



MARIN COUNTY | NAPA COUNTY | UNINCORPORATED CONTRA COSTA COUNTY | UNINCORPORATED SOLANO COUNTY
BENICIA | CONCORD | DANVILLE | EL CERRITO | LAFAYETTE | MARTINEZ | MORAGA | OAKLEY | PINOLE
PITTSBURG | PLEASANT HILL | RICHMOND | SAN PABLO | SAN RAMON | VALLEJO | WALNUT CREEK

MCE SPECIAL MEETING Thursday, October 7, 2021 9:00 A.M.

This Meeting will be conducted via teleconference pursuant to the requirements of [Assembly Bill No. 361](#). By using teleconference for this meeting, MCE continues to promote social distancing measures recommended by local officials.

Members of the public who wish to observe the Meeting and/or offer public comment may do so telephonically via the following teleconference call-in number and meeting ID:

For Viewing Access Join Zoom Meeting:

<https://us02web.zoom.us/j/87191270519?pwd=cVJaM015VINzUDVzTVNGdE1NTFJrUT09>

Dial-in: (669) 900-9128

Webinar ID: 871 9127 0519

Password: 600077

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1. Roll Call
2. Public Open Time (Discussion)
3. Opening Remarks and State of MCE (Discussion)
4. Assembly Bill No. 361: New Teleconferencing Legislation Resolution No. 2021-07 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e); and Resolution No. 2021-08 Delegating Authority to MCE Executive Committee to Adopt Findings Pursuant to Government Code Section 54953(e) (Discussion/Action)
5. Creation of 2022 Ad Hoc Rate Setting Committee (Discussion/Action)
6. Power Resources Innovative Procurement (Discussion)
7. Using Low-Carbon Fuel Standard to add Value (Discussion)

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Break

8. Opportunities to Promote Racial Equity in MCE Communities (Discussion)

Lunch

9. Emerging Technology Showcase (Discussion)
 - a. Waste to Green Hydrogen: Raven's Innovative Non-combustion Technology
 - b. Charm Industrial: Putting Oil Back Underground
10. Board & Staff Matters (Discussion)
11. Adjourn

DISABLED ACCOMMODATION: If you are a person with a disability which requires an accommodation, or an alternative format, please contact the Clerk of the Board at (925) 378-6732 as soon as possible to ensure arrangements for accommodation.



October 7, 2021

TO: MCE Board of Directors

FROM: Shalini Swaroop, General Counsel

RE: Assembly Bill No. 361: New Teleconferencing Legislation (Agenda Item #04)
Resolution No. 2021-07 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e); and
Resolution No. 2021-08 Delegating Authority to MCE Executive Committee to Adopt Findings Pursuant to Government Code Section 54953(e)

ATTACHMENTS: A. Proposed Resolution No. 2021-07 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e)

B. Proposed Resolution No. 2021-08 Delegating Authority to MCE Executive Committee to Adopt Findings Pursuant to Government Code Section 54953(e)

MCE Board of Directors:

SUMMARY:

Assembly Bill (AB) No. 361 (Rivas), signed by Governor Gavin Newsom on September 16, 2021, amends the Brown Act¹ to allow a local agency to use teleconferencing during a state-proclaimed state of emergency without meeting certain Brown Act teleconference requirements. If a local agency elects to use teleconferencing for meetings under AB 361, the law requires that the local agency allow real-time participation by members of the public and allow a reasonable period of time for public comment on each item.

¹ Gov. Code, §§ 54950 et seq.

Furthermore, if the local agency wants to continue holding teleconference meetings, it must make the following findings by majority vote within 30 days of teleconferencing for the first time under AB 361 and every 30 days thereafter:²

1. The legislative body has reconsidered the circumstances of the state of emergency, as designated by the Governor.
2. One of the following circumstances exists:
 - a. The state of emergency continues to directly impact the ability of members to meet safely in person; or
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

Given the continued emergency-state of the Covid-19 pandemic, there is an ongoing need for holding teleconference meetings for the MCE Board of Directors, MCE Executive Committee, and MCE Technical Committee. In order for MCE to continue holding Board and Committee meetings by teleconference, Staff recommends:

1. Adopting proposed Resolution No. 2021-07 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e), which makes the initial required AB 361 findings for authorizing remote teleconference meetings; and
2. Adopting proposed Resolution No. 2021-08 Delegating Authority to MCE Executive Committee to Adopt Findings Pursuant to Government Code Section 54953(e), which would allow the MCE Executive Committee to make the ongoing required findings for authorizing remote teleconference meetings for the Board of Directors and any Committee of the Board of Directors every 30 days after the initial finding.

