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Notice – Call of Special Commission Meeting

January 13, 2022

To: NCPA Commission

From: David Hagele, Chair

Subject: January 20, 2022, Special Commission Meeting Notice & Agenda

PLEASE TAKE NOTICE that, pursuant to Government Code Section 54956, a Special Meeting of the **Northern California Power Agency Commission** is hereby called for **Thursday, January 20, 2022, at 9:00 am** to discuss those matters listed in the attached Agenda.

NCPA Commission Chair David Hagele moved the January 20, 2022, Commission Meeting to a virtual format due to the January 6, 2022, Order of the Health Officer of the County of Sacramento directly all public meetings in the county to occur virtually until further notice and encouraged workplaces to conduct meetings remotely as business needs permit.

As a results, the above noticed Special Meeting of the Commission will be held in a virtual format.

DAVID HAGELE
Chair

/cap



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Special Commission Agenda

Date: January 20, 2022
Subject: NCPA Commission Meeting
Location: Meeting being held via teleconference
Time: 9:00 am

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As a results, the above noticed Special Meeting of the Commission will be held in a virtual format.

You may participate in the meeting via teleconference by:

Zoom Link: <https://us06web.zoom.us/j/88607817507>
Meeting ID: 886 0781 7507
Dial: 1 669-900-6833

The Commission may take action on any of the items listed on this Agenda regardless of whether the matter appears on the Consent Calendar or is described as an Action Item, a Report or an Informational Item. This agenda is supplemented by Staff Reports which are available to the public upon request. Pursuant to California Government Code Section 54957.5, the following is the location at which the public can view Agendas and other public writings: NCPA Offices, 651 Commerce Drive, Roseville, California, or www.ncpa.com.

Time estimates are provided as part of the Commission's effort to manage its time at Commission meetings. Listed times are estimated only and are subject to change at any time, including while the meeting is in progress. The Commission reserves the right to use more or less time on any item, to change the order of items, and/or to continue items to another meeting.

Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public. To ensure participation in a particular item, we suggest arriving at the beginning of the meeting and remaining until the item is called.

Persons requiring accommodations in accordance with the Americans with Disabilities Act in order to attend or participate in this meeting are requested to contact the NCPA Secretary at 916 781-3636 in advance of the meeting to arrange for such accommodations.

1. Call Meeting to Order, Introductions and Roll Call (9:00 am – 9:05 am)

PUBLIC FORUM

Any member of the public who desires to address the Commission on any item considered by the Commission at this meeting before or during the Commission's consideration of that item shall so advise the Chair and shall thereupon be given an opportunity to do so. Any member of the public who desires to address the Commission on any item within the jurisdiction of the Commission and not listed on the Agenda may do so at this time.

DISCUSSION / ACTION ITEMS (9:05 am – 9:15 am)

- 2. *Resolution 22-03, Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency Issued by Governor Gavin Newsom, and Authorizing Remote Teleconference Meetings of the Northern California Power Agency, for the Initial Period of January 20, 2022, through March 31, 2022, Pursuant to the Brown Act Provisions*** – the Commission will discuss whether Governor Gavin Newsom's Proclamation of a State of Emergency due to COVID-19 remains in force, whether as a result of the emergency and the conditions where NCPA and its Members are located (local conditions) are such that meeting in person would present imminent risks to the health or safety of attendees and thus, in accordance with Government Code Section 54953(e) and other applicable provisions of the Ralph M. Brown Act, for an initial thirty-day period of January 20, 2022, through March 31, 2022, the Commission, and other standing Committee's formed by the Commission, should meet remotely.

ADJOURNMENT



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Commission Staff Report

COMMISSION MEETING DATE: January 20, 2022

SUBJECT: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency Issued by Governor Gavin Newsom, and Authorizing Remote Teleconference Meetings of the Northern California Power Agency, for the Initial Period of January 20, 2022, through March 31, 2022, Pursuant to the Brown Act Provisions

AGENDA CATEGORY: Discussion/Action

FROM:	Randy S. Howard	METHOD OF SELECTION:
	General Manager	N/A
Division:	Executive Services	<i>If other, please describe:</i>
Department:	General Manager	

IMPACTED MEMBERS:

