

Board Finance & Audit Committee Meeting and Special SMUD Board of Directors Meeting

Date: Tuesday, November 15, 2022

Time: Scheduled to begin at 5:30 p.m.

Location: Virtual Meeting (online)

Powering forward. Together.



AGENDA

BOARD FINANCE & AUDIT COMMITTEE MEETING AND SPECIAL SMUD BOARD OF DIRECTORS MEETING

Tuesday, November 15, 2022

Scheduled to begin at 5:30 p.m.

Zoom Webinar Link: [Join Board Finance & Audit Committee Meeting Here](#)

Webinar/Meeting ID: 160 378 3379

Passcode: 012186

Phone Dial-in Number: 1-669-254-5252 or 1-833-568-8864 (Toll Free)

Pursuant to Government Code section 54953(e) and the Emergency Board Meeting Procedures adopted by the SMUD Board of Directors, the regular Board meeting and other public meetings are currently conducted solely via virtual (online/teleconference) meeting to align with state, local, and federal guidelines for the containment of the coronavirus.

Live video streams and indexed archives of meetings are available at:

http://smud.granicus.com/ViewPublisher.php?view_id=16

Members of the public may register to provide verbal comments at an upcoming Board or Committee meeting by emailing a request to speak to PublicComment@smud.org. Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be submitted while the meeting is in progress during the standard time for the agenda item or topic. **Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.**

Members of the public may provide written public comments on a specific agenda item or on items not on the agenda (general public comment) by submitting comments via e-mail. Comments may be submitted to PublicComment@smud.org and will be placed into the record of the meeting.

Members of the public that are listening to or watching the live stream of a Committee meeting and wish to submit written comments on a specific agenda item as it is being heard may submit their comments, limited to 250 words or less, to PublicComment@smud.org, noting the agenda item number in the subject line. The Committee Chair may read comments for items on the agenda into the record, in her discretion, based upon such factors as the length of the agenda or the number of e-mail comments received. General public comment for items not on the agenda will not be read into the record but will be provided to the Board and placed into the record of the Board meeting if it is received within two hours after the meeting ends.

This Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of compliance with the Brown Act. In order to preserve the function of the Committee as advisory to the Board, members of the Board may attend and participate in the discussions, but no Board action will be taken. The Finance & Audit Committee will review, discuss and provide the Committee's recommendation on the following:

DISCUSSION ITEMS

1. Laurie Rodriguez
Approve Contract Change No. 2 to Contract No. 4500099793 for Workers' Compensation & Short Term / Long Term Disability Third Party Claims Administration Services with **Intercare Holdings Insurance Services, Inc.** to extend the contract expiration date by two years from December 31, 2022, to December 31, 2024, and increase the contract not-to-exceed amount by \$1 million, from \$2.12 million to \$3.12 million.
Presentation: 5 minutes
Discussion: 5 minutes
2. Casey Fallon
Authorize the Chief Executive Officer and General Manager to award contracts to **Arrow Construction, Sierra National Construction, Inc., and Mountain G. Enterprises, Inc.** for Civil Annual Construction Services for a contract term of three years from November 21, 2022, to November 20, 2025, for a total aggregate contract not-to-exceed amount of \$100 million.
Presentation: 5 minutes
Discussion: 5 minutes
3. Laura Lewis
Make findings pursuant to Government Code section 54953(e) to continue holding **SMUD** meetings virtually during proclaimed state of emergency (recurring item, every 30 days).
Presentation: 1 minute
Discussion: 3 minutes
4. Laura Lewis
Make findings pursuant to Government Code section 54953(e) to continue holding meetings virtually during proclaimed state of emergency (recurring item, every 30 days) for the following joint powers authorities:
 - a. **Northern California Gas Authority Number 1 (NCGA1);**
 - b. **Northern California Energy Authority (NCEA);**
and
 - c. **Sacramento Municipal Utility District Financing Authority (SFA).**Presentation: 1 minute

