

**RESOLUTION NO. 2021-09**

**A RESOLUTION OF THE EXECUTIVE COMMITTEE OF MARIN CLEAN ENERGY AUTHORIZING CONTINUED 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(e), 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, 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 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 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 previously adopted Resolution No. 2021-07 finding that the requisite conditions exist for the MCE Board of Directors, MCE Executive Committee, and MCE Technical Committee to conduct teleconference meetings under California Government Code section 54953(e); and

**WHEREAS**, Government Code section 54953(e)(3) requires the legislative body adopt certain findings every 30 days by majority vote to continue holding open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3); and

**WHEREAS**, the MCE Board of Directors previously adopted Resolution No. 2021-08 delegating authority to the MCE Executive Committee 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; and

**WHEREAS**, the MCE Executive Committee desires to continue holding its public meetings by teleconference consistent with Government Code section 54953(e).


**NOW, THEREFORE, BE IT RESOLVED** by the MCE Executive Committee:

- A. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
  
- B. The Executive Committee hereby finds and declares the following, as required by Government Code section 54953(e)(3):
  - 1. The Executive Committee has reconsidered the circumstances of the state of emergency declared by the Governor pursuant to his or her authority under Government Code section 8625;
  - 2. The state of emergency continues to directly impact the ability of members of the MCE Board of Directors and members of every committee of the Board of Directors to meet safely in person; and
  - 3. State and local officials have imposed or recommended measures to promote social distancing.

**PASSED AND ADOPTED** by the MCE Executive Committee on this 5<sup>th</sup> day of November, 2021, by the following vote:

	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
County of Napa	X			

City of American Canyon	X			
City of Belvedere	X			
City of Calistoga	X			
City of Concord				X
City of El Cerrito	X			
Town of Fairfax	X			
City of Larkspur	X			
City of Napa	X			
City of Novato	X			
City of Pinole	X			
City of Pittsburg				X
City of Richmond	X			
Town of San Anselmo	X			
City of St. Helena	X			
City of Walnut Creek	X			
Town of Yountville	X			

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CHAIR, MCE

**Attest:**

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SECRETARY, MCE