Fiscal Impacts: None.

Recommendations:

1. Adopt proposed Resolution No. 2021-07 Authorizing Remote Teleconference Meetings for the Board of Directors and Every Committee of the Board of Directors Pursuant to Government Code Section 54953(e); and
2. Adopt proposed Resolution No. 2021-08 Delegating Authority to MCE Executive Committee to Adopt Findings Pursuant to Government Code Section 54953(e).

² Gov. Code § 54953(e)(3). MCE's first teleconference meeting held under the AB 361 procedures was the October 1, 2021 Executive Committee meeting.

RESOLUTION NO. 2021-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF MARIN CLEAN ENERGY AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE BOARD OF DIRECTORS AND EVERY COMMITTEE OF THE BOARD OF DIRECTORS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Marin Clean Energy (“MCE”) is a joint powers authority established on December 19, 2008, and organized under the Joint Exercise of Powers Act, constituting Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code, as amended and supplemented (the “Act”); and

WHEREAS, MCE members include the following communities: the County of Marin, the County of Contra Costa, the County of Napa, the County of Solano, the City of American Canyon, the City of Belvedere, the City of Benicia, the City of Calistoga, the City of Concord, the Town of Corte Madera, the Town of Danville, the City of El Cerrito, the Town of Fairfax, the City of Lafayette, the City of Larkspur, the City of Martinez, the City of Mill Valley, the Town of Moraga, the City of Napa, the City of Novato, the City of Oakley, the City of Pinole, the City of Pittsburg, the City of Pleasant Hill, the City of San Ramon, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Pablo, the City of San Rafael, the City of Sausalito, the City of St. Helena, the Town of Tiburon, the City of Vallejo, the City of Walnut Creek, and the Town of Yountville; and

WHEREAS, MCE is subject to various provisions of the California Government Code; and

WHEREAS, Government Code section 54953, as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements set forth in Government Code section 54953(e), finding there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting 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 has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the MCE Board of Directors desires to hold the MCE Board of Directors, MCE Executive Committee, and MCE Technical Committee public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, BE IT RESOLVED by the MCE Board of Directors:

- A. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
- B. The MCE Board of Directors hereby finds and declares the following, as required by Government Code section 54953(e)(3):
 1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
 2. State or local officials have imposed or recommended measures to promote social distancing.
 3. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the MCE Board of Directors on this 7th day of October, 2021, by the following vote:

	AYES	NOES	ABSTAIN	ABSENT
County of Marin				
Contra Costa County				
County of Napa				
County of Solano				
City of American Canyon				
City of Belvedere				
City of Benicia				
City of Calistoga				
City of Concord				
Town of Corte Madera				
Town of Danville				
City of El Cerrito				
Town of Fairfax				
City of Lafayette				

City of Larkspur				
City of Martinez				
City of Mill Valley				
Town of Moraga				
City of Napa				
City of Novato				
City of Oakley				
City of Pinole				
City of Pittsburg				
City of Pleasant Hill				
City of San Ramon				
City of Richmond				
Town of Ross				
Town of San Anselmo				
City of San Pablo				
City of San Rafael				
City of Sausalito				
City of St. Helena				
Town of Tiburon				
City of Vallejo				
City of Walnut Creek				
Town of Yountville				

RESOLUTION NO. 2021-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF MARIN CLEAN ENERGY DELEGATING AUTHORITY TO EXECUTIVE COMMITTEE TO ADOPT FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Marin Clean Energy (“MCE”) is a joint powers authority established on December 19, 2008, and organized under the Joint Exercise of Powers Act, constituting Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code, as amended and supplemented (the “Act”); and

