



# Western Community Energy Joint Meeting of the Board of Directors and Technical Advisory Committee

## SPECIAL MEETING AGENDA

Tuesday, January 18, 2022  
3:00 PM

Western Riverside Council of Governments  
3390 University Avenue, Suite 200  
Riverside, CA 92501

**WRCOG'S OFFICE IS CURRENTLY CLOSED TO THE PUBLIC DUE TO COVID-19**

[Join Zoom Meeting](#)

Meeting ID: 891 2078 6631

Password: 011822

Dial in: (669) 900 9128 U.S.

### **SPECIAL NOTICE – COVID-19 RELATED PROCEDURES IN EFFECT**

Due to the State and local recommendations for social distancing resulting from the threat of Novel Coronavirus (COVID-19), this meeting is being held via Zoom under Assembly Bill 361 (Government Code Section 54953) (AB 361). Pursuant to AB 361, WRCOG does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. AB 361 allows WRCOG to hold Board meetings via teleconferencing or other electronic means and allows for members of the public to observe and address the Board telephonically or electronically.

In addition to commenting at the Board meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to [snelson@wrcog.us](mailto:snelson@wrcog.us).

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Suzy Nelson 72 hours prior to the meeting at (951) 405-6703 or [snelson@wrcog.us](mailto:snelson@wrcog.us). Later requests accommodated to the extent feasible.

The Board of Directors may take any action on any item listed on the agenda, regardless of the Requested Action.

1. **CALL TO ORDER (Ted Hoffman, Chair)**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. PUBLIC COMMENT**

At this time members of the public can address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Board of Directors in writing and only pertinent points presented orally.

**5. CONSENT CALENDAR**

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Board of Directors, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Board of Directors request specific items be removed from the Consent Calendar.

**A. Assembly Bill 361 Findings**

**Requested Action(s):**

1. Affirm the findings of the Western Community Energy Board of Directors in Resolution Number 2021-16, adopted on December 8, 2021, which are:
  - a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and
  - b. State or local officials have recommended measures to promote social distancing.

**B. Summary Minutes from the December 8, 2021, Joint Meeting of the WCE Board of Directors and Technical Advisory Committee**

**Requested Action(s):**

1. Approve the Summary Minutes from the December 8, 2021, Joint Meeting of the WCE Board of Directors and Technical Advisory Committee.

**C. Summary Minutes from the December 14, 2021, Special Joint Meeting of the WCE Board of Directors and Technical Advisory Committee**

**Requested Action(s):**

1. Approve the Summary Minutes from the December 14, 2021, Special Joint Meeting of the WCE Board of Directors and Technical Advisory Committee.

**6. CLOSED SESSION**

Conference with Legal Counsel - Existing Litigation pursuant to 54956.9(d)(1):

- Case numbers: 6:21-12821, 6:21-12821-SY (U.S. Bankruptcy Court, Central Division)

**7. NEXT MEETING**

The next Joint Meeting of the Board of Directors and Technical Advisory Committee is scheduled for Wednesday, February 9, 2022, at 1:15 p.m., on the Zoom platform.

**8. ADJOURNMENT**



# Western Community Energy Joint Meeting of the Board of Directors and Technical Advisory Committee

## Staff Report

**Subject:** Assembly Bill 361 Findings  
**Contact:** Dr. Kurt Wilson, Executive Director, [kwilson@wrcog.us](mailto:kwilson@wrcog.us), (951) 405-6701  
**Date:** January 18, 2022

### **Requested Action(s):**

1. Affirm the findings of the Western Community Energy Board of Directors in Resolution Number 2021-16, adopted on December 8, 2021, which are:
  - a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and
  - b. State or local officials have recommended measures to promote social distancing.

### **Purpose:**

The purpose of this item is to authorize virtual Board and Committee meetings pursuant to Assembly Bill 361.

### **Background:**

*Assembly Bill (AB) 361 amends the Ralph M. Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology in certain circumstances. Under AB 361, legislative bodies can continue to meet remotely as long as there is a “proclaimed state of emergency” and the Western Community Energy (WCE) Board of Directors can make either of the following findings: (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*

The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist to this day. Further, both State and Riverside County officials continue to recommend the social distancing.

