

Joint Special Meetings of

Northern California Gas Authority Number 1

Sacramento Municipal Utility District Financing Authority

Campbell Power Plant/McClellan Power Plant

Carson Power Plant

Cosumnes Power Plant

Procter & Gamble Power Plant

Northern California Energy Authority

Date: December 8, 2022

Time: Immediately following the SMUD Board of Directors meeting scheduled to begin at 5:30 p.m.

Location: Virtual Meeting (online)



JOINT MEETING NOTICE AND AGENDA

SPECIAL MEETINGS OF THE NORTHERN CALIFORNIA GAS AUTHORITY NUMBER 1 (NCGA1), SACRAMENTO MUNICIPAL UTILITY DISTRICT FINANCING AUTHORITY (SFA), AND NORTHERN CALIFORNIA ENERGY AUTHORITY (NCEA)

Pursuant to Government Code section 54953(e) and the Emergency Board Meeting Procedures adopted by the SMUD Board of Directors, the regular Board meeting and other public meetings are currently conducted solely via virtual (online/teleconference) meeting to align with state, local, and federal guidelines for the containment of the coronavirus.

Live video streams and indexed archives of meetings are available at:
http://smud.granicus.com/ViewPublisher.php?view_id=16

Members of the public may register to provide verbal comments at an upcoming Commission meeting by e-mailing a request to speak to PublicComment@smud.org. Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be submitted while the meeting is in progress during the standard time for the agenda item or topic. **Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.**

Members of the public may provide written public comments on a specific agenda item or on items not on the agenda (general public comment) by submitting comments via e-mail. Comments may be submitted to PublicComment@smud.org and will be placed into the record of the meeting.

Members of the public that are listening to or watching the live stream of a Commission meeting and wish to submit written comments on a specific agenda item as it is being heard may submit their comments, limited to 250 words or less, to PublicComment@smud.org, noting the agenda item number in the subject line. The Commission President may read comments for items on the agenda into the record, in his discretion, based upon such factors as the length of the agenda or the number of e-mail comments received. General public comment for items not on the agenda will not be read into the record but will be provided to the Commission and placed into the record of the Commission meeting if it is received within two hours after the meeting ends.

***December 8, 2022 – Immediately following adjournment of the
SMUD Board of Directors meeting scheduled to begin at 5:30 p.m.***

Zoom Webinar Link: [Join Special Meetings of NCGA1, SFA and NCEA Here](#)

Webinar/Meeting ID: 161 609 2747

Passcode: 255858

Phone Dial-in Number: 1-669-254-5252 or 1-833-568-8864 (Toll Free)

Call to Order.

a. Roll Call.

1. Approval of the Agenda.

Comments from the public are welcome when these agenda items are called.

Item 3 was reviewed by the Finance and Audit Committee on November 8, 2022. Item 4 was reviewed by the Finance and Audit Committee on November 15, 2022.

Consent Calendar:

2. Approval of the minutes of the special meeting of **SFA** of October 20, 2022.
3.
 - a. Approve the proposed **2023 NCGA1 Budget**.
 - b. Approve the proposed **2023 SFA Budget**.
 - c. Approve the proposed **2023 NCEA Budget**.

Finance and Audit Committee 11/8. (Lora Anguay)

4. Make findings pursuant to Government Code section 54953(e) to continue holding meetings virtually during proclaimed state of emergency (recurring item, every 30 days) for the following joint powers agencies:
 - a. **NCGA1**;
 - b. **SFA**; and
 - c. **NCEA**.

Finance and Audit Committee 11/15. (Laura Lewis)

Public Comment:

5. Items not on the agenda.

Summary of Commission Direction

Dated: November 30, 2022

Brandon D. Rose, President
Northern California Gas Authority Number 1
Sacramento Municipal Utility District Financing Authority
Northern California Energy Authority

Pursuant to Resolution No. 20-06-08 adopted on June 18, 2020, Emergency Board Meeting Procedures are in effect:

Members of the public may make either a general public comment or comment on a specific agenda item by submitting comments via email. Comments may be submitted to PublicComment@smud.org. Comments will be provided to the Commission and placed into the record of the Commission meeting if it is received within two hours after the meeting ends.

Members of the public that are listening or watching the live stream of a Commission meeting and wish to comment on a specific agenda item as it is being heard, may submit their comments, limited to 250 words or less, to PublicComment@smud.org. The Commission President may read the comments into the record, in his discretion, based upon such factors as the length of the agenda, the number of email comments received, and whether the Commission is in danger of losing a quorum. Comments will be provided to the Commission and placed into the record of the Commission meeting if it is received within two hours after the meeting ends.

Members of the public may register to provide verbal comments at an upcoming Commission meeting by emailing a request to speak to PublicComment@smud.org. Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be submitted while the meeting is in progress during the standard time for the agenda item or topic. Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.

ADA Accessibility Procedures: Upon request, SMUD will generally provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in this virtual meeting. If you need a reasonable auxiliary aid or service for effective communication to participate, please email Toni.Stelling@smud.org, or contact by phone at (916) 732-7143, no later than 48 hours before this virtual meeting.

Sacramento, California

October 20, 2022

The special meeting of the Commissioners of the Sacramento Municipal Utility District Financing Authority (SFA) was held via virtual meeting (online) at 6:35 p.m.

Presiding: President Rose

Present: Commissioners Bui-Thompson, Herber, Kerth, Tamayo and Sanborn

Absent: Commissioner Fishman

Present also were Paul Lau, Chief Executive Officer and General Manager; Laura Lewis, Chief Legal & Government Affairs Officer and General Counsel; members of SMUD's executive management; and SMUD employees and visitors.

