

# Memo

RECEIVED

JUN 07 2022

CITY OF IRVINE  
CITY MANAGER'S OFFICE

To: Oliver C. Chi  
From: Larry Agran, Councilmember *LA*  
Date: Farrah N. Khan, Mayor *FK*  
Re: June 7, 2022  
**Request for a Special Meeting Regarding the Orange County Power Authority**

---

Yesterday, on May 31, Orange County Power Authority's (OCPA) General Counsel Ryan Baron received a whistleblower complaint from CEO Brian Probolsky via counsel.<sup>1</sup> The letter is the latest in a series of troubling developments at OCPA.

The Orange County Power Authority has faced calls for transparency for more than a year. These calls have gone unheeded. For example, the following public records requests I made on March 24 remain outstanding:<sup>2</sup>

1. The number of small, medium, and large commercial customers OCPA [started serving] on April 1, 2022
2. The other account types OCPA is serving (e.g. residential customers) and the number of those customers OCPA is serving
3. The source of business data OCPA used to assemble its customers
4. OCPA's contingency plans in case more than 5% of residential customers and/or 10% of commercial customers opt out of its plans or opt "down" to the Basic Choice plan
5. Power Purchasing Agreements between Orange County Power Authority and other entities and the nature of those contracts, including the percentage that are medium-term (defined as 5 years or longer) v. long-term (defined as 10 years or longer)
6. Any and all reserve funds OCPA has created to address contingencies and other risk factors

---

<sup>1</sup> Megan Leneck to Ryan Baron, May 31, 2022, in "OCPA CEO Brian Probolsky Files Whistleblower Complaint Against Board Members Mike Posey and Dan Kalmick."

<sup>2</sup> Larry Agran to Brian Probolsky and the Orange County Power Authority, March 24, 2022, in "Councilmember Agran Submits Public Records Request to Orange County Power Authority," <https://councilmemberlarryagran.org/news/councilmember-agran-submits-public-records-to-orange-county-power-authority>. For more information on the public record responses received from the Orange County Power Authority, visit <https://councilmemberlarryagran.org/meetings-memos>.

Request for Special Meeting  
June 7, 2022

Moreover, on April 20, the California Public Utilities Commission cited the Orange County Power Authority for failing to procure enough power to meet Resource Adequacy requirements and penalized OCPA \$1,962,845.<sup>3</sup>

It is clear that the Orange County Power Authority requires immediate public attention and urgent oversight. I write this memo to request that the Mayor and/or two of my colleagues join me to call for and schedule a special meeting of the City Council on or before June 14. The purpose of the special meeting is to discuss: 1) directing the City Manager to commence a City audit of the Orange County Power Authority,<sup>4</sup> and 2) assessing the City's exposure to liability.

For convenience, I have appended all cited materials.

cc: City Council  
City Clerk  
City Attorney

---

<sup>3</sup> California Public Utilities Commission. "Energy Citations Issued." Citations Issued 2009-2021, California Public Utilities Commission, accessed June 1, 2022. <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/consumer-protection-and-enforcement-division/documents/ueb/ueb-energy-citations---updated-5-2-22.pdf>

<sup>4</sup> Per Section 4.1 of the "Form of Capital Loan Agreement," Attachment D of the "Orange County Power Authority Joint Powers Agreement" the City signed on November 20, 2020, "*Prior to January 1, 2023, the City may audit the Authority's expenditures of Pre-Launch Costs to confirm that such expenditures have been made consistent with the purposes of this Agreement (emphasis added).*"



LENCEK, POURFALLAH  
& ASSOCIATES

---

May 31, 2022

Orange County Power Authority  
3349 Michelson Drive, Suite 200  
Irvine, CA 92612-8881  
c/o Ryan Baron, General Counsel

VIA: Overnight Mail and Email: [ryan.baron@bbklaw.com](mailto:ryan.baron@bbklaw.com)

Mr. Baron:

My firm has been retained to represent Brian Probolsky (“Client”) to advocate on behalf of whistleblower claims made against Huntington Beach City Councilmembers and Orange County Power Authority Board Members, Mike Posey and Dan Kalmick.

My client brings forward these allegations in an effort to protect the public’s interest. He has reasonable cause to believe that the actions disclosed in this letter are a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation. As a whistleblower, my client will aggressively pursue all legal rights and remedies under Labor Code Section 1102.5.

We request the below allegations be fully investigated and reviewed for any criminal or civil violations, and all findings and reports be provided to me at the contact information below.

**I. Mike Posey & Dan Kalmick Conspired to Defraud Government Agency:**

Based on multiple witness accounts spanning several weeks, Huntington Beach Councilmen Mike Posey and Dan Kalmick have allegedly conspired together to exert inappropriate influence over the Orange County Power Authority, to enrich themselves at the expense of the taxpayers.

At the meeting of the Huntington Beach City Council held on May 17, 2022, Councilmember Posey abruptly resigned his seat on the Orange County Power Authority, and subsequently, the City appointed Councilmember Kalmick in his place. Under the same council action, the council reinstated Posey as Huntington Beach’s alternate representative to the Orange County Power Authority. This conduct is in violation of the Brown Act as follows:

**II. Brown Act Violation: Failure to Properly Notice Council Action:**

Under the Brown Act, the public must receive proper notice of a government body's action. If an agenda item does not provide the public with an adequate description of an action the board intends to take or provides a description that is misleading, then the public has not received adequate notice of public items in which they may wish to participate.

In this case, on May 17, 2022, Council Agenda Item #9 was noticed as “22-428 *Re-appointment of Huntington Beach representative to the Orange County Power Authority (OCPA), and update of the 2022 Council Liaison List.*” Attached hereto as **Exhibit A** is a true and correct copy of the 05/17/2022 Council Agenda. By characterizing the agenda item as a **re-appointment**, rather than a new appointment, the City not only misled the public but also lacked the legal authority under the Brown Act to deviate from this action when roles were swapped by Posey and Kalmick, as no re-appointment of a former board member occurred. Ultimately, the public was deprived of ample time to anticipate Posey and Kalmick's plot to swap roles, which at a minimum, is a violation of the state's open meeting law. Attached hereto as **Exhibit B** is a true and correct copy of the City of Huntington Beach 2022 Council Liaison List, which clearly identifies Posey as the City of Huntington Beach's representative to the OCPA, with Kalmick as alternate (see page 5 of 6 of the attached exhibit, item #5), which confirms that this was not a re-appointment, but rather a new appointment, which changes the nature of the agenda item.

To date, the Orange County Power Authority has received no formal notice from the City of Huntington Beach authorizing a change in its delegated representative.

**III. Brown Act Violation: Serial Meeting and Another Failure to Properly Notice Council Action, and Criminal Liability for Violating Conflict of Interest Laws:**

**a. Brown Act Violation: Serial Meeting**

Information communicated to a quorum through series of contacts, individual phone calls (“daisy chain”), or a third person (“spoke and wheel”) to evade the public is a “meeting”. 63 Opps. Atty. Gen. 820 (1980); Stockton Newspapers v. Stockton Redevelop. Agency, 171 CA3rd 95 (1985); Common Cause v. Stirling, 147 CA3rd 518 (1893). Moreover, a serial meeting can occur even when the communication is for the purpose of developing a concurrence as to action to be taken on substantive matters that are or are likely to be on the board's agenda.

Here, Kalmick attempted to coordinate an official government action outside of a properly noticed meeting, when on or about May 2022, Kalmick called other Board Members asking for their support in next steps to remove existing agency management, including CEO Brian



Probolsky. This plot and scheme constituted a meeting, or at the very least a serial meeting, within the scope of the Brown Act. By calling Board Member Sonne, Board Member Jung, Board Member Khan, and others in an attempt to evade a public meeting via individual phones calls (“spoke and wheel”), an illegal violation of the state’s open meeting law occurred, and a serial meeting was conducted in violation of the Brown Act.

**b. Brown Act Violation: Another Failure to Properly Notice Council Action:**

Once again, under the Brown Act, the public must receive proper notice of a government body’s action.

Kalmick’s series of calls to board members in May 2022, constituted a serial meeting as described above for the purpose of developing a concurrence as to a substantive action to be taken within the board’s jurisdiction. Because the board failed to give adequate or any notice to the public of a government body’s deliberation or discussion on the matter, Kalmick’s actions once again violated the Brown Act and open meeting laws.

**c. Criminal Violation of Conflict-of-Interest Laws:**

Additionally, as further support, on or about May 25, 2022, Huntington Beach City Councilman Mike Posey attended an event with several other people, including but not limited to Orange County Supervisor Don Wagner (an OCPA Board Member not part of the conspiracy), a former vendor of the OCPA, and Paul Simonds, an employee of Curt Pringle & Associates. When asked why he had swapped seats with Kalmick on the OCPA Board, he replied that since he was termed out of office, he had an interest in working for OCPA as Chief Business Officer. Currently, the Orange County Power Authority has no position of "Chief Business Officer" nor any plans to create such a position.

