



DATE: February 22, 2023

TO: Energy Council

FROM: Timothy Burroughs, Executive Director

SUBJECT: EC Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

SUMMARY

On September 16, 2021, the Governor signed into law as an urgency measure, AB 361 (Rivas), which allows local legislative bodies to continue to meet by teleconference in order to promote public health and safety, subject to certain conditions, which must be reconsidered every 30 days. At its February 22, 2023, meeting, the Energy Council (EC) will consider a resolution to approve and direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed.

DISCUSSION

In light of the continued state of emergency declared by the Governor related to COVID-19, state and local officials have imposed or recommended measures to promote social distancing. This direction from state and local health officials is based on the increased safety protection that social distancing provides as one method to reduce the risk of COVID-19 transmission.

The state of emergency and associated direction from state and local health officials to promote social distancing continues to impact the ability for the Energy Council to meet safely in person. The direction from public health officials that informs the findings in the attached resolution has not changed. Therefore, staff recommends that the Energy Council approve the attached resolution to direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed. The Energy Council will need to revisit the need to conduct meetings remotely at least every 30 days.

RECOMMENDATION

Adopt resolution #EC 2023-02.

Attachment: Energy Council Resolution #EC 2023-02

**ENERGY COUNCIL
RESOLUTION #EC 2023 – 02
MOVED:
SECONDED:**

AT THE MEETING HELD FEBRUARY 22, 2023

**EC RESOLUTION REGARDING MEETING VIA TELECONFERENCE TO PROMOTE SOCIAL
DISTANCING, PURSUANT TO AB 361**

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361, which allows for the continued use of remote meetings by local legislative bodies subject to certain conditions, which must be reconsidered every 30 days; and

WHEREAS, the Energy Council has considered the current state of health guidance related to public meetings in Alameda County and finds it necessary to continue with remote meetings to promote public health and safety.

NOW THEREFORE BE IT RESOLVED, that the Energy Council approves and directs the continued use of teleconferencing for its public meetings based on the following findings required by Government Code Section 54953(e), as amended by AB 361:

- The entire State of California remains under a proclaimed state of emergency as declared by the Governor of the State of California related to the COVID-19 pandemic.
- State and local officials have imposed or recommended measures to promote social distancing. For example, on September 23 the Alameda County Health Care Services Agency Director recommended social distancing at all meetings of the Board of Supervisors and its committees. This recommendation is consistent with the Division of Occupational Safety and Health of California’s (Cal/OSHA) Emergency Temporary Standards, which require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).).
- The state of emergency continues to directly impact the ability to meet safely in person. For example, given the constraints of the Energy Council’s available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Energy Council anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Board meeting for as long as the Governor’s proclaimed state of emergency related to the COVID-19 pandemic remains in effect and the Board desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that:

1. Energy Council meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, to better ensure the health and safety of the public.
2. The Energy Council will reconsider the circumstances of the state of emergency and the need to conduct meetings remotely at least every 30 days following adoption of this resolution.
3. If the Energy Council determines the need still exists at each 30-day mark, the determination will be ratified by a vote of the Board documented in the minutes of that meeting.

Passed and adopted this 22nd day of February 2023 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board