INFORMATIONAL ITEMS

5. Jennifer Davidson SMUD 2023 Proposed Budget presentation follow up questions.
Presentation: 5 minutes
Discussion: 10 minutes
6. Casey Fallon Quarterly Procurement Report for Third Quarter 2022.
Presentation: 10 minutes
Discussion: 5 minutes
7. Public Comment
8. Rosanna Herber Summary of Committee Direction.
Discussion: 1 minute

Pursuant to Resolution No. 20-06-08 adopted on June 18, 2020, Emergency Board Meeting Procedures are in effect:

Members of the public may make either a general public comment or comment on a specific agenda item by submitting comments via email. Comments may be submitted to PublicComment@smud.org. Comments will be provided to the Board and placed into the record of the Committee meeting if it is received within two hours after the meeting ends.

Members of the public that are listening or watching the live stream of a Board meeting and wish to comment on a specific agenda item as it is being heard, may submit their comments, limited to 250 words or less, to PublicComment@smud.org. The Board Committee Chair may read the comments into the record, in her discretion, based upon such factors as the length of the agenda or the number of email comments received. Comments will be provided to the Board and placed into the record of the Committee meeting if it is received within two hours after the meeting ends.

*Members of the public may register to provide verbal comments at an upcoming Board or Committee meeting by emailing a request to speak to PublicComment@smud.org. Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be submitted while the meeting is in progress during the standard time for the agenda item or topic. **Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.***

ADA Accessibility Procedures: Upon request, SMUD will generally provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in this virtual meeting. If you need a reasonable auxiliary aid or service for effective communication to participate, please email Toni.Stelling@smud.org, or contact by phone at (916) 732-7143, no later than 48 hours before this virtual meeting.

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date
Finance & Audit – 11/15/22Board Meeting Date
November 17, 2022

TO				TO				
1.	Tasha Crawford	6.	Jennifer Davidson					
2.	Robert Adams	7.	Lora Anquay					
3.	Cheryl Spector	8.	Scott Martin					
4.	Laurie Rodriguez	9.	Legal					
5.	Casey Fallon	10.	CEO & General Manager					
Consent Calendar	<input checked="" type="checkbox"/>	Yes	No <i>If no, schedule a dry run presentation.</i>	Budgeted	<input checked="" type="checkbox"/>	Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>	
FROM (IPR) Andrew McDermott				DEPARTMENT Procurement		MAIL STOP EA404	EXT. 5862	DATE SENT 10/21/22

NARRATIVE:

Requested Action: Approve Contract Change No. 2 to Contract No. 4500099793 for Workers' Compensation & Short Term / Long Term Disability Third Party Claims Administration Services with Intercare Holdings Insurance Services, Inc. (Intercare) to extend the contract expiration date by two years from December 31, 2022, to December 31, 2024, and increase the contract not-to-exceed amount by \$1 million, from \$2.12 million to \$3.12 million.

Summary: This contract was awarded on a competitive basis to Intercare in March 2017 through Board Resolution No. 16-12-06. The original contract was awarded for the period of March 15, 2017, to March 14, 2022, for a not-to-exceed amount of \$1,825,800. Contract Change No. 01 extended the contract expiration date to December 31, 2022, and increased the contract by \$294,200 for a new, not-to-exceed amount of \$2,120,000 (Board Resolution No. 21-10-08). Contract Change No. 02 is requested to extend the expiration date to December 31, 2024, and increase the contract by \$1,000,000 for a new not-to-exceed amount of \$3,120,000. There is a regular monthly spend of \$30,000 for this service and this additional funding will cover through December 2024, which will allow SMUD's People Services & Strategies (PS&S) department to enhance the short-term and long-term disability benefits to continue to support SMUD's diverse workforce. Proposed rates for this change include a 3% increase which aligns with the contracted escalation rate and is significantly lower than the current rate of inflation of approximately 9% per Consumer Price Index for All Urban Consumers (CPI-U) U.S. city average series for all items, not seasonally adjusted.