AB 361 requires specific procedural safeguards for the public. To accommodate individuals during these teleconferences and virtual meetings, a public comment period will be offered where the public can address the legislative body directly in real time. Additionally, public comments will be allowed up until the public comment period is closed at the meetings. The agenda will include information on the manner in which the public may access the meeting and provide comments remotely. If technical problems arise that result in the public’s access being disrupted, the legislative body will not take any vote or other official action until the technical disruption is corrected and public access is restored.

The attached resolution allows the WCE Board of Directors to implement AB 361 by making the findings discussed above. This finding will be in effect for 30 days or until the Board makes findings that the conditions listed therein no longer exist, whichever is shorter. The findings can be extended by the Board upon a finding that conditions supporting the findings included in the resolution still exist.

AB 361 allows for virtual meetings during other state-proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk.

**Prior Action(s):**

**December 8, 2021:** The Western Community Energy Board of Directors adopted Resolution Number 2021-16; A Resolution of the Western Community Energy Board of Directors authorizing virtual Committee meetings pursuant to Assembly Bill 361. The Resolution includes the following findings:  
a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and b. State or local officials have recommended measures to promote social distancing.

**Fiscal Impact:**

This item is for informational purposes only; therefore, there is no fiscal impact.

**Attachment(s):**

[Attachment 1 - Resolution 2021-16 AB 361 findings](#)



## **RESOLUTION NO. 2021-16**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF WESTERN COMMUNITY ENERGY AUTHORIZING VIRTUAL BOARD MEETINGS PURSUANT TO AB 361**

**WHEREAS**, Western Community Energy (“WCE”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors and Technical Advisory Committee; and

**WHEREAS**, all meetings of WCE’s legislative bodies, including its Board of Directors and Technical Advisory Committee, 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 and participate in WRCOG’s meetings; and

**WHEREAS**, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

**WHEREAS**, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

**WHEREAS**, pursuant to the Governor’s executive orders, WCE has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, WCE staff, and WCE Board and Committee members; and

**WHEREAS**, the Governor’s executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

**WHEREAS**, on September 16, 2021, the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, such conditions now exist in WCE, specifically, a state of emergency has been proclaimed related to COVID-19 and state or local officials are recommending measures to promote social distancing.

**NOW, THEREFORE, THE WESTERN COMMUNITY ENERGY BOARD OF DIRECTORS DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:**

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

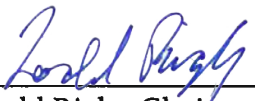
Section 2. Findings. Consistent with the provisions of Government Code Section 54953(e), the Board of Directors finds and determines that (1) a State of Emergency related to COVID-19 is currently in effect and (2) state or local officials have recommended measures to promote social distancing in connection with COVID-19.

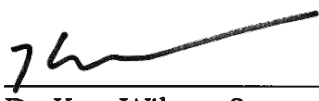
Section 3. Remote Teleconference Meetings. Based on the findings and determinations included herein, the Board of Directors authorizes and directs any of its legislative bodies, including, without limitation, its Technical Advisory Committee, to conduct remote teleconference meetings under the provisions of Government Code Section 54953(e) and that such bodies shall provide public access to their meetings as provided in Section 54953(e).

Section 4. Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless extended by a majority vote of the Board of Directors in accordance with Section 5 of this Resolution.


Section 5. Extension by Motion. The Board of Directors may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3). Any such extension may be made before or after the expiration of the preceding 30-day period.

**PASSED AND ADOPTED** by the Board of Directors on December 8, 2021.

  
\_\_\_\_\_  
Todd Rigby, Chairperson  
Western Community Energy

  
\_\_\_\_\_  
Dr. Kurt Wilson, Secretary  
Western Community Energy

Approved as to form:

  
\_\_\_\_\_  
Steven DeBaun  
Western Community Energy Legal Counsel

AYES:   5        NAYS:   0        ABSENT:   2        ABSTAIN:   0

# WCE Board of Directors

## Minutes

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### 1. CALL TO ORDER

The Joint Meeting of the WCE Board of Directors and Technical Advisory Committee was called to order by Chair Todd Rigby at 1:34 p.m., on December 8, 2021, on the Zoom platform.