All Members	<input checked="" type="checkbox"/>	City of Lodi	<input type="checkbox"/>	City of Shasta Lake	<input type="checkbox"/>
Alameda Municipal Power	<input type="checkbox"/>	City of Lompoc	<input type="checkbox"/>	City of Ukiah	<input type="checkbox"/>
San Francisco Bay Area Rapid Transit	<input type="checkbox"/>	City of Palo Alto	<input type="checkbox"/>	Plumas-Sierra REC	<input type="checkbox"/>
City of Biggs	<input type="checkbox"/>	City of Redding	<input type="checkbox"/>	Port of Oakland	<input type="checkbox"/>
City of Gridley	<input type="checkbox"/>	City of Roseville	<input type="checkbox"/>	Truckee Donner PUD	<input type="checkbox"/>
City of Healdsburg	<input type="checkbox"/>	City of Santa Clara	<input type="checkbox"/>	Other	<input type="checkbox"/>

If other, please specify

RECOMMENDATION:

Adopt Resolution 22-03 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency Issued by Governor Gavin Newsom, and Authorizing Remote Teleconference Meetings of the Northern California Power Agency, for the Initial Period of January 20, 2022, through March 31, 2022, Pursuant to the Brown Act Provisions.

BACKGROUND:

In December 2019, reports began spreading of a flu-like virus (now known as COVID-19) that was more deadly than the flu generally. On March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of the COVID-19 virus.

When the COVID-19 pandemic started, local governing bodies struggled to conduct their meetings in compliance with the Ralph M. Brown Act's public accessibility requirements while still abiding by stay-at-home orders. As a result, Governor Newsom signed Orders N-25-20, N-29-20, and N-35-20 to grant local agencies the flexibility to meet remotely during the COVID-19 pandemic. These orders expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed into law AB 361 – Brown Act: Remote Meetings During Emergencies. AB 361, codified at Government Code Section 54953(e)(1)(B), to allow local legislative bodies to continue meeting by teleconference during a gubernatorial proclaimed state of emergency if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Since late 2021, the statewide average infection rate has increased dramatically, causing an increase in numbers of COVID-19 related hospitalized patients throughout the state. This surge is being driven by the recent emergence of the Omicron variant, as well as the already known Delta variant, which early data suggest that the Omicron variant is more transmissible than the Delta variant.

Due to the increase in numbers of COVID-19 and the surge of the Omicron variant, on January 6, 2022, Governor Newsom signed Order N-1-22, extending the sunset date for granting state agencies the flexibility to meet remotely during the COVID-19 pandemic to March 31, 2022.

The flexibility provided to local agencies to ensure the safety of all attendees and meet remotely without listing teleconference locations in California Government Code Section 54953 remain available until January 1, 2024, when the governing body finds the conditions identified above so require.

A proclamation is made when there is an actual incident, threat of disaster, or extreme peril posing imminent risk to the health and safety of persons within the state of California including NCPA's Members' jurisdictions, caused by natural, technological, or human-caused disasters. It is further required that state or local officials have imposed or recommended measures to

promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees.

Such conditions now exist within several NCPA Member's jurisdictions, as some Members reside: (i) in counties with higher COVID-19 transmission rates, (ii) in counties with varying vaccination rates, (iii) in counties with additional safety requirements in place including masking of all parties indoors regardless of vaccination status and requirements to show proof of vaccination to access certain indoor locations, (iv) in locations where social distancing and masking is recommended by local health authorities for meeting indoors, and (v) in counties where local public health officers mandate that public bodies meet remotely, and thus, the NCPA Member's convening in a central location to attend an in person meeting would present imminent risk to the health and safety of attendees.

By adopting the proposed resolution, the Commission would, on behalf of the Commission and all other standing Committees formed by the Commission, make the findings required by AB 361 to meet remotely. Because the Commission is required to make these findings every 30 days, staff will place a version of this resolution on the consent calendar at all subsequent meetings, until the Commission decides that meeting in person will no longer pose an imminent risk to the health or safety of attendees.

FISCAL IMPACT:

This report has no direct fiscal impact to the Agency.

ENVIRONMENTAL ANALYSIS:

This activity would not result in a direct or reasonably foreseeable indirect change in the physical environment and is therefore, not a "project" for purposes of Section 21065 of the California Environmental Quality Act. No environmental review is necessary.