Posey and Kalmick’s attempt to subvert the state’s open meeting laws is part of an attempt to not only to self-deal in violation of their fiduciary duties, but also to create an oral employment contract for a non-existent position as “Chief Business Officer.” As OCPA board members, both Kalmick and Posey owe a fiduciary duty of loyalty and care, and to act in good faith and fair dealing. As has been relayed to many people at various events over the past several weeks, several witness accounts establish that Posey and Kalmick conspired to create a common plan and scheme to insert Kalmick onto OCPA’s Board, fire the CEO, Brian Probolsky, and hire Posey to serve as "Chief Business Officer" – a position neither authorized nor created by the other Board members.

Additionally, due to the conduct described above, Posey and Kalmick have both violated Government Code Section 1090, as they are attempting to steer a job to Board Member Posey by trading out Board seats in exchange for a paid position with OCPA.

Government Code section 1090 prohibits an officer or employee from entering into or participating in making contracts in which they have a financial interest:

*(a) Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity. (Gov. Code, § 1090, subd. (a).)*

On or about May 26, 2022, in furtherance of the conspiracy, and against the policies and procedures of the OCPA and California law, Kalmick began calling OCPA Board Members, requesting their attendance at a June 7, 2022, Special Meeting to "clean house" at OCPA, where they plan on executing their illegal scheme.

In addition to seeking to enrich himself through the creation of a new "Chief Business Officer" position, Posey has exerted undue influence over the Orange County Power Authority and abused his position as a Board Member by making several unsuccessful requests that OCPA hire two of his political associates. My Client repeatedly refused these inappropriate requests and has reason to believe that Posey's actions pushing for his removal are retribution.

On or about May 29, 2022, Board Member Sonne finally outlined the conspiracy to CFO Tiffany Law. In a phone call to Law, Sonne outlined that "there will be a special meeting, there are votes to fire Brian, bring in management from Marin, and hire new Executives." Sonne also told Law "not to believe anyone who says anything differently." The reasons cited by Sonne to Law included "lack of experience and transparency." CFO Law reported this conversation to CEO Probolsky immediately because she believed that it was both inappropriate and untrue. CFO Law has more experience in CCE's than any of the Board Members and can and will speak to CEO Probolsky's professionalism and leadership. As for transparency with Sonne, the fact that she has been part of a conspiracy to remove Probolsky speaks for itself as to why she would feel that she wasn't getting all of the available information.

My client, OCPA CEO, Brian Probolsky, is entitled to whistleblower protections under state law. He is an experienced government executive with more than a decade in government management, and fourteen years working in public utilities. Under the leadership of Probolsky,



**LENCEK, POURFALLAH**  
**& ASSOCIATES**

---

OCPA has enjoyed financial and operational success like other California power agencies and has achieved the single highest proportion of 100% renewable customers in the State. The “cover” of Brian’s “lack of experience” is nothing more than a cover story for Posey, Kalmick, and Sonner to attempt to carry out their conspiracy to take control of the organization and to install their people.

Mr. Probolsky is acting in the capacity of whistle blower and is entitled to the protections afforded to whistleblowers under the law. His sole motivation has been and continues to be the success of the Agency. He is fulfilling his duties as head of a public agency, accountable to the taxpayers, to protect the public and prevent Directors Posey and Kalmick from executing their conspiracy to defraud the public.

We request the below allegations be fully investigated and reviewed for any criminal or civil violations, and all findings and reports be provided to me at the contact information below.

Sincerely,

**Megan Lencek, Esq.**  
Managing Attorney

cc: (1) Orange County District Attorney  
(2) California State Attorney General  
(3) FPPC Enforcement Division



LENCEK, POURFALLAH  
& ASSOCIATES

---

# EXHIBIT A





## AGENDA

### City Council/Public Financing Authority

Tuesday, May 17, 2022

### Special Meeting of the Housing Authority

REVISED 5/13/22 - Item \*26 Added

4:00 Study Session / No Closed Session

#### MAYOR AND CITY COUNCIL

*BARBARA DELGLEIZE, Mayor*  
*MIKE POSEY, Mayor Pro Tem*  
*RHONDA BOLTON, Councilmember*  
*KIM CARR, Councilmember*  
*DAN KALMICK, Councilmember*  
*NATALIE MOSER, Councilmember*  
*ERIK PETERSON, Councilmember*

#### Council Chambers

2000 Main Street  
Huntington Beach, CA 92648

--or--

Virtual via Zoom Webinar

#### STAFF

*SEAN JOYCE, Interim City Manager*  
*MICHAEL E. GATES, City Attorney*  
*ROBIN ESTANISLAU, City Clerk*  
*ALISA BACKSTROM, City Treasurer*

**IN-PERSON PUBLIC PARTICIPATION/ZOOM ACCESS:** Members wishing to attend the meeting in person are encouraged to wear a face covering.

Assembly Bill 361 (AB 361) authorizes public meetings to take place via teleconference (i.e., virtual using Zoom), or in person if in part, State and Local officials continue to recommend measures to promote social distancing. In addition to this hybrid format, alternate ways to view City Council meetings live or on-demand remain: livestreamed on HBTB Channel 3 (replayed on Wednesday's at 10:00 a.m. and Thursday's at 6:00 p.m.); live and archived meetings for on-demand viewing accessed from <https://huntingtonbeach.legistar.com/calendar>; or, from any Roku, Fire TV or Apple device by downloading the Cablecast Screenweave App and searching for the City of Huntington Beach channel.

**PUBLIC COMMENTS:** Individuals wishing to provide a comment on agendized or non-agendized items, including Study Session, Closed Session, and Public Hearing, may do so in person by completing a **Request to Speak** form delivered to the City Clerk, or from a virtual location by entering **Zoom Webinar ID 971 5413 0528** via computer device, or by phone at **(669) 900-6833**. The **Zoom Webinar** can be accessed here: <https://huntingtonbeach.zoom.us/j/97154130528>. Instructions for those utilizing computer devices to request to speak are provided in each section of the agenda where public comments are accepted.

Members of the public unable to personally participate in the meeting but interested in communicating with the City Council on agenda-related items are encouraged to submit a written (supplemental) communication via email at [SupplementalComm@Surfcity-hb.org](mailto:SupplementalComm@Surfcity-hb.org), or [City.Council@surfcity-hb.org](mailto:City.Council@surfcity-hb.org). Supplemental Communications are public record, and if received by 2:00 PM on the day of the meeting, will be distributed to the City Council prior to consideration of agenda-related items, posted to the City website, and announced, but not read, at the meeting. Communications received following the 2:00 PM deadline will be incorporated into the administrative record.

**MEETING ASSISTANCE NOTICE:** In accordance with the Americans with Disabilities Act, services are available to members of our community who require special assistance to participate in public meetings. If you require special assistance, 48-hour prior notification will enable the City to make reasonable arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting and/or large print agendas. Please contact the City Clerk's Office at (714) 536-5227 for more information.

**4:00 PM - COUNCIL CHAMBERS**

**CALL TO ORDER**

**ROLL CALL**

Peterson, Bolton, Posey, Delgleize, Carr, Moser, Kalmick

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

**PUBLIC COMMENTS PERTAINING TO STUDY SESSION ITEM (3 Minute Time Limit) - At approximately 4:00PM, individuals wishing to provide a comment on item(s) scheduled for Study Session may do so either in person by filling out a Request to Speak form delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to select the "Raise Hand" feature in the Webinar Controls section. Attendees entering the Webinar and requesting to speak by phone can enter \*9 to enable the "Raise Hand" feature, followed by the \*6 prompt that unmutes their handheld device microphone. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.**

**STUDY SESSION**

1. [22-399](#) **Proposed FY 2022/23 Budget Review**

**6:00 PM – COUNCIL CHAMBERS**

**RECONVENE CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING AND CALL TO ORDER  
THE SPECIAL MEETING OF THE HOUSING AUTHORITY**

**ROLL CALL**

Peterson, Bolton, Posey, Delgleize, Carr, Moser, Kalmick

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

2. [22-182](#) **Bir T.S. Grewall of Singh Community Orange County and member of  
the Greater Huntington Beach Interfaith Council**

**AWARDS AND PRESENTATIONS**

3. [22-307](#) Mayor Delgleize to invite Huntington Beach Central Park Conservancy, Inc. representatives to present a check to the City of Huntington Beach
4. [22-435](#) Mayor Delgleize to proclaim National Police Week May 15 through 21 and call on Police Chief Eric Parra to present a proclamation to the family of fallen Officer Nicholas Vella, who died in the line of duty in a helicopter accident on February 19, 2022
5. [22-426](#) Mayor Delgleize to proclaim May as Asian American and Pacific Islander Heritage Month
6. [22-409](#) Mayor Delgleize to proclaim May as Military Appreciation Month and call on Lieutenant Colonel, Special Forces, Brian G. Mulhern, Civilian Aide to the Secretary of the Army, Bridget Blehm, and other representatives from the military to accept the proclamation
7. [22-375](#) Mayor Delgleize to proclaim National Public Works Week May 15 through 21 and present proclamation to Public Works Director Sean Crumby
8. [22-407](#) Mayor Delgleize to call on Mr. Ernie Junious and Pastor Brian K. Gatlin, husband and son respectively, of the late Barbara Junious, to present a commendation in honor of her legacy and the lasting impact she had on the Huntington Beach community

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)**

**PUBLIC COMMENTS (3 Minute Time Limit) -** At approximately 6:00 PM, individuals wishing to provide a comment on agendized or non-agendized items may do so either in person by filling out a Request to Speak form delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to select the "Raise Hand" feature in the Webinar Controls section. Attendees entering the Webinar and requesting to speak by phone can enter \*9 to enable the "Raise Hand" feature, followed by the \*6 prompt that unmutes their handheld device microphone. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted but they may remain in Webinar attendance for the duration of the

meeting. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

While the City Council welcomes public involvement and free speech, it rejects comments from anyone that are discriminatory, defamatory or otherwise not protected speech. Those comments will not inform nor be considered by the City Council and may be cause for the Mayor to interrupt the public speaker. Such public comments will not be consented to or otherwise adopted by the City Council in its discussions and findings for any matter tonight.

**COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS, AB 1234 REPORTING, AND OPENNESS IN NEGOTIATIONS DISCLOSURES**

9. [22-428](#) **Re-appointment of Huntington Beach representative to the Orange County Power Authority (OCPA), and update of the 2022 Council Liaison List**

**Recommended Action:**

Re-appoint a Huntington Beach representative to the Orange County Power Authority (OCPA), and update the 2022 Council Liaison List that includes appointments to citizen boards, commissions, committees, and task forces for calendar year 2022.

**CITY MANAGER'S REPORT**

**CONSENT CALENDAR**

10. [22-402](#) **Approve and Adopt Minutes**

**Recommended Action:**

Approve and adopt the City Council/Public Financing Authority regular, and Housing Authority special meeting minutes dated May 3, 2022.

11. [22-392](#) **Approve one or more appointments to the Design Review Board as recommended by City Council Liaisons Erik Peterson and Dan Kalmick**

**Recommended Action:**

A) Approve the appointment of Matthew Fertal as an At-Large member of the DRB through May 17, 2026, the end of the term for the current vacancy; and/or,

B) Approve the appointment of Lilli Cutler as an At-Large member of the DRB through May 17, 2026, the end of the term for the current vacancy.

12. [22-004](#) **Reaffirm adoption of Resolution No. 2021-62 finding a proclaimed state of emergency continues to impact the ability to meet safely in**

**person, and allows meetings of the City Council and all City boards, commissions and committees to be conducted remotely as needed in compliance with new Brown Act provisions identified in Assembly Bill 361**

**Recommended Action:**

Reaffirm Resolution No. 2021-62, "A Resolution of the City Council of the City of Huntington Beach, California, finding that the proclaimed state of emergency continues to impact the ability to meet safely in person."

13. [22-397](#) **Adopt Resolution No. 2022-27 authorizing an application for funds for the Environmental Cleanup, Tier 1 Grant Program under the Orange County Transportation Authority (OCTA) Environmental Cleanup Program**

**Recommended Action:**

Adopt Resolution No. 2022-27, "A Resolution of the City Council of the City of Huntington Beach Authorizing an Application for Funds for the Environmental Cleanup, Tier 1 Grant Program Under Orange County Local Transportation Ordinance No. 3 for the Huntington Beach Trash Removal Project, Phase 2 - Atlanta Pump Station Retrofit."

14. [22-362](#) **Accept bid and authorize execution of a construction contract with Alfaro Communications Construction, Inc. in the amount of \$148,441.40 for the construction of Fiber Optic Communication to the Oak View community Center, CC-1636, and authorize change orders not to exceed 15 percent**

**Recommended Action:**

A) Accept the lowest responsive and responsible bid submitted by Alfaro Communications Construction, Inc., in the amount of \$148,441.40; and,

B) Authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and,

C) Authorize the Director of Public Works to execute change orders not to exceed a total of 15 percent of the contract costs, or \$22,266.

15. [22-423](#) **Approve and accept the public improvements, release the securities for, and accept a guarantee and warranty bond for the Windbourne/Franklin Project (Tract 18147)**

**Recommended Action:**

A) Accept the improvements constructed and dedicated for public use with Tract 18147, and instruct the City Clerk to record the Notice of Acceptance of Public Improvements (Attachment 2) with the Orange County Recorder; and,

B) Accept Guarantee and Warranty Bond No. PB03010405878-M (Attachment 3); the security furnished for guarantee and warranty of public improvements, and instruct the City Clerk to file a bond with the City Treasurer; and,

C) Instruct the City Clerk to notify the developer, TRI Point Homes, Inc., of this action, and the City Treasurer to notify the Surety, the Philadelphia Indemnity Insurance Company, of this action.

16. [22-268](#) **Approve and authorize execution of an Affordable Housing Loan Agreement between the Housing Authority, American Family Housing, and National Core for the Homekey HB Oasis Project located at 17251 Beach Boulevard and authorize the City Manager to enter into a future funding agreement between the City and the County of Orange for homelessness prevention supportive services; adopt City Council Resolution No. 2022-20 and Housing Authority Resolution No. 07**

**Recommended Action:**

A) Find the Homekey Project exempt from CEQA pursuant to Public Resources Code Section 21080.50 and Health and Safety Code Sections 50675.1.3 and Section 50675.1.4, and direct staff to file a Notice of Exemption; and,

B) Adopt City Council Resolution No. 2022-20 (Attachment 2), "A Resolution of the City Council of the City of Huntington Beach Approving Actions related to the Use of \$4.21 Million in Low and Moderate Income Housing Asset and HOME-ARP Funding for the Homekey Motel Conversion Project located at 17251 Beach Boulevard; Finding the Homekey Project Exempt from California Environmental Quality Act Finding per Section 21080.50 and directing Staff to File a Notice of Exemption; and Authorize the City Manager to Negotiate, Execute and Implement a Future Funding Agreement as necessary related to the \$1.81 Million in HOME-ARP Funds"; and,

C) Adopt Authority Resolution No. 7 (Attachment 4), "A Resolution of the Huntington Beach Housing Authority Approving an Affordable Housing Agreement with American Family Housing and National Community Renaissance of California for \$2.4 Million in Low and Moderate Income Housing Asset Funds for the Homekey Motel Conversion Project located at 17251 Beach Boulevard and Authorize the Executive Director to take Necessary Actions to Execute and Implement the Agreement"; and,

D) Appropriate \$2.4 million in the Low and Moderate Income Housing Fund (Fund 352) for the Homekey Conversion Project and appropriate \$1.81 million in HOME ARP Funds to go toward the fifth year supportive services costs as needed.

17. [22-217](#) **Approve and authorize execution of a Memorandum of Understanding (MOU) between the City of Huntington Beach and the**

**Huntington Beach Central Park Conservancy, Inc. (HBCPC)**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute the “Memorandum of Understanding Between the City of Huntington Beach and the Huntington Beach Central Park Conservancy, Inc.”

18. [22-367](#) **Approve and authorize execution of Amendment No. 2 to Professional Service Contract between the City of Huntington Beach and CSG Consultants, Inc. for professional building inspection services**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute “Amendment No. 2 to Agreement Between the City of Huntington Beach and CSG Consultants, Inc. for Counter Service and Field Inspections of Construction Projects.”

19. [22-393](#) **Approve and authorize execution of Amendment No. 2 to Agreement with Tripepi Smith and Associates extending the existing three-year agreement for an additional year for Cablecasting Services for City Council and Planning Commission Meetings**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute, “Amendment No. 2 to Agreement Between the City of Huntington Beach and Tripepi Smith and Associates for City Council and Planning Commission Meeting Cablecasting Services.”

20. [22-410](#) **Approve and authorize a month-to-month rental agreement with Phan Property Management to continue leasing the Oak View Police Substation on 17477 Beach Boulevard**

**Recommended Action:**

Approve and authorize the Mayor and City Clerk to execute the month-to-month “Vista Beach & Slater Centre” lease agreement with Phan Property Management for the continued lease of 17477 Beach Blvd.

21. [22-403](#) **Adopt Uncodified Police Equipment Use Policy Ordinance No. 4255 consistent with Assembly Bill No. 481 and making a Finding of Exemption under CEQA  
Approved for introduction May 3, 2022 - Vote: 7-0**

**Recommended Action:**

Adopt Uncodified Police Equipment Use Policy Ordinance 4255, “An Ordinance of the City Council of the City of Huntington Beach Adopting a Military Equipment Use Policy Consistent With Assembly Bill No. 481, and Making a Finding of Exemption Under

CEQA.”

## PUBLIC HEARING

Individuals wishing to provide a comment on an item scheduled for Public Hearing may do so either in person by filling out a Request to Speak form delivered to the City Clerk, via computer through Zoom Webinar ID 971 5413 0528, or Zoom Webinar by phone by calling (669) 900-6833. Once the Mayor opens Public Comments, in-person participants will be called to speak first. Zoom Webinar participants wishing to speak will be provided a 15-minute window to select the “Raise Hand” feature in the Webinar Controls section. Attendees entering the Webinar and requesting to speak by phone can enter \*9 to enable the “Raise Hand” feature, followed by the \*6 prompt that unmutes their handheld device microphone. Individuals will be prompted to speak when the Clerk announces their name or the last three digits of their phone number. After a virtual speaker concludes their comment, their microphone will be muted but they may remain in Webinar attendance for the duration of the meeting. All speakers are encouraged, but not required to identify themselves by name. Each speaker may have up to 3 minutes unless the volume of speakers warrants reducing the time allowance.

