

## SILICON VALLEY CLEAN ENERGY AUTHORITY

### RESOLUTION NO. 2026-04

#### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY APPROVING A REVISED HYBRID MEETING POLICY

##### RECITALS

**WHEREAS**, the Silicon Valley Clean Energy Authority (“SVCE”) was formed on March 31, 2016, pursuant to a Joint Powers Agreement to promote, develop, conduct, operate, and manage energy programs in Santa Clara County;

**WHEREAS**, on December 11, 2024, the SVCE Board approved “General and Administrative Policy 9: Hybrid Meetings” (the “Policy”) for conducting meetings with one or more members participating by teleconference, pursuant to Chapter 9 of Part 1 of Division 2 of Title 5 of the California Government Code, such Chapter being the “Brown Act”;

**WHEREAS**, the California Legislature enacted SB 707, effective January 1, 2026, to amend the Brown Act, including revisions to the provisions allowing participation in meetings by teleconference;

**WHEREAS**, SB 707 specifies the basis upon which teleconference meeting participation is allowed, including, but not limited to teleconferencing pursuant to California Government Code Section 54953 (the “traditional teleconferencing rules”), teleconferencing for “just cause” pursuant to California Government Code Section 54953.8.3, and teleconferencing by an “eligible multijurisdictional body” pursuant to California Government Code Section 54953.8.7;

**WHEREAS**, as a legislative body of a joint powers entity formed pursuant to an agreement entered into in accordance with Article 1 of Chapter 5 of Division 7 of Title 1 of the California Government Code, the SVCE Board is an eligible multijurisdictional body, as defined by California Government Code Section 54953.8.7;

**WHEREAS**, the SVCE Board desires to authorize use of teleconferencing as an eligible multijurisdictional body pursuant to California Government Code Section 54953.8.7; and

**WHEREAS**, the SVCE Board desires to update its Policy to reflect the amended Brown Act teleconferencing rules, including SVCE’s use of the traditional teleconferencing rules, just cause teleconferencing, and teleconferencing by an eligible multijurisdictional body.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:**

Section 1. Each legislative body of SVCE is hereby authorized to use teleconferencing pursuant to California Government Code Section 54953.8.7.

Section 2. The “General and Administrative Policy 9: Hybrid Meetings”, attached hereto as Exhibit A is hereby adopted and shall replace the existing Policy.

**ADOPTED AND APPROVED this 11th day of February, 2026.**

JURISDICTION	NAME	AYE	NO	ABSTAIN	ABSENT
City of Campbell	Director