At the request of President Rose, Ms. Lewis briefly reviewed the purpose, organization and responsibilities of the SFA, which currently owns and operates the Cosumnes Power Plant, the Campbell Power Plant, the McClellan Power Plant, the Carson Power Plant, and the Procter & Gamble Power Plant.

President Rose called for approval of the agenda. Commissioner Herber moved for approval of the agenda, Commissioner Kerth seconded, and the agenda was approved by a vote of 6-0, with Commissioner Fishman absent.

President Rose called for statements from visitors for items on the agenda, but none were forthcoming.

President Rose turned to the Consent Calendar. Commissioner Tamayo moved for approval of the consent calendar, Commissioner Kerth seconded, and

DRAFT

Resolution Nos. 22-SFA-10-01 and 22-SFA-10-02 were approved by a vote of 6-0, with Commissioner Fishman absent.

RESOLUTION NO. 22-SFA-10-01

WHEREAS, Sacramento Municipal Utility District Financing Authority (SFA) is committed to preserving public access and participation in meetings of the Commissioners and to the safety of meeting attendees; and

WHEREAS, all meetings of the Commissioners are open and public, as required by the Ralph M. Brown Act (Gov't Code, §§ 5495054963) ("Brown Act"), so that any member of the public may attend, participate in, and watch SFA's governing body conduct its business; and

WHEREAS, the newly enacted Government Code section 54953(e) authorizes a local agency's governing body, during a proclaimed state of emergency, to participate in its public meetings using remote teleconferencing without compliance with the requirements of Government Code section 54953(b)(3), under specified 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, another condition is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on February 28, 2022, the California Department of Public Health rescinded the mask requirement effective March 1, 2022, for all individuals

regardless of vaccination status and instead issued a strong recommendation that all persons, regardless of vaccine status, continue indoor masking; and

WHEREAS, the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard continues to show elevated case and death data that appears to have been stable for weeks, and this is supported by ongoing wastewater sampling; and

WHEREAS, Sacramento County and surrounding counties currently have low community transmission rates for COVID-19 as defined by the Centers for Disease Control and Prevention; and

WHEREAS, on April 21, 2022, the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; and

WHEREAS, SMUD employees are the staff for SFA, and SMUD staff and other community members are still reporting infections with lasting symptoms; and

WHEREAS, adoption of the new bivalent booster is still relatively low; and

WHEREAS, Commission meetings immediately follow adjournment of SMUD Board or Committee meetings, and SMUD Board and Committee meetings can last as long as four hours, with participants sitting in the same room sharing air the entire time; and

WHEREAS, it would be impractical for SFA to take steps necessary to prevent imminent risks to the health and safety of attendees, such as by holding public

meetings outdoors, ensuring public meeting attendees are vaccinated, have appropriate face coverings, and wear them consistent with public health guidance; and

WHEREAS, all meetings, agendas, meeting dates, times, and manner in which the public may participate in the public meetings of SFA and offer public comment by telephone or internet-based service options including video conference are posted on the SMUD website and physically outside of SMUD’s Headquarters Building; and

WHEREAS, by Resolution No. 21-SFA-12-02 adopted on December 9, 2021, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 22-SFA-04-01 adopted on April 21, 2022, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE COMMISSIONERS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT FINANCING AUTHORITY:**

Section 1. Risks to Health and Safety of Attendees. The Commission has reconsidered the circumstances of the state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person and holding Commission meetings in person would present imminent risks to the health and safety of attendees.

Section 2. Remote Teleconference Meetings. SMUD staff 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 section 54953(e) and other applicable provisions of the Brown Act.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 19, 2022, or (ii) such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

Adopted: October 20, 2022

INTRODUCED BY COMMISSIONER TAMAYO				
SECONDED BY COMMISSIONER KERTH				
COMMISSIONER	AYE	NO	ABSTAIN	ABSENT
ROSE	X			
BUI-THOMPSON	X			
FISHMAN				X
HERBER	X			
KERTH	X			
TAMAYO	X			
SANBORN	X			

RESOLUTION NO. 22-SFA-10-02

WHEREAS, by Resolution No. 21-SFA-12-01, adopted on December 9, 2021, this Commission approved the 2022 SFA Budget Resolution, including a line item expenditure for \$19,630,935 for Capital Expenditures; and

WHEREAS, there is now a need to augment the 2022 SFA Budget, which will increase the line item expenditure for Capital Expenditures by \$18,610,419, **NOW**, **THEREFORE**,

BE IT RESOLVED BY THE COMMISSIONERS OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT FINANCING AUTHORITY:

Section 1. Section 2. of Resolution No. 21-SFA-12-01 is hereby amended to increase the funds budgeted for the line item for Capital Expenditures to \$38,241,354.

Section 2. In all other respects, the 2022 SFA Budget Resolution is reaffirmed.

Adopted: October 20, 2022

INTRODUCED BY COMMISSIONER TAMAYO				
SECONDED BY COMMISSIONER KERTH				
COMMISSIONER	AYE	NO	ABSTAIN	ABSENT
ROSE	X			
BUI-THOMPSON	X			
FISHMAN				X
HERBER	X			
KERTH	X			
TAMAYO	X			
SANBORN	X			

President Rose then turned to agenda item 4, statements from the public regarding items not on the agenda. He stated that in accordance with the Emergency Board Meeting Procedures, public comment for items not on the agenda would be provided to the Commissioners electronically and placed into the record if received within two hours after the meeting ended.

Public comment was received, a copy of which is attached to these minutes, from the following members of the public:

- Dawn Deason and Pat Stackpole

There were no items for the Summary of Commission Direction.

No further business appearing, the special meeting was adjourned at 6:40 p.m.

