



**SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY**  
**NOTICE OF SPECIAL MEETING**  
**Board of Directors**

**NOTICE IS HEREBY GIVEN** by the undersigned, as the Executive Director of the Southern California Public Power Authority, that a special meeting of the Board of Directors is to be held as follows:

**Wednesday, October 12, 2022**

**8:30 AM**

*The meeting of the Board of Directors will be conducted by teleconference in compliance with the Ralph M Brown Act (Cal. Govt. Code sec. 54950 et seq.), as amended by AB 361, which allows SCPPA Board Members, staff, and the public to participate in and conduct the meeting by teleconference.*

**Call**

Dial: 888-788-0099  
Meeting ID: 923 7238 1802  
Passcode: 914368

**Meeting**

Zoom: [Join Meeting](#)  
Meeting Materials: [Access Here](#)

*SCPPA, upon request, will provide reasonable accommodation to the disabled to ensure equal access to its meetings. To ensure availability, such request should be made 48 hours in advance by contacting the Authority at (626) 793-9364 or [administration@scppa.org](mailto:administration@scppa.org) during business hours.*

The following matters are the business to be transacted and considered by the Board of Directors:

**1. NOTICE / AGENDA AND OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Members of the public may address the Board at this time on any item on today's agenda or any other item that is within the subject matter jurisdiction of the Board. Comments from members of the public shall be limited to three (3) minutes unless additional time is approved by the Board. Any member of the Board may request that items on the agenda be taken out of order, or that items be added to the agenda pursuant to the provisions of Section 54954.2(b) of the California Government Code.

**2. RESOLUTION 2022-131**

Approval of resolution to reauthorize meetings of the Board of Directors and SCPPA Committees via teleconference or other electronic platform for the 30-day period beginning on October 12, 2022, pursuant to the Ralph M. Brown Act, as amended by Assembly Bill 361.

**MICHAEL S. WEBSTER**

Executive Director

Southern California Public Power Authority



## AGENDA ITEM STAFF REPORT

MEETING DATE:

October 12, 2022

RESOLUTION NUMBER:

2022-131

SUBJECT:

Meetings via Teleconference or Other Electronic Platform Pursuant to the Ralph M. Brown Act, as amended by Assembly Bill 361

DISCUSSION:

☐

OR

CONSENT:

☒

Select the appropriate box(es):

**FROM:**

Finance

☐

Project Development

☐

Program Development

☐

Regulatory/Legislative

☐

Project Administration

☐

Legal

☒

Executive Director

☐

**METHOD OF SELECTION:**

Competitive

☐

Cooperative Purchase

☐

Sole Source

☐

Single Source

☐

Other (Please describe):

N/A

**MEMBER PARTICIPATION:**

Sponsoring Member: All Members

Other Members Potentially Participating: N/A

Approved by Executive Director:

Michael S. Webster

**RECOMMENDATION:**

Approval of resolution to reauthorize meetings of the Board of Directors (Board) and SCPPA Committees via teleconference or other electronic platform for the 30-day period beginning October 12, 2022, pursuant to the Ralph M. Brown Act, as amended by Assembly Bill 361 (AB 361).

## **BACKGROUND:**

On March 4, 2020, the Governor of the State of California (Governor) declared a State of Emergency as a result of the COVID-19 pandemic. The declaration of emergency, though since modified, remains in effect.

On March 17, 2020, the Governor issued Executive Order N-29-20, which allowed legislative bodies to conduct meetings via teleconferencing or other electronic platform without having to meet the strict requirements of the Ralph M. Brown Act (Brown Act). The Governor thereafter issued Executive Order N-08-21 that allowed the local legislative bodies to continue use of such relaxed provisions through September 30, 2021.

On September 16, 2021, the Governor signed AB 361, a bill which amended the Brown Act to allow legislative bodies to continue meeting remotely (via teleconference or other electronic platform) after the September 30, 2021, expiration of the Brown Act exemptions under N-29-20 and N-08-21. The bill relaxed Brown Act teleconferencing rules to allow meetings without providing a physical meeting place for members of the public to attend when (1) a proclaimed a state of emergency exists and (2) either (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) meetings in person would present imminent risks to the health or safety of attendees. To allow the Board and Committees to continue to meet via teleconference or other electronic platform without complying with the Brown Act's normal teleconferencing rules, the Board must make the findings contemplated by AB 361 every thirty days.