### 2. PLEDGE OF ALLEGIANCE

Chair Rigby led members and guests in the Pledge of Allegiance.

### 3. ROLL CALL

#### Board of Directors:

- City of Eastvale - Todd Rigby (Chair)
- City of Hemet - Russ Brown\*
- City of Jurupa Valley - Chris Barajas
- City of Norco - Ted Hoffman
- City of Perris - Rita Rogers
- City of Wildomar - Ben Benoit

#### Technical Advisory Committee Members:

- City of Eastvale - Brian Jones
- City of Hemet - Chris Lopez
- City of Norco - Andy Okoro
- City of Perris - Ernie Reyna

\*Joined after Roll Call

### 4. PUBLIC COMMENTS

There were no public comments.

**5. CONSENT CALENDAR** – (Wildomar / Jurupa Valley) 5 yes; 0 no; 0 abstention. Items 5.A and 5.B were approved.

#### A. Assembly Bill 361 Findings

##### Action:

1. Adopted Resolution Number 2021-16; A Resolution of the Western Community Energy Board of Directors authorizing Virtual Committee meetings pursuant to Assembly Bill 361. The Resolution includes the following findings:
  - a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19

- pandemic, which State of Emergency continues to exist today; and
- b. State or local officials have recommended measures to promote social distancing.

## **B. Summary Minutes from the November 10, 2021, Joint Meeting of the WCE Board of Directors and Technical Advisory Committee**

### **Action:**

1. Approved the Summary Minutes from the November 10, 2021, Joint Meeting of the WCE Board of Directors and Technical Advisory Committee.

## **6. REPORT FROM THE EXECUTIVE DIRECTOR**

Dr. Kurt Wilson has no report in the interest of time.

## **7. ITEMS FOR FUTURE AGENDAS**

There were no items requested for future agendas.

## **8. GENERAL ANNOUNCEMENTS**

Chair Rigby thanked staff for their work over the past year.

Board members recognized Chair Rigby for doing a great job as Chair.

Board member Hoffman wished the U.S. Marines a happy birthday.

## **9. CLOSED SESSION**

- Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1):  
Case numbers: 6:21-12821, 6:21-12821 SY (U.S. Bankruptcy Court, Central Division)

There were no reportable actions.

## **10. NEXT MEETING**

The next Joint Meeting of the WCE Board of Directors and Technical Advisory Committee has been cancelled. The next meeting is scheduled for Wednesday, February 9, 2021, at 1:15 p.m., on the Zoom platform.

## **12. ADJOURNMENT**

The Joint Meeting of the WCE Board of Directors and Technical Advisory Committee adjourned at 2:42 p.m.



# WCE Board of Directors

## Minutes

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### 1. CALL TO ORDER

The Special Joint Meeting of the WCE Board of Directors and Technical Advisory Committee was called to order by Chair Todd Rigby at 2:03 p.m., on December 14, 2021, on the Zoom platform.

### 2. PLEDGE OF ALLEGIANCE

Chair Rigby led members and guests in the Pledge of Allegiance.

### 3. ROLL CALL

#### Board of Directors:

- City of Eastvale - Todd Rigby (Chair)
- City of Hemet - Russ Brown
- City of Jurupa Valley - Chris Barajas
- City of Perris - Rita Rogers

#### Technical Advisory Committee Members:

- City of Eastvale - Bryan Jones
- City of Jurupa Valley - Rod Butler
- City of Perris - Ernie Reyna
- City of Wildomar - Gary Nordquist

### 4. PUBLIC COMMENTS

There were no public comments.

### 5. CLOSED SESSION

- Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Case numbers: 6:21-12821, 6:21-12821-SY (U.S. Bankruptcy Court, Central Division)

There were no reportable actions.

### 11. NEXT MEETING

The next Joint Meeting of the WCE Board of Directors and Technical Advisory Committee is scheduled for Wednesday, February 9, 2022, at 1:15 p.m., on the Zoom platform.

## **12. ADJOURNMENT**

The Special Joint Meeting of the WCE Board of Directors and Technical Advisory Committee adjourned at 2:29 p.m.