



375 Beale Street
Suite 700
San Francisco, California

Meeting Agenda - Final

ABAG POWER Executive Committee

Chair, Angela Walton, City of Richmond
Vice Chair, Doug Williams, City of Santa Rosa

Tuesday, November 16, 2021

11:00 AM

REMOTE

**ABAG Publicly Owned Energy Resources
Executive Committee
Special Meeting No. 2021-01**

Chair, Angela Walton, City of Richmond
Vice Chair, Doug Williams, City of Santa Rosa

Roster

Andre Duurvoort, City of Cupertino
Diana Oyler, County of Contra Costa
Chris Schroeder, City of Milpitas
Angela Walton, City of Richmond
Doug Williams, City of Santa Rosa

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with the recently signed Assembly Bill 361 allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to committee members.

The agenda will be available publicly at: <https://abag.ca.gov/meetings>

Attendee Link: <https://bayareametro.zoom.us/j/85799092965>
Join by Telephone: 888-788-0099 or 877-853-5247 (both toll free)
Webinar ID: 857 9909 2965

Members of the public may participate or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name and agenda item number in the subject line. Due to the current circumstances, there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Welcome and Introductions

Call to order.

Presenter: Angela Walton, ABAG POWER Executive Committee Vice Chair

Roll Call / Confirm Quorum.

Presenter: Cindy Chen, Energy Programs Coordinator, ABAG/MTC

2. Public Comment

The public is encouraged to provide comment at Committee meetings. This public comment period is intended for items not agendaized.

3. Consent Calendar

[21-1468](#) Approval of ABAG POWER Resolution No. 21-01 Providing for Remote Meetings Pursuant to AB 361.

Action: Approval

Presenter: Angela Walton

Attachments: [3.a. - Approval of ABAG POWER Resolution No. 21-01 Providing for Remote M](#)
[3.b. -ABAG POWER Resolution 21-01](#)

4. Other Business

Committee to provide update on items within various member agencies relevant to ABAG POWER or the ABAG/MTC energy programs.

5. Adjournment / Next Meeting

The next meeting is the ABAG POWER Executive Committee meeting scheduled to be held on December 16, 2021.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1468 **Version:** 1 **Name:**

Type: Action Item **Status:** Committee Approval

File created: 10/26/2021 **In control:** ABAG POWER Executive Committee

On agenda: 11/18/2021 **Final action:**

Title: Approval of ABAG POWER Resolution No. 21-01 Providing for Remote Meetings Pursuant to AB 361.

Sponsors:

Indexes:

Code sections:

Attachments: [3.a. - Approval of ABAG POWER Resolution No. 21-01 Providing for Remote Meetings Pursuant to AB 361](#)
[3.b. -ABAG POWER Resolution 21-01](#)

Date	Ver.	Action By	Action	Result
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Subject:

Approval of ABAG POWER Resolution No. 21-01 Providing for Remote Meetings Pursuant to AB 361.

Presenter:

Angela Walton

Recommended Action:

Approval

Attachments: List any attachments.

Association of Bay Area Governments Publicly Owned Energy Resources

ABAG POWER

Executive Committee

November 16, 2021

Agenda Item 3.a.

Resolution No. 21-01 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of Resolution No. 21-01 regarding remote meetings pursuant to AB 361.

Background:

The recently-enacted bill, AB 361, provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings retroactive to Oct. 1 of this year and prospectively for 30 days following the action of the Board of Directors for the Association of Bay Area Governments Publicly Owned Energy Resources (ABAG POWER).

Issues:

Findings in support of Resolution No. 21-01 are found in the attached. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The Executive Committee for ABAG POWER is requested to adopt Resolution No. 21-01 authorizing its committees and related entities to meet remotely pursuant to the provisions of AB 361.

Attachments:

- ABAG POWER Resolution 21-01

Reviewed:

DocuSigned by:
Brad Paul
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Brad Paul

**RESOLUTION NO. 21-01
ABAG PUBLICLY OWNED ENERGY RESOURCES
EXECUTIVE COMMITTEE**

**FINDINGS PURSUANT TO AB 361 TO CONTINUE VIRTUAL PUBLIC MEETINGS
FOR THE ASSOCIATION OF BAY AREA GOVERNMENTS PUBLICLY OWNED
ENERGY RESOURCES (ABAG POWER) AND ITS RELATED ENTITIES AND
COMMITTEES DURING THE COVID-19 STATE OF EMERGENCY**

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Association of Bay Area Governments Publicly Owned Energy Resources (ABAG POWER) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, although applicable social distancing requirements are currently no longer in effect, the San Francisco Public Health Department continues to recommend measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, in the last few months, the Delta variant has surged in the United States and become the predominant COVID-19 variant, the Delta variant is believed by medical experts to be twice

as contagious as previous variants, and data has shown the variant has increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about the Delta variant and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date until later in the year or next year; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Directors on behalf of ABAG POWER hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of ABAG POWER, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days after the first meeting held in accordance with AB 361.

This resolution was passed by the Executive Committee at its meeting on this 16th day of November 2021.

By: _____
Angela Walton, Chair

AYES:

NOES:

ABSENT:

ABSTAIN:

Certification of Executive Committee Approval

I, the undersigned, the appointed and qualified Secretary of the ABAG Publicly OWned Energy Resources (ABAG POWER), do hereby certify that the foregoing resolution was adopted by the Executive Committee of ABAG POWER at a duly called meeting held on the 16th day of November 2021.

Jennifer Berg, Secretary
ABAG POWER

Approved as To Legal Form

Kathleen Kane, Acting Legal Counsel
ABAG POWER