for all debts, obligations and liabilities accruing and arising out of this Agreement. Contractor shall have no rights and shall not make any claims, take any actions or assert any remedies against any of MCE's constituent members in connection with this Agreement.

18. COMPLIANCE WITH APPLICABLE LAWS:

The Contractor shall comply with any and all Federal, State and local laws and resolutions (including, but not limited to the County of Marin Nuclear Free Zone, Living Wage Ordinance, and Resolution #2005-97 of the Board of Supervisors prohibiting the off-shoring of professional services involving employee/retiree medical and financial data) affecting services covered by this Agreement. Copies of any of the above-referenced local laws and resolutions may be secured from MCE's contact person referenced in paragraph 19. NOTICES below.

19. NOTICES

This Agreement shall be managed and administered on MCE's behalf by the Contract Manager named below. All invoices shall be submitted and approved by this Agreement Manager and all notices shall be given to MCE at the following location:

Contract Manager: Sarah Estes-Smith

MCE Address: 1125 Tamalpais Avenue

San Rafael, CA 94901

Email Address: invoices@mcecleanenergy.org

Telephone No.: (415) 464-6028

Notices shall be given to Contractor at the following address:

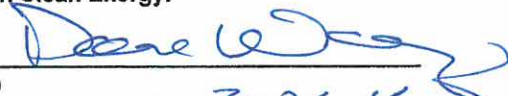
Contractor:	Abe Leider / Michael P. Gialketsis
Address:	180 Grand Avenue, Suite 400
	Oakland, CA 94612
Email Address:	aleider@rinconconsultants.com / mike@rinconconsultants.com
Telephone No.:	(510) 834-4455

20. ACKNOWLEDGEMENT OF EXHIBITS

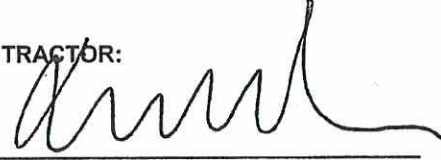
	<input checked="" type="checkbox"/>	<u>Check applicable Exhibits</u>	<u>CONTRACTOR'S INITIALS</u>
<u>EXHIBIT A.</u>	<input checked="" type="checkbox"/>	Scope of Services	
<u>EXHIBIT B.</u>	<input checked="" type="checkbox"/>	Fees and Payment	

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

APPROVED BY
Marin Clean Energy:

By: 
 CEO
 Date: 3-25-15

By: N/A
 Chairperson
 Date: _____

CONTRACTOR:
 By: 
 Name: Michael Gialketsis
 Date: March 17, 2015

MCE COUNSEL REVIEW AND APPROVAL (Only required if any of the noted reason(s) applies)

- REASON(S) REVIEW:
- Standard Short Form Content Has Been Modified
 - Optional Review by MCE Counsel at Marin Clean Energy's Request

MCE Counsel: _____ Date: _____

EXHIBIT A
SCOPE OF SERVICES (required)

Contractor will provide California Environmental Quality Act (CEQA) document support services for the MCE 10.5-megawatt Chevron Refinery Solar Project located in the City of Richmond, CA, as requested and directed by MCE staff, up to the maximum time/fees allowed under this Agreement.

Contractor will prepare the focused Environmental Impact Report (EIR) for the above Project, and manage, with the Environmental Coordinator, the CEQA process as set forth in the state CEQA *Guidelines* and MCE's CEQA Environmental Review Guidelines (2009).

Additional scope of work and schedule details are listed in Sections 1.0 and 5.0 of attached Exhibit C, "Proposal to Prepare: CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project."

**EXHIBIT B
FEES AND PAYMENT SCHEDULE**

For services provided under this agreement, MCE shall pay the Contractor in accordance with Appendix A of attached Exhibit C, "Proposal to Prepare: CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project."

In no event shall the total cost to MCE for the service provided herein exceed the maximum sum of **\$25,000** for the term of the agreement.

PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT



Proposal to Prepare

CEQA Documentation for the
Marin Clean Energy Chevron Refinery Solar Project



Rincon Consultants, Inc.
March 6, 2015

Submitted to:

Greg Brehm
Director of Power Resources
Marin Clean Energy
781 Lincoln Avenue, Suite 320
San Rafael, California 94901

PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT

**Rincon Consultants, Inc.**

180 Grand Avenue, Suite 400

Oakland, California 94612

510 834 4455

FAX 834 4433

info@rinconconsultants.com

www.rinconconsultants.com

March 6, 2015

Project No. 14-00951

Greg Brehm

Director of Power Resources

Marin Clean Energy

781 Lincoln Avenue, Suite 320

San Rafael, California 94901

**Subject: Proposal to Prepare an Environmental Impact Report for the
Marin Clean Energy Chevron Refinery Solar Project**

Dear Mr. Brehm:

Rincon Consultants, Inc. is pleased to submit this proposal to prepare the Marin Clean Energy Chevron Refinery Solar Project Environmental Impact Report (EIR). We believe that our team of experienced professional land use and environmental planners and scientists is uniquely qualified to prepare a thorough, technically sound and legally defensible environmental document. Through years of experience managing CEQA projects statewide, including a wide range of energy and infrastructure projects, and our experience over the last several months advising MCE on environmental conditions on the project site, we are highly familiar with the key issues of interest in this EIR as well as the applicable assessment methodologies, policies, and procedures.

We are confident that our service will meet or exceed the needs of Marin Clean Energy for this important project and we welcome an opportunity to discuss the details of this proposal at your convenience. Thank you for your consideration of Rincon Consultants for this assignment.

Sincerely,

RINCON CONSULTANTS, INC.

A handwritten signature in blue ink, appearing to read "Abe Leider".

Abe Leider, AICP CEP
Senior Project Manager

A handwritten signature in blue ink, appearing to read "Michael P. Gialketsis".

Michael P. Gialketsis
President

PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

Proposal to Prepare

**CEQA Documentation for the
Marin Clean Energy Chevron Refinery Solar Project**

Marin Clean Energy

Table of Contents

	Page
Cover Letter	
1.0 Understanding of the Project	1
2.0 Key Personnel.....	1
3.0 Scope of Work	3
4.0 Qualifications	8
5.0 Schedule	14
6.0 Cost Estimate.....	14
7.0 Conflict of Interest	15
Appendix A: Fee Schedule	



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

1.0 UNDERSTANDING OF THE PROJECT

Rincon Consultants, Inc. (Rincon) is pleased to submit this proposal to provide California Environmental Quality Act (CEQA) document support services for the Marin Clean Energy Chevron Refinery Solar Project located in the City of Richmond, California. The Marin Energy Authority was established as a Joint Powers Authority in 2008 pursuant to the Marin Energy Authority Joint Powers Agreement. Marin Clean Energy (MCE) is California's first Community Choice Aggregation program and launched service to customers in May 2010. MCE's mission is to address climate change by reducing energy-related greenhouse gas emissions and securing energy supply, price stability, energy efficiencies and local economic and workforce benefits.



MCE is developing a 10.5-megawatt solar power generation project on a brownfield site at the Chevron Richmond Refinery. MCE has determined that the project may have a significant effect on the environment. Therefore, MCE is required to prepare or cause to have prepared an Environmental Impact Report (EIR). MCE intends to act as the lead agency for this process and is seeking proposals for 1) a consultant to prepare the EIR, and 2) an Environmental Coordinator to act as project manager for the process. This proposal is for preparation of the project EIR.



Because the proposed project involves two separate solar facility components, the planning and timing for the respective installations will drive whether or not MCE will prepare a single environmental document for the project or two separate environmental documents. In general, CEQA discourages the splitting of projects to reduce a project's overall effects; for the purposes of this proposal, we have assumed that both projects

would be examined in a single CEQA document. If the project must be split into two separate CEQA documents, we would revisit the work scope and cost estimate in this proposal and expand them to include processing of two documents.

Finally, we understand that MCE's legal advisors will be helping to guide the CEQA process and will be involved in strategy, approach and, potentially, document review. We routinely work with our clients' attorneys - including Richard Watson & Gershon among many others - to help ensure legal adequacy and defensibility.

2.0 KEY PERSONNEL

The following key personnel will be assigned to this project. Full resumes can be furnished upon request.



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
Proposals to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

Michael P. Gialketsis, Principal, will be the principal-in-charge for this project. Mike has over 28 years of experience managing and preparing environmental documents under CEQA and has a strong multi-disciplinary background that includes being responsible for the preparation of several hundred environmental studies throughout California. Many of these projects have involved large scale public participation programs that were used to balance environmental, community, political, and economic issues. In addition, Mike has been the contract manager for the Sempra Energy Utilities regulatory compliance services contract for the past six years where he has been responsible for oversight of over 300 environmental analysis and compliance projects. He has also been involved in the right of way assessment and biological resources assessments for the Stirling Solar 2 Project in Imperial County and biological resources investigations prepared for the proposed California Valley Solar Project in San Luis Obispo County. Most recently, Mike has been involved with the environmental assessment and permitting for a 16-site small scale solar program (20-300 acres) involving projects within Kern, Los Angeles, and Riverside counties.

Abe Leider, AICP CEP will be the project manager. Abe is a Supervising Environmental Planner/Senior Project Manager with Rincon and manages the company's Oakland office. He holds a degree in English and Environmental Studies from UC Santa Barbara and a Professional Certificate in Land Use and Environmental Planning from UCSB Extension. Abe has over 15 years of experience in long-range planning, development review, and performing environmental impact analyses for public and private infrastructure and development projects under CEQA. He has managed preparation of MNDs and EIRs for institutional, residential, commercial and industrial projects throughout California. In addition to CEQA and NEPA environmental planning, Abe is an expert on local government development review processes, and has provided project planning services to several California jurisdictions including the County of Santa Barbara and the cities of Berkeley, Los Angeles, Port Hueneme and Ojai.