Approved:

President

Secretary

From: [Dawn Deason](#)
To: [Public Comment](#)
Cc: [Dawn Deason](#); [Rosanna Herber](#)
Subject: [EXTERNAL] Solar Customers
Date: Thursday, October 13, 2022 8:11:07 AM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear SMUD Board,

We are trying our best to reduce our carbon footprint. So, my wife and I did the right thing, we spent 10's of thousands of dollars and struggled with months of delays (due to plan approvals by your staff) but after two years, we finally installed a solar array for our home. We are able to generate enough power to keep our home running at our current use with a small amount left over to return to the grid. Now with new incentives from the Federal Government, I expect there will be more people doing the same thing. We also have a plug-in hybrid that we are able to charge without over taxing the grid.

We know we will never save enough money in our life times generating electricity with our solar panels to pay for our investment. The very least we ask is for parity in our reimbursement rates. We already pay to be connected to the grid, we want to be connected so we don't mind the small fee for that purpose, however why is the electricity we generate worth less than the electricity SMUD generates? Instead of encouraging more families to install solar panels, I feel SMUD is trying to slow it down. I have heard that even PG&E gives greater incentives.

I was hopeful that the SMUD board would vote to increase the reimbursement for household solar generated power, after all electricity rates have risen since the solar generated rates were first established. But instead you voted to reduce the reimbursements for solar customers. Who on the board is speaking for the residents of Sacramento who own solar panels? Anybody? With the new directives to put more electric vehicles on the road in California, SMUD is going to need people to charge their own vehicles with home generated solar power. I suggest that you consider paying solar customers a small fraction more for electricity returned to the grid as an incentive. I was told that due to certain financing schemes related to bonds that SMUD does not want customers to install rooftop solar. Is this true? If so, why? I have had several candidates for the board ask for my support, but so far no one has promised to support me and give solar customers a voice at the table.

Dawn Deason &
Pat Stackpole
519 Fremont Way
Sacramento, CA
95818
(916) 396-4862

3a

SSS No.

CFO 22-012

**NCGA1 COMMISSION
AGENDA ITEM
NORTHERN CALIFORNIA GAS AUTHORITY
NUMBER 1 STAFFING SUMMARY SHEET**

Committee Meeting & Date
Finance and Audit
November 8 & 9, 2022
Board Meeting Date
December 8, 2022

TO		TO	
1.	Russell Mills	6.	
2.	Jennifer Davidson	7.	
3.	Lora Anguay	8.	
4.	Scott Martin	9.	Legal
5.		10.	CEO & General Manager

Consent Calendar	Yes	No <i>If no, schedule a dry run presentation.</i>	Budgeted	Yes	No <i>(If no, explain in Cost/Budgeted section.)</i>
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FROM (IPR) Jennifer Restivo	DEPARTMENT Planning and Performance	MAIL STOP A309	EXT. 5193	DATE SENT 10/27/2022
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NARRATIVE:

Requested Action: Approve the 2023 Northern California Gas Authority Number 1 (NCGA1) Budget.

Summary: NCGA1 is a Joint Powers Authority (JPA) between SMUD, and Sacramento Municipal Utility District Financing Authority (SFA) formed in 2007. The Authority issued bonds and used the proceeds to enter into a prepayment agreement with Morgan Stanley Capital Group, Inc. for a twenty-year supply of a fixed quantity of natural gas. The Authority has also entered into a Gas Supply Contract with SMUD that provides for the sale of all the gas to SMUD. SMUD's 2023 Budget Commodity line item includes the cost of the natural gas to be purchased from NCGA1, and this is the source of funds to be used to pay interest and principal on the NCGA1 bonds.

Board Policy: *(Number & Title)* The 2023 Budget provides for the payment of interest, principal, and trustee fees on the NCGA1 bonds and other administrative costs, and indirectly supports the Board's strategic directives SD-3 Access to Credit Markets and SD-4 Reliability by providing a reliable supply of natural gas for SMUD's thermal generating plants. GP-3 (e) Board will adopt SMUD's budget on an annual basis.

Benefits: Approval of the 2023 NCGA1 Budget meets the requirements of the MUD Act and will authorize bond interest, principal, trustee fee, and other administrative payments within the limits prescribed.

Cost/Budgeted: Approval of the 2023 NCGA1 Budget Resolution will authorize debt service and administrative payments within the limit prescribed.

Alternatives: Approval of a budget is required before January 1, 2023, or the Joint Powers Authority would not have authority to make required debt service payments.

Affected Parties: Budget Office, Accounting, Treasury, Power Generation, and Legal.

Coordination: Budget Office, Accounting, Treasury, Power Generation, and Legal.

Presenter: Jennifer Davidson

Additional Links:

SUBJECT Northern California Gas Authority Number 1 2023 Proposed Budget	ITEM NO. (FOR LEGAL USE ONLY) 3a
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

RESOLUTION NO. _____

**BE IT RESOLVED BY THE COMMISSIONERS
OF THE NORTHERN CALIFORNIA GAS AUTHORITY NUMBER 1:**

Section 1. This resolution may be referred to as the 2023 Northern California Gas Authority Number 1 (NCGA1) Budget Resolution.

Section 2. There is hereby appropriated from the Authority's Department Service Fund sufficient monies for the payment of demands against the Authority which relate to obligations incurred for the purposes and within the amount specified for such purposes in the following projection of the Authority's programs for the period January 1, 2023, through December 31, 2023.