SMUD is self-insured for our Workers Compensation (WC) program, and self-funded for the Short-Term Disability (STD) and Long-Term Disability (LTD) benefit plans. Intercare has been providing claims administration services to SMUD since they were awarded a contract through a competitive solicitation in 2013. PS&S and Procurement Staff determined that a contract extension with Intercare was the best way to provide consistency of benefits to our employees near-term while we continue to analyze the best path forward for administering SMUD's STD/LTD, WC and potentially Paid Family Leave (PFL) benefits long term.

Currently, the contract balance is approximately \$182,000.

Contract Actions	Amount	Cumulative Total	Description
Original Contract	\$1,825,800	\$1,825,800	
Change No. 01	\$294,200	\$2,120,000	Increased NTE and extended expiration
Pending Change No. 02	\$1,000,000	\$3,120,000	Increases NTE and extends expiration

Board Policy: Board-Staff Linkage BL-8, Delegation to the Chief Executive Officer and General Manager with Respect to Procurement; Strategic Direction SD-8, Employee Relations; Strategic Direction SD-6, Safety Leadership
(Number & Title)

Benefits: Will ensure SMUD continues to receive satisfactory services and remains compliant with all the California Worker's Compensation laws and STD/LTD claims

Cost/Budgeted: \$1,000,000; Budgeted for 2023-2024 by People Services & Strategies.

Alternatives: Not approving the contract change would not allow PS&S to enhance the long-term and short-term disability benefits and could result in a lapse of service. This is not the desired route for the business unit.

Affected Parties: People Services & Strategies, Procurement, Intercare Holdings Insurance Services, Inc.

Coordination: People Services & Strategies and Procurement

Presenter: Laurie Rodriguez, Director, People Services & Strategies

Additional Links:

SUBJECT

Contract Change No. 02 for Intercare Holdings Insurance Services, Inc.

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

SSS No. SCS-22-303

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit – 11/15/22
Board Meeting Date November 17, 2022

TO				TO								
1.	Jesse Mays	6.	Jennifer Davidson									
2.	Robert Adams	7.	Lora Anguay									
3.	Casey Fallon	8.	Scott Martin									
4.	Eric Poff	9.	Legal									
5.	Frankie McDermott	10.	CEO & General Manager									
Consent Calendar		x	Yes	No <i>If no, schedule a dry run presentation.</i>		Budgeted		x	Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>		
FROM (IPR) Katherine Manne				DEPARTMENT Procurement				MAIL STOP EA404	EXT. 6175	DATE SENT 10/20/22		

NARRATIVE:

Requested Action: Authorize the Chief Executive Officer and General Manager to award contracts to Arrow Construction (Arrow), Sierra National Construction, Inc. (SNC), and Mountain G. Enterprises, Inc. (MGE) for Civil Annual Construction Services for a contract term of three years from November 21, 2022, to November 20, 2025, for a total aggregate contract not-to-exceed amount of \$100 million.

Summary: Request for Proposals (“RFP”) No. Doc3586798068 was issued in August 2022 to solicit for qualified firms to provide civil annual construction services. A pre-proposal conference was held on August 15, 2022. On September 9, 2022, five proposals were received and evaluated in accordance with the advertised criteria. Of the five proposals received, all were responsive. SMUD initiated negotiations with three of the responsive proposers, which resulted in a price reduction of an average of 11% for select lines items from MGE’s proposal that were found to be above the average pricing proposed by the three top-ranked proposers. The final pricing from Arrow, SNC, and MGE is highly competitive, and, coupled with their technical score, this supports the recommendation to award contracts to the three highest rated proposers. Awarding three zero-dollar contracts with an aggregate amount of all tasks non-to-exceed \$100,000,000 for three years gives the business unit flexibility and mitigates the risk of work disruption. The result of the evaluation and award recommendations are shown below.

Board Policy: Board-Staff Linkage BL-8, Delegation to the Chief Executive Officer and General Manager with Respect to Procurement; Strategic Direction SD-4, Reliability; Strategic Direction SD-6, Safety Leadership; Strategic Direction SD-13, Economic Development Policy.

Recommendation: Award to the Highest Evaluated Responsive Proposers.

