

**Board of Directors Special Meeting Agenda**

October 28, 2021, 2:00 p.m.  
City of Del Mar | Virtual Meeting

Pursuant to Government Code Section 54953(3) (Assembly Bill 361), and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding Clean Energy Alliance Joint Powers Authority meetings electronically or by teleconferencing. All public meetings will comply with public noticing requirements in the Brown Act and will be made accessible electronically to all members of the public seeking to observe and address the Clean Energy Alliance Joint Powers Authority Board of Directors.

Members of the public can watch the meeting live by clicking the Live Stream Link at:

<https://thecleanenergyalliance.org/agendas-minutes/>

or

<https://www.youtube.com/channel/UCGXJlLzITUJOCZwVGpYoC8Q>

This is a view-only live stream.

Members of the public can observe and participate in the meeting by joining the meeting by clicking <https://us06web.zoom.us/j/81376410530> or Dial: (253) 215-8782 Meeting ID: 813 7641 0530

Members of the public can provide public comment in writing or orally as follows:

*Written Comments:* If you are unable to connect by Zoom or phone and you wish to make a comment, you may submit written comments prior to and during the meeting via email to: [Secretary@thecleanenergyalliance.org](mailto:Secretary@thecleanenergyalliance.org). Written comments received up to one hour prior to commencement of the meeting will be announced at the meeting and become part of the meeting record. Public comments received in writing will not be read aloud at the meeting.

*Oral Comments:* You can participate in the meeting by providing oral comments either: (1) online by using the raise your hand function and speaking when called upon or (2) using your telephone by pressing \*9 to raise your hand and speaking when called upon.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act (“ADA”), please contact [secretary@thecleanenergyalliance.org](mailto:secretary@thecleanenergyalliance.org) prior to this meeting for assistance.



**CALL TO ORDER**

**ROLL CALL**

**FLAG SALUTE**

**BOARD COMMENTS & ANNOUNCEMENTS**

**PRESENTATIONS**

**PUBLIC COMMENT (Items on the agenda)**

**New Business**

**Item 1:           Adopt Resolution No. 2021-013 Authorizing Public Meetings to be Held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same**

**RECOMMENDATION**

Adopt Resolution No. 2021- 013 Authorizing Public Meetings to be Held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same

**ADJOURN**

**NEXT MEETING:** December 30, 2021, 2:00 p.m., hosted by City of Solana Beach (Virtual Meeting)

## Staff Report

**DATE:** October 28, 2021

**TO:** Clean Energy Alliance Board of Directors

**FROM:** Barbara Boswell, Chief Executive Officer

**ITEM 1:** Resolution No. 2021-013 to make determinations that will allow the Board of Directors and the legislative bodies of the Clean Energy Alliance to hold meetings via videoconference pursuant to AB 361.

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### **RECOMMENDATION**

Approve Resolution No. 2021-013 to make determinations that will allow the Board of Directors and the legislative bodies of the Clean Energy Alliance to hold meetings via videoconference pursuant to AB 361.

### **BACKGROUND AND DISCUSSION**

On September 16, 2021, Governor Newsom signed AB 361 amending the Brown Act to allow local agencies to meet remotely during declared emergencies under certain conditions. AB 361 builds upon Executive Order N-29-20, issued by the Governor on March 17, 2020, which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act's standard teleconferencing provisions, including the requirement that meetings be conducted in physical locations, under specified conditions. Namely, the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 361 also adds new procedures and clarifies the requirements for conducting remote meetings as follows:

- ***Public Comment Opportunities in Real Time:*** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. Although the agency may still ask for public comments to be submitted in advance, the agency cannot require public comments to be submitted in advance of the meeting. Agencies may not close a public comment period until members of the public are given the opportunity to register and the time

for that comment period has elapsed, whether it is for a specific agenda item or a general comment period. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to register or “otherwise be recognized for the purpose of providing public comment.”

- *No Action During Disruptions:* In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- *Periodic Findings:* To continue meeting remotely pursuant to AB 361, an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body’s members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing. These findings should be made not later than 30 days after teleconferencing for the first time pursuant to AB 361, and every 30 days thereafter.

The Board of Directors and CEA’s other legislative bodies have met using teleconferencing throughout the COVID-19 pandemic to protect the health and safety of the public and staff. The factual circumstances exist for CEA to continue to hold meetings pursuant to AB 361. Specifically, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”). In addition, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time. Based on this advice and as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.

Therefore, due to the ongoing COVID 19 pandemic, the need to promote social distancing to reduce the likelihood of exposure to COVID-19, and the imminent risks to the health or safety of meeting attendees, staff recommends that CEA hold public meetings via teleconferencing pursuant to Government Code Section 54953(e) and make the requisite findings to continue to do so.

**Recommendation:** Adopt Resolution No. 2012-013 making determinations that will allow the Board of Directors and the legislative bodies of CEA to hold meetings via videoconference pursuant to AB 361.

#### **FISCAL IMPACT**

There is no fiscal impact by this action.

#### **ATTACHMENTS**

Proposed Resolution No. 2012-013.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CLEAN ENERGY ALLIANCE AUTHORIZING PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS AND DETERMINATIONS REGARDING THE SAME**

**WHEREAS**, the Board of Directors (the “Board”) of the Clean Energy Alliance (the “CEA”) is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19; and

**WHEREAS**, all meetings of the CEA are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

**WHEREAS**, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. 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.
2. 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.
3. 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.

**WHEREAS**, on March 4, 2020, Governor Newsom declared a [State of Emergency](#) in response to the COVID-19 pandemic (the “Emergency”).

**WHEREAS**, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time.

**WHEREAS**, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the CEA intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CLEAN ENERGY ALLIANCE DOES RESOLVE AS FOLLOWS:**

1. The Recitals provided above are true and correct and are hereby incorporated by reference.
2. The Board hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.
3. The legislative bodies of the CEA shall conduct their meetings pursuant to Government Code section 54953(e).
4. Staff is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the Clean Energy Alliance this 28th day of October 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

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**Kristi Becker, Chair**

**ATTEST:**

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**Sheila Cobian, Interim Board Secretary**