Karly Kaufman, MESM, will be the deputy project manager and lead analyst. Karly is a Senior Environmental Planner whose current work with Rincon involves managing and preparing NEPA and CEQA documents for a diverse range of projects including private development and infrastructure. She has conducted extensive research on alternative energy resources, including solar, wind, and waste, as well as energy storage technologies. Karly holds a Bachelor's of Science in Environmental Policy Analysis and Planning from the University of California, Davis, and a Master of Environmental Science and Management from the Bren School of Environmental Science & Management.

Walter Hamann, PG, CEG, CHG, will oversee the hazards and hazardous materials analysis. Walt is a Principal and Senior Engineering Geologist with Rincon with over 25 years of experience managing soil and groundwater monitoring and remediation projects. Walt has prepared or overseen the preparation of hundreds of Phase I and Phase II Environmental Site Assessments and oil field assessments, and has designed numerous remediation programs, including soil vapor extraction, air sparging, excavation, and metals remediation programs for properties throughout California. Walt is also a certified engineering geologist and a California Certified Hydrogeologist.

Jennifer Schwartz, PE, is an Environmental Engineer with Rincon and will be the lead analyst for the hazards and hazardous materials analysis. Jennifer has 10 years of experience in



environmental consulting and has contributed to the success of diverse projects with values up to \$6 million. Her experience includes site investigation and assessment, remediation design, environmental compliance, and litigation support for various industries, including: real estate, developers, manufacturing, solid waste management, oil and gas industry, electric power utilities, aerospace, and government agencies.

Colby J. Boggs, MS, Principal Ecologist and Biological Program Manager, will oversee the biological resources analysis. Colby has over 15 years of experience in environmental consulting with an emphasis on plant taxonomy, assessments of biological and wetlands resources, plant and wetland ecology, biological survey design, ecological restoration, vegetation monitoring, and invasive plant biology. He holds a MS in Botany from California State University, Chico and a BS in Ecology and Evolution from University of California, Santa Barbara, and has extensive knowledge of California's flora and fauna, and associated vegetation communities and habitat types.

Marcus Jones, MS, ISA, works as a Biologist/Botanist in the Natural Resources group in Rincon's Fresno Office and will be the lead biologist. Marcus previously worked for ACRT Inc., an independent vegetation management company where he worked as a Consulting Utility Forester performing annual compliance inspections on high voltage distribution and transmission power lines in the PG&E service territories. He is an ISA Certified Arborist, has a M.S. in Biology and a B.S. in Ecology from Humboldt State University. His strengths lie in knowledge of California flora, small mammal, avian and plant survey techniques.

3.0 SCOPE OF WORK

This section describes our scope of work for a Focused EIR for the proposed project. Rincon will prepare the EIR and manage, with the Environmental Coordinator, the CEQA process as set forth in the state CEQA *Guidelines* and MCE's CEQA Environmental Review Guidelines (2009).



Kickoff Meeting. Upon authorization to proceed, Rincon's principal-in-charge and/or project manager and other appropriate team members will attend a kickoff meeting with MCE staff and the Environmental Coordinator. The meeting will serve as a forum to discuss fundamental process, scope and approach issues, and to review and confirm project objectives and establish an operational protocol. Working schedules will be finalized, and details for scheduled tasks will be discussed. Rincon will use this opportunity to collect any relevant studies and project information not already transmitted.

Initial Study and Notice of Preparation (IS-NOP). The Initial Study will address all of the checklist issues on MCE's CEQA Initial Study Checklist. To the maximum extent feasible, existing technical studies and publically available documents or documents obtained through Chevron or MCE will be used, in addition to studies Rincon has already prepared for MCE. As applicable, impacts will be quantified and compared to quantitative significance thresholds. The EIR will then focus on those issues that are found to have the potential to result in significant



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

environmental impacts. Upon MCE approval of the IS, it will be circulated along with the NOP for the required 30-day review period. We assume that Rincon will be responsible for drafting the NOP; assisting the Environmental Coordinator in developing a suitable mailing list based on CEQA and MCE process requirements; and advising on circulation of the NOP to the State Clearinghouse, County Clerk, responsible and trustee agencies, and other key stakeholders and interested parties identified by the Environmental Coordinator. If desired, we will participate along with the Environmental Coordinator in leading a scoping meeting for the project, although one is not strictly required pursuant to the CEQA *Guidelines*.

Administrative Draft EIR. The EIR will be prepared in accordance with the CEQA *Guidelines*, which set the standards for adequacy of an EIR. Specifically, the CEQA *Guidelines* state that:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible.

To the extent possible, Rincon will incorporate information from existing environmental and planning documents that are applicable to the project.

Executive Summary. This section will include a summary description of the project background, site and project, followed by a listing of the associated environmental consequences. Impacts and mitigation measures will be presented in tabular format to simplify review by decision-makers and the general public. This section will identify:

- *Each potential environmental impact*
- *The level of significance of each impact*
- *Mitigation measures required*
- *Residual impacts after mitigation*

The summary will also note areas of known controversy and an assessment of the alternatives reviewed and their associated impacts. The summary will identify the environmentally superior alternative and rationale for its selection as such.

Project Description and Environmental Setting. The project description will detail the proposed project including its location and extent, construction program and schedule and facility description and operation. The regulatory setting will be discussed, as will the lead agency determination and the project site background. Textual, tabular, and graphic presentation will be included as necessary to facilitate a thorough understanding of the site and the proposed physical changes.

The environmental setting will provide a general description of the existing geographic and environmental character of the area. It will also include a list of cumulative projects or summary of cumulative buildout conditions for the city, refinery site and the project area that will form the basis for the cumulative impact analysis.



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

Environmental Impact Analysis. The impact analysis will have four main subsections:

- *Setting*
- *Impact analysis*
- *Mitigation measures*
- *Level of significance after mitigation*

The setting will be based on existing data sources, including the City's General Plan and ordinances, Rincon's site investigations and research to date, and other relevant environmental studies. Cumulative impacts will also be discussed within the impact analysis, but at a lesser level of detail than the project-specific impacts. Any proposed mitigation measures will be presented in wording that can be directly applied to conditions of approval and will include monitoring requirements. Our general approach to analyzing the relevant checklist issues (omitting those with very low impact potential) is described below.

- Aesthetics, Light, and Glare: Based on site visits and photo-documentation on the project site and from key viewpoints, this section will assess short- and long-term aesthetic impacts (i.e., visual character and quality, and views from adjacent areas) resulting from the proposed project. The analysis will also consider light and glare impacts from solar equipment and other proposed site infrastructure and improvements. We assume that the project design team will provide site plans, elevations, product cut-sheets, renderings or other visual information to illustrate the project; Rincon can also prepare photosimulations for an additional fee.
- Air Quality: Construction emissions, including equipment exhaust and fugitive dust emissions, will be quantified using the California Emissions Estimator Model (CalEEMod). Localized air quality impacts on nearby sensitive receptors will also be evaluated. Long-term emissions will be quantified using CalEEMod and compared to locally adopted thresholds of significance. Project consistency with regional air quality plans will also be evaluated.
- Biological Resources: This section will be based primarily on the Biological Due Diligence Assessment we performed for the project site earlier this month, as well as additional literature research regarding sensitive biological resources that could be affected by the proposed project. Onsite conditions will be described and impacts to wetlands, sensitive species and habitats, wildlife movement, and habitat conservation plans will be discussed.
- Cultural Resources: The analysis will cite appropriate provisions of the *CEQA Guidelines* 15064.5 (Historical and Archaeological Resources). The discussion will be based on existing reference documents. Previous disturbance on the project site and its relevance to the likelihood of the project disturbing remaining resources will be discussed.
- Geology and Soils: Based on readily available sources (such as the City's Safety Element and/or an applicant-prepared geotechnical study), this analysis will identify existing regional and site-specific geology and soils constraints (such as liquefaction, compressible soils, and subsidence). As necessary, the analysis will



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

identify erosion control criteria and grading requirements to achieve consistency with the City's geologic and grading standards and policies.

- Greenhouse Gas Emissions: The GHG analysis will quantitatively assess project GHG emissions using CalEEMod. Emissions will be compared to applicable thresholds. The discussion will also compare the project to applicable plans and policies such as the City's Climate Action Plan, California Attorney General's recommended mitigation measures, and the California Climate Action Team's goals and objectives.
- Hazards and Hazardous Materials: Short-term and long-term hazard conditions will be examined, based upon our investigations done to date, readily available data from agency databases, field observations, and any available technical studies (such as the technical studies that Rincon reviewed as part of our Initial Environmental Constraints Assessment). If potentially significant impacts are identified, a mitigation program will be developed.
- Hydrology and Water Quality: Existing hydrology/drainage data for the project area will be reviewed to identify existing localized flooding or drainage problems. The analysis will consider changes in absorption rates, drainage patterns, storm drain improvements, and downstream effects. The potential for the project to violate water quality standards or waste discharge requirements, or to result in water quality impacts to wetlands, will also be analyzed. Standard Urban Stormwater Mitigation Plan and National Pollutant Discharge Elimination System requirements will be referenced and incorporated as appropriate.
- Land Use and Planning: This discussion will analyze the relationship of the proposed project and associated entitlements to applicable planning policies and ordinances, including the City's General Plan and Zoning Code. Potential compatibility conflicts with adjacent uses will also be analyzed.
- Noise: Potential impacts associated with changes in noise levels in the project area due to construction of the project and operational maintenance traffic will be evaluated. The analysis will review applicable City noise criteria for the project area. Up to three short-term noise level measurements will be conducted on and around the project site if necessary; it should be noted that the nearest sensitive receptors are over 1,000 feet to the northeast of the project site. Construction noise will be estimated at nearby sensitive receptors and evaluated in terms of maximum levels (Lmax) and hourly equivalent continuous noise levels (Leq). Impacts associated with vehicular traffic will be assessed using the U.S. Federal Highway Traffic Noise Model (TNM).
- Transportation/Traffic: The transportation/traffic analysis will estimate trip generation associated with the construction and operational phases of the project and compare trip generation to that of the existing onsite uses.
- Utilities: Impacts to existing infrastructure, including water, wastewater, and solid waste facilities, will be evaluated. Water demand and wastewater and solid waste generation will be quantified using standard rates for proposed uses and compared to current and future system capacity.