Award to:

Arrow Construction	Sierra National Construction, Inc.	Mountain G. Enterprises, Inc.
1850 Diesel Drive	5433 El Camino Ave., Ste. 4	950 Iron Point Road, Ste. 190
Sacramento, CA 95838	Carmichael, CA 95608	Folsom, CA 95630

Proposers Notified by Procurement:	24
Proposers Downloaded:	9
Pre-Proposal Conference Attendance:	7
Proposals Received:	5

Responsive Proposals Received	P/F	SEED Points	Technical Points	Price Points	Total Score	Rank	Proposal Amount	Evaluated Proposal Amount	Proposed Award Amount
		10	30	60	100				
Arrow Construction	P	10	30.00	58.01	98.01	1	\$103,467,173	\$103,217,173	Not-To-Exceed \$100,000,000 Aggregate Amount of all Task Authorizations
Sierra National Construction, Inc.	P	10	29.00	57.96	96.96	2	\$103,550,240	\$103,300,240	
Mountain G. Enterprises, Inc.	P	10	25.50	57.24	92.74	3	\$104,889,640	\$104,599,562	
Syblon Reid	P	10	21.00	57.71	88.71	4	\$103,995,357	\$103,745,357	
Outback Contractors, Inc.	P	0	21.25	60.00	81.25	5	\$99,788,907	\$99,788,907	

Non-Responsive Proposals Received	Proposal Amount
NA	

Supplier Diversity Program:

Arrow is a Supplier Education and Economic Development (SEED) verified vendor and was the highest ranked proposer. Arrow proposed to self-perform 99% of the work, and subcontract less than 1%. SNC is the second highest ranked proposer and is not a SEED verified vendor. However, SNC proposed to self-perform 80% of the work, and subcontract 20% to SEED verified vendors. MGE is the third highest ranked proposer and is not a SEED verified vendor. However, MGE proposed to self-perform 80% of the work, and subcontract 20% to SEED verified vendors.

Benefits: Award will provide SMUD with three qualified contractors to execute civil construction.

Cost/Budgeted: \$100,000,000; Budgeted for 2022 through 2025 by Grid Assets

Alternatives: Negotiate current contracts with incumbent vendors for an extended term, and risk less competitive pricing.

Affected Parties: Grid Assets, Supply Chain Services, and Contractor.

Coordination: Grid Assets and Supply Chain Services.

Presenter: Casey Fallon, Director, Procurement, Warehouse & Fleet

Additional Links:

SUBJECT	Award Civil Annual Construction Contracts	ITEM NO. (FOR LEGAL USE ONLY)
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

SSS No. LEG 2022-0157

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit – 11/15/22
Board Meeting Date November 17, 2022

TO	TO
1. Jennifer Davidson	6.
2. Lora Anguay	7.
3. Scott Martin	8.
4.	9. Legal
5.	10. CEO & General Manager

Consent Calendar	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No <i>If no, schedule a dry run presentation.</i>	Budgeted	<input checked="" type="checkbox"/>	Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>
FROM (IPR) Joe Schofield	DEPARTMENT Legal Department				MAIL STOP B406	EXT. 5446	DATE SENT 11/03/22	

NARRATIVE:

Requested Action: Make findings pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by this Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which became effective immediately upon signature, containing language that eased Brown Act requirements to allow local agencies to meet remotely. AB 361 allows meetings to continue to be conducted by teleconference, similar to the process used during the current COVID-19 pandemic, but only when there is a declared state of emergency when the local governing body makes findings that there are imminent health risks to meeting in person.

On February 25, 2022, Executive Order N-04-22 was issued making some changes to previous COVID-19 Executive Orders but leaving the California State of Emergency due to the threat of COVID-19 in effect. On October 17, 2022, Governor Newsom announced his intent to end the California State of Emergency on February 28, 2023.

On April 21, 2022, CAL/OSHA re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard, and covering the period up to November 2, 2022, indicated a local COVID-19 case rate of 6.5% and 5 deaths since the last update. Studies of COVID-19 in Sacramento County wastewater show a fairly steep rise in detections since early October. Although Sacramento County is still currently in the low severity tier for COVID-19 with surrounding counties also being in the low tiers, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another's respirated air for what could be a lengthy period of time.

