



City of Arts & Innovation

Mobility & Infrastructure Committee Memorandum

TO: MOBILITY & INFRASTRUCTURE COMMITTEE **DATE:** SEPTEMBER 8, 2022

FROM: COUNCILMEMBER CONDER **WARDS:** ALL

SUBJECT: **WAIVE THE SUNSHINE ORDINANCE PURSUANT TO RIVERSIDE MUNICIPAL CODE SECTION 4.05.050(D)(1)(a) AS THE NEED TO TAKE IMMEDIATE ACTION IS REQUIRED TO AVOID A SUBSTANTIAL IMPACT IF THE ACTION WERE DEFERRED TO A SUBSEQUENT SPECIAL OR REGULAR MEETING TO CONSIDER UPDATED REPORT ON THE CANCELLATION OF POWER PURCHASE AGREEMENT (PPA) WITH TERRA-GEN, LLC FOR 79MW OF SOLAR POWER; DISCUSS THE PRACTICE OF HAVING A MONTHLY REPORT OUT AND RECEIVE AN UPDATE FROM RIVERSIDE PUBLIC UTILITIES ON ALL UNSOLICITED OFFERS, RFPS, TERM SHEETS AND PPAS PERTAINING TO ELECTRICAL PROCUREMENTS IN RPU TO THIS COMMITTEE – TWO-THIRDS AFFIRMATIVE VOTES REQUIRED**

ISSUE:

Waiver of the Sunshine Ordinance pursuant to Riverside Municipal Code Section 4.05.050(D)(1)(a) as the need to take immediate action is required to avoid a substantial impact if the action were deferred to subsequent special or regular meeting to consider updated report on the cancellation of PPA with Terra-Gen, LLC for 79MW of solar power and discuss the practice of having a monthly report out and receive an update from Riverside Public Utilities on all Unsolicited Offers, RFPs, Term Sheets and PPAs pertaining to electrical procurements in RPU to this Committee.

RECOMMENDATION:

That the Mobility and Infrastructure Committee waive the Sunshine Ordinance by a two-thirds vote pursuant to Riverside Municipal Code Section 4.05.050(D)(1)(a) as the need to take immediate action is required to avoid a substantial impact if the action were deferred to subsequent special or regular meeting to consider updated report on the cancellation of PPA with Terra-Gen, LLC for 79MW of solar power and discuss the practice of having a monthly report out and receive an update from Riverside Public Utilities on all Unsolicited Offers, RFPs, Term Sheets and PPAs pertaining to electrical procurements in RPU to this Committee.

SUNSHINE ORDINANCE WAIVER REQUEST:

Riverside Municipal Code Sections 4.05.050 provides that the Sunshine Notice Requirement may be excused if the minimum notice requirements of the City Charter and the Brown Act have been

met and one of the excuses set forth in that section applies. Section 4.05.050(D)(1) provides for the excuse of the Sunshine Notice Requirements if the following applies:

- 1) The local body, by a two-thirds of those members present, adopts a motion determining that, upon consideration of the facts and circumstances, it was not reasonably possible to meet the additional notice requirements under this section and any one of the following exists:
 - (a) The need to take immediate action on the item is required to avoid a substantial impact that would occur if the action were deferred to a subsequent special or regular meeting.
 - (b) There is a need to take immediate action which relates to federal, state, county or other governmental agency legislation or action or the local body's eligibility for any grant or gift.

This waiver of the Sunshine Ordinance is pursuant to Section 4.05.050(D)(1)(a) as the need to take immediate action on the item is required to avoid a substantial impact that would occur if the action were deferred to a subsequent special or regular meeting.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by:



CHUCK CONDER
Councilmember, Ward 4

Approved as to form: Phaedra A. Norton, City Attorney