Interest Expense	\$	5,659,868
Bond Principal	\$	22,865,000
Administrative & General	\$	119,068

Section 3. Demands against the Authority may be paid without the prior specific approval of this Commission if they relate to obligations incurred for the purpose and within the amounts specified in Section 2, provided such demands are approved by the Chief Executive Officer and General Manager of the Authority, or his designee. It is the purpose and intent of this paragraph to delegate to the Chief Executive Officer and General Manager, or his designee, authority to make purchases, to negotiate and execute contracts, and expend funds in any manner necessary or appropriate to the administration of the business affairs of the Authority, within the amounts and for the purposes set forth above, subject to duly adopted delegations of authority.

SSS No. SFA 22-008

SFA COMMISSION AGENDA ITEM

Sacramento Municipal Utility District Financing Authority STAFFING SUMMARY SHEET

Committee Meeting & Date
Finance & Audit – 11/8-9/22

Commission Meeting Date
December 8, 2022

Please use a separate sheet if you have any comments.

TO					TO				
1.	Ryder Couch				6.	Scott Martin			
2.	Rouz Nouredini				7.	Jennifer Davidson			
3.	Russell Mills				8.				
4.	Joel Ledesma				9.	Legal			
5.	Lora Anguay				10.	CEO & General Manager			
Consent Calendar	<input checked="" type="checkbox"/>	Yes		No <i>If no, schedule a dry run presentation.</i>	Budgeted	<input checked="" type="checkbox"/>	Yes		No <i>(If no, explain in Cost/Budgeted section.)</i>
FROM (IPR)	DEPARTMENT				MAIL STOP	EXT.	DATE SENT		
Laurie Johnson	Power Generation/Thermal Generation				EA405	4822	10/28/22		

NARRATIVE:

Requested Action: Approve the proposed 2023 Sacramento Municipal Utility District Financing Authority (SFA) Budget.

Summary: The 2023 SFA Budget covers costs to be incurred by the JPA Thermal Fleet in operating and maintain the plants. The budget amount is per the attached draft resolution and is based on the operations expected during the normal water year for SMUD.

Board Policy: *(Number & Title)* Strategic Direction SD-2, Competitive Rates; Strategic Direction SD-3, Access to Credit Markets; Strategic Direction SD-4, Reliability; Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.

Benefits: Approve of the 2023 budget will meet the requirements of the annual budget provisions and will authorize spending within the limits prescribed to maintain operations of the fleet.

Cost/Budgeted: Approval of the 2023 budget will authorize spending within the limits prescribed. Expenditures authorized under this action should offset expenditures under purchased power.

Alternatives: Approval of a budget is required, or the plants will not have the authority to make purchases or pay bills.

Affected Parties: Budget Office, Accounting, Treasury, Power Generation, and Legal

Coordination: Executive Office, Board Office, Budget Office, Accounting, Treasury, Power Generation, and Legal

Presenter: Jennifer Davidson, Chief Financial Officer

Additional Links:

SUBJECT

2023 SFA Budget

ITEM NO. (FOR LEGAL USE ONLY)

3b

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING

SACRAMENTO MUNICIPAL UTILITY DISTRICT FINANCING AUTHORITY
BUDGET SUMMARY
Dollars in Thousands

	2022	2023	
	PLANT TOTAL	PLANT TOTAL	NET CHANGE
GENERATION (MWh)	5,476,313	5,156,103	-6%
FUEL			
Combined Cycle Gas Expenses	\$ 139,974	\$ 135,699	-3%
Combined Cycle Biogas Expense	54,771	46,852	-14%
Peaker Plant Gas Expenses	1,872	2,069	11%
Digester Gas for Resale	641	1,292	102%
Auxiliary Boiler Fuel Costs	309	353	14%
TOTAL FUEL EXPENSES	197,567	186,265	-6%
PLANT OPERATION & MAINTENANCE			
Operator Fees & Bonuses	14,156	14,564	3%
Operator Reimbursable Expenses	16,578	17,360	5%
Operating Expenses	14,448	13,246	-8%
Other Expenses	412	427	4%
TOTAL PLANT OPERATION & MAINTENANCE	45,594	45,597	0%
	-		
TOTAL O&M COSTS	243,161	231,862	-5%
ADMINISTRATIVE & GENERAL			
SMUD Labor	1,844	1,571	-15%
Outside Services	199	173	-13%
Insurance	5,876	6,884	17%
TOTAL ADMINISTRATIVE & GENERAL	7,919	8,628	9%
INTEREST EXPENSE			
Interest on Bonds	4,773	4,441	-7%
DEBT SERVICE PRINCIPAL REPAYMENT			
Principal Repayment		7,480	100%
TOTAL PRINCIPAL & INTEREST	11,421	11,921	4%
CAPITAL EXPENDITURES			
Capital Improvements	19,631	20,758	6%
	-		
TOTAL CAPITAL EXPENDITURES	19,631	20,758	6%

*2022 reflects changes in allocation of expense type and will not match the 2022 budget book.

DRAFT

RESOLUTION NO. _____

BE IT RESOLVED BY THE COMMISSIONERS
OF THE
SACRAMENTO MUNICIPAL UTILITY DISTRICT FINANCING AUTHORITY

Section 1. This resolution may be referred to as the 2023 SFA Budget

Resolution and includes:

SFA – Cosumnes Power Plant Budget
SFA – Campbell Power Plant Budget (includes McClellan Power Plant)
SFA – Procter & Gamble Power Plant Budget
SFA – Carson Power Plant Budget

Section 2. There is hereby appropriated from the Revenue Fund, Operating Fund, Debt Service Fund, and other funds as appropriate, sufficient monies for the payment of demands against the Authority which relate to obligations incurred for the purposes and within the amount specified for such purposes in the following projection of the Authority's programs for the period January 1, 2023 through December 31, 2023.