By Resolution 21-10-01 adopted on October 12, 2021, Resolution No. 21-10-03 adopted on October 21, 2021, Resolution No. 21-11-05 adopted on November 18, 2021, Resolution No. 21-12-04 adopted on December 9, 2021, Resolution No. 22-03-01 adopted on March 8, 2022, Resolution No. 22-03-03 adopted on March 17, 2022, Resolution No. 22-04-01 adopted on April 13, 2022, Resolution No. 22-04-03 adopted on April 21, 2022, Resolution No. 22-05-06 adopted on May 19, 2022, Resolution No. 22-06-02 adopted on June 16, 2022, Resolution No. 22-07-02 adopted on July 21, 2022, Resolution No. 22-08-05 adopted on August 18, 2022, Resolution No. 22-09-06 adopted on September 15, 2022, Resolution No. 22-10-01 adopted on October 12, 2022, and Resolution No. 22-10-03 adopted on October 20, 2022 this Board has previously made findings to continue to hold regular Board meetings and other public meetings via solely virtual (online/teleconference) format.

Staff's recommendation is to continue to hold regular Board meetings and other public meetings via virtual (online/teleconference) meeting or as hybrid virtual (online/teleconference/limited in-person) and continue to monitor developments related to the COVID-19 pandemic. Pursuant to Government Code section 54953(e), this Board must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

- Board Policy:** Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.
(Number & Title)
- Benefits:** Making the determination to continue remote meetings will allow for efficient conduct of SMUD business.
- Cost/Budgeted:** Contained in Business Unit budget for internal labor.
- Alternatives:** Take no action and comply with all original Brown Act requirements.
- Affected Parties:** SMUD, Board of Directors, Public
- Coordination:** Executive Office, Board Office, Legal Department, Information Technology, Communications
- Presenter:** Laura Lewis, Chief Legal & Government Affairs Officer

Additional Links:

SUBJECT	Make Findings to Continue Online/Teleconference Meetings	ITEM NO. <i>(FOR LEGAL USE ONLY)</i>
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

NCGA1 COMMISSION AGENDA ITEM

Northern California Gas Authority Number 1 STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit – 11/15/22
Commission Meeting Date November 17, 2022

Please use a separate sheet if you have any comments.

TO				TO			
1.	Jennifer Davidson	6.					
2.	Lora Anguay	7.					
3.	Scott Martin	8.					
4.		9.	Legal				
5.		10.	CEO & General Manager				
Consent Calendar	X	Yes	No <i>(If no, schedule a dry run presentation.)</i>	Budgeted	X	Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>
FROM (IPR) Joe Schofield		DEPARTMENT Legal		MAIL STOP B406	EXT. 5446	DATE SENT 11/03/22	

NARRATIVE:

Requested Action: Make determination pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by the SMUD Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which became effective immediately upon signature, containing language that eased Brown Act requirements to allow local agencies to meet remotely. AB 361 allows meetings to continue to be conducted by teleconference, similar to the process used during the current COVID-19 pandemic, but only when there is a declared state of emergency when the local governing body makes findings that there are imminent health risks to meeting in person.

On February 25, 2022, Executive Order N-04-22 was issued making some changes to previous COVID-19 Executive Orders but leaving the California State of Emergency due to the threat of COVID-19 in effect. On October 17, 2022, Governor Newsom announced his intent to end the California State of Emergency on February 28, 2023.

On April 21, 2022, CAL/OSHA re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard, and covering the period up to November 2, 2022, indicated a local COVID-19 case rate of 6.5% and 5 deaths since the last update. Studies of COVID-19 in Sacramento County wastewater show a fairly steep rise in detections since early October. Although Sacramento County is still currently in the low severity tier for COVID-19 with surrounding counties also being in the low tiers, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another's respirated air for what could be a lengthy period of time. Commission meetings immediately follow adjournment of SMUD Board or Committee meetings and would encounter the same circumstances.