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

- **Mandatory Findings of Significance:** This section will address cumulative effects, impacts to biological or cultural resources, and impacts to human beings.

Other CEQA Discussions. This section will address growth inducing impacts and significant irreversible effects. The growth inducing impacts discussion will address population and job growth, removal of impediments to growth, and whether the project may be considered precedent setting. The significant irreversible effects discussion will address the use of non-renewable resources, changes to the site that cannot be reversed, and any unavoidably significant impacts of the proposed project.

Alternatives. Up to three alternatives including the “no project” alternative will be examined in the EIR. Alternatives may include alternate site configurations, alternate approaches to minimizing impacts, and/or alternative sites, if appropriate. Evaluation of alternatives will be in less detail than for the proposed project, though the analysis will provide decision-makers and the public adequate information to decide between alternatives. Specifically, the analysis will determine whether each alternative’s impacts would be greater or less than those of the proposed amendment, the magnitude of impacts (i.e., significant or less than significant), and whether mitigation requirements would apply. This section will also identify the “environmentally superior alternative.” If the “no project” alternative is determined to be environmentally superior, the EIR will identify the environmentally superior alternative among the remaining scenarios.

Draft EIR. This task involves the production, editorial work, and communication processes anticipated to publish the Draft EIR for public review and comment. Following receipt of MCE comments on the ADEIR, Rincon’s Project Manager and key technical staff will meet with MCE to review internal comments on the ADEIR. Following this task we will incorporate the comments into the Draft EIR and submit a Screencheck Draft EIR for review before final Draft EIR publication. We will provide one electronic (PDF) copy of the Public Review Draft EIR for posting on the City’s website and up to 35 bound or CD copies for distribution.

Rincon will prepare a draft Notice of Completion (NOC) and a draft Notice of Availability of a Draft EIR (NOA) for MCE review. We anticipate that MCE’s Environmental Coordinator will be responsible for circulating the NOA and Draft EIR to interested groups or individuals and for radius mailings or newspaper ads (although Rincon can assist with these tasks), while Rincon will be responsible for filing the NOC with the State Office of Planning and Research and responsible agencies and the NOA with the County Clerk.

Final EIR. The final formal stages of the EIR process involve responding to comments, public hearings and final publication tasks. At this point, all of the discretionary permit applications and the Draft EIR are brought together for final MCE consideration.

Response to Comments. Subsequent to receipt of all public comments on the Draft EIR, Rincon will prepare draft Responses to Comments for MCE review, including any required changes to the EIR.



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

Mitigation Monitoring and Reporting Program (MMRP). This task will include the preparation of a draft mitigation monitoring program by Rincon staff. The monitoring plan will be prepared in a format that complies with CEQA requirements and AB 3180. The program will include a table that lists each mitigation measure, agency responsible for each condition, when monitoring must occur, the frequency of monitoring, and criteria to determine compliance with the conditions.

Publication of the Final EIR. Subsequent to approval of the draft Responses to Comments, Rincon will prepare the Administrative Final EIR for MCE review, which will include the revised Responses to Comments and any text changes resulting from those responses. We assume that the Environmental Coordinator will be responsible for filing the Notice of Determination with the County Clerk and payment of necessary filing fees. Prior to or following FEIR approval, we will provide a PDF of the Final EIR (including responses to comments and the MMRP) and up to 25 bound or CD copies.

Public Hearings - Rincon will attend up to two public hearings on the Draft EIR and/or Final EIR. If desired, we will make a presentation summarizing the environmental review process and EIR conclusions.

4.0 QUALIFICATIONS

Rincon Consultants has been providing environmental consulting relative to potential environmental design constraints and other pre-application consulting services for the proposed project (contract dated October 24, 2014) over the past several months. The findings of our research conducted to date are presented in our memorandum dated November 17, 2014; letter dated November 26, 2014; Biological Due Diligence Assessment dated February 4, 2015 and our email data summary of February 5, 2015. Through these investigations and the associated research and site surveys, we are highly familiar with the project site and its environmental constraints and conditions. (Our November 26, 2014 letter also lists aspects of the next steps in obtaining project approvals that Rincon could assist MCE with if desired; those tasks, which include project pre-application coordination and application preparation, are not included in this proposal, which focuses on CEQA documentation, but could be folded into an overall work program for entitlement assistance.)

Rincon Consultants has prepared CEQA and NEPA environmental documents for hundreds of energy, infrastructure and development projects and programs throughout California. Environmental review and due diligence for energy projects, including solar energy installations, are a core service area for our firm. A few representative projects are provided below, and our company's full qualifications may be reviewed at www.rinconconsultants.com.

California Solar Flats EIR

County of Monterey

Rincon Consultants prepared an Environmental Impact Report (EIR) on the proposed California Flats Solar Project, a proposed 280-megawatt (MW) alternating current (AC) photovoltaic (PV) solar power facility. The facility will be located on approximately 2,670 acres in the southeastern corner of Monterey County; approximately seven miles southeast of the community of Parkfield and 25 miles northeast of the City of Paso Robles, near the borders of



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

Monterey, San Luis Obispo, Kings and Fresno counties. The proposed project includes solar arrays, related structures, electrical equipment and infrastructure improvements, including two substations and a switching station that will provide an interconnect to the Pacific Gas & Electric Company-owned Morro Bay – Gates 230 kilovolt (Kv) transmission line, which currently transects the project site, and an operations and maintenance facility. Key issues that will be thoroughly examined for the environmental analysis include biological and cultural resources, air quality and greenhouse gas emissions, visual resources, agricultural resources, geology/soils, and hydrology/water quality.



Upon approval of the EIR, Monterey County RMA Services Manager John Ford offered the following praise: “I am involved with a lot of projects and with many different consultants and your team’s work on this project stands out. Rincon’s work on California Flats has been exemplary. Your whole team has done a wonderful job, (beyond what I am accustomed to actually.) Megan Jones and David Daitch did excellent work at both the Planning Commission and Board of Supervisors in preparing for the hearing, presenting and answering questions. As individuals and as an organization Rincon has performed with excellence.”

Campus Photovoltaic Projects IS-MNDs

California State University

Rincon Consultants completed four Initial Study/Mitigated Negative Declarations (IS/MNDs) to implement photovoltaic solar energy projects for campuses in the California State University system. The systems ranged from 135 kilowatts to 526 kilowatts and were each constructed in an attempt to match the campus settings aesthetically. The photovoltaic panels were installed as parking lot canopies on surface lots, atop parking structures, and rooftop installations atop academic buildings. The projects implemented the CSU energy conservation policies by increasing the amount of renewable energy purchased. The panels are components of CSU’s participation in the State of California Department of General Services Solar Power Purchase Program, which was borne of a partnership between the State of California Department of General Services and the California Power Authority. At the State level, this program encourages State agencies to purchase renewable energy from public electricity providers. CEQA documents and processing were conducted at the Fullerton, Dominguez Hills, San Luis Obispo, and Chico campuses during 2005 and 2006. Rincon managed the CEQA processes at each campus, bringing us into contact with diverse California communities and local town issues. Issues that were identified as potentially significant were: aesthetics, air quality, geology and soils, and land use planning conformity.

Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan EIR

Santa Cruz County Regional Transportation Commission (SCCRTC)

Rincon completed an Environmental Impact Report for the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan in Santa Cruz County. The MBSST Network is a 50-mile bicycle and pedestrian pathway along the coast of Santa Cruz County, from the San Mateo County line in the north to the Monterey County line at Pajaro. The system’s “spine” will be within a 32-



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

mile Santa Cruz Branch rail right-of-way, adjacent to the train tracks. The project will serve transportation, recreation, health, eco-tourism, coastal access, economic vitality, and educational and interpretive purposes. In addition to the EIR, which was certified in November 2013, Rincon also prepared important constraints analysis components, and was integral to the community involvement component of the project, where we participated in a series of community workshops aimed at informing the community about the benefits of the trail network. Recently, Cory Caletti, Senior Transportation Planner with SCCRTC praised our work on the project stating: "You do an outstanding job and as I said before, it's a pleasure working with you." The project has been recognized as an Outstanding Planning Document by the American Planning Association, the Association of Environmental Professionals, and the California State Parks' Trails and Greenways Program.



