

## **M-S-R Public Power Agency**

SPECIAL MEETING OF THE COMMISSION  
Wednesday, October 20, 2021, 12:00 Noon

WEBINAR DIGITAL PLATFORM OR PHONE MEETING

Zoom Meeting Information:

<https://us02web.zoom.us/j/86901021872?pwd=WDNSYkRRVUVtM2R1MFMzNDNTUFCrZz09>

Meeting ID: 869 0102 1872

Passcode: 121475

One tap mobile

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Dial by your location

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+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 869 0102 1872

### **AGENDA**

#### **Distribution:**

#### **Commissioners &**

#### **Alternate Commissioners**

#### Others

#### **Modesto:**

James McFall<sup>1</sup> (President)

Martin Caballero (Alt)

Steve Gross

Alan Hockenson

Martin Hopper<sup>1</sup>

Scott Van Vuren

Jill De Jong

Ana Vigil

Cindy Worley

Toxie Buriss

Tameka Garnett

#### **Santa Clara:**

Ann Hatcher<sup>2</sup> (V.P.)

Basil Wong (Alt)

Kevin Kolnowski (Alt)

Manual Pineda (Alt)

**Redding:**

Dan Beans<sup>3</sup>  
Nick Zettel (Alt)

Valerie Ibarra<sup>3</sup>  
Skylar Noetzel

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<sup>1</sup> Please post agenda

<sup>2</sup> Please post agenda

<sup>3</sup> Please post agenda

Updated 5/2021

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### **AGENDA**

M-S-R Public Power Agency meetings are currently being conducted via webinar for all representatives pursuant to the requirements of AB 361. Members of the public may join the Commission meeting by utilizing Zoom Meeting's webinar feature or through a phone line provided in the meeting agenda. Members of the public will continue to have the opportunity to provide public input via the webinar or phone features. Members of the public may also email their comments to the General Manager by 3 p.m. on the day prior to the Commission meeting. Public comment can be emailed to [msr.general.manager@gmail.com](mailto:msr.general.manager@gmail.com). All public comments submitted by email on time will be read during the Commission meeting in the public input section of the agenda. 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.

Call to Order

ROLL CALL

ACTION ITEM:

1. ***Discussion and Possible Action Regarding SB 361 Compliance and Adoption of Resolution 2021 - 02 Regarding Local Emergency and Authorizing Remote Telephonic Meetings*** (Attached – Steve Gross)

CONVENE CLOSED SESSION:

- a. Public Employee Performance Evaluation: Government Code Section 54957 - General Manager

RECONVENE OPEN SESSION

ANNOUNCEMENTS FOLLOWING CLOSED SESSION

MEMBER REPORTS

PUBLIC COMMENT

CONFIRM DATE AND TIME OF NEXT MEETING

ADJOURN

ALTERNATE FORMATS OF THIS AGENDA WILL BE MADE AVAILABLE UPON REQUEST TO QUALIFIED INDIVIDUALS WITH DISABILITIES.
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## **M-S-R Public Power Agency Staff Report**

**Date:** October 14, 2021

**From:** Martin R. Hopper, General Manager

**To:** M-S-R PPA Commission

**Subject:** SB 361 Compliance and Adoption of Resolution 2021 - 02 Regarding Local Emergency and Authorizing Remote Telephonic Meetings

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For the past 18-months the Commission and Committees (Legislative Bodies) of the Agency have been meeting via remote telephonic meetings pursuant to emergency proclamations and Executive Orders issued by the Governor due to the COVID-19 Pandemic. The recently enacted AB 361 modifies the Government Code provisions often referenced as the Brown Act to temporarily accommodate continued remote meetings during the pendency of the pandemic and partially supersedes certain prior proclamations and orders.

The proposed Resolution 2021 – 02 “Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 2, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the M-S-R Public Power Agency Pursuant to Brown Act Provisions” makes the necessary findings to allow the Agency to continue using remote teleconference meetings for the next 30-days after the date of approval. The Government Code amendments then anticipate the Agency renewing its finding to cover each subsequent 30-day period. For the balance of 2021 all scheduled meetings will be covered by the initial adoption of this resolution.

Providing the present state of emergency carries into 2022 and the Agency desires to continue to avail itself of remote meetings to maintain public health and safety, re-adoption of the Resolution 2021-02 will be required. As the Agency and its Legislative Bodies regularly meet only quarterly and the first meeting in each quarter is normally held by the Technical Committee, we are recommending the Commission delegate specific authority to the Technical Committee to adopt successors to this resolution as-needed and for legislative economy.

I recommend the Commission adopt the proposed Resolution 2021 – 02 “Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 2, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the M-S-R Public Power Agency Pursuant to Brown Act Provisions.”

RESOLUTION No. 2021 – 02

RESOLUTION OF THE COMMISSION OF THE  
M-S-R PUBLIC POWER AGENCY

PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF M-S-R PUBLIC POWER AGENCY PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the M-S-R Public Power Agency is committed to preserving and nurturing public access and participation in meetings of the Commission, Technical Committee, and Financial Management Committee (herein “Legislative Bodies”); and

WHEREAS, all meetings of M-S-R Public Power Agency’s Legislative Bodies 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 M-S-R Public Power Agency’s Legislative Bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a Legislative Body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, 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, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the state, specifically, a state of emergency was proclaimed by Governor Newsom on March 4, 2020 ; and

WHEREAS, the Commission of the M-S-R Public Power Agency does hereby find that the State of Emergency proclaimed by the Governor has caused, and will continue to cause, conditions of peril to the safety of persons within the State that are likely to be beyond the control of services, personnel, equipment, and facilities of the M-S-R Public Power Agency, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Commission of the M-S-R Public Power Agency does hereby find that the legislative bodies of M-S-R Public Power Agency shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, for the duration of such local emergency, meetings of Legislative Bodies of the M-S-R Public Power Agency will be conducted via webinar and members of the public may join such meetings by utilizing the webinar feature or through phone lines identified in the meeting agenda and will have the opportunity to provide public input via the webinar or phone features. Additionally, members of the public may also email their comments to the General Manager at [msr.general.manager@gmail.com](mailto:msr.general.manager@gmail.com) by 3 p.m. on the day prior to the meeting of the Legislative Body and such comments will be read during the public input section of the agenda or at time of the Legislative Body's consideration of an agenda item identified in such comments.

NOW, THEREFORE, THE COMMISSION OF THE M-S-R PUBLIC POWER AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

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

Section 2. Proclamation of Local Emergency. The Commission of the M-S-R Public Power Agency hereby proclaims that a local emergency now exists and will continue to cause, conditions of peril to the safety of persons within the State that are likely to be beyond the control of services, personnel, equipment, and facilities of the M-S-R Public Power Agency.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Commission of the M-S-R Public Power Agency hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager and Legislative Bodies of the M-S-R Public Power Agency 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.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 19, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Legislative Bodies of M-S-R Public Power Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

Section 6. Delegation of Authority. If a regular or special meeting of any Legislative Body of the M-S-R Public Power Agency occurs subsequent to November 19, 2021, and prior to the next regularly scheduled meeting of the Commission of the M-S-R Public Power Agency, such Legislative Body, if not the Commission of the M-S-R Public Power Agency, is hereby authorized to adopt on behalf of the Commission of the M-S-R Public Power Agency a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which all Legislative Bodies of M-S-R Public Power Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED this 20<sup>th</sup> day of October, 2021 upon the following vote of the Members:

Modesto Irrigation District

City of Santa Clara

City of Redding

ATTEST:

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PRESIDENT

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SECRETARY