

MINUTES OF THE
M-S-R PUBLIC POWER AGENCY
TECHNICAL COMMITTEE
SEPTEMBER 2, 2021

The M-S-R Public Power Agency (M-S-R PPA) Technical Committee held a regular meeting on September 2, 2021 via webinar with an optional in-person location at the Porter Simon Law Offices. A list of the attendees is provided as Attachment 1. Mr. Hopper chaired the meeting.

Roll Call/Call to Order

The following M-S-R Members were represented: Modesto Irrigation District – Toxie Burriss, City of Santa Clara – Paolo Apolinario, and City of Redding – Kamryn Hutson. The meeting was called to order at 9:02 a.m.

Approval of Minutes

Upon a motion by Mr. Burriss, seconded by Ms. Hutson, the minutes of the meeting held on July 15, 2021 were approved unanimously on the call of the roll.

General Manager Report

The General Manager briefly reviewed his July 2021 and August 2021 reports included in the package covering June 2021 and July 2021 activities respectively. The Committee noted and filed the reports.

Big Horn Operating Statistics Report

Mr. Hopper reviewed the updated Big Horn Wind Energy Project Statistics covering operations through July 2021. The Committee indicated this report provides useful information on an on-going basis, but could be simplified. The Committee noted and filed the report.

WREGIS REC Status Report

The Committee reviewed this report and noted that no exceptions in REC delivery timing have been identified for several years. The information contained in this report is also provided monthly to the Members by the M-S-R Coordinator pursuant to the procedure for “WREGIS REC Accounting and Distribution” adopted August 31, 2009 (See Tab 46 to the M-S-R PPA Policies and Procedures Manual). Therefore, the consensus of the Committee was that preparation and distribution of this report can be discontinued. The Committee noted and filed the report.

Annual Strategic Plan Review

Mr. Hopper presented the summary of the proposed report regarding the 2022 M-S-R PPA Strategic Plan and conducted a page-by-page review of the draft updates. The Committee reviewed, edited and amended various recommendations and action items. Mr. Wong noted recent events affecting the City of Santa Clara and indicated that the resulting heightened scrutiny over City policies and procedures will spill over to the joint

action agencies. Accordingly, he made several recommendations regarding enhanced transparency that were either incorporated in the draft plan or will be applied to future Agency actions where possible. It was moved by Representative Burriss and seconded by Alternate Representative Apolinario that the Technical Committee recommends the M-S-R PPA Commission adopt the proposed 2022 M-S-R PPA Strategic Plan as amended. Upon the call of the roll, the motion carried unanimously.

Outside Services Budget versus Actual Report

Mr. Hopper reviewed overall trends and indicated that the fiscal year 2021 Legal and Consulting activities will conclude the year at about 95% of budget. However, the Trust-funded Mine Reclamation work is projected to conclude the year at 108% of Westmoreland Coal Company's revised Annual Operating Plan. He noted the Agency's Mine Reclamation Trust retains a surplus balance over the current funding requirement and acceleration of the performance of reclamation work is not detrimental to the Agency. The Committee noted and filed the report.

Extension of M-S-R Coordinator Contract

Mr. Hopper introduced the report on the proposed 2022 extension of the M-S-R Coordinator Contract. Mr. Wong indicated that Santa Clara's preference would be to not extend the contract and to instead conduct a competitive process to solicit new proposals for services. However, he indicated that he recognized there is insufficient time remaining before the December 31, 2021 renewal notice deadline to conduct such a process and instead requested completion of a competitive process before the subsequent renewal date. It was moved by Representative Hutson and seconded by Alternate Representative Apolinario to recommend to the Commission that a one-year extension of the M-S-R Coordinator Services Agreement for the period March 1, 2022 through February 28, 2023 be approved. On the call of the roll, the motion carried unanimously.

Closed Session Conference with Legal Counsel

M-S-R PPA Technical Committee retired to closed session at 11:17 a.m. pursuant to Government Code §54956.9(d)(1) – Conference with Legal Counsel – 2 cases of Existing Litigation (NM-PRC 20-00222-UT and BP-22-BPA), pursuant to Government Code §54956.9(d)(2) – Significant Exposure to Litigation – 1 case, pursuant to Government Code §54957(a) – Threat to Public Services or Facilities, and Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8, Property: Lake and River Stations and connecting pipelines and rights-of-way, CR 6800 N, Waterflow, NM 87421. Negotiating Parties: Public Service Company of New Mexico and United States Bureau of Reclamation. Agency Negotiators: Martin Hopper, General Manager and Steve Gross, General Counsel. Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment).

Announcement from Closed Session

Upon returning to open session at 12:07 P.M., Mr. Gross announced that there were no reportable actions.

Member Reports

Mr. Hopper solicited reports from the Members and received none.

Public Comment

Mr. Hopper solicited comment from the public and received none.

Next Meeting

The next regular meeting dates will be at 10:00 a.m. on Tuesday, September 28, 2021 (BPA Day) and 10:00 AM Wednesday, October 27, 2021 (Annual Budget Workshop) and may be held virtually if required due to public health considerations. The meeting was adjourned at 12:09 P.M.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'M. R. Hopper', with a stylized flourish at the end.

Martin R. Hopper
General Manager

Attachment 1

ATTENDANCE LIST
M-S-R PUBLIC POWER AGENCY
TECHNICAL COMMITTEE
REGULAR MEETING

September 2, 2021
9:02 AM

<u>NAME</u>	<u>STATUS</u>	<u>ORGANIZATION</u>
Toxie Burriss	Member	Modesto
Basil Wong	Member	Santa Clara – Partial Meeting Only
Paolo Apolinario	Member/Alt	Santa Clara
Kamryn Hutson	Member	Redding
Martin Hopper	Chair	General Manager
Steve Gross	Guest	General Counsel



P.O. Box 4060 • Modesto, California 95352 • (209) 526-7436 • msrpower.org

October 27, 2021

Mr. Steven C. Gross, Esq.
General Counsel, M-S-R Public Power Agency
c/o Porter Simon Law Offices
40200 Truckee Airport Road
Truckee, CA 96161

Subject: Approved M-S-R PPA Technical Committee Meeting Minutes

Dear Steve:

Please find enclosed the signed minutes of the September 2 and September 28, 2021 M-S-R PPA Technical Committee Meetings as approved at the October 27, 2021 M-S-R PPA Technical Committee Meeting.

If you have any questions, please do not hesitate to call me at (408) 307-0512.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hopper', with a long, sweeping flourish extending to the right.

Martin R. Hopper
General Manager

cc: Amy Santos
Representative Toxie Burriss
Representative Basil Wong
Representative Kamryn Hutson

Enclosures:

/Users/martinhopper/My Laptop Documents/M-S-R Public Power Agency/Technical Committee/Minutes/2021/PPA TC Minutes Transmit.doc