Multiple Distributed Solar Projects and Generator Tie-ins Biological Studies and Technical Reports

Solar Electric Solutions

Rincon Consultants was contracted to provide environmental review for over 30+ distributed solar project sites and associated generator tie-ins located throughout the San Joaquin Valley and Mojave Desert Region. The sites range in size from 20 acres to over 3,500 acres. An initial due diligence level review of each site was conducted to identify potential "fatal flaws" for development of solar facilities. Based on this initial review, Rincon worked collaboratively with the client to help select economically viable sites for development. Rincon subsequently conducted biological surveys for multiple project sites, ranging in size from 40 – 3,500 acres, as well as their associated generator tie-ins. Surveys included focused botanical surveys, general wildlife surveys, focused raptor surveys, desert tortoise protocol surveys, Mojave ground squirrel trapping surveys, and jurisdictional delineations. Rincon is currently assisting the client with preconstruction surveys and compliance monitoring for buildout of two of these projects located in the western Mojave. The following specific projects were in Kern County:

- *Old River One and Two*
- *Rosamond One and Two*
- *Columbia, Columbia Two, Columbia 3*
- *Columbia Two Addition*
- *Great Lakes*
- *Barren Ridge*
- *Tehachapi Solar*
- *Tehachapi 2*
- *Rio Grande*
- *Astoria*
- *Juniper*
- *Goldtown*
- *Yakima*
- *Clearwater*
- *Willow Springs*
- *Soledad*
- *Cannon Wildwood Bluestar*



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

San Joaquin Kit Fox Early Evaluation and Protocol Surveys for the Salinas Valley State Prison/Correctional Training Facility Soledad Solar Facilities Project

ECORP Consulting, Inc.

Rincon Consultants was retained by ECORP Consulting, Inc. to conduct a protocol Early Evaluation for federally Endangered and state Threatened San Joaquin kit fox (*Vulpes macrotis mutica*) for two solar facilities proposed by SunEdison at Salinas Valley State Prison/ Correctional Training Facility in Soledad, Monterey County. The Early Evaluation was completed in accordance with United States Fish and Wildlife Service (USFWS) protocol, to evaluate the potential for this species to occupy the site. Upon review of the Early Evaluation, the USFWS recommended completion of protocol surveys. The surveys included nocturnal spotlighting, as well as baited camera stations and track plates. After the 10-day survey effort was completed, no evidence of San Joaquin kit foxes was found. Many other species were observed though, including burrowing owls (*Athene cunicularia*), loggerhead shrikes (*Lanius ludovicianus*), northern harriers (*Circus cyaneus*) and American badgers (*Taxidea taxus*), all of which are state Species of Special Concern.

Caltrans District 10 Photovoltaic Project CE

Sun Edison, LLC

Rincon Consultants completed an expedited Class 1 Categorical Exemption (CE) to implement a photovoltaic solar energy project involving a 126 kilowatt parking lot canopy installation and a 125 kilowatt rooftop installation at the Caltrans District 10 offices in Stockton. The project involved coordination with Caltrans Staff, Sun Edison and State of California Department of General Services to expedite CEQA compliance to facilitate usage of a State of California Department of General Services grant as part of the Solar Power Purchase Program. The Class 1 Categorical Exemption was utilized due to the developed nature of the facility within an industrial area of the City. The report and technical documentation were completed, reviewed and accepted for finalization within one month of the written notice to proceed in 2006.

Calle Real Photovoltaic IS-MND, Technical Studies, and Mitigation Monitoring

County of Santa Barbara and Endelos Energy, Inc.

Rincon Consultants prepared an IS-MND for the Calle Real Photovoltaic Project in Santa Barbara. The project involved the installation of an array of photo-voltaic panels on an approximately 4- to 5-acre hillside site adjacent to the Santa Barbara County Jail. It also included the installation of four power inverter boxes, trenching for associated wiring, and fencing of the solar facility as well as for security enhancements to the jail facility's perimeter. Key environmental issues for the project included biological resources, cultural resources, and aesthetics. Subsequent to completing the IS-MND, Rincon completed an MND Addendum, and performed black-flowered figwort and vegetation community surveys and mapping for the project.



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

Single Use Carryout Bag Reduction Ordinance and EIR*Marin County Hazardous and Solid Waste Management Joint Powers Association*

Rincon assisted the Marin County Hazardous and Solid Waste Management Joint Powers Association (JPA) in preparing a model bag reduction ordinance and an EIR examining the impacts of introducing an ordinance that would ban plastic bags throughout 10 cities within Marin County. Rincon was retained to draft a model ordinance, to prepare the EIR for the ordinance, and to assist each member agency with CEQA implementation following the preparation of the EIR. The ordinance will act as a model for each of participating municipalities to consider and adopt within their own jurisdiction. In addition, the EIR will consider up to seven (7) alternatives within the analysis so each jurisdiction could decide on an ordinance that fits their specific desires. Key issues to examine include Air Quality, Hydrology/Water Quality, Biological Resources, Utilities and Service Systems, and Greenhouse Gas Emissions.

Cal Aquatics Facility EIR*University of California, Berkeley*

Rincon prepared a Subsequent Environmental Impact Report (SEIR) for a new aquatics center for training and competition specifically for Cal's elite swimming, diving and water polo programs. The project site is directly adjacent to the UC Berkeley Campus on one side and residences in the City of Berkeley on another, creating unique program opportunities as well as potential neighborhood impacts related to lighting, noise, traffic and parking. In addition to these issues, a major focus of the analysis was determining the project's consistency with the City of Berkeley's General Plan, Southside Plan and Southside Design Guidelines, as well as UC Berkeley's Long Range Development Plan (LRDP). The analysis was oriented toward comparing the project's potential impacts with those analyzed in the University's LRDP EIR, including the extent to which that document's Mitigation Measures and Continuing Best Practices could address the Aquatics Center's construction and operational impacts.

Waste Reduction Program for Carryout Bags EIR*Sonoma County Waste Management Agency*

Rincon prepared an EIR examining the impacts of introducing an ordinance that bans plastic bags by the Sonoma County Waste Management Agency. The ordinance would regulate the use of paper and plastic single use carryout bags within the geographical limits of Sonoma County, including the nine incorporated jurisdictions. The ordinance would apply to all retail establishments located within Sonoma County, including those selling clothing, food, and personal items directly to the customer. The ordinance and the EIR were adopted and certified, respectively, in April 2013. Key issues examined include Air Quality, Hydrology/Water Quality, Biological Resources, Utilities and Service Systems, and Greenhouse Gas Emissions.

2211 Harold Way Mixed-Use EIR*City of Berkeley*

Rincon is preparing an Infill EIR pursuant to Section 15183.3 of the CEQA Guidelines for a 300-unit, 18-story mixed-use project in the heart of Downtown Berkeley. The Infill EIR will be one of the first prepared in the state under the recently-adopted Guidelines provisions (Section



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project



15183.3) for streamlined review of projects meeting the new Appendix M criteria. The 2211 Harold Way project is one of the largest proposed in Berkeley in recent decades, and is on a central site adjacent to the Civic Center and the Shattuck Avenue commercial corridor. Key issues include historic resources, traffic and aesthetics. The work program includes an enhanced alternatives analysis based on architect-designed alternative development scenarios produced by our architectural and historic resources subconsultants, Architectural Resources Group.

Charnock Well Field Restoration Project

City of Santa Monica

The Charnock Well Field is owned by the City of Santa Monica, and has been used for drinking water production and treatment since 1924. In 1996, the Charnock well field was shut down due to the detection of gasoline compounds, specifically methyl tertiary-butyl ether (MTBE), in the water supply from nearby gasoline stations. At the time that the well field was shut down, the Charnock well field was supplying the City with approximately 50% of its potable water. The City of Santa Monica proposed restoration of the Charnock Well Field property and contracted Rincon Consultants to evaluate the possible environmental effects.

The project involved implementation of a water treatment system and other improvements to help to remove groundwater contamination from the Charnock groundwater sub-basin and restore this resource as a water supply for the City of Santa Monica. It was unique to the CEQA process because it involved project sites at three different locations throughout the city including the Charnock well field site and the Santa Monica Water Treatment Plant (SMWTP). The proposed Charnock Well Head Treatment System will be located at the well field and involves installation of a granular activated carbon (GAC) filter system to treat water from three contaminated wells.

Rincon evaluated a number of environmental issues for the project including construction effects, noise, geology, and hydrology and water quality. Due to the controversial nature of the project, Rincon's graphics team was tasked with creating photosimulations using 3-D technology that showed the final treatment system tanks that will be located at the Charnock location. The aesthetic properties of the new system were important as the well field is located in a residential area. The project also included a comprehensive public outreach program and close coordination with the City's engineering and legal teams.

LA Water Chemical Manufacturing Facility EIR

City of South Gate

Rincon prepared an EIR for the City of South Gate for a new manufacturing plant for the production of drinking water and wastewater purification products on a 4.3-acre site in South Gate. These products are predominantly used in the purification of both municipal wastewater and drinking water and nearly every municipality in the southern California area uses one or more of these products in their municipal drinking water and wastewater treatment plants. The project site is zoned for heavy industry and has historically been used as an equipment yard



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

and concrete manufacturing facility. Project issues include hazardous materials, risk of upset and traffic (car, truck and rail).

5.0 SCHEDULE

The schedule required to complete the CEQA process utilizing an EIR is about 6 – 10 months depending upon the timeliness of MCE review of draft documents. This timeframe includes a required 30-day scoping period, 45-day public review period and responses to comments. Specifically, Rincon will complete the tasks identified above under the following schedule:

- Draft IS-NOP to be submitted for MCE review within 4 weeks of notice to proceed and receipt of all necessary project and site information
- Administrative Draft EIR to be submitted for MCE review within 2 to 4 weeks of close of IS-NOP scoping period
- Public Review Draft EIR to be submitted within 2 weeks of receipt of MCE comments on the Administrative Draft EIR
- Final EIR to be submitted within 2 to 4 weeks of receipt of all public comments on the Public Review Draft EIR

Rincon can embark upon the work program described in this proposal immediately on receipt of authorization to proceed.