## **DISCUSSION:**

Presently, as mentioned, the State of Emergency declared by the Governor in March 2020 remains in effect, thereby satisfying the first prong of the AB361 test. The second prong is satisfied because the County of Los Angeles Department of Health's "Best Practice" Guidance for Businesses and Employers to Prevent Covid-19," as updated May 12, 2022, continues to recommend that employers maintain physical distancing in the workplace.

The Resolution submitted herewith, if adopted, would make those findings and thereby allow the Board and SCPPA Committees to continue meeting by videoconference under the relaxed Brown Act rules.

## **SCPPA's Authority:**

The SCPPA Joint Powers Agreement authorizes SCPPA to plan, finance, procure, construct, maintain and operate one or more facilities for the generation and transmission of electric energy. The proposed resolution relates to the administration of affairs over which SCPPA has express authority under the Joint Powers Agreement.

## **FISCAL IMPACT:**

None.

## **ATTACHMENTS:**

- Resolution 2022-131

## **RESOLUTION NO. 2022-131**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY MAKING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND REAUTHORIZING THE USE OF TELECONFERENCING AND OTHER ELECTRONIC PLATFORMS TO FACILITATE REMOTE MEETINGS IN RESPONSE TO THE COVID-19 PANDEMIC**

WHEREAS, the Southern California Public Power Authority ("SCPPA" or "the Authority") was created in November 1980 by agreement of its members pursuant to the Joint Exercise of Powers Act (Cal. Government Code sec. 6500 *et seq.*), for the purpose of jointly and cooperatively undertaking the planning, financing, development, acquisition, construction, management, improvement, betterment, administration, operation, and maintenance, of projects for the generation or transmission of electric energy; and

WHEREAS, SCPPA's members currently consist of the Cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon and the Imperial Irrigation District, each of which owns and operates an electric utility serving retail customers within its territorial boundaries; and

WHEREAS, SCPPA, as a public agency, is subject to the requirements for holding and conducting meetings of its Board of Directors ("Board") set forth in the Ralph M. Brown Act (Cal. Government Code sec. 54950 *et seq.*, hereinafter "Brown Act"); and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed that a State of Emergency existed in the State as a result of the COVID-19 pandemic, which has continued to be in effect through the date of this Resolution; and

WHEREAS, as a result of the COVID-19 pandemic, the Governor of the State of California issued Executive Order Nos. N-29-20 and N-08-21, which suspended certain provisions of the Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act; and

WHEREAS, Assembly Bill 361, which was signed into law on September 16, 2021, amended Government Code Section 54593, to allow legislative bodies under certain circumstances to meet remotely without complying with the Brown Act's normal rules regarding teleconferencing provided the legislative body makes certain findings; and

WHEREAS, as a result of the COVID-19 pandemic, the County of Los Angeles continues to recommend measures to promote social distancing; and

WHEREAS, the Board has met via teleconferencing and other electronic platform during the COVID-19 pandemic and can continue to do so in a manner that allows public participation

and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; and

WHEREAS, it is the desire and intent of the Board, in adopting this Resolution, to establish findings pursuant to Government Code Section 54953 to authorize continued use of teleconferencing or other electronic platform pursuant to Government Code Section 54953, as amended by Assembly Bill 361, to facilitate remote meetings in response to the COVID-19 pandemic.

NOW, THEREFORE, THE BOARD OF DIRECTORS DOES FIND AND RESOLVE AS FOLLOWS:

1. That the Board has reconsidered the circumstances of the previously declared and existing state of emergency arising from the COVID-19 pandemic;
2. That local officials continue to impose or recommend measures to promote social distancing;
3. That the Authority may continue to conduct public meetings via teleconferencing or other electronic platform in accordance with Government Code Section 54953(e);
4. That the Board will reconsider the above findings within 30 days of this Resolution in accordance with Government Code Section 54953, as amended by Assembly Bill 361.

THE FOREGOING RESOLUTION is approved and adopted by the Authority this 12th day of October 2022. This Resolution shall become effective immediately.

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PRESIDENT  
Southern California Public  
Power Authority

ATTEST:

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ASSISTANT SECRETARY  
Southern California Public  
Power Authority