22. [22-361](#) **Approve for introduction Ordinance No. 4252 approving Zoning Text Amendment No. 22-001 amending development standards for minor accessory structures**

### Recommended Action:

A) Find that Zoning Text Amendment No. 22-001 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15601(b)(3) (General Rule) of the CEQA Guidelines, because there is no potential for the amendment to the Huntington Beach Zoning and Subdivision Ordinance to have a significant effect on the environment; and,

B) Approve Zoning Text Amendment No. 22-001 with findings (Attachment No. 1) by approving introduction of City Council Ordinance No. 4252, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 and Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Minor Accessory Structures (Zoning Text Amendment No. 22-001)” (Attachment No. 2).

23. [22-396](#) **Approve Tentative Tract Map No. 18157 and Conditional Use Permit No. 17-042 (Ellis Avenue Condos)**

### Recommended Action:

A) Find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15182 of the CEQA Guidelines and Government Code 65457; and,

B) Approve Tentative Tract Map No. 18157 and Conditional Use Permit No. 17-042 with findings and conditions of approval (Attachment No. 1).

## ADMINISTRATIVE ITEMS



24. [22-417](#) **Introduction of the Proposed Memorandum of Understanding (MOU) Between the Surf City Lifeguard Employees' Association (SCLEA) and the City of Huntington Beach for June 11, 2022, through June 30, 2025**

**Recommended Action:**

Approve the introduction of the proposed Memorandum of Understanding between the Surf City Lifeguard Employees' Association and the City of Huntington Beach for June 11, 2022, through June 30, 2025.

**COUNCILMEMBER ITEMS**

25. [22-434](#) **Submitted by Councilmembers Bolton and Moser - Direct staff to perform a comprehensive update of the Coyote Management Plan**

**Recommended Action:**

Direct staff to identify operational enhancements to the City's Coyote Management Plan, as described, and provide a status report of same within 30 days.

- \*26. [22-447](#) **Submitted by Councilmembers Kalmick and Posey - Formation of Charter Review Ballot Measure Ad Hoc Committee**

**Recommended Action:**

Form an ad hoc committee to review Charter Review Commission work product and make a recommendation to the full Council on what ballot items should be presented to the voters and how those items will be packaged together. This committee should also be tasked with coordinating the creation of arguments for the charter amendment ballot measures.

**COUNCILMEMBER COMMENTS (Not Agendized)**

**ADJOURNMENT**

The next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, June 7, 2022, at 4:00 PM in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

**INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT**

<http://www.huntingtonbeachca.gov>



LENCEK, POURFALLAH  
& ASSOCIATES

---

# EXHIBIT B

---

Lencek, Pourfallah & Associates

25422 Trabuco Rd. Ste. 105 #277, Lake Forest, CA 92630

Tel: 949 532 7400 Cell: 949 874 5432 Email: [mlencek@LPA-Legal.com](mailto:mlencek@LPA-Legal.com)



## CITY OF HUNTINGTON BEACH 2022 COUNCIL LIAISON LIST

### CITIZEN BOARDS, COMMISSIONS, AND COMMITTEES (Citizen Members Appointed by City Council to Four-Year Terms)

	<b>Citizen Group</b>	<b>Council Liaisons</b>	<b>Meeting Date/Place**</b>	<b>Staffing Department</b>
1.	Citizen Infrastructure Advisory Board / Public Works Commission*	<b>Individual Appointments</b>	3 <sup>rd</sup> Wed. Monthly, 5:00 PM Utilities Yard, 19021 Huntington St	Public Works
2.	Citizen Participation Advisory Board (CPAB)	<b>Individual Appointments</b>	1 <sup>st</sup> Thurs. Monthly, 6:00 PM, City Hall Lower-Level B-8	Community Development
3.	Community & Library Services Commission*	<b>Individual Appointments</b>	2 <sup>nd</sup> Wed. Monthly, 6:00 PM, Zoom / City Hall Council Chamber	Community & Library Services
4.	Design Review Board (DRB)	<b>Kalmick, Peterson</b>	2 <sup>nd</sup> Thurs. Monthly, 3:30 PM, City Hall Lower Level, B-8	Community Development
5.	Environmental & Sustainability Board*	<b>Kalmick, Moser</b> <i>(also served as Chair and Vice Chair of the Board)</i>	2 <sup>nd</sup> Wed. Every other month, 6:00 PM, City Hall Lower Level, B-8	City Manager's Office
6.	Finance Commission	<b>Individual Appointments</b>	4 <sup>th</sup> Wed. Monthly, 5:00 PM Location varies month to month (Zoom, B-7/B-8, Caucus Room)	Finance
7.	Fourth of July Executive Board	<b>Moser, Peterson</b>	1 <sup>st</sup> Wed. Monthly, 6:00 PM, Zoom / City Hall Lower-Level B-8	Community & Library Services
8.	Harbor Commission	<b>Peterson, Posey</b>	4 <sup>th</sup> Thurs. Monthly, 5:00 PM, City Hall Lower-Level B-8	Fire
9.	Historic Resources Board	<b>Bolton, Peterson</b>	3 <sup>rd</sup> Wed. Monthly, 5:00 PM, City Hall Lower-Level B-7	Community & Library Services
10.	Human Relations Committee	<b>Bolton, Moser</b>	2 <sup>nd</sup> Tues. Monthly, 6:45 PM, City Hall Lower-Level B-7	City Manager's Office
11.	Investment Advisory Board	<b>Individual Appointments</b>	3 <sup>rd</sup> Thur. Quarterly (January, April, July, October), 6:00 PM, Via Zoom	City Treasurer

2022 Council Liaison List

	<b>Citizen Group</b>	<b>Council Liaisons</b>	<b>Meeting Date/Place**</b>	<b>Staffing Department</b>
12.	Jet Noise Commission	<b>Bolton, Delgleize</b>	4 <sup>th</sup> Mon. Monthly, 5:30 PM, City Hall Lower Level B-7	City Manager's Office
13.	Mobile Home Advisory Board	<b>Carr, Kalmick</b>	4 <sup>th</sup> Mon, 5:00 PM Quarterly (January, April, July, October), Zoom / City Hall Lower-Level B-8	City Manager's Office
14.	Personnel Commission***	<b>Carr, Moser</b>	3 <sup>rd</sup> Wed. Monthly, 5:30 PM, City Hall Lower-Level B-8	Administrative Services
15.	Planning Commission	<b>Individual Appointments</b>	2 <sup>nd</sup> & 4 <sup>th</sup> Tues. Monthly, 6:00 PM City Hall Council Chambers	Community Development
16.	Youth Board	<b>Carr, Moser</b>	2 <sup>nd</sup> Mon, Monthly, 3:30 PM (No Meetings – June, July, Aug.) City Hall, 5 <sup>th</sup> Floor Conf. Room	Community & Library Services
17.	Sunset Beach Local Coastal Program Review Board****	N/A	2 <sup>n</sup> Tues., Monthly, 7:30 PM Nobles Family Community Center	Community Development
18.	Charter Review Committee (Ad-hoc)	<b>Individual Appointments</b>	TBD	City Manager's Office

\* Pending approval of ordinances on 12/21/2021.

\*\*Meeting Date/Place is subject to change.

\*\*\* 2-year term

\*\*\*\*The primary structure of the Sunset Beach Local Coastal Program Review Board remains the same after the annexation. This Board is comprised of seven members initially appointed by the OC Board of Supervisors and subsequent members elected by the Review Board itself. The City is in the process of preparing an ordinance to incorporate the LCPRB in the municipal code.

**CITY OF HUNTINGTON BEACH  
COUNCIL COMMITTEES (STANDING)**

**(Created by City Council Action, consisting of three Council members; subject to the Brown Act)**

	<b>Council Committee</b>	<b>Committee Members</b>	<b>Meeting Date/Place**</b>	<b>Department</b>
1.	Communications Committee	<b>Carr, Kalmick, Moser</b>	4 <sup>th</sup> Tues. Monthly, 3:30 PM, City Hall 4 <sup>th</sup> Floor, CR #1	City Manager's Office
2.	Economic Development Committee (EDC)	<b>Delgleize, Carr, Posey</b> <i>(Mayor, Mayor Pro Tem, Immediate Past Mayor – prescribed)</i>	2 <sup>nd</sup> Wed., Every Other Month, 3:30 PM, City Hall Lower Level B8	Community Development
3.	Intergovernmental Relations Committee (IRC)	<b>Delgleize, Posey, Kalmick</b>	3 <sup>rd</sup> Wed. Monthly, 4:00 PM, City Hall 4 <sup>th</sup> Floor, CR #2	City Manager's Office
4.	Oversight Board of the Huntington Beach Successor Agency	<b>Posey</b> <i>(Mayor's appointee, two County Board Supervisors Appointees &amp; OCSD rep).</i>	Twice per year and as needed. 4:30 PM, City Hall Lower Level, Room B-8	City Clerk's Office
5.	Smart Cities & Technology Committee	<b>Delgleize, Kalmick, Moser</b>	As needed, TBD	Public Works

