



ASSOCIATION PUBLICLY OWNED
OF BAY AREA ENERGY
GOVERNMENTS RESOURCES

Bay Area Metro Center
375 Beale Street, Suite 700
San Francisco, CA 94105
415.820.7900
www.abag.ca.gov

Angela Walton, Chair
City of Richmond

Doug Williams, Vice Chair
City of Santa Rosa

Andre Duurvoort
City of Cupertino

Diana Oyler
Contra Costa County

Chris Schroeder
City of Milpitas

CALL AND NOTICE OF SPECIAL EXECUTIVE COMMITTEE MEETING

Thursday, January 19, 2023, 11:00 a.m.

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
REMOTE

The ABAG POWER Executive Committee is scheduled to meet on Thursday, January 19, 2023, at 11:00 a.m. in the Bay Area Metro Center (Remotely). In light of Governor Newsom’s State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361 allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

**The meeting webcast will be available at
<https://abag.ca.gov/meetings>.**

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number.

Attendee Link: <https://bayareametro.zoom.us/j/87345685611>

iPhone One-tap: +13462487799,,87345685611# or +16694449171,,87345685611#

Join by Telephone: (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 253 215 8782 or +1 408 638 0968 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)

Webinar ID: 873 4568 5611

International numbers available: <https://bayareametro.zoom.us/j/87345685611>

Detailed instructions on participating via Zoom are available at:

<https://abag.ca.gov/zoom-information>. Committee members

and members of the public participating by Zoom wishing to speak should use the “raise hand”

feature or dial “*9”. In order to get the full Zoom experience, please make sure your application is up to date.


Members of the public may participate by phone or Zoom 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 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.

ABAG POWER Executive Committee Roster
Angela Walton, Chair
Doug Williams, Vice Chair
Andre Duurvoort, Diana Oyler, Chris Schroeder

As Chair of the ABAG POWER Executive Committee, I am calling a Special Executive Committee meeting for Thursday, January 19, 2023, at 11:00 a.m., in the Bay Area Metro Center (Remotely). The business to be transacted will include:

- 1) Welcome and Introductions
- 2) Public Comment
- 3) Consent Calendar:
 - a. Approval of ABAG POWER Resolution No. 23-01 Assembly Bill 361 (Rivas) Remote Meetings.
- 4) Other Business
- 5) Adjournment

Members of the public shall be provided an opportunity to directly address the Committee concerning any item described in this notice, before or during consideration of that item. An agenda will be posted and distributed for this meeting by Metropolitan Transportation Commission (MTC) staff in the normal course.

DocuSigned by:

133DCE7AA16840C...

Angela Walton
January 9, 2023



375 Beale Street
Suite 700
San Francisco, California

Meeting Agenda - Final

ABAG POWER Executive Committee

Thursday, January 19, 2023

11:00 AM

(REMOTE)

**ABAG Publicly Owned Energy Resources
Executive Committee
Meeting No. 2023-01**

Committee Representative 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 Assembly Bill 361's (Rivas) provisions 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/87345685611>
Join by Telephone: 888-788-0099 or 877-853-5247 (both toll free)
Webinar ID: 873 4568 5611

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.
Angela Walton, ABAG POWER Executive Committee Chair, City of Richmond

Roll Call / Confirm Quorum.
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

[23-0111](#) Approval of ABAG POWER Resolution No. 23-01 Assembly Bill 361 (Rivas) Remote Meetings.

Action: Approval

Presenter: Ryan Jacoby, Program Manager, ABAG/MTC

Attachments: [3.a.- ABAG POWER Resolution No. 23-01 AB 361 \(Rivas\) Remote Meetings](#)

4. Other Business

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

5. Adjournment / Next Meeting

The next meeting is the ABAG POWER Executive Committee Special Meeting scheduled to be held on February 16, 2023.

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.

Association of Bay Area Governments Publicly Owned Energy Resources

ABAG POWER

Executive Committee

January 19, 2023

Agenda Item 3.a.

Resolution No. 23-01 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of Resolution No. 23-01 regarding remote meetings pursuant to AB 361.

Background:

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 for 30 days following the action of the Executive Committee for the Association of Bay Area Governments Publicly Owned Energy Resources (ABAG POWER).

Issues:

Findings in support of Resolution No. 23-01 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. 23-01 authorizing its committees and related entities to meet remotely pursuant to the provisions of AB 361.

Attachments:

- ABAG POWER Resolution 23-01

Reviewed:

DocuSigned by:

8C3380BA165B4D1...

Brad Paul

**ABAG PUBLICLY OWNED ENERGY RESOURCES
EXECUTIVE COMMITTEE**

RESOLUTION NO. 23-01

ABSTRACT

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the Association of Bay Area Governments (ABAG) Publicly Owned Energy Resources (ABAG POWER), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the ABAG POWER Summary Sheet dated January 19th, 2023.

**ABAG PUBLICLY OWNED ENERGY RESOURCES
EXECUTIVE COMMITTEE**

RESOLUTION NO. 23-01

**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, the San Francisco Public Health Department continues to recommend and/or require 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, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants to have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; 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 Executive Committee 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 foregoing was adopted by the Executive Committee at its meeting on this 19th day of January, 2023.

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 19th day of January, 2023.

Jennifer Berg, Secretary
ABAG POWER