Operation and Maintenance	\$231,862,000
Administrative & General	\$ 8,628,000
Principal and Interest	\$ 11,921,000
Capital Expenditures	\$ 20,758,000

There shall be deemed added to the O&M and Capital line items a +20% increase with no limit to a decrease in the Operations and Maintenance Expense line items, plus an additional \$2 million each applicable to the overall budgets.

Section 3. Demands against the Authority may be paid without the prior specific approval of this Commission, if they relate to obligations incurred for the purpose and within the amounts specified in Section 2, provided such demands are approved by the Chief Executive Officer & General Manager of the Authority, or his designee. It is the purpose and intent of this paragraph to delegate to the Chief Executive Officer & General Manager, or his designee, authority to make purchases, to negotiate and execute contracts, and expend funds in any manner necessary or appropriate to the administration of the business affairs of the Authority, within the amounts and for the purposes set forth above, subject to duly adopted delegations of authority.

SSS No.

CFO 22-011

NCEA COMMISSION AGENDA ITEM

NORTHERN CALIFORNIA ENERGY AUTHORITY STAFFING SUMMARY SHEET

Committee Meeting & Date
Finance and Audit
November 8 & 9, 2022
Board Meeting Date
December 8, 2022

TO		TO	
1.	Russell Mills	6.	
2.	Jennifer Davidson	7.	
3.	Lora Anguay	8.	
4.	Scott Martin	9.	Legal
5.		10.	CEO & General Manager

Consent Calendar		Yes		No <i>If no, schedule a dry run presentation.</i>	Budgeted		Yes		No <i>(If no, explain in Cost/Budgeted section.)</i>
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FROM (IPR) Jennifer Restivo	DEPARTMENT Planning and Performance	MAIL STOP A309	EXT. 5193	DATE SENT 10/27/2022
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NARRATIVE:

Requested Action: Approve the 2023 Northern California Energy Authority (NCEA) Budget.

Summary: NCEA is a Joint Powers Authority (JPA), Northern California Energy Authority, formed with SMUD and Sacramento Municipal Utility District Financing Authority (SFA) in 2018. The Authority issued bonds and used the proceeds to enter into a commodity prepayment agreement with J Aron and Company for a thirty-year supply of natural gas or electricity, with a mandatory put-in date of July 1st, 2024. The Authority has also entered into a Commodity Supply Contract with SMUD that provides for the sale of all the gas or electricity to SMUD. SMUD's 2023 Budget Commodity line item includes the cost of the natural gas to be purchased from NCEA. NCEA will use proceeds from the natural gas sales to SMUD to pay for interest and principal on the NCEA bonds.

Board Policy: *(Number & Title)* SD-3 Access to Credit Markets and SD-4 Reliability. The NCEA budget will support SD-3 and SD-4 by providing a reliable and discounted supply of natural gas for SMUD's thermal generating plants. The 2023 Budget provides for the payment of interest, principal, and trustee fees on the NCEA bonds, and other administrative costs.

Benefits: Approval of the 2023 NCEA Budget meets the requirements of the MUD Act and will authorize bond interest, trustee fee and other administrative payments within the limits prescribed.

Cost/Budgeted: Approval of the 2023 NCEA Budget Resolution will authorize debt service and administrative payments within the limit prescribed.

Alternatives: Approval of a budget is required before January 1, 2023, or the Northern California Energy Authority will not have authority to carry out gas transactions nor make required debt service payments.

Affected Parties: Budget Office, Accounting, Treasury, Power Generation, and Legal.

Coordination: Budget Office, Accounting, Treasury, Power Generation, and Legal.

Presenter: Jennifer Davidson

Additional Links:

SUBJECT Northern California Energy Authority 2023 Proposed Budget	ITEM NO. (FOR LEGAL USE ONLY) 3c
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

RESOLUTION NO. _____

**BE IT RESOLVED BY THE COMMISSIONERS
OF THE NORTHERN CALIFORNIA ENERGY AUTHORITY:**

Section 1. This resolution may be referred to as the 2023 Northern California Energy Authority (NCEA) Budget Resolution.

Section 2. There is hereby appropriated from the Authority's Department Service Fund sufficient monies for the payment of demands against the Authority which relate to obligations incurred for the purposes and within the amount specified for such purposes in the following projection of the Authority's programs for the period January 1, 2023, through December 31, 2023.

Interest Expense	\$	21,401,700
Bond Principal	\$	2,320,000
Administrative & General	\$	160,022

Section 3. Demands against the Authority may be paid without the prior specific approval of this Commission if they relate to obligations incurred for the purpose and within the amounts specified in Section 2, provided such demands are approved by the Chief Executive Officer and General Manager of the Authority, or his designee. It is the purpose and intent of this paragraph to delegate to the Chief Executive Officer and General Manager, or his designee, authority to make purchases, to negotiate and execute contracts, and expend funds in any manner necessary or appropriate to the administration of the business affairs of the Authority, within the amounts and for the purposes set forth above, subject to duly adopted delegations of authority.

NCGA1 COMMISSION AGENDA ITEM

Northern California Gas Authority Number 1 STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit – 11/15/22
Commission Meeting Date December 8, 2022

Please use a separate sheet if you have any comments.

TO				TO			
1.	Jennifer Davidson	6.					
2.	Lora Anguay	7.					
3.	Scott Martin	8.					
4.		9.	Legal				
5.		10.	CEO & General Manager				
Consent Calendar	X	Yes	No (If no, schedule a dry run presentation.)				
Budgeted	X	Yes	No (If no, explain in Cost/Budgeted section.)				
FROM (IPR) Joe Schofield		DEPARTMENT Legal		MAIL STOP B406	EXT. 5446	DATE SENT 11/03/22	

NARRATIVE:

Requested Action: Make determination pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by the SMUD Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which became effective immediately upon signature, containing language that eased Brown Act requirements to allow local agencies to meet remotely. AB 361 allows meetings to continue to be conducted by teleconference, similar to the process used during the current COVID-19 pandemic, but only when there is a declared state of emergency when the local governing body makes findings that there are imminent health risks to meeting in person.

On February 25, 2022, Executive Order N-04-22 was issued making some changes to previous COVID-19 Executive Orders but leaving the California State of Emergency due to the threat of COVID-19 in effect. On October 17, 2022, Governor Newsom announced his intent to end the California State of Emergency on February 28, 2023.

On April 21, 2022, CAL/OSHA re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard, and covering the period up to November 2, 2022, indicated a local COVID-19 case rate of 6.5% and 5 deaths since the last update. Studies of COVID-19 in Sacramento County wastewater show a fairly steep rise in detections since early October. Although Sacramento County is still currently in the low severity tier for COVID-19 with surrounding counties also being in the low tiers, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another's respirated air for what could be a lengthy period of time. Commission meetings immediately follow adjournment of SMUD Board or Committee meetings and would encounter the same circumstances.

By Resolution 21-NCGA1-12-02 adopted on December 9, 2021, and Resolution No. 22-NCGA1-04-01 adopted on April 21, 2022, this Commission has previously made findings to continue to hold regular Commission meetings and other public meetings via solely virtual (online/teleconference) format.

Staff's recommendation is to continue to hold Commission meetings and other public meetings via virtual (online/teleconference) meeting or as hybrid virtual (online/teleconference/limited in-person) and continue to monitor developments related to the COVID-19 pandemic. Pursuant to Government Code section 54953(e),

this Commission must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

Board Policy: Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.
(Number & Title)

Benefits: Making the determination to continue remote meetings will allow for efficient conduct of Commission business.

Cost/Budgeted: Contained in Business Unit budget for internal labor.

Alternatives: Take no action and comply with all original Brown Act requirements.

Affected Parties: SMUD, Commissioners, Public

Coordination: Executive Office, Board Office, Legal Department, Information Technology, Communications

Presenter: Laura Lewis, Chief Legal & Government Affairs Officer

Additional Links:

SUBJECT

Make Findings to Continue Online/Teleconference Meetings (NCGA1)

ITEM NO. (FOR LEGAL USE ONLY)

4a

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING

RESOLUTION NO. _____

WHEREAS, Northern California Gas Authority Number 1 (NCGA1) is committed to preserving public access and participation in meetings of the Commissioners and to the safety of meeting attendees; and

WHEREAS, all meetings of the Commissioners are open and public, as required by the Ralph M. Brown Act (Gov't Code, §§ 5495054963) ("Brown Act"), so that any member of the public may attend, participate in, and watch NCGA1's governing body conduct its business; and

WHEREAS, the newly enacted Government Code section 54953(e) authorizes a local agency's governing body, during a proclaimed state of emergency, to participate in its public meetings using remote teleconferencing without compliance with the requirements of Government Code section 54953(b)(3), under specified 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, another condition is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on February 28, 2022, the California Department of Public Health rescinded the mask requirement effective March 1, 2022, for all individuals

regardless of vaccination status and instead issued a strong recommendation that all persons, regardless of vaccine status, continue indoor masking; and

WHEREAS, the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard continues to show elevated case and death data that appears to have been stable for weeks, and this is supported by ongoing wastewater sampling; and

WHEREAS, Sacramento County and surrounding counties currently have low community transmission rates for COVID-19 as defined by the Centers for Disease Control and Prevention; and

WHEREAS, on April 21, 2022, the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; and

WHEREAS, SMUD employees are the staff for NCGA1, and SMUD staff and other community members are still reporting infections with lasting symptoms; and

WHEREAS, adoption of the new bivalent booster is still relatively low; and

WHEREAS, Commission meetings immediately follow adjournment of SMUD Board or Committee meetings, and SMUD Board and Committee meetings can last as long as four hours, with participants sitting in the same room sharing air the entire time; and

WHEREAS, it would be impractical for NCGA1 to take steps necessary to prevent imminent risks to the health and safety of attendees, such as by holding public meetings outdoors, ensuring public meeting attendees are vaccinated, have appropriate face coverings, and wear them consistent with public health guidance; and

WHEREAS, all meetings, agendas, meeting dates, times, and manner in which the public may participate in the public meetings of NCGA1 and offer public comment by telephone or internet-based service options including video conference are posted on the SMUD website and physically outside of SMUD's Headquarters Building; and

WHEREAS, by Resolution No. 21-NCGA1-12-02 adopted on December 9, 2021, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 22-NCGA1-04-01 adopted on April 21, 2022, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE COMMISSIONERS
OF THE NORTHERN CALIFORNIA GAS AUTHORITY NUMBER 1:**

Section 1. Risks to Health and Safety of Attendees. The Commission has reconsidered the circumstances of the state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person and holding Commission meetings in person would present imminent risks to the health and safety of attendees.

Section 2. Remote Teleconference Meetings. SMUD staff 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 section 54953(e) and other applicable provisions of the Brown Act.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 7, 2023, or (ii) such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

SSS No. LEG 2022-0158

SFA COMMISSION AGENDA ITEM

Sacramento Municipal Utility District Financing Authority STAFFING SUMMARY SHEET

Committee Meeting & Date Finance & Audit – 11/15/22
Commission Meeting Date December 8, 2022

Please use a separate sheet if you have any comments.

TO					TO					
1.	Jennifer Davidson				6.					
2.	Lora Anguay				7.					
3.	Scott Martin				8.					
4.					9.	Legal				
5.					10.	CEO & General Manager				
Consent Calendar		<input checked="" type="checkbox"/>	Yes		No <i>If no, schedule a dry run presentation.</i>					
Budgeted		<input checked="" type="checkbox"/>	Yes		No <i>(If no, explain in Cost/Budgeted section.)</i>					
FROM (IPR)			DEPARTMENT			MAIL STOP		EXT.		DATE SENT
Joe Schofield			Legal			B406		5446		11/03/22

NARRATIVE:

Requested Action: Make determination pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by the SMUD Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which became effective immediately upon signature, containing language that eased Brown Act requirements to allow local agencies to meet remotely. AB 361 allows meetings to continue to be conducted by teleconference, similar to the process used during the current COVID-19 pandemic, but only when there is a declared state of emergency when the local governing body makes findings that there are imminent health risks to meeting in person.

On February 25, 2022, Executive Order N-04-22 was issued making some changes to previous COVID-19 Executive Orders but leaving the California State of Emergency due to the threat of COVID-19 in effect. On October 17, 2022, Governor Newsom announced his intent to end the California State of Emergency on February 28, 2023.

On April 21, 2022, CAL/OSHA re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard, and covering the period up to November 2, 2022, indicated a local COVID-19 case rate of 6.5% and 5 deaths since the last update. Studies of COVID-19 in Sacramento County wastewater show a fairly steep rise in detections since early October. Although Sacramento County is still currently in the low severity tier for COVID-19 with surrounding counties also being in the low tiers, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another's respirated air for what could be a lengthy period of time. Commission meetings immediately follow adjournment of SMUD Board or Committee meetings and would encounter the same circumstances.

By Resolution 21-SFA-12-02 adopted on December 9, 2021, Resolution No. 22-SFA-04-01 adopted on April 21, 2022, and Resolution No. 22-SFA-10-01 adopted on October 20, 2022, this Commission has previously made findings to continue to hold regular Commission meetings and other public meetings via solely virtual (online/teleconference) format.

Staff's recommendation is to continue to hold Commission meetings and other public meetings via virtual (online/teleconference) meeting or as hybrid virtual (online/teleconference/limited in-person) and continue to monitor developments related to the COVID-19 pandemic. Pursuant to Government Code section 54953(e), this Commission must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

Board Policy: Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.
(Number & Title)

Benefits: Making the determination to continue remote meetings will allow for efficient conduct of Commission business.

Cost/Budgeted: Contained in Business Unit budget for internal labor.

Alternatives: Take no action and comply with all original Brown Act requirements.

Affected Parties: SMUD, Commissioners, Public

Coordination: Executive Office, Board Office, Legal Department, Information Technology, Communications

Presenter: Laura Lewis, Chief Legal & Government Affairs Officer

Additional Links:

SUBJECT

Make Findings to Continue Online/Teleconference Meetings (SFA)

ITEM NO. (FOR LEGAL USE ONLY)

4b

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING

RESOLUTION NO. _____

WHEREAS, Sacramento Municipal Utility District Financing Authority (SFA) is committed to preserving public access and participation in meetings of the Commissioners and to the safety of meeting attendees; and

WHEREAS, all meetings of the Commissioners are open and public, as required by the Ralph M. Brown Act (Gov't Code, §§ 5495054963) ("Brown Act"), so that any member of the public may attend, participate in, and watch SFA's governing body conduct its business; and

WHEREAS, the newly enacted Government Code section 54953(e) authorizes a local agency's governing body, during a proclaimed state of emergency, to participate in its public meetings using remote teleconferencing without compliance with the requirements of Government Code section 54953(b)(3), under specified 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, another condition is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on February 28, 2022, the California Department of Public Health rescinded the mask requirement effective March 1, 2022, for all individuals

regardless of vaccination status and instead issued a strong recommendation that all persons, regardless of vaccine status, continue indoor masking; and

WHEREAS, the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard continues to show elevated case and death data that appears to have been stable for weeks, and this is supported by ongoing wastewater sampling; and

WHEREAS, Sacramento County and surrounding counties currently have low community transmission rates for COVID-19 as defined by the Centers for Disease Control and Prevention; and

WHEREAS, on April 21, 2022, the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; and

WHEREAS, SMUD employees are the staff for SFA, and SMUD staff and other community members are still reporting infections with lasting symptoms; and

WHEREAS, adoption of the new bivalent booster is still relatively low; and

WHEREAS, Commission meetings immediately follow adjournment of SMUD Board or Committee meetings, and SMUD Board and Committee meetings can last as long as four hours, with participants sitting in the same room sharing air the entire time; and

WHEREAS, it would be impractical for SFA to take steps necessary to prevent imminent risks to the health and safety of attendees, such as by holding public meetings outdoors, ensuring public meeting attendees are vaccinated, have appropriate face coverings, and wear them consistent with public health guidance; and

WHEREAS, all meetings, agendas, meeting dates, times, and manner in which the public may participate in the public meetings of SFA and offer public comment by telephone or internet-based service options including video conference are posted on the SMUD website and physically outside of SMUD's Headquarters Building; and

WHEREAS, by Resolution No. 21-SFA-12-02 adopted on December 9, 2021, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 22-SFA-04-01 adopted on April 21, 2022, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 22-SFA-10-01 adopted on October 20, 2022, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE COMMISSIONERS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT FINANCING AUTHORITY:**

Section 1. Risks to Health and Safety of Attendees. The Commission has reconsidered the circumstances of the state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person and holding Commission meetings in person would present imminent risks to the health and safety of attendees.

Section 2. Remote Teleconference Meetings. SMUD staff 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 section 54953(e) and other applicable provisions of the Brown Act.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 7, 2023, or (ii) such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

NCEA COMMISSION AGENDA ITEM

**Northern California Energy Authority
STAFFING SUMMARY SHEET**

Committee Meeting & Date Finance & Audit – 11/15/22
Commission Meeting Date December 8, 2022

Please use a separate sheet if you have any comments.

TO				TO						
1.	Jennifer Davidson			6.						
2.	Lora Anguay			7.						
3.	Scott Martin			8.						
4.				9.	Legal					
5.				10.	CEO & General Manager					
Consent Calendar	<input checked="" type="checkbox"/>	Yes	No If no, schedule a dry run presentation.		Budgeted	<input checked="" type="checkbox"/>	Yes	No (If no, explain in Cost/Budgeted section.)		
FROM (IPR) Joe Schofield				DEPARTMENT Legal				MAIL STOP B406	EXT. 5446	DATE SENT 11/03/22

NARRATIVE:

Requested Action: Make determination pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by the SMUD Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

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On April 21, 2022, CAL/OSHA re-adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard, and covering the period up to November 2, 2022, indicated a local COVID-19 case rate of 6.5% and 5 deaths since the last update. Studies of COVID-19 in Sacramento County wastewater show a fairly steep rise in detections since early October. Although Sacramento County is still currently in the low severity tier for COVID-19 with surrounding counties also being in the low tiers, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another's respirated air for what could be a lengthy period of time. Commission meetings immediately follow adjournment of SMUD Board or Committee meetings and would encounter the same circumstances.

By Resolution 21-NCEA-12-02 adopted on December 9, 2021, and Resolution No. 22-NCEA-04-01 adopted on April 21, 2022, this Commission has previously made findings to continue to hold regular Commission meetings and other public meetings via solely virtual (online/teleconference) format.

Staff's recommendation is to continue to hold Commission meetings and other public meetings via virtual (online/teleconference) meeting or as hybrid virtual (online/teleconference/limited in-person) and continue to monitor developments related to the COVID-19 pandemic. Pursuant to Government Code section 54953(e),

this Commission must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

Board Policy: Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.
(Number & Title)

Benefits: Making the determination to continue remote meetings will allow for efficient conduct of Commission business.

Cost/Budgeted: Contained in Business Unit budget for internal labor.

Alternatives: Take no action and comply with all original Brown Act requirements.

Affected Parties: SMUD, Commissioners, Public

Coordination: Executive Office, Board Office, Legal Department, Information Technology, Communications

Presenter: Laura Lewis, Chief Legal & Government Affairs Officer

Additional Links:

SUBJECT

Make Findings to Continue Online/Teleconference Meetings (NCEA)

ITEM NO. (FOR LEGAL USE ONLY)

4c

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING

RESOLUTION NO. _____

WHEREAS, Northern California Energy Authority (NCEA) is committed to preserving public access and participation in meetings of the Commissioners and to the safety of meeting attendees; and

WHEREAS, all meetings of the Commissioners are open and public, as required by the Ralph M. Brown Act (Gov't Code, §§ 5495054963) ("Brown Act"), so that any member of the public may attend, participate in, and watch NCEA's governing body conduct its business; and

WHEREAS, the newly enacted Government Code section 54953(e) authorizes a local agency's governing body, during a proclaimed state of emergency, to participate in its public meetings using remote teleconferencing without compliance with the requirements of Government Code section 54953(b)(3), under specified 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, another condition is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on February 28, 2022, the California Department of Public Health rescinded the mask requirement effective March 1, 2022, for all individuals

regardless of vaccination status and instead issued a strong recommendation that all persons, regardless of vaccine status, continue indoor masking; and

WHEREAS, the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard continues to show elevated case and death data that appears to have been stable for weeks, and this is supported by ongoing wastewater sampling; and

WHEREAS, Sacramento County and surrounding counties currently have low community transmission rates for COVID-19 as defined by the Centers for Disease Control and Prevention; and

WHEREAS, on April 21, 2022, the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) adopted its workplace COVID-19 Emergency Temporary Standards (ETS), as modified, effective May 6, 2022, through December 31, 2022, including outbreak reporting; and

WHEREAS, SMUD employees are the staff for NCEA, and SMUD staff and other community members re still reporting infections with lasting symptoms; and

WHEREAS, adoption of the new bivalent booster is still relatively low; and

WHEREAS, Commission meetings immediately follow adjournment of SMUD Board or Committee meetings, and SMUD Board and Committee meetings can last as long as four hours, with participants sitting in the same room sharing air the entire time; and

WHEREAS, it would be impractical for NCEA to take steps necessary to prevent imminent risks to the health and safety of attendees, such as by holding public meetings outdoors, ensuring public meeting attendees are vaccinated, have appropriate face coverings, and wear them consistent with public health guidance; and

WHEREAS, all meetings, agendas, meeting dates, times, and manner in which the public may participate in the public meetings of NCEA and offer public comment by telephone or internet-based service options including video conference are posted on the SMUD website and physically outside of SMUD's Headquarters Building; and

WHEREAS, by Resolution No. 21-NCEA-12-02 adopted on December 9, 2021, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 22-NCEA-04-01 adopted on April 21, 2022, this Commission made findings that requisite conditions exist for the Commissioners to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE COMMISSIONERS
OF THE NORTHERN CALIFORNIA ENERGY AUTHORITY:**

Section 1. Risks to Health and Safety of Attendees. The Commission has reconsidered the circumstances of the state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person and holding Commission meetings in person would present imminent risks to the health and safety of attendees.

Section 2. Remote Teleconference Meetings. SMUD staff 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 section 54953(e) and other applicable provisions of the Brown Act.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 7, 2023, or (ii) such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.