By Resolution 21-NCGA1-12-02 adopted on December 9, 2021, and Resolution No. 22-NCGA1-04-01 adopted on April 21, 2022, this Commission has previously made findings to continue to hold regular Commission meetings and other public meetings via solely virtual (online/teleconference) format.

Staff's recommendation is to continue to hold Commission meetings and other public meetings via virtual (online/teleconference) meeting or as hybrid virtual (online/teleconference/limited in-person) and continue to monitor developments related to the COVID-19 pandemic. Pursuant to Government Code section 54953(e),

this Commission must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

Board Policy: Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.
(Number & Title)

Benefits: Making the determination to continue remote meetings will allow for efficient conduct of Commission business.

Cost/Budgeted: Contained in Business Unit budget for internal labor.

Alternatives: Take no action and comply with all original Brown Act requirements.

Affected Parties: SMUD, Commissioners, Public

Coordination: Executive Office, Board Office, Legal Department, Information Technology, Communications

Presenter: Laura Lewis, Chief Legal & Government Affairs Officer

Additional Links:

SUBJECT

Make Findings to Continue Online/Teleconference Meetings (NCGA1)

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING

NCEA COMMISSION AGENDA ITEM

**Northern California Energy Authority
STAFFING SUMMARY SHEET**

Committee Meeting & Date Finance & Audit – 11/15/22
Commission Meeting Date November 17, 2022

Please use a separate sheet if you have any comments.

TO				TO						
1.	Jennifer Davidson	6.								
2.	Lora Anguay	7.								
3.	Scott Martin	8.								
4.		9.	Legal							
5.		10.	CEO & General Manager							
Consent Calendar	X	Yes	No If no, schedule a dry run presentation.			Budgeted	X	Yes	No (If no, explain in Cost/Budgeted section.)	
FROM (IPR)			DEPARTMENT			MAIL STOP	EXT.	DATE SENT		
Joe Schofield			Legal			B406	5446	11/03/22		

NARRATIVE:

Requested Action: Make determination pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by the SMUD Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which became effective immediately upon signature, containing language that eased Brown Act requirements to allow local agencies to meet remotely. AB 361 allows meetings to continue to be conducted by teleconference, similar to the process used during the current COVID-19 pandemic, but only when there is a declared state of emergency when the local governing body makes findings that there are imminent health risks to meeting in person.

On February 25, 2022, Executive Order N-04-22 was issued making some changes to previous COVID-19 Executive Orders but leaving the California State of Emergency due to the threat of COVID-19 in effect. On October 17, 2022, Governor Newsom announced his intent to end the California State of Emergency on February 28, 2023.

On April 21, 2022, CAL/OSHA re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard, and covering the period up to November 2, 2022, indicated a local COVID-19 case rate of 6.5% and 5 deaths since the last update. Studies of COVID-19 in Sacramento County wastewater show a fairly steep rise in detections since early October. Although Sacramento County is still currently in the low severity tier for COVID-19 with surrounding counties also being in the low tiers, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another's respirated air for what could be a lengthy period of time. Commission meetings immediately follow adjournment of SMUD Board or Committee meetings and would encounter the same circumstances.

By Resolution 21-NCEA-12-02 adopted on December 9, 2021, and Resolution No. 22-NCEA-04-01 adopted on April 21, 2022, this Commission has previously made findings to continue to hold regular Commission meetings and other public meetings via solely virtual (online/teleconference) format.

Staff's recommendation is to continue to hold Commission meetings and other public meetings via virtual (online/teleconference) meeting or as hybrid virtual (online/teleconference/limited in-person) and continue to monitor developments related to the COVID-19 pandemic. Pursuant to Government Code section 54953(e),

this Commission must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

Board Policy: Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.
(Number & Title)

Benefits: Making the determination to continue remote meetings will allow for efficient conduct of Commission business.

Cost/Budgeted: Contained in Business Unit budget for internal labor.

Alternatives: Take no action and comply with all original Brown Act requirements.