6.0 COST ESTIMATE

Rincon Consultants, Inc. will provide all aspects of the requested scope of work as outlined above, for an estimated cost of \$35,899 as detailed in the table on the following page. All meetings, travel costs and additional costs have been included in this proposal.

The proposed scope of services and associated costs are fully negotiable to meet the needs of MCE. Additional work not included within our proposed work program will be completed only upon written authorization in accordance with our standard fee schedule, which is included as an appendix to this proposal.



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT
 Proposal to Prepare
CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

**Marin Clean Energy
 Chevron Refinery Solar Project EIR
 Cost Estimate**

3/4/2015

Tasks	Cost	Rincon Labor Hours	Rincon Consultants				
			Principal I	Supervisor I	Prof. Staff IV	Graphics	Admin
			\$210/hour	\$155/hr	\$110/hour	\$95/hour	\$65/hour
1. Project Mobilization and Kickoff Meeting	\$950	6	2	3			1
2. Project Description and Environmental Setting	\$2,220	19	1	2	12	4	
3. Initial Study-Notice of Preparation and Scoping Meeting	\$8,060	68	4	8	48	6	2
4. Administrative Draft EIR Preparation							
4.1 Executive Summary	\$220	2			2		
4.2 Introductory Sections	\$995	8	1	1	4	2	
4.3 Environmental Impact Analysis		0					
<i>Air Quality</i>	\$1,400	11	1	2	8		
<i>Biological Resources</i>	\$1,215	10	1	1	6	2	
<i>Hydrology and Water Quality</i>	\$1,435	12	1	1	8	2	
<i>Hazards and Hazardous Materials</i>	\$2,775	23	2	2	16	3	
4.4 Alternatives (3)	\$2,780	23	1	4	16	2	
4.5 Other CEQA-required Sections	\$805	6	1	1	4		
5. Draft EIR Publication	\$1,915	18	1	2	8	2	5
6. Final EIR Preparation	\$0						
6.1 Responses to Comments/Proposed Final EIR	\$2,720	23	1	4	16		2
Mitigation Monitoring and Reporting Program (MMRP)	\$375	3		1	2		
6.2 Final EIR Publication	\$635	7		1	2		4
7. Public Hearings and Meetings (2 hearings, 3 meetings)	\$1,860	12			12		
Project Management/Coordination	\$2,140	16	2	8	2		4
Subtotal Labor:	\$32,500	267	19	53	154	23	18
Additional Costs							
Printing Expenses:							
ADEIR (2 bound copies, 2 CDs)	\$160						
DEIR (10 bound copies, 20 CDs)	\$950						
FEIR (10 bound copies, 2 CDs)	\$780						
Supplies and Miscellaneous Expenses	\$1,210						
General & Administrative	\$299						
Subtotal Additional Costs:	\$3,399						
TOTAL LABOR PLUS ADDITIONAL COSTS	\$35,899						

7.0 CONFLICT OF INTEREST

There is no current or foreseeable conflict of interest on the part of the Rincon Consultants relative to the project being analyzed, its owners, applicants, or representatives.



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT

Appendix A

Fee Schedule



PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT



RINCON CONSULTANTS, INC.

Standard Fee Schedule for Environmental Sciences and Planning Services

Rincon Consultants' fee schedule is based on the time that is charged to projects by our professionals and support staff. Direct costs associated with completing a project are also billed to the project as outlined under Reimbursable Expenses below. The following sets forth the billing rates for our personnel.

Professional, Technical, and Support Personnel	Rate
Principal II	\$ 210/hour
Principal I	\$ 190/hour
Senior Supervisor II	\$ 170/hour
Supervisor I	\$ 155/hour
Senior Staff II	\$ 140/hour
Senior Staff I	\$ 125/hour
Professional Staff IV	\$ 110/hour
Professional Staff III	\$ 100/hour
Professional Staff II	\$ 90/hour
Professional Staff I	\$ 80/hour
Environmental Technician/Field Aide	\$ 65/hour
Senior GIS Specialist	\$ 110/hour
GIS/CADD Specialist II	\$ 95/hour
GIS/CADD Specialist I	\$ 85/hour
Graphic Designer	\$ 80/hour
Technical Editor	\$ 90/hour
Clerical/Administrative Assistant II	\$ 70/hour
Clerical/Administrative Assistant I	\$ 65/hour

Expert witness services consisting of depositions and in-court testimony are charged at a rate of \$295/hour.

Photocopying and Printing

Photocopies will be charged at a rate of \$0.08/copy for single-sided copies and \$0.16 for double-sided copies. Colored copies will be charged at a rate of \$1.00/copy for single-sided and \$2.00/copy for double-sided or 11"×17" copies. Oversized maps or display graphics will be charged at a rate of \$8.00/square foot.

Reimbursable Expenses

Expenses associated with completing a project are termed Reimbursable Expenses. These expenses do not include the hourly billing rates described above. Reimbursable expenses include, but are not limited to, the following:

1. *Direct costs associated with the execution of a project are billed at cost plus 15% to cover General and Administrative services. Direct costs include, but are not limited to, laboratory and drilling services charges, subcontractor services, authorized travel expenses, permit charges and filing fees, printing and graphic charges, mailings and postage, performance bonds, sample handling and shipment, equipment rental other than covered by the above charges, etc. Communications charges and miscellaneous office expenses (including PDAs, cell phones, phone, fax, and electronic data transmittals, digital cameras, photo processing, etc.) are billed at 3% of total labor.*
2. *Vehicle use in company-owned vehicles will be billed at a day rate of \$85/day for regular terrain vehicle use and \$135 per day for 4-WD off-road vehicle use, plus \$0.85/mile for mileage over 50 miles per day. For transportation in employee-owned automobiles, a rate of \$0.85/mile will be charged. Rental vehicles will be billed at cost plus 15%.*

PROPOSAL TO PREPARE:

CEQA DOCUMENTATION FOR THE MARIN CLEAN ENERGY CHEVRON REFINERY SOLAR PROJECT



RINCON CONSULTANTS, INC.

Equipment Schedule for Environmental Sciences and Planning Services

Equipment	Rate	Unit
Environmental Site Assessment		
Bailer	\$ 25	Day
Brass Sample Sleeves	\$ 10	Each
DC Purge Pump	\$ 35	Day
Disposable Bailer	\$ 20	Each
Flame Ionization Detector	\$ 200	Day
Four Gas Monitor	\$ 120	Day
Hand Auger Sampler	\$ 55	Day
Level C Health and Safety	\$ 60	Person per day
Oil-Water Interface Probe	\$ 85	Day
Photo-Ionization Detector	\$ 120	Day
Soil Vapor Extraction Monitoring Equipment	\$ 140	Day
Water Level Indicator	\$ 35	Day
Water Resources		
Dissolved Oxygen Meter	\$ 45	Day
Refractometer (salinity)	\$ 30	Day
Sterilized Sample Jar	\$ 5	Each
Temp-pH-Conductivity Meter	\$ 50	Day
Turbidity Meter	\$ 30	Day
Natural Resources Field Equipment		
Fiberoptic Scope	\$ 90	Day
Infrared Sensor Digital Camera	\$ 50	Day
Field Equipment Package, amphibian survey (digital camera, GPS, thermometer, decon chlorine, waders, float tube, hand net)	\$ 150	Day
Field Equipment Package, construction monitoring (digital camera, GPS, thermometer, binoculars, field computer, safety equipment)	\$ 95	Day
Field Equipment Package, standard (digital camera, GPS, thermometer, binoculars, and botanic collecting equipment)	\$ 45	Day
Field Equipment Package, remote (digital camera, GPS, thermometer, binoculars, field computer and mifi, Delorme Satellite Beacon, 24-Hour Safety Phone)	\$ 125	Day
Laser Rangefinder/Altitude	\$ 10	Day
Mammal trap, large / small	\$1.50 / \$0.50	Each per trap cycle
Minnow trap	\$ 85	Each per job
Net, hand / large seine	\$ 10 / \$ 50	Day
Pettersson Bat Ultrasound Detector/Recording Equipment	\$ 150	Job
Pit-fall Trap	\$ 5	Each per trap cycle
Scent Station	\$ 20	Station
Spotlight	\$ 5	Day
Trimble® GPS (submeter accuracy)	\$ 190	Job
Spotting Scope	\$ 150	Job
Multi-Services Field Equipment		
Anemometer	\$ 5	Day
Computer Field Equipment	\$ 45	Day
GPS unit, standard field	\$ 10	Day
Sound Level Meter	\$ 50	Day

**FIRST ADDENDUM TO SECOND AGREEMENT
BY AND BETWEEN
MARIN CLEAN ENERGY AND RINCON CONSULTANTS, INC.**

This FIRST ADDENDUM is made and entered into on September 17, 2015, by and between MARIN CLEAN ENERGY, (hereinafter referred to as "MCE") and RINCON CONSULTANTS, INC. (hereinafter referred to as "Contractor").

RECITALS

WHEREAS, MCE and the Contractor entered into an agreement to provide California Environmental Quality Act (CEQA) document support services for the MCE 10.5 megawatt Chevron Refinery Solar Project as directed by MCE staff dated March 16, 2015 ("Agreement"); and

WHEREAS, Section 4 and Exhibit B to the agreement obligated Contractor to be compensated an amount not to exceed \$25,000 for the CEQA document support services described within the scope therein; and

WHEREAS the parties desire to amend the agreement to increase the contract amount by \$15,000 for a total not to exceed \$40,000.