**COUNCIL COMMITTEES (AD-HOC)**

**(Created by City Council Action; not subject to the Brown Act)**

	<b>Council Committee</b>	<b>Committee Members</b>	<b>Meeting Date/Place</b>	<b>Department</b>
1.	Downtown Urban Design Study (Ad-hoc)	<b>Carr, Kalmick, Moser</b>	As Needed	Community Development
2.	Housing / RHNA Committee (Ad-hoc)	<b>Bolton, Kalmick, Posey</b>	As Needed	Community Development
3.	Short Term Rental Committee (Ad-hoc)	<b>Bolton, Carr, Delgleize</b>	As Needed	Community Development

**OTHER CITY AND CITIZEN COMMITTEES**

(Created by City Council Action; not subject to the Brown Act, Community Meetings w/ Roundtable format)

	<b>Citizen Group</b>	<b>Council Liaisons</b>	<b>Meeting Date/Place**</b>	<b>Department</b>
1.	Specific Events Executive Committee	<b>Bolton, Delgleize</b>	As needed City Hall Lower Level, Room B-8	Community & Library Services
2.	Homeless Task Force	<b>Bolton, Delgleize, Moser</b>	3 <sup>rd</sup> Wednesday, 3:00 p.m., City Hall Lower Level B-7	Police Department
3.	Huntington Central Park Collaborative	<b>Delgleize, Moser</b>	Last Tuesday of the Month, 4:30-6:40 PM City Hall Lower Level Room B-8	Community & Library Services
4.	Oakview Task Force / Community Meetings	<b>Bolton, Carr, Moser</b>	Quarterly, 3 <sup>rd</sup> Thursday of March, June, September, December, 4:00PM, Oak View Elementary	Community & Library Services
5.	School District / City	<b>Delgleize, Moser</b>	2 <sup>nd</sup> Mon. Quarterly, 3:30 PM, City Hall Lower Level B-7	City Manager's Office
6.	Southeast Area Committee	<b>Bolton, Carr, Peterson</b>	4th Wed., 4:30 PM, Every two month (Jan. March, May, July, September, Nov.) City Hall Lower Level Room B8 and Zoom	City Manager's Office
7.	Sunset Beach Area Committee	<b>Bolton, Delgleize, Peterson</b>	As needed, City Hall Lower Level Room B-8	Community Development

**COMMUNITY GROUPS/ INDEPENDENT CITY-AFFILIATED BOARDS**

(Community groups both local and regional requiring participation by one or two Council Members; Citizen Members are not appointees)

	<b>Citizen Group</b>	<b>Council Liaisons</b>	<b>Meeting Date/Place**</b>	<b>Department</b>
1.	Huntington Beach Council on Aging	<b>Carr, Delgleize</b>	1 <sup>st</sup> Thurs, Monthly, 9:00 AM Senior Center (EMG, Room 1)	Community & Library Services
2.	Huntington Beach Downtown Business Improvement District (Downtown BID)*	<b>Carr, Moser</b>	2 <sup>nd</sup> Thursday, 9:00 AM, Huntington Beach Art Center	Community Development
3.	Neighborhood Watch	<b>Bolton, Posey</b>	2 <sup>nd</sup> Tues, 6:00 PM (No meeting in July, Aug, Dec), Police Dept, 1 <sup>st</sup> Fl. Conf. Room	Police Department
4.	Sister City Association	<b>Carr, Peterson</b>	2nd Wednesday, Central Library (Room TBA), 6:00 PM	Community & Library Services

\*subject to the Brown Act

**COMMUNITY & REGIONAL AGENCIES AND COMMITTEES**  
(Appointed by Mayor)

	<b>Name of Agency/Committee</b>	<b>Appointee</b>	<b>Meeting Date/ Place**</b>
1.	California Coastal Coalition (CalCoast) Board	<b>Bolton, Kalmick</b>	2-3 meetings/year, various places
2.	Huntington Beach Chamber of Commerce Government Affairs Committee	<b>Kalmick, Posey</b>	Quarterly, meeting time varies. Golden West College, 15744 Golden West St., Admin Bldg. 4-Room137
4.	O.C. Council of Governments (OCCOG)	<b>Posey, Bolton (Alternate)</b>	4 <sup>th</sup> Thurs, 10:30 AM, Monthly, Irvine City Hall, City Council Chambers, 1 Civic Center Plaza, Irvine
5.	<b>Orange County Power Authority (OCPA)</b> Term: Four (4) years	<b>Posey, Kalmick (Alternate)</b>	2 <sup>nd</sup> Tues, 10 AM, Monthly, Virtual Meeting via Zoom
6.	O.C. Sanitation District (OCSD) Board of Directors (Plus Committee assigned by Chair) \$212.50 per meeting	<b>Carr, Kalmick (Alternate)</b>	4 <sup>th</sup> Wed of every month, 6:00 PM, Virtual Meeting via Zoom / OCSD Administrative Office, 10844 Ellis Ave., Fountain Valley, CA
7.	O.C. Mosquito & Vector Control District Board of Trustees \$100 per meeting	<b>Posey</b>	3 <sup>rd</sup> Thurs of every month, 3:00 PM. Virtual Meeting / OCMVCD Headquarter, 13001 Garden Grove Blvd, 92843
8.	Santa Ana River Flood Protection Agency (SARFPA)	<b>Delgleize, Bolton (Alternate)</b>	Executive Committee Meetings: 4 <sup>th</sup> Thurs, 4:00 PM, January, March, May, July, September Via Zoom Full Agency Meetings: June, November
9.	Southern California Association of Governments (SCAG) Regional Council District 64 Delegate* Term: Two (2) years /\$120 per meeting	<b>Posey, Bolton (Alternate)</b> <b>(Whoever is on SCAG is also on OCCOG)</b>	1 <sup>st</sup> Thurs, 9:00 AM – 2:00 PM Virtual Meeting / SCAG Office, Downtown L.A.
10.	Visit Huntington Beach Advocacy Committee	<b>Delgleize, Moser (Alternate)</b>	Monthly, usually Tuesday at 3:30 PM but varies. Virtual Meeting via Zoom / VHB Office, 155 Fifth Street, Suite 111, Huntington Beach
11.	West O.C. Water Board (WOCWB) \$100 per quarterly meeting	<b>Kalmick, Moser</b>	3 <sup>rd</sup> Wednesday, 4:00 PM, (January, April, July and October), Utilities Operations Building, 19001 Huntington St.

**APPOINTMENTS BY STATE & REGIONAL AGENCIES  
(FOR INFORMATIONAL PURPOSES ONLY)**

	<b>Name of Agency/Committee</b>	<b>Appointments</b>
1.	Association of California Cities – Orange County (ACC-OC) Board of Directors	Delgleize
2.	California Commission on Aging	Carr (appointed by Speaker Anthony Rendon)
3.	City Selection Committee-- Held with League of Cities O.C. Division Meeting	Mayor or Council Member designee (prescribed)
4.	League of California Cities –Orange County Division Executive Board	Carr
5.	League of California Cities – Environmental Quality Board	Carr
6.	League of California Cities – Housing, Community and Economic Development Policy Committee (Meetings occur quarterly Jan, Apr, June, & Sept. Thurs.	
7.	League of California Cities – Public Safety Policy Committee (Meetings occur quarterly: Jan, Apr, June, & Sept. Thurs.	
8.	League of California Cities – Community Services Policy Committee (Meetings occur quarterly: Jan, Apr, June, & Sept. Thurs.	
9.	League of California Cities –Administrative Services Policy Committee	
10.	League of California Cities - Coastal Cities Group / Leadership Committee	
11.	Orange County Transportation Authority (OCTA) Board of Directors 2 <sup>nd</sup> & 4 <sup>th</sup> Monday, 9:00 AM, OCTA Headquarters, 550 S. Main St., Orange, CA Conf. Room 07-08 / Zoom	Delgleize (as elected by City Selection)
12.	OCTA Citizen Advisory Committee	Kalmick
13.	Orange County Waste Management Commission (OCWMC) Quarterly-2 <sup>nd</sup> Thursday in March, June, September & December, 2:00 PM Virtual Meeting via Zoom	
14.	SCAG - Energy and Environmental Policy Committee	Kalmick
15.	SCAG –Transportation & Communications Committee 1 <sup>st</sup> Thurs, 10 am, SCAG Offices, Downtown L.A.	
16.	SCAG –Community, Economic, & Human Development (CEHD) 1 <sup>st</sup> Thurs, 10 am, SCAG Offices, Downtown L.A.	Posey



Annual Appointment to the City of Huntington Beach Agencies/Authorities/Corporations  
December2021-December2022

There is no remuneration for serving or attending meetings

Huntington Beach Housing Authority

Chairperson: Barbara Delgleize

Vice Chairperson: Mike Posey

Commissioners: Rhonda Bolton, Kim Carr, Dan Kalmick,  
Natalie Moser, Erik Peterson

Executive Officer: Sean Joyce

Authority Treasurer: Alisa Backstrom

Authority Clerk: Robin Estanislau

Authority Attorney: Michael E. Gates

Public Financing Authority

Chair: Barbara Delgleize

Vice Chair: Mike Posey

Directors: Rhonda Bolton, Kim Carr, Dan Kalmick,  
Natalie Moser, Erik Peterson

Executive Director: Sean Joyce

Authority Treasurer: Alisa Backstrom

Authority Secretary: Robin Estanislau

Authority Attorney: Michael E. Gates

parking Authority

President: Barbara Delgleize

Vice President: Mike Posey

Directors: Rhonda Bolton, Kim Carr, Dan Kalmick,  
Natalie Moser, Erik Peterson

Chief Executive Director: Sean Joyce

Authority Treasurer: Alisa Backstrom

Authority Secretary: Robin Estanislau

Legal Advisor: Michael E. Gates

Successor Agency to the Former Redevelopment Agency of  
the City of Huntington Beach