WHEREAS, MCE members include the following communities: the County of Marin, the County of Contra Costa, the County of Napa, the County of Solano, the City of American Canyon, the City of Belvedere, the City of Benicia, the City of Calistoga, the City of Concord, the Town of Corte Madera, the Town of Danville, the City of El Cerrito, the Town of Fairfax, the City of Lafayette, the City of Larkspur, the City of Martinez, the City of Mill Valley, the Town of Moraga, the City of Napa, the City of Novato, the City of Oakley, the City of Pinole, the City of Pittsburg, the City of Pleasant Hill, the City of San Ramon, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Pablo, the City of San Rafael, the City of Sausalito, the City of St. Helena, the Town of Tiburon, the City of Vallejo, the City of Walnut Creek, and the Town of Yountville; and

WHEREAS, MCE is subject to various provisions of the California Government Code; and

WHEREAS, Government Code section 54953, as amended by Assembly Bill No. 361, allows legislative bodies to continue to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as certain findings are adopted by the legislative body every 30 days under Government Code Section 5493(e); and

WHEREAS, from time to time, the Board of Directors delegates certain rights and responsibilities to the Executive Committee; and

WHEREAS, the Executive Committee meets more frequently than the Board of Directors and will be better able to adopt certain findings every 30 days in accordance with Government Code section 54953(e) to allow the Board of Directors and any Committee of the Board of Directors to continue holding open meetings by teleconference; and

WHEREAS, the Board of Directors shall not be divested of any such authority as described herein, but shall retain and may exercise such authority at such times as it may deem necessary and proper, at its sole discretion.

NOW, THEREFORE, BE IT RESOLVED by the MCE Board of Directors:

- A. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
- B. The Board of Directors hereby delegates the following authority:
 - 1. The Executive Committee is hereby authorized to adopt certain findings every 30 days in accordance with Government Code section 54953(e), for continued remote teleconference meetings for the Board of Directors and any committee of the Board of Directors.

PASSED AND ADOPTED by the MCE Board of Directors on this 7th day of October, 2021, by the following vote:

	AYES	NOES	ABSTAIN	ABSENT
County of Marin				
Contra Costa County				
County of Napa				
County of Solano				
City of American Canyon				
City of Belvedere				
City of Benicia				
City of Calistoga				
City of Concord				
Town of Corte Madera				
Town of Danville				
City of El Cerrito				
Town of Fairfax				
City of Lafayette				
City of Larkspur				
City of Martinez				
City of Mill Valley				
Town of Moraga				
City of Napa				
City of Novato				
City of Oakley				
City of Pinole				
City of Pittsburg				

City of Pleasant Hill				
City of San Ramon				
City of Richmond				
Town of Ross				
Town of San Anselmo				
City of San Pablo				
City of San Rafael				
City of Sausalito				
City of St. Helena				
Town of Tiburon				
City of Vallejo				
City of Walnut Creek				
Town of Yountville				



MCE Board Offices and Committees

Board Offices:

Tom Butt, Chair
Shanelle Scales-Preston, Vice Chair
Garth Salisbury, Treasurer
Vicken Kasarjian, Deputy Treasurer
Dawn Weisz, Secretary

Executive Committee

1. Kevin Haroff, *Chair*
2. Denise Athas
3. Tom Butt
4. Edi Birsan
5. Barbara Coler
6. Cindy Darling
7. Ford Greene
8. Devin Murphy
9. Gabriel Quinto
10. Shanelle Scales-Preston
11. Brad Wagenknecht
12. Sally Wilkinson

Ad Hoc Contracts Committee – 2021

1. Ford Greene
2. Kevin Haroff
3. Scott Perkins
4. Holli Thier

Ad Hoc Bonding Committee – 2021

1. Edi Birsan
2. Ford Greene
3. Kevin Haroff
4. Scott Perkins
5. Holli Thier
6. Sally Wilkinson

Technical Committee

1. Ford Greene, *Chair*
2. Gina Dawson
3. John Gioia
4. Kevin Haroff
5. Janelle Kellman
6. Katy Miessner
7. Devin Murphy
8. Teresa Onoda
9. Scott Perkins
10. Katie Rice

Ad Hoc Audit Committee – 2021

1. David Fong
2. Kevin Haroff
3. Sally Wilkinson