NOW, THEREFORE, the parties agree to modify Section 4 and Exhibit B as set forth below.

AGREEMENT

1. Section 4 is hereby amended to read as follows:

MAXIMUM COST TO MCE:

In no event will the cost to MCE for the services to be provided herein exceed the maximum sum of **\$40,000**.

2. The second sentence of the second paragraph of Exhibit B is hereby amended to read as follows:

In no event shall the total cost to MCE for the services provided herein exceed the maximum sum of \$40,000 for the term of the agreement.

3. Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.


**FIRST ADDENDUM TO SECOND AGREEMENT
BY AND BETWEEN
MARIN CLEAN ENERGY AND RINCON CONSULTANTS, INC.**

IN WITNESS WHEREOF, the parties hereto have executed this First Addendum on the day first written above.

CONTRACTOR:

By: _____


Date: _____


9/18/2015

MARIN CLEAN ENERGY:

By: _____

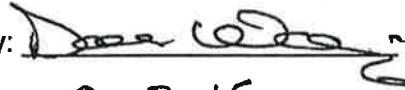
Date: _____


9-17-15

MARIN CLEAN ENERGY:

By: _____

Date: _____


9-18-15

**SECOND ADDENDUM TO SECOND AGREEMENT
BY AND BETWEEN
MARIN CLEAN ENERGY AND RINCON CONSULTANTS, INC.**

This SECOND ADDENDUM is made and entered into on January 21, 2015, by and between MARIN CLEAN ENERGY, (hereinafter referred to as "MCE") and RINCON CONSULTANTS, INC. (hereinafter referred to as "Contractor").

RECITALS

WHEREAS, MCE and the Contractor entered into an agreement to provide California Environmental Quality Act (CEQA) document support services for the MCE 10.5-megawatt Chevron Refinery Solar Project located in the City of Richmond, CA, as directed by MCE staff dated March 16, 2015 ("Agreement"); and

WHEREAS, Section 4 and Exhibit B to the agreement obligated Contractor to be compensated an amount not to exceed \$40,000 for the services described within the scope therein; and

WHEREAS the parties desire to amend the scope of services to include preconstruction surveys and biological monitoring services for the MCE Richmond Solar Photovoltaic Project, and increase the contract amount by \$31,440 for a total not to exceed \$71,440.

NOW, THEREFORE, the parties agree to modify Sections 4 and 20, and Exhibits A and B as set forth below.

AGREEMENT

1. Section 4 is hereby amended to read as follows:

MAXIMUM COST TO MCE:

In no event will the cost to MCE for the services to be provided herein exceed the maximum sum of **\$71,440**.

2. The following Exhibits are hereby added to Section 20:

Exhibit C: Proposal to Prepare: CEQA Documentation for the Marin Clean Energy Chevron Refinery Solar Project

Exhibit D: Proposal to Conduct Preconstruction Surveys and Biological Monitoring for the Marin Clean Energy Richmond Solar Photovoltaic Project in the City of Richmond, Contra Costa County, California

3. The following is hereby added to the end of Exhibit A:

Contractor will conduct preconstruction surveys and biological monitoring not performed by Chevron or their environmental consultants for the Marin Clean Energy Richmond Solar Photovoltaic Project located in the City of Richmond, Contra Costa County, California, as requested and directed by MCE staff, up to the maximum time/fees allowed under this Agreement.

Additional scope of work and schedule details are listed in Exhibit D, "Proposal to Conduct Preconstruction Surveys and Biological Monitoring for the Marin Clean Energy Richmond Solar Photovoltaic Project in the City of Richmond, Contra Costa County, California."

4. The second sentence of Exhibit B is hereby amended to read as follows:

In no event shall the total cost to MCE for the services provided herein exceed the maximum sum of \$71,440 for the term of the agreement.

5. Exhibit D is hereby added to the agreement as follows:

PROPOSAL TO CONDUCT PRECONSTRUCTION SURVEYS AND BIOLOGICAL MONITORING FOR
THE MARIN CLEAN ENERGY RICHMOND SOLAR PHOTOVOLTAIC PROJECT**Rincon Consultants, Inc.**

180 Grand Avenue, Suite 400

Oakland, California 94612

510 834 4455

FAX 834 4433

info@rinconconsultants.com

www.rinconconsultants.com

December 21, 2015
Rincon Project No. 14-00951

Greg Brehm,
Director of Power Resources
Marin Clean Energy
781 Lincoln Avenue, Suite 320
San Rafael, CA 94901

Subject: Proposal to Conduct Preconstruction Surveys and Biological Monitoring for the Marin Clean Energy Richmond Solar Photovoltaic Project in the City of Richmond, Contra Costa County, California

Dear Mr. Brehm:

Rincon Consultants, Inc. (Rincon) is pleased to submit this proposal to conduct preconstruction surveys and biological monitoring for the Marin Clean Energy Richmond Solar Photovoltaic Project located in the City of Richmond, Contra Costa County, California. This proposal is intended to assist Marin Clean Energy with the biological mitigation measures contained within the Final Mitigation Monitoring and Reporting Program (MMRP) in the Final Environmental Impact Report (FEIR) (State Clearing House No. 2015042040); specifically, preconstruction survey and reporting requirements in measures BIO-1 through BIO-3, as requested and authorized by Marin Clean Energy.

UNDERSTANDING OF THE PROJECT

Rincon understands that Marin Clean Energy is proposing a solar project on Landfill 15 at the Chevron Refinery in Richmond, California. The site was operated as an evaporation pond and landfill from the early 1960's to 1987. Currently, the landfill is capped and engineering controls have been designed and implemented to protect groundwater resources, control methane emissions, and control stormwater.

Rincon understands the proposed project would involve site preparation, installation and operation of a 10.5 megawatt (MW) solar photovoltaic (PV) system. Construction would occur in two phases constructed concurrently: the first phase would occupy approximately 13 acres at the south end of the closed landfill; the second phase would occupy approximately 20 acres of filled and compacted former fertilizer pond and 27 acres of landfill. In total, the project would occupy approximately 60 acres. We understand that construction of Phase 1 would take approximately 6 to 12 months to complete and Phase 2 construction would begin concurrently with the start of construction for Phase I, and would take approximately 12 to 18 months to complete. Based on your communications

PROPOSAL TO CONDUCT PRECONSTRUCTION SURVEYS AND BIOLOGICAL MONITORING FOR
THE MARIN CLEAN ENERGY RICHMOND SOLAR PHOTOVOLTAIC PROJECTProposal to Conduct Preconstruction Surveys and Biological Monitoring
Richmond Solar Photovoltaic Project
Marin Clean Energy
Page 2 of 6

with Abe Leider, Rincon Senior Planner, we understand that Marin Clean Energy anticipates completion of work in areas adjacent to the slough and brackish marsh by the end of April 2016.

As part of the FEIR that was prepared for the project, three measures related to biological resources (BIO-1 through BIO-3) were required in the final MMRP. We have prepared this scope of work to assist Marin Clean Energy in implementing preconstruction survey and reporting, worker education, monitoring, and resource avoidance measures. Note that the implementation of stormwater Best Management Practices (BMPs) and Stormwater Pollution Prevention Plan (SWPPP) inspections required under BIO-3 are not included in our scope. We assume this work would be completed by the construction contractor and its designee responsible for implementing and overseeing the SWPPP.

SCOPE OF WORK

Task 1. Preconstruction Surveys. Measure BIO-2 outlines preconstruction survey requirements to avoid impacts to special status wildlife. Rincon proposes to complete preconstruction surveys for nesting birds, burrowing owl, and small mammals, pursuant to FEIR measures BIO-2(b-d), within 14 days prior to start of construction. The details of these efforts are as follows:

- ***Nesting Bird Survey.*** Rincon will conduct a nesting bird survey within 14 days prior to the commencement of ground and vegetation disturbing activities that begin during the nesting season, February 1 to September 15 [FEIR measure BIO-2(b)]. The survey area would consist of the project site plus a 500-foot buffer where accessible and consist of pedestrian surveys of the entire site and the use of binoculars and/or spotting scopes for adjacent areas where physical access may be restricted. Active nests, if identified, Rincon biologist will establish avoidance buffers appropriate for the circumstances (typically 50-100 feet for songbirds/passerines, and up to 500 feet for fully protected raptors). Ongoing monitoring of active nests until young have fledged and are no longer dependent on the nest would be required if active nests area recorded. The preconstruction survey would document any nesting bird(s) within the survey area and identify buffer distance(s), location(s), and any follow-up monitoring requirements. We have assumed that site clearance would be conducted concurrently for both phases of the project, such that one site survey will be sufficient. This scope does not include follow-up surveys for any nest status checks.
- ***Burrowing Owl Preconstruction Avoidance Survey.*** Rincon will conduct a preconstruction burrowing owl avoidance survey over the entire project site plus a 100-meter (330-foot) buffer where accessible. This survey would be consistent with the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation, and would entail a site visit within 14 days prior to initiating construction to search for burrows and burrowing owls, plus a clearance survey 24 hours ahead of construction to ensure no owls have moved into the work area. The first survey would be conducted concurrently with the aforementioned nesting bird survey. The clearance survey would require a second site visit. Our

PROPOSAL TO CONDUCT PRECONSTRUCTION SURVEYS AND BIOLOGICAL MONITORING FOR
THE MARIN CLEAN ENERGY RICHMOND SOLAR PHOTOVOLTAIC PROJECTProposal to Conduct Preconstruction Surveys and Biological Monitoring
Richmond Solar Photovoltaic Project
Marin Clean Energy
Page 3 of 6

scope of work does not include preparation of a Burrowing Owl Exclusion and Mitigation Plan; should such a plan be required due to presence of an owl or active burrow, a scope and budget amendment would be prepared.