Chairperson: Barbara Delgleize

Vice Chairperson: Mike Posey

Commissioners: Rhonda Bolton, Kim Carr, Dan Kalmick,  
Natalie Moser, Erik Peterson

Executive Director: Sean Joyce

Agency Treasurer: Alisa Backstrom

Agency Clerk: Robin Estanislau

General Legal Counsel: Michael E. Gates

## Energy Citations Issued

Energy Citation #	Date Issued	Company	Citation Amount	Remarks
<b>California Environmental Quality Act (CEQA) Citations</b>				
E-4550-0001	10/26/2016	Southern California Gas Company	\$ 275,000	\$275,000.00 citation paid on Jun 29, 2017
<b>Core Transport Agent (CTA) Citations</b>				
UEB-003-001	03/20/2019	SFE Energy California, Inc.	\$ 1,000	\$1,000.00 citation paid on Apr 09, 2019
UEB-003-002	03/20/2019	Spark Energy Gas, LLC	\$ 1,000	\$1,000.00 citation paid on Apr 22, 2019
UEB-003-003	05/21/2019	GreenWave Energy	\$ 1,000	\$1,000.00 citation withdrawn Jun 25, 2019
UEB-003-004	11/13/2019	Spark Energy	\$ 2,000	\$2,000.00 citation paid on Dec 17, 2019
UEB-003-005	11/14/2019	Just Energy Solutions	\$ 1,000	\$1,000.00 citation paid on Dec 12, 2019
UEB-003-006	12/02/2019	SFE Energy California, Inc.	\$ 1,000	\$1,000.00 citation paid on Dec 20, 2019
UEB-003-007 to UEB-003-026	02/13/2020	Smart One Energy	\$ 20,000	\$20,000.00 citation paid on Mar 16, 2020
UEB-003-027 to UEB-003-036	02/26/2020	Spark Energy	\$ 10,000	\$10,000.00 citation paid on Apr 20, 2020
UEB-003-037 to UEB-003-039	04/21/2020	Smart One Energy	\$ 3,000	\$3,000.00 citation paid on May 19, 2020
UEB-003-040 to UEB-003-041	08/06/2020	Ambit California, LLC	\$ 2,000	\$2,000.00 citation paid on Sep 04, 2020
UEB-003-042	08/20/2020	Smart One Energy	\$ 1,000	\$1,000.00 citation paid on Sep 18, 2020
UEB-003-043	09/17/2020	Smart One Energy	\$ 1,000	\$1,000.00 citation paid on Oct 16, 2020
UEB-003-044	11/04/2020	Spark Energy Gas, LLC	\$ 1,000	\$1,000.00 citation paid on Nov 25, 2020
UEB-003-045	11/13/2020	AAA Natural Gas	\$ 1,000	\$1,000.00 citation paid on Dec 01, 2020
UEB-003-046	04/02/2021	Bolt Energy Services, LLC	\$ 1,000	\$1,000.00 citation paid on May 24, 2021
UEB-003-047 to UEB-003-049	04/07/2021	Bolt Energy Services, LLC	\$ 3,000	\$3,000.00 citation paid on May 24, 2021
UEB-003-050	04/07/2021	Bolt Energy Services, LLC	\$ 1,000	\$1,000.00 citation paid on May 24, 2021
UEB-003-051	05/14/2021	Bolt Energy Services, LLC	\$ 1,000	\$1,000.00 citation paid on May 24, 2021
UEB-003-052	06/29/2021	AAA Natural Gas	\$ 1,000	\$1,000.00 citation paid on Jul 07, 2021
UEB-003-053	07/09/2021	AAA Natural Gas	\$ 1,000	\$1,000.00 citation paid on Jul 29, 2021
UEB-003-054	08/05/2021	Bolt Energy Services, LLC	\$ 1,000	\$1,000.00 citation paid on Aug 16, 2021
UEB-003-055	08/06/2021	Spark Energy Gas, LLC	\$ 1,000	\$1,000.00 citation paid on Aug 31, 2021
UEB-003-056	09/09/2021	Bolt Energy Services, LLC	\$ 1,000	\$1,000.00 citation paid on Oct 08, 2021
UEB-003-057	11/10/2021	Bolt Energy Services, LLC	\$ 1,000	\$1,000.00 citation paid on Nov 30, 2021
UEB-003-058	04/28/2022	Greenwave Energy, LLC	\$ 1,000	\$1,000.00 citation due May 31, 2022
<b>Renewable Portfolio Standards (RPS) Citations</b>				
E-4257-0001	11/18/2010	Pilot Power Group, Inc.	\$ 7,000	\$7,000.00 citation paid on Jan 18, 2011
<b>Resource Adequacy (RA) Citations</b>				
E-4195-0001	10/13/2009	Constellation New Energy	\$ 1,500	\$1,500.00 citation paid on Nov 12, 2009
E-4195-0002	01/15/2010	San Diego Gas & Electric	\$ 1,500	\$1,500.00 citation paid on Feb 12, 2010
E-4195-0003	02/16/2010	Pilot Power Group, Inc.	\$ 6,000	\$6,000.00 citation paid on Mar 01, 2010
E-4195-0004	03/08/2010	Commerce Energy	\$ 13,000	\$4,500.00 citation paid on Jul 07, 2010
E-4195-0005	03/08/2010	Commerce Energy	\$ 18,000	\$18,000.00 citation paid on Jul 07, 2010
E-4195-0006	03/08/2010	Commerce Energy	\$ 2,500	\$2,500.00 citation paid on Jul 07, 2010
E-4195-0007	03/30/2010	Pilot Power Group, Inc.	\$ 14,500	\$14,500.00 citation paid on Apr 28, 2010
E-4195-0008	04/06/2010	Direct Energy Business, LLC	\$ 1,500	\$1,500.00 citation paid on Apr 27, 2010
E-4195-0009	10/04/2010	Commerce Energy	\$ 2,000	\$2,000.00 citation paid on Dec 01, 2010

