



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: July 28, 2020

Subject: Bay Area Regional Energy Network Funding and Implementation Agreement for 2020-2022

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a subcontract agreement with the Association of Bay Area Governments (ABAG) to accept funding in the amount not to exceed \$861,810 from the California Public Utilities Commission (CPUC), through ABAG, to support marketing, education, and outreach for energy efficiency programs for the period of January 1, 2020 through December 31, 2022.

FISCAL IMPACT:

There will be no impact to the General Fund. The CPUC funding is expected to cover all costs incurred to support the BayREN program.

BACKGROUND:

In July 2012, the County entered into a Memorandum of Understanding (MOU) establishing the Bay Area Regional Energy Network (BayREN), a collaborative partnership among the nine Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties) and led by the Association of Bay Area Governments (ABAG), for the purpose of facilitating the implementation of energy efficiency programs throughout the Bay Area. On May 5, 2015, a Restated and Revised

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **07/28/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 28, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Demian Hardman,
(925) 674-7826

By: Laura Cassell, Deputy

cc:

MOU was approved by the County to better define the roles and responsibilities of ABAG and the counties participating in BayREN.

BACKGROUND: (CONT'D)

In late 2012, the CPUC approved BayREN as a pilot program (effective January 1, 2013) to implement Energy Efficiency (EE) Programs for the purpose of filling gaps in EE Program activities not being offered by the Investor Owned Utility's (IOUs, such as PG&E) or Community Choice Aggregators (CCAs, such as MCE).

Since 2013, all BayREN counties have been receiving CPUC funding each calendar year to provide marketing, education and outreach for various EE Programs offered through BayREN. On May 31, 2018, the CPUC approved, among other things, the BayREN business plan that increased the annual BayREN budget by approximately \$5.8 Million and allocating a similar amount of funding each year thereafter through calendar year 2025 (Decision 18-05-041).

The business plan allowed BayREN to design and implement EE Programs for residential and commercial buildings, as well as activities related to energy code compliance. The residential and commercial programs offer free technical services and financial incentives (rebates) if owners/contractors make specific energy efficiency improvements to existing single-family, multi-family or commercial buildings. Also included is a green labeling program that provides incentives to homeowners and participating contractors to offer a home energy score to interested single-family homeowners. The Building Codes and Standards subprogram provides, among other things, various resources to support local government officials with building energy code compliance and enforcement. Continued implementation and expansion of these energy efficiency programs are consistent with the County's Climate Action Plan adopted in 2015.

The proposed subcontract agreement between ABAG and Contra Costa County will allow the County continued access to CPUC funding allocated to ABAG to implement BayREN subprograms throughout Contra Costa County. The amount specified in the agreement is not to exceed \$861,810 and will cover the period of January 1, 2020 through December 31, 2022. These funds are to cover County costs associated with promoting the program for both incorporated and unincorporated areas of the County. Technical services and rebates offered by BayREN for these activities are directly administered by ABAG and are funded separately under the overall BayREN budget approved by the CPUC.

Under the subcontract, the County must indemnify the other counties and ABAG for claims alleging intellectual property infringement related to materials the County prepares under the Agreement. The County also must indemnify ABAG, the CPUC, and Pacific Gas and Electric (PG&E) from any third-party claims or liabilities that arise from the County's performance of its obligations under the subcontract.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not receive funding to participate in BayREN activities or provide the associated energy efficiency program services to local residents and property owners. The County would also not have funding to support the energy efficiency activities specified in the County's Climate Action Plan.

CHILDREN'S IMPACT STATEMENT:

Not applicable.