- ***Small Mammal Avoidance Survey.*** Within 48 hours prior to installation of small mammal exclusion fence, a biologist will survey project areas within 100 feet of Herman's Slough and brackish wetlands to confirm absence of special status small mammals. Within 48 hours following this survey, exclusion fencing must be installed (see Task 2) with a biological monitor present.
- ***Combined Preconstruction Surveys Report.*** Upon completion of preconstruction surveys, a letter report will be prepared summarizing findings, specifying any required nest or den buffers, and outlining any follow-up monitoring that may be required.

Task 2: Monitor Installation of Sensitive Resource Protective Barriers

FEIR measure BIO-2(d) requires installation of small mammal exclusionary fencing for project activities within 100 feet of Herman's Slough. Exclusionary fencing must consist of 48-inch silt fencing with wire-mesh backing, and must be installed by hand along the eastern and northern margins of the west parcel (landfill) and along the western margin of the east parcel (water treatment basin) to prevent salt marsh harvest mice from entering the active work area. Installation must occur after completion of a preconstruction survey conducted by a qualified biologist, and the biologist must monitor installation. Similarly, BIO-3 requires placement of exclusion fencing 5-10 feet from the perimeter of the coastal brackish marsh boundary or on the edge of the temporary disturbance area when this distance is greater.

Rincon's qualified biologist(s) will oversee installation of barrier fences to exclude small mammals from the work area and to protect brackish marsh. Our scope of work assumes that fencing installation would occur sequentially such that this effort would require one monitor to be present (i.e., one crew would work along the perimeter until fencing is complete). The Herman's Slough/brackish marsh avoidance areas have a perimeter of approximately 3,100 linear feet. This fence must be trenched in by hand to meet exclusion requirements. We have assumed this would require six (6) 8-hour days of work to complete (approximately 500 feet of fence completed per day).

Task 3. Worker Environmental Awareness Program Training.

The FEIR requires a Worker Environmental Awareness Program (WEAP) training that outlines special status resources, including sensitive species and habitats that may occur onsite. A qualified Rincon biologist will prepare training materials for Marin Clean Energy to review prior to the initiation of construction. We have assumed our qualified biologists would administer one (1) on-site WEAP training during the initial kickoff for construction. Rincon assumes that after the initial training, all additional in-person trainings would be scheduled to occur concurrently with weekly inspections (Task 4), and would be supplemented by provision of print copies of the training materials packet to all new

PROPOSAL TO CONDUCT PRECONSTRUCTION SURVEYS AND BIOLOGICAL MONITORING FOR
THE MARIN CLEAN ENERGY RICHMOND SOLAR PHOTOVOLTAIC PROJECTProposal to Conduct Preconstruction Surveys and Biological Monitoring
Richmond Solar Photovoltaic Project
Marin Clean Energy
Page 4 of 6

personnel working on the project. We have assumed printing costs for 100 copies of double-sided full color handouts.

As required by BIO-2(e), the WEAP will include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, a review of the limits of construction and mitigation measures to reduce impacts to sensitive biological resources within the work area, and clear communication protocol should these sensitive resources be encountered during construction. A fact sheet conveying this information will be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. As required by measure BIO-2(f), the WEAP will emphasize the 15 mph speed limit for all activities within the vicinity of Herman's Slough. As required by measure BIO-3, the WEAP will identify locations of wetlands and waters of the U.S. and State.

Task 4: Construction-Phase Weekly Inspections

The FEIR identified the need for regular inspection of resource avoidance fencing. Measure BIO-2 specifies weekly inspections of the small mammal exclusion fence must be completed by a qualified biologist until construction activities are complete in the 100-foot buffer from Herman's Slough. A Rincon biological monitor will visit the site on a weekly basis to inspect resource avoidance barriers, recommend any needed maintenance, and monitor maintenance activities as required. Based on your communications with Abe Leider, we understand that Marin Clean Energy anticipates completing activities that require ongoing monitoring by the end of April 2016. Therefore, we have assumed this would require up to 16 weekly inspections. Additionally, as noted under Task 3, any additional WEAP trainings for personnel new to the project would be completed during the weekly site visit through April 2016. After that time, responsibility for completing training logs would pass to Marin Clean Energy. Rincon's weekly monitoring logs will be submitted within three (3) working days following site visits. We have assumed that inclusive of travel, each weekly site visit would require no more than a half day of effort.

This task does not include monitoring of SWPPP measures or daily site checks of project fencing to be completed by "construction monitor/environmental inspector" under BIO-3. We assume SWPPP efforts would be completed by the project QSP/QSD and/or his/her designee and daily site checks would be completed by the contractor's site manager.

Project Management

Rincon Principal and Senior Ecologist, Colby J. Boggs will serve as the Principal-in-Charge, and Rincon Senior Biologist David Daitch will serve as the Assistant Project Manager for biological mitigation and monitoring efforts. Senior Planner Abe Leider, AICP, CEP, will continue to serve as the general Project Manager and will be the primary point-of-contact and be available to coordinate with all involved parties as needed. Project management will include regular e-mail and telephone communications, monthly status reports, and budgetary administration.

Schedule and Cost Estimate. We are prepared to start with this project immediately upon your authorization of the scope, and notice to proceed. Close coordination with the

PROPOSAL TO CONDUCT PRECONSTRUCTION SURVEYS AND BIOLOGICAL MONITORING FOR
 THE MARIN CLEAN ENERGY RICHMOND SOLAR PHOTOVOLTAIC PROJECT

Proposal to Conduct Preconstruction Surveys and Biological Monitoring
 Richmond Solar Photovoltaic Project
 Marin Clean Energy
 Page 5 of 6

construction contractor is recommended to ensure that the survey will be adequate for permit compliance. Preconstruction surveys should be scheduled for no more than 14 days prior to start of work in each phase area to ensure surveys do not expire prior to commencement of construction.

All services will be provided on a time and expense reimbursement basis in accordance with our standard fee schedule for professional services and upon written request and authorization, for an estimated cost of **\$21,500**, inclusive of weekly site visits during construction. Our cost estimate assumes construction would occur in two phases constructed concurrently, extending no more than 16 weeks for activities requiring weekly monitoring. Should construction be delayed, require longer work periods, or be conducted in additional phases, a budget amendment would be necessary to conduct weekly monitoring efforts as required by measures BIO-1 through BIO-3. For authorized work performed under this Scope of Work, we would provide itemized monthly billings that summarize the work completed as well as reporting on the percent contract used and remaining at that point in time. Please note that this scope and cost estimate is fully negotiable to meet the needs of Marin Clean Energy.

Authorization. We understand that authorization of tasks under this scope of work would be included with the contract addendum proposed to be finalized by January 11, 2016.

We appreciate your consideration of Rincon for this assignment and welcome the opportunity to meet with you to further discuss this proposal. This offer for professional services will remain in effect for a period of 60 days from the date of this proposal. If you have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,
RINCON CONSULTANTS, INC.



David Daitch, Ph.D.
 Senior Biologist/Program Manager



Abe Leider, AICP, CEP
 Senior Project Manager



Colby J. Boggs, M.S.
 Principal/Senior Ecologist

EXHIBIT D

PROPOSAL TO CONDUCT PRECONSTRUCTION SURVEYS AND BIOLOGICAL MONITORING FOR
THE MARIN CLEAN ENERGY RICHMOND SOLAR PHOTOVOLTAIC PROJECT

Proposal to Conduct Preconstruction Surveys and Biological Monitoring
Richmond Solar Photovoltaic Project
Marin Clean Energy
Page 6 of 6



Marin Clean Energy
Chevron Refinery Solar Project - Implement Bio Resource Mitigation Measures
Cost Estimate

12/21/2015

Environmental Compliance Program	Labor Cost	Direct Expense	Hours					
				Principal \$195	Senior Biologist \$145	Associate Biologist \$95	GIS Specialist \$90	Clerical / Technician \$65
TASK 1: Preconstruction Surveys	\$5,595	\$187	55	2	4	43	6	
SUBTOTAL COST	\$5,595	\$187	55	2	4	43	6	0
TASK 2: Monitor Avoidance Fence Installation	\$4,930	\$436	52			50	2	
SUBTOTAL COST	\$4,930	\$436	52	0	0	50	2	0
TASK 3: Worker Environmental Awareness Program Training	\$1,375	\$217	14		1	12	1	
SUBTOTAL COST	\$1,375	\$217	13	0	1	1	0	0
TASK 4: Weekly Fence Monitoring / Ongoing WEAP Training	\$6,660	\$276	68		4	64		
SUBTOTAL COST	\$6,660	\$276	68	0	4	64	0	0
TASK 5: Project Management and Coordination	\$1,230	\$594	10	2	4			4
SUBTOTAL COST	\$1,230	\$594	10	2	4	0	0	4
TOTAL LABOR AND DIRECT EXPENSES	\$19,790	\$1,710						
TOTAL PROJECT BUDGET		\$21,500						

Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Addendum on the day first written above.