## Energy Citations Issued

Energy Citation #	Date Issued	Company	Citation Amount	Remarks
E-4195-0010		NOT USED		
E-4195-0011	02/17/2011	Liberty Power Holdings	\$ 4,000	\$4,000.00 citation paid on Mar 17, 2011
E-4195-0012	07/25/2011	Tiger Natural Gas	\$ 3,000	\$3,000.00 citation paid on Oct 25, 2011
E-4195-0012*	01/31/2012	Glacial Power	\$ 6,660	\$6,660.00 citation paid on Mar 15, 2012
E-4195-0013	04/17/2012	Shell Energy North America (SENA)	\$ 1,500	\$1,500.00 citation paid on Jun 14, 2012
E-4195-0014	12/18/2012	San Diego Gas & Electric	\$ 1,500	\$1,500.00 citation paid on Jan 31, 2013
E-4195-0015	12/18/2012	Direct Energy Business, LLC	\$ 5,000	\$5,000.00 citation paid on Jan 14, 2013
E-4195-0016	12/20/2012	San Diego Gas & Electric	\$ 5,000	\$5,000.00 citation paid on Feb 25, 2013
E-4195-0017		NOT USED		
E-4195-0018		NOT USED		
E-4195-0019	04/18/2013	Commerce Energy	\$ 4,000	\$4,000.00 citation paid on May 20, 2013
E-4195-0020	05/22/2013	Liberty Power Holdings	\$ 5,000	\$5,000.00 citation paid on Jul 01, 2013
E-4195-0021	07/16/2013	3 Phases Renewables, LLC	\$ 7,500	\$7,500.00 citation paid on Feb 10, 2014
E-4195-0021-A	09/10/2013	Liberty Power Holdings	\$ 5,000	\$5,000.00 citation paid on Nov 12, 2013
E-4195-0022	04/15/2014	3 Phases Renewables, LLC	\$ 5,000	\$5,000.00 citation paid on May 02, 2014
E-4195-0023	04/02/2015	Commerce Energy	\$ 5,000	\$5,000.00 citation paid on Jun 12, 2015
E-4195-0024	06/03/2015	EDF Industrial Power Services	\$ 1,000	\$1,000.00 citation paid on Jun 23, 2015
E-4195-0025	06/03/2015	Glacial Energy of California	\$ 5,000	\$5,000.00 citation paid on Jun 11, 2015
E-4195-0026	06/25/2015	3 Phases Renewables	\$ 10,000	\$10,000.00 citation paid on Jul 27, 2015
E-4195-0027	12/03/2015	3 Phases Renewables	\$ 10,000	\$10,000.00 citation paid on Jan 07, 2016
E-4195-0030	06/04/2015	Commerce Energy	\$ 10,000	\$10,000.00 citation paid on Jul 01, 2015
E-4195-0031	03/07/2016	Tiger Natural Energy	\$ 3,000	\$3,000.00 citation paid on Apr 14, 2016
E-4195-0032	03/30/2016	Glacial Energy Of California	\$ 5,000	\$5,000.00 citation paid on Jun 12, 2019
E-4195-0033	09/20/2016	Shell Energy North America (SENA)	\$ 5,500	\$5,500.00 citation paid on Oct 04, 2016
E-4195-0034	02/03/2017	Commercial Energy of CA	\$ 4,500	\$4,500.00 citation paid on Mar 01, 2017
E-4195-0035	09/01/2017	CleanPowerSF	\$ 10,000	\$10,000.00 citation paid on Sep 22, 2017
E-4195-0036	09/12/2017	Southern California Edison Company	\$ 10,000	\$10,000.00 citation paid on Oct 30, 2017
E-4195-0037	12/13/2017	Direct Energy Business, LLC	\$ 113,153	\$113,153.40 citation paid on Dec 27, 2017
E-4195-0038	12/19/2017	Tiger Natural Gas	\$ 2,000	\$2,000.00 citation paid on Dec 26, 2017
E-4195-0039	12/20/2017	Commercial Energy of Montana	\$ 10,456	\$10,456.20 citation paid on Jan 16, 2018
E-4195-0040	04/24/2018	Just Energy Solutions, Inc.	\$ 33,300	\$33,300.00 citation paid on May 22, 2018
E-4195-0041	04/24/2018	American PowerNet Management, LP	\$ 10,000	\$10,000.00 citation paid on Jun 19, 2018
E-4195-0042	04/24/2018	Pilot Power Group, Inc.	\$ 100,709	\$100,709.20 citation paid on Dec 20, 2018
E-4195-0043	04/27/2018	Direct Energy Business, LLC	\$ 5,000	\$5,000.00 citation paid on May 07, 2018
E-4195-0044	05/15/2018	Just Energy Solutions, Inc.	\$ 10,000	\$10,000.00 citation paid on Jun 05, 2018
E-4195-0045	06/25/2018	Just Energy Solutions, Inc.	\$ 5,328	\$5,328.00 citation paid on Jul 24, 2018
E-4195-0046	06/25/2018	Pioneer Community Energy	\$ 1,305,360	\$1,305,360.00 citation paid on Jul 24, 2018
E-4195-0047	08/14/2018	Just Energy Solutions, Inc.	\$ 4,862	\$4,861.80 citation paid on Sep 04, 2018
E-4195-0048	08/15/2018	Pioneer Community Energy	\$ 1,118,880	\$1,118,880.00 citation paid on Aug 21, 2018
E-4195-0048A	01/15/2019	Just Energy Solutions, Inc.	\$ 3,330	\$3,330.00 citation paid on Feb 07, 2019
E-4195-0049	02/13/2019	Pioneer Community Energy	\$ 137,462	\$137,462.40 citation paid on Mar 08, 2019
E-4195-0050	02/25/2019	Valley Clean Energy	\$ 3,330	\$3,330.00 citation paid on Mar 08, 2019
E-4195-0051	02/27/2019	East Bay Community Energy	\$ 1,552,589	\$1,552,589.20 citation paid on Mar 22, 2019

## Energy Citations Issued

Energy Citation #	Date Issued	Company	Citation Amount	Remarks
E-4195-0052	02/27/2019	San Jose Clean Energy	\$ 6,791,155	Appealed on Apr 17, 2019 in K.19-03-024 and ALJ-382 denied appeal on Sep 18, 2020. \$6,791,155.40 payment received on Oct 6, 2020
E-4195-0053	02/25/2019	Agera Energy	\$ 51,482	\$51,481.80 citation paid on Mar 21, 2019
E-4195-0054	02/15/2019	Just Energy Solutions, Inc.	\$ 362,304	\$362,304.00 citation paid on Mar 20, 2019
E-4195-0055	03/05/2019	Commercial Energy	\$ 299,520	\$299,520.20 citation paid on Apr 02, 2019
E-4195-0056	05/15/2019	Just Energy Solutions, Inc.	\$ 11,988	\$11,988.00 citation paid on Jun 28, 2019
E-4195-0057	05/16/2019	Valley Clean Energy	\$ 3,330	\$3,330.00 citation paid on Jun 28, 2019
E-4195-0058	05/15/2019	Just Energy Solutions, Inc.	\$ 5,000	\$5,000.00 citation paid on Jun 28, 2019
E-4195-0059	05/29/2019	Commercial Energy	\$ 26,573	\$26,573.40 citation paid on Jul 10, 2019
E-4195-0060	05/15/2019	Just Energy Solutions, Inc.	\$ 22,444	\$22,444.20 citation paid on Jun 28, 2019
E-4195-0061	07/31/2019	Commercial Energy	\$ 70,972	\$70,972.30 citation paid on Sep 06, 2019
E-4195-0062	07/24/2019	Just Energy Solutions	\$ 46,587	\$46,586.70 citation paid on Aug 13, 2019
E-4195-0063	07/26/2019	Commercial Energy	\$ 6,660	\$6,660.00 citation paid on Aug 29, 2019
E-4195-0064	07/24/2019	Just Energy Solutions	\$ 39,927	\$39,926.70 citation paid on Aug 13, 2019
E-4195-0065	07/24/2019	Agera Energy	\$ 2,500	\$2,500.00 citation paid on Aug 23, 2019
E-4195-0066	10/03/2019	Just Energy Solutions	\$ 33,000	\$33,000.00 citation paid on Oct 29, 2019
E-4195-0067	10/01/2019	Agera Energy	\$ 4,500	Agera Energy filed for bankruptcy on Oct 04, 2019
E-4195-0068	10/01/2019	Commercial Energy	\$ 3,300	\$3,300.00 citation paid on Oct 28, 2019
E-4195-0069	10/03/2019	Just Energy Solutions	\$ 19,980	\$19,980.00 citation paid on Oct 29, 2019
E-4195-0070	10/29/2019	Commercial Energy	\$ 17,449	\$17,449.20 citation paid on Nov 26, 2019
E-4195-0071	12/10/2019	Commercial Energy of Montana, Inc	\$ 31,369	\$31,368.60 citation paid on Dec 24, 2019
E-4195-0072	12/10/2019	Just Energy Solutions, Inc.	\$ 5,994	\$5,994.00 citation paid on Dec 24, 2019
E-4195-0073	03/06/2020	American PowerNet Management, LP	\$ 30,441	Appealed on Apr 6, 2020 in K.20-04-004 and ALJ-384 approved on Aug 6, 2020. Revised citation for \$30,441 paid on May 28, 2020
E-4195-0074	03/10/2020	San Jose Clean Energy	\$ 1,116,149	Appealed on 4/9/2020 in K.20-04-005. Revised citation for \$1,116,149 paid on August 5, 2021
E-4195-0075	03/10/2020	Commercial Energy	\$ 350,597	\$350,597.40 citation paid on Apr 01, 2020
E-4195-0076	03/10/2020	Peninsula Clean Energy	\$ 10,000	\$10,000.00 citation paid on Apr 07, 2020
E-4195-0077	03/10/2020	East Bay Community Energy	\$ 614,618	Appealed on Apr 9, 2020 in K.20-04-006. EBCE motioned to withdraw appeal on Sep 16, 2020. Payment for \$614,618 received on 10/2/2020.
E-4195-0078	03/11/2020	Commercial Energy	\$ 3,330	\$3,330.00 citation paid on Apr 01, 2020
E-4195-0079	03/10/2020	Just Energy Solutions	\$ 5,261	\$5,261.40 citation paid on Apr 22, 2020
E-4195-0080	04/14/2020	Tiger Natural Gas	\$ 1,500	\$1,500.00 citation paid on May 18, 2020
E-4195-0081	04/20/2020	Just Energy Solutions	\$ 35,864	\$35,864.10 citation paid on Jun 19, 2020
E-4195-0082	04/15/2020	Clean Power Alliance of Southern California	\$ 10,000	Appealed \$10,000.00 citation on May 14, 2020 in K.20-05-006. Resolution ALJ-394 dismissed this citation on 2/11/2021.
E-4195-0083	04/20/2020	Commercial Energy	\$ 7,495	\$7,495.00 citation paid on May 21, 2020
E-4195-0084	04/21/2020	Commercial Energy	\$ 7,495	\$7,495.00 citation paid on May 22, 2020
E-4195-0085	07/03/2020	Commercial Energy	\$ 3,330	\$3,330.00 citation paid on Jul 30, 2020
E-4195-0086	07/03/2020	Commercial Energy	\$ 3,996	\$3,996.00 citation paid on Aug 03, 2020
E-4195-0087	07/03/2020	Commercial Energy	\$ 4,990	\$4,990.00 citation paid on Aug 03, 2020
E-4195-0088	08/27/2020	Just Energy Solutions	\$ 132,388	\$132,387.50 citation paid on Oct 05, 2020
E-4195-0089	08/28/2020	Commercial Energy	\$ 6,660	\$6,660.00 citation paid on Sep 25, 2020

## Energy Citations Issued

Energy Citation #	Date Issued	Company	Citation Amount	Remarks
E-4195-0090	08/28/2020	Commercial Energy	\$ 6,660	\$6,660.00 citation paid on Sep 28, 2020
E-4195-0091	08/28/2020	Commercial Energy	\$ 19,998	\$19,998.00 citation paid on Sep 28, 2020
E-4195-0092	08/28/2020	Monterey Bay Community Energy	\$ 336,663	\$336,663.00 citation paid on Sep 18, 2020
E-4195-0093	02/02/2021	Commercial Energy	\$ 5,610	\$5,609.70 citation paid on Mar 01, 2021
E-4195-0094	02/02/2021	Commercial Energy	\$ 4,795	\$4,795.20 citation paid on Mar 01, 2021
E-4195-0095	02/05/2021	East Bay Community Energy	\$ 1,486,034	\$1,486,033.60 citation paid on Feb 23, 2021
E-4195-0096	02/04/2021	Monterey Bay Community Energy	\$ 1,101,031	\$1,101,031.20 citation paid on Feb 22, 2021
E-4195-0097	02/04/2021	Pilot Power Group	\$ 41,292	\$41,292.00 citation paid on Mar 03, 2021
E-4195-0098	02/03/2021	San Diego Community Power	\$ 388,288	Appealed \$388,288.00 citation on March 5, 2021, in K.21-03-005.
E-4195-0099	02/09/2021	Western Community Energy	\$ 1,529,866	Appealed \$1,529,866.40 citation on March 11, 2021, in K.21-03-006. Western Community Energy filed a request for stay on June 28, 2021, due to bankruptcy.
E-4195-0100	07/01/2021	Commercial Energy	\$ 1,121,781	Appealed \$1,121,780.50 citation on August 2, 2021, in K.21-08-001.
E-4195-0101	06/28/2021	East Bay Community Energy	\$ 5,000	\$5,000.00 citation paid on Jul 26, 2021
E-4195-0102	10/26/2021	East Bay Community Energy	\$ 652,530	\$652,529.60 citation paid on Nov 08, 2021
E-4195-0103	10/04/2021	Central Coast Community Energy	\$ 1,121,899	\$1,121,899.20 citation paid on Oct 15, 2021
E-4195-0104	10/05/2021	East Bay Community Energy	\$ 1,171,094	\$1,171,094.40 citation paid on Nov 01, 2021
E-4195-0105	10/14/2021	EDF Industrial Power Services	\$ 92,974	\$92,973.60 citation paid on Oct 29, 2021
E-4195-0106	10/05/2021	Central Coast Community Energy	\$ 1,612,963	\$1,612,963.20 citation paid on Oct 15, 2021
E-4195-0107	10/04/2021	San Diego Community Power	\$ 581,818	Appealed \$581,817.60 citation on November 3, 2021, in K.21-11-001.
E-4195-0108	10/13/2021	San Jose Clean Energy	\$ 758,263	\$758,263.20 citation paid on Nov 05, 2021
E-4195-0109	10/08/2021	Pilot Power Group	\$ 181,063	\$181,063.20 citation paid on Nov 01, 2021
E-4195-0110	10/08/2021	Pilot Power Group	\$ 325,274	\$325,274.40 citation paid on Nov 01, 2021
E-4195-0111	10/05/2021	Silicon Valley Clean Energy Authority	\$ 571,250	\$571,250.40 citation paid on Nov 09, 2021
E-4195-0112	11/03/2021	Pilot Power Group	\$ 105,528	\$105,527.50 citation paid on Nov 23, 2021
E-4195-0113	10/21/2021	Shell Energy North America (SENA)	\$ 567,133	Appealed \$567,132.50 citation on November 22, 2021, in K.21-11-018.
E-4195-0114	04/08/2022	Central Coast Community Energy	\$ 2,075,878	\$2,075,877.60 citation paid on Apr 19, 2022
E-4195-0115	04/08/2022	San Diego Community Power	\$ 62,979	\$62,979.20 citation due May 09, 2022
E-4195-0116	04/20/2022	Orange County Power Authority	\$ 1,962,845	\$1,962,845.20 citation due May 20, 2022
E-4195-0117	04/12/2022	CleanPowerSF	\$ 1,292,361	\$1,292,360.80 citation due May 12, 2022

\* E-4195-0012 Inadvertantly Used Twice

## ORANGE COUNTY POWER AUTHORITY JOINT POWERS AGREEMENT

This Joint Powers Agreement (“**Agreement**”), effective as of the date specified in Section 1.2, below, which is November 20, 2020 (“**Effective Date**”) is made and entered into pursuant to the Joint Exercise of Powers Act (California Government Code § 6500 *et seq.*) relating to the joint exercise of powers among the parties set forth in Exhibit A. All parties that execute this Agreement prior to December 31, 2020 shall be designated individually as “**Founding Party**” and collectively as “**Founding Parties**”. All cities, counties, or other public agencies added as parties to this agreement after December 31, 2020 shall be designated individually as “**Additional Party**” and collectively “**Additional Parties**”. The term “**Party**” refers individually to any Founding Party or Additional Party, and the term “**Parties**” refers collectively to the Founding Parties and the Additional Parties.

### RECITALS

A. In 2002, Assembly Bill 117 (Stat. 2002, Ch. 838, codified at Public Utilities Code Sections 218.3, 366, 394, 394.25, 331.1 366.2, and 381.1) was signed into law allowing customers to aggregate their electrical loads as members of their local community with public agencies designated as community choice aggregators, and allowing such public agencies to aggregate the electrical load of interested consumers within their jurisdictional boundaries and purchase electricity on behalf of those consumers.

B. In 2006, Assembly Bill 32 (Stat. 2006, Ch. 488, codified at Health and Safety Code Sections 38500 *et seq.*), known as the Global Warming Solutions Act, was signed into law, mandating a reduction in greenhouse gas emissions to 1990 levels by 2020.

C. In 2015, Senate Bill 350 (Stat. 2015, Ch. 547, codified at Health and Safety Code Section 44258.5; Labor Code Section 1720; Public Resources Code Sections 25302.2, 25310, 25327 and 25943; and Public Utilities Code Sections 237.5, 337, 352, 359, 365.2, 366.3, 399.4, 399.11, 399.12, 399.13, 399.15, 399.16, 399.18, 399.21, 399.30, 454.51, 454.52, 454.55, 454.56, 701.1, 740.8, 740.12, 9505, 9620, 9621, 9622, and Article 17 (commencing with Public Utilities Code Section 400)) was signed into law, mandating a reduction in greenhouse gas emissions to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.

D. In 2018, Senate Bill 10 (Stat. 2018, Ch. 312, codified at Public Utilities Code sections 399.11, 399.15, 399.30, and 454.53) was signed into law, directing that the Renewables Portfolio Standard to be increased to 60 percent renewables by 2030 and establishing a policy for eligible renewable energy resources and zero-carbon resources to supply 100 percent of electricity retail sales to California end-use customers by 2045.

E. The Parties each hold various powers under California law, including, but not limited to, the power to purchase, supply, and aggregate electricity for themselves and customers within their jurisdictions in accordance with Public Utilities Code Sections 333.1 and 366.2; they are therefore properly empowered to enter into this Agreement under the Joint Exercise of Powers Act (Government Code Section 6500 *et seq.*, the “**Act**”).

G. The Parties desire to enter into this Agreement to document the Authority's repayment obligations to the City for all such funds expended on behalf of, or in support of, the formation of the Authority and implementation of the CCA program.

### AGREEMENT

**NOW THEREFORE**, in consideration of their mutual promises and obligations, the Parties hereby agree as follows:

1. City Loan to the Authority.

1.1. Formation Costs. The Authority acknowledges that the City has expended certain City funds toward Formation Costs and agrees to reimburse the City for such costs in an amount not to exceed \$250,000 dollars, subject to the repayment provisions herein.

1.2. Pre-Launch Costs. The City agrees to loan the Authority Pre-Launch Costs in the amount of \$2,500,000 by January 1, 2021, which shall be used by the Authority for working capital costs associated with the Authority's launch, anticipated in 2022.

1.3. Launch Costs. The City agrees to post the necessary cash collateral, not to exceed \$5,000,000, in order for the Authority to secure a credit facility for its Launch Costs for additional working capital associated with power procurement and operational support ("**Credit Agreement**"). The City will also provide a loan for Launch Costs if needed by the Authority should a Credit Agreement be unavailable or insufficient to cover the Authority's working capital needs. The terms and conditions of any City loan to the Authority for Launch Costs (excluding the cash collateral requirement above) shall be negotiated and agreed upon in an amendment to this Agreement, subject to the reasonable approval of the Parties. The Authority shall provide the City with the Authority's *pro forma* demonstrating the amount needed for the aforementioned City loan.

1.4. City Loan Amount. Formation Costs, Pre-Launch Costs, and Launch Costs shall be collectively referred to herein as "**City Loan Amount.**"

2. Repayment; Interest.

2.1. Repayment Date. The Authority shall repay the City Loan Amount to City, plus interest, no later than the repayment date, which shall be January 1, 2027. The Parties acknowledge that they may modify the Repayment Date for the Launch Costs in an amendment to this Agreement depending on the terms and conditions of the Credit Agreement.

2.2. Interest Rate. In accordance with subsection 2.3, interest shall be paid on all outstanding portions of the City Loan Amount that bear interest. The interest rate on any outstanding amount shall be calculated according to the sum of the following calculation of each respective quarter: