



Berkeley Energy Commission

BERKELEY ENERGY COMMISSION
MINUTES
Regular Meeting
Wednesday, October 26, 2005

1. Call to Order and Roll Call

The meeting was called to order by Commissioner Gillen at 6:35 PM.

Present: Abrams, Gillen, Grimes, Hansen, Miller, Owyang, Paolini, Rezaee

Absent: Bergan

Staff: Neal De Snoo

Guests: Scott Merdershaw

2. Public Comments and Announcements

None.

3. Report on Solid Waste Management Commission, Public Works Commission, Transportation Commission and Citizens Environmental Advisory Commission (CEAC)

- Solid Waste (Miller): No report.
- Public Works (Abrams): Sewers and private laterals are the main topics. The Commission is also planning a retreat, which may be appropriate for the Energy Commission as well.
- CEAC (Gillen): Wood smoke and nanotechnology are the main topics.
- Transportation Commission (Rezaee): Commissioner Rezaee reported that the downtown plan is the major topic of discussion.
- Council: Staff reported that Council has passed a resolution supporting Proposition 80. The Commission discussed the issue at length. Commissioner Abrams will try to attend the Berkeley Democratic Club meeting to brief them on the issue.

The Commission recessed at 7:10 PM for a meeting of the CESC Board of Directors and reconvened at 7:40 PM

4. Report on Low-Income Programs

No report.

5. Report on CECO

No report.

6. Discussion of RECO Study

Staff reported on a meeting earlier in the day that resolved many of the outstanding issues. In summary, the ordinance will require all sellers to obtain a HERS rating, complete a disclosure on indoor air quality and pre-pay for an energy consultation to be provided to the buyers (single family units only). Buyers will have 12 months to either install prescriptive measures or other measures identified in the HERS report that achieve the level of savings associated with all cost effective measures. Buyers will also be required to fill out a survey of intent that will inform the energy consultation to be provided after they take possession of the property. Similar requirements will apply to remodels (except for HERS rating).

Staff expects to have a draft for consideration at the next meeting.

7. Green Neighbors – Energy Conservation Marketing Program

Commissioner Gillen reported that GN did a mailing and tabled at the Solano Stroll. He reported that the mailing got good results. Another mailing is planned for January. GN is also considering including additional organizations in the program.

8. Discussion of Educational Activities
No report.
9. Report on PUC Programs
Staff reported that staff at PG&E appears to be considering two different approaches to the partnerships. One group wants the partnerships to conform to top-down statewide program models. The other group wants the partnerships to have more autonomy and innovation. Staff will attend an advisory group meeting on November 7 to state the City's preferences.
10. Report on Community Choice Aggregation
Staff reported that Council has approved the amendment to authorize Navigant to revise the proforma. Staff has also completed negotiations for a scope of work for the development of a business plan. The Commission will consider the proforma and a recommendation regarding whether or not to proceed to develop the business plan at the next meeting.
11. Discussion of Climate Change Plan, Chicago Climate Exchange and Mayor's Sustainable Business Working Group
Commissioner Owyang reported that there will be a meeting of the Mayor, the UC Chancellor's Office, and Kyoto USA on November 15 to strategize on joint climate change activities. She also reported that there will be a Campus Climate Challenge on November 5, attended by 15 California colleges.
- Scott Medershaw reported LBNL is working on a sustainability plan.

ACTION ITEMS

12. Approval of Minutes of July 27
The minutes were corrected (Tim Hansen's and Deepak's names) and approved (MSC: R. Grimes, AR, 8-0).
13. Discussion and Possible Action on Precautionary Principle Ordinance (item to be delivered)
Commissioner Miller reported on the draft precautionary principle ordinance. The Commission noted that the definition in section 12.29.020.B was ambiguous but was concerned that changes to the language could further delay passage of the ordinance. Staff stressed that implementation of the ordinance will be constrained by the lack of available resources.
- The Energy Commission approved the precautionary principle with a caveat regarding the intent of the definition. In order to avoid a potential delay in the passage of the ordinance, they have not required that the intent be clarified in the language of the ordinance but would welcome that approach if it would be feasible.
- The definition includes several negative modifiers, which make the intent unclear. It's the Commission's understanding that lack of scientific certainty (which doesn't really exist for anything whatsoever) should not be a reason not to take action. However, the lack of scientific certainty does not compel the City to take action if there are other compelling reasons not to act (e.g., the actions would have more significant deleterious effects than the effects that they are intended to mitigate).
- The Commission passed the following motion:
The Berkeley Energy Commission recommends that Council adopt the Precautionary Principle Ordinance with the understanding that Section 12.29.020.b be interpreted to read as follows: "...lack of full scientific certainty about cause and effect shall not, by itself, be viewed as sufficient reason for the City to postpone measures to prevent the degradation of the environment or protect human health."
- Furthermore, the Commission commends the efforts of the Ad Hoc Precautionary Principle Working Group that has worked to hard to develop this important policy. (MSC: AR, BO, 7-0-1, GA abstained).
14. Items for Next Month's Agenda
Item 10 was moved to action. Item 13 was deleted. The December meeting will be on December 7. There will be no meeting in November.
15. Adjournment
The meeting adjourned at 9:10 PM (MSC: GA, R. Grimes, 8-0).