CONTRACTOR:

By: _____

Date: _____

MARIN CLEAN ENERGY:

By: _____

Date: _____

MARIN CLEAN ENERGY:

By: _____

Date: _____



January 21, 2016

TO: Marin Clean Energy Board
FROM: Nick Shah, Power Supply Contracts Manager
RE: Formation of 2016 Ad Hoc Contracts Committee (Agenda Item #06)
ATTACHMENT: MCE Board Offices & Committees

Dear Board Members:

Overview:

MCE Staff is requesting formation of a 2016 Ad Hoc Contracts committee made up of representatives from the Board of Directors. Members of this committee would meet approximately 3-5 times during 2016 to review and evaluate offers submitted for power supply under the Open Season process described below, and may also be called upon to evaluate power supply contract opportunities outside of the Open Season process.

Open Season Procurement Process:

MCE has established an annual Open Season Procurement Process (“Open Season”) as part of its ongoing effort to deliver environmentally responsible, competitively priced retail service options. The Open Season provides a competitive, objectively administered opportunity for qualified suppliers of various energy products to fulfill certain portions of MCE’s future resource requirements. The specific energy products requested through the Open Season may vary from year to year in consideration of MCE’s ongoing integrated resource planning process which quantifies future resource requirements across a broad spectrum of energy products, including shaped energy, resource adequacy capacity, renewable energy and carbon-free energy. Certain of these future requirements are solicited through MCE’s Open Season.

For the 2016 Open Season, due to MCE’s near-term need for additional energy products in 2016 through 2018, MCE has advanced the commencement of its Open Season process, initiating requests for offers in December, 2015 (rather than February, 2016). MCE is specifically requesting offers for five product types per the following schedule:

<u>Product</u>	<u>Offers Due</u>
A. PCC1 (“Bucket 1”) deliveries commencing in 2016	Monday, January 11, 2016
B. PCC1 (“Bucket 1”) deliveries commencing in 2018 or later	Tuesday, March 1, 2016
C. PCC3 (“Bucket 3”) deliveries commencing in 2016	Tuesday, March 1, 2016
D. PCC2 (“Bucket 2”) deliveries commencing in 2016	Monday, May 2, 2016
E. Carbon-Free Energy: deliveries commencing in 2016	Monday, January 11, 2016

Products Requested:

MCE is requesting offers for various product types. In general, MCE is requesting offers for Portfolio Content Category (PCC) 1 renewable energy (short term offers and long term offers),

PCC 3 renewable energy (short term offers only), PCC 2 renewable energy (short term offers only) and Carbon free energy (short term offers only) to meet the following energy requirements:

Marin Clean Energy Resource Balance										
Dec-15										
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Energy Requirements (GWh)										
Retail Load	1,857	1,870	1,884	1,897	1,911	1,924	1,938	1,951	1,965	1,969
Renewables Open Position (GWh)										
Portfolio Content Category 1	45	31	44	425	473	515	563	610	658	705
Portfolio Content Category 2	188	254	268	283	299	314	328	343	357	371
Portfolio Content Category 3	58	58	58	58	58	58	58	58	58	58
Total Renewables Open Position (GWh)	290	342	370	766	829	887	949	1,011	1,072	1,134
Energy Requirements (GWh)										
Retail Load	1,857	1,870	1,884	1,897	1,911	1,924	1,938	1,951	1,965	1,969
Additional Carbon Free Open Position (GWh)	80	51	206	215	223	232	240	249	257	264

Evaluation of Responses:

MCE's 2016 Ad Hoc Contracts Committee will evaluate responses against a common set of criteria that will include various factors. A partial list of factors to be considered during MCE's evaluative process is included below. This list may be revised at MCE's sole discretion. The Ad Hoc Contracts Committee will evaluate project offers based on the following factors, over three to five meetings in 2016:

- a. Overall quality of response, including general completeness and conformance with Open Season instructions
- b. Project location & local benefits (Including local hiring and prevailing wage consideration)
- c. Interconnection status, including queue position, full deliverability of RA capacity, and related study completion, if applicable
- d. Siting, zoning, permitting status, if applicable
- e. Price
- f. Qualifications of project team
- g. Ownership structure
- h. Environmental impacts and related mitigation requirements
- i. Financing plan & financial stability of project owner/developer
- j. Acceptance of MCE's standard contract terms
- k. Development milestone schedule, if applicable

Fiscal Impact: None.

Recommendation: Appoint representatives from the Board to serve on the 2016 Ad Hoc Contracts Committee.

Overview of MCE Board Offices and Committees *(Updated 12.17.15)*

Board Offices

Kate Sears, Chair

Tom Butt, Vice Chair

Denise Athas, Auditor/Treasurer

Dawn Weisz, Secretary

Executive Committee

1. Tom Butt, Chair
2. Denise Athas
3. Sloan Bailey
4. Ford Greene
5. Kevin Haroff
6. Bob McCaskill
7. Kate Sears

Technical Committee

1. Kate Sears, Chair
2. Kevin Haroff
3. Ford Greene
4. Emmett O'Donnell
5. Carla Small
6. Ray Withy
7. Greg Lyman

Ad Hoc Contracts Committee for 2015 Open Season

1. Sloan Bailey
2. Genoveva Calloway
3. Ford Greene
4. Kevin Haroff
5. Garry Lion
6. Greg Lyman
7. Alan Schwartzman

Ad Hoc Expansion Committee

1. Barbara Coler
2. Garry Lion
3. Andrew McCullough
4. Brad Wagenknecht
5. Ray Withy

Ad Hoc Ratesetting Committee (12.17.15)

1. Bob McCaskill
2. Sloan Bailey
3. Kevin Haroff
4. Emmett O'Donnell
5. Andrew McCullough



January 21, 2016

TO: Marin Clean Energy Board

FROM: Mike Maher, Maher Accountancy
David McNeil, Project and Finance Manager

RE: Proposed Budget Amendment for FY 2015/16 (Agenda Item #07)

ATTACHMENT: Proposed Budget Amendment for FY 2015/16

SUMMARY:

Throughout the year, MCE staff monitors the financial activity of the agency and anticipates any needed amendments to the original Board approved budget.

A draft of the FY2015/16 proposed budget adjustments was reviewed and discussed in the January Executive Committee meeting. The attached proposed budget adjustments reflect MCE's anticipated expenditures for the remainder of the FY2015/16 fiscal year which runs from April 1st of 2015 until March 31st of 2016.

The attached Proposed Budget Amendment for Fiscal Year Ending March 31, 2016 sets forth the following adjustments:

Cost of Energy (- \$487,000, 0.4% decrease) Cost of energy for the year will end up below original projections due to lower than expected power prices in 2016, as well as the delay in the operations date for the Corcoran/Goose Lake PV generation project. The \$487,000 proposed decrease for this account is equal to the increases from other operating expenditures.

Personnel (+ \$178,000, 6.0% increase): Personnel expenditures increased from original projections due to a combination of employee hiring occurring sooner than anticipated as well as the implementation of pay increases following changes to salary ranges approved by the board.

Legal (+ \$27,000, 7.5% increase): Legal expenditures are expected to exceed the original budget as the scope of projects were beyond original projections. This includes contingencies for potential litigation.

Data Manager (+ \$6,000, 0.2% increase): These costs are based on the number of customer meters, and represent a very minor increase due to higher than expected customer enrollment.

Other Services (+ \$47,000, 11.2% increase): The increase requested is primarily driven by fees related to recent contracts for strategic planning and investment advisory services related to MCE's retirement plan. These fees were not originally anticipated.

General & Administration (+ \$15,000, 4.6% increase): The increase in this category is primarily driven by costs associated with MCE's move to a new building as well as the increase in the number of employees.

Capital Outlay (+ \$146,000, 97.3% increase): The increase in capital outlay is due to various leasehold improvements made at the MCE facilities. Certain leasehold improvements were expected to be completed within the prior 2014/15 budget year, but ended up running into 2015/16.

Debt Service (+ \$68,000, 3.3% increase): These costs are associated with the \$15,000,000 credit facility and the subsequent \$5,500,000 letter of credit opened in FY 2015/16.

FISCAL IMPACT: Reduced energy expenses offset other increases in the expenses as detailed above. There is no net impact on the Operating Fund balance.

RECOMMENDATION: Approve the FY 2015/16 Budget Amendment.

MARIN CLEAN ENERGY			
OPERATING FUND			
Proposed Budget Amendment			
Fiscal Year 2015/16			
	2015/16 Budget	2015/16 Proposed Amendment	2015/16 Proposed Amended Budget
REVENUE AND OTHER SOURCES:			
Revenue - Electricity (net of allowance)	\$ 145,933,097		\$ 145,933,097
Total sources	145,933,097	-	145,933,097
EXPENDITURES AND OTHER USES:			
CURRENT EXPENDITURES			
Cost of energy	129,522,715	\$ (487,000)	129,035,715
Personnel	2,964,000	178,000	3,142,000
Technical consultants	629,000		629,000
Legal counsel	360,000	27,000	387,000
Communications consultants and related expenses	751,000		751,000
Data manager	2,862,000	6,000	2,868,000
Service fees - PG&E	921,000		921,000
Other services	418,000	47,000	465,000
General and administration	329,000	15,000	344,000
Occupancy	260,000		260,000
Integrated demand side pilot programs	50,000		50,000
Marin County green business program	10,000		10,000
Low income solar programs	35,000		35,000
Total current expenditures	139,111,715	(214,000)	138,897,715
CAPITAL OUTLAY	150,000	146,000	296,000
DEBT SERVICE	2,080,000	68,000	2,148,000
INTERFUND TRANSFER TO:			
Renewable Energy Reserve Fund	1,000,000		1,000,000
Local Renewable Energy Development Fund	151,383		151,383
Total interfund transfers	1,151,383	-	1,151,383
Total expenditures	142,493,098	-	142,493,098
Net increase (decrease) in available fund balance	\$ 3,440,000	\$ -	\$ 3,440,000