Affected Parties: SMUD, Commissioners, Public

Coordination: Executive Office, Board Office, Legal Department, Information Technology, Communications

Presenter: Laura Lewis, Chief Legal & Government Affairs Officer

Additional Links:

SUBJECT

Make Findings to Continue Online/Teleconference Meetings (NCEA)

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING

SSS No. LEG 2022-0158

SFA COMMISSION AGENDA ITEM

Sacramento Municipal Utility District Financing Authority STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit – 11/15/22
Commission Meeting Date November 17, 2022

Please use a separate sheet if you have any comments.

TO				TO			
1.	Jennifer Davidson	6.					
2.	Lora Anguay	7.					
3.	Scott Martin	8.					
4.		9.	Legal				
5.		10.	CEO & General Manager				
Consent Calendar	<input checked="" type="checkbox"/> Yes	Budgeted	<input checked="" type="checkbox"/> Yes				
<i>No If no, schedule a dry run presentation.</i>		<i>No (If no, explain in Cost/Budgeted section.)</i>					
FROM (IPR) Joe Schofield	DEPARTMENT Legal	MAIL STOP B406	EXT. 5446				
		DATE SENT 11/03/22					

NARRATIVE:

Requested Action: Make determination pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by the SMUD Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which became effective immediately upon signature, containing language that eased Brown Act requirements to allow local agencies to meet remotely. AB 361 allows meetings to continue to be conducted by teleconference, similar to the process used during the current COVID-19 pandemic, but only when there is a declared state of emergency when the local governing body makes findings that there are imminent health risks to meeting in person.

On February 25, 2022, Executive Order N-04-22 was issued making some changes to previous COVID-19 Executive Orders but leaving the California State of Emergency due to the threat of COVID-19 in effect. On October 17, 2022, Governor Newsom announced his intent to end the California State of Emergency on February 28, 2023.

On April 21, 2022, CAL/OSHA re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard, and covering the period up to November 2, 2022, indicated a local COVID-19 case rate of 6.5% and 5 deaths since the last update. Studies of COVID-19 in Sacramento County wastewater show a fairly steep rise in detections since early October. Although Sacramento County is still currently in the low severity tier for COVID-19 with surrounding counties also being in the low tiers, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another's respirated air for what could be a lengthy period of time. Commission meetings immediately follow adjournment of SMUD Board or Committee meetings and would encounter the same circumstances.

By Resolution 21-SFA-12-02 adopted on December 9, 2021, Resolution No. 22-SFA-04-01 adopted on April 21, 2022, and Resolution No. 22-SFA-10-01 adopted on October 20, 2022, this Commission has previously made findings to continue to hold regular Commission meetings and other public meetings via solely virtual (online/teleconference) format.

Staff's recommendation is to continue to hold Commission meetings and other public meetings via virtual (online/teleconference) meeting or as hybrid virtual (online/teleconference/limited in-person) and continue to monitor developments related to the COVID-19 pandemic. Pursuant to Government Code section 54953(e), this Commission must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

Board Policy: Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.
(Number & Title)

Benefits: Making the determination to continue remote meetings will allow for efficient conduct of Commission business.

Cost/Budgeted: Contained in Business Unit budget for internal labor.

Alternatives: Take no action and comply with all original Brown Act requirements.

Affected Parties: SMUD, Commissioners, Public

Coordination: Executive Office, Board Office, Legal Department, Information Technology, Communications

Presenter: Laura Lewis, Chief Legal & Government Affairs Officer

Additional Links:

SUBJECT

Make Findings to Continue Online/Teleconference Meetings (SFA)

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING

SSS No.

CFO 22-017

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit November 15, 2022
Board Meeting Date November 17, 2022

TO	TO
1. Jennifer Davidson	6.
2. Lora Anguay	7.
3. Scott Martin	8.
4.	9. Legal
5.	10. CEO & General Manager

Consent Calendar	Yes	No <i>If no, schedule a dry run presentation.</i>	Budgeted	Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>
FROM (IPR) Jennifer Restivo		DEPARTMENT Planning, Pricing & Enterprise Performance			MAIL STOP B356 EXT. 5193 DATE SENT 11/4/2022

NARRATIVE:

Requested Action: SMUD 2023 Proposed Budget presentation follow up questions.

Summary: Follow up questions from the Board of Directors regarding the SMUD 2023 Proposed Budget, that was presented on November 8th and 9th, 2022 at the Finance and Audit Committee budget meetings.

Board Policy: GP-3 – Board Job Description.
(Number & Title)

Benefits: Provide additional information to the Board of Directors regarding the SMUD 2023 Proposed Budget.

Cost/Budgeted: N/A

Alternatives: N/A

Affected Parties: Board of Directors

Coordination: N/A

Presenter: Jennifer Davidson

Additional Links:

SUBJECT 2023 Budget Presentation follow up questions	ITEM NO. <i>(FOR LEGAL USE ONLY)</i>
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

SSS No.
CFO 22-014

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit November 15, 2022
Board Meeting Date N/A

TO	TO
1. Casey Fallon	6.
2. Jennifer Davidson	7.
3. Lora Anguay	8.
4. Scott Martin	9. Legal
5.	10. CEO & General Manager

Consent Calendar	Yes	No <i>If no, schedule a dry run presentation.</i>	Budgeted	Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>
FROM (IPR) Tasha Crawford		DEPARTMENT Procurement Operations	MAIL STOP EA404	EXT. 6205	DATE SENT 10/27/2022

NARRATIVE:

Requested Action: Quarterly Procurement Report for Third Quarter 2022.

Summary: In August 2003, the Board of Directors approved the SMUD Procurement Policy which included a commitment for staff to report on the SMUD Procurement Activities on a quarterly basis.

Board Policy: This report is provided to demonstrate compliance with SMUD Policy BL-8 and the following Policy *(Number & Title)* Elements:

- Competition
- Direct Procurement
- Sole Source Procurement
- Inclusiveness
- Environmental Procurement
- Responsible Bidder
- Best Value Procurement
- Strategic Alliances
- Protest Policy

Benefits: Ensures compliance with Public Contracting and Best Value procurement principles.

Cost/Budgeted: N/A

Alternatives: Not to provide a Quarterly Procurement Report.

Affected Parties: .SMUD

Coordination: Procurement Operations

Presenter: Casey Fallon

Additional Links:

SUBJECT 2022 Third Quarter Procurement Report	ITEM NO. <i>(FOR LEGAL USE ONLY)</i>
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

SSS No. BOD 2021-024

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date 2022
Board Meeting Date N/A

TO	TO
1. Jennifer Davidson	6.
2. Lora Anguay	7.
3. Scott Martin	8.
4.	9. Legal
5.	10. CEO & General Manager

Consent Calendar		Yes	<input checked="" type="checkbox"/>	No <i>If no, schedule a dry run presentation.</i>	Budgeted		Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>
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FROM (IPR) Rosanna Herber / Donna Lofton	DEPARTMENT Board Office	MAIL STOP B307	EXT. 5079	DATE SENT 12/21/2021
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NARRATIVE:

Requested Action: A summary of directives provided to staff during the committee meeting.

Summary: The Board requested an on-going opportunity to do a wrap up period at the end of each committee meeting to summarize various Board member suggestions and requests that were made at the meeting in an effort to make clear the will of the Board. The Policy Committee Chair will summarize Board member requests that come out of the committee presentations for this meeting.

Board Policy: GP-4 Agenda Planning states the Board will focus on the results the Board wants the organization to achieve.
(Number & Title)

Benefits: Having an agendized opportunity to summarize the Board's requests and suggestions that arise during the committee meeting will help clarify what the will of the Board.

Cost/Budgeted: N/A

Alternatives: Not summarize the Board's requests at this meeting.

Affected Parties: Board of Directors and Executive Staff

Coordination: Donna Lofton, Special Assistant to the Board

Presenter: Rosanna Herber, Finance and Audit Committee Chair

Additional Links:

SUBJECT Summary Of Committee Direction	ITEM NO. (FOR LEGAL USE ONLY)
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.