Respectfully submitted,



RANDY S. HOWARD
General Manager

Attachments:

- Resolution 22-03

RESOLUTION 22-03

RESOLUTION OF THE NORTHERN CALIFORNIA POWER AGENCY PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ISSUED BY GOVERNOR GAVIN NEWSOM, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE NORTHERN CALIFORNIA POWER AGENCY, FOR THE INITIAL PERIOD OF JANUARY 20, 2022, THROUGH MARCH 31, 2022 PURSUANT TO THE BROWN ACT PROVISIONS

(reference Staff Report #107:22)

WHEREAS, the Northern California Power Agency (NCPA) is committed to ensuring public access to observe and participate in meetings of its legislative body; and

WHEREAS, all meetings of the NCPA Commission and all other standing Committees formed by the Commission created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in the legislative body meetings; and

WHEREAS, in December 2019, reports began spreading of a flu-like virus (now known as COVID-19) that was more deadly than the flu generally; and

WHEREAS, on March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency pursuant to Government Code Section 8625 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of the COVID-19 virus; and

WHEREAS, when the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Ralph M. Brown Act's public accessibility requirements while still abiding by stay-at-home orders; and

WHEREAS, as a result, Governor Newsom signed Orders N-25-20, N-29-20, and N-35-20 to grant local agencies the flexibility to meet remotely during the COVID-19 pandemic, which expired on September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law AB 361 – Brown Act: Remote Meetings During Emergencies, which amended Government Code Section 54953(e)(1)(B), to allow local legislative bodies to continue meeting by teleconference during a gubernatorial proclaimed state of emergency if the local legislative body determines, 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 statewide average infection rate has increased dramatically, causing an increase in numbers of COVID-19 related hospitalized patients throughout the state. This surge is being driven by the recent emergence of the Omicron variant, as well as the already known Delta variant, which early data suggest that the Omicron variant is more transmissible than the Delta variant; and

WHEREAS, on January 6, 2022, Governor Newsom signed Order N-1-22, extending the sunset date for granting local agencies the flexibility to meet remotely during the COVID-19 pandemic to March 31, 2022; and

WHEREAS, the flexibility provided to local agencies to ensure the safety of all attendees and meet remotely without listing teleconference locations in California Government Code Section 54953 remain available through January 1, 2024, when the governing body finds the conditions identified above so require; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril posing imminent risk to the health and safety of persons within the state of California including NCPA's Members' jurisdictions, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist within several NCPA Member's jurisdictions, as some Members reside: (i) in counties with higher COVID-19 transmission rates, (ii) in counties with varying vaccination rates, (iii) in counties with additional safety requirements in place including masking of all parties indoors regardless of vaccination status and requirements to show proof of vaccination to access certain indoor locations, (iv) in locations where social distancing and masking is recommended by local health authorities for meeting indoors, and (v) in counties where local public health officers mandate that public bodies meet remotely, and thus, the NCPA Member's convening in a central location to attend an in person meeting would present imminent risk to the health and safety of attendees; and

WHEREAS, the NCPA Commission, acting as a legislative body pursuant Government Code Section 54952(a) and for the benefit of the standing committees that were created by the Commission pursuant to Government Code Section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in Government Code Section 54953(d)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code Section 54953(e)(2) to ensure the public can safely participate in and observe governing body meeting; and

WHEREAS, the Commission and Legislative Bodies will comply with all noticing and agenda requirements required by the Brown Act; provide the public with access to and participation in the meeting through a call-in or internet-based service; provide instructions in the posted notices or agenda for how to participate; ensure the public will be able to participate in the meeting in real time through call-in or internet-based service, ensure the public will be able to provide public comment during the meeting; and comply with the requirements of AB 361.

NOW, THEREFORE BE IT RESOLVED, that the Commission of the Northern California Power Agency does hereby resolve as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. Proclamation of Local Emergency. The Commission hereby proclaims that a local emergency now exists due to the ongoing COVID-19 pandemic, and that the legislative body meeting in person could present imminent risks to the health and safety of attendees.

3. Ratification of Governor's Proclamation of a State of Emergency. The Commission hereby ratifies the Governor of the State of California's Proclamation of State of Emergency signed on March 4, 2020 regarding COVID-19.

4. Remote Teleconference Meetings. The members and staff of the Commission and Legislative Bodies are 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. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 20, 2022, or (ii) such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission and Legislative Bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2022, by the following vote on roll call:

	<u>Vote</u>	<u>Abstained</u>	<u>Absent</u>
Alameda	_____	_____	_____
San Francisco BART	_____	_____	_____
Biggs	_____	_____	_____
Gridley	_____	_____	_____
Healdsburg	_____	_____	_____
Lodi	_____	_____	_____
Lompoc	_____	_____	_____
Palo Alto	_____	_____	_____
Port of Oakland	_____	_____	_____
Redding	_____	_____	_____
Roseville	_____	_____	_____
Santa Clara	_____	_____	_____
Shasta Lake	_____	_____	_____
Truckee Donner	_____	_____	_____
Ukiah	_____	_____	_____
Plumas-Sierra	_____	_____	_____

DAVID HAGELE
CHAIR

ATTEST:

CARY A. PADGETT
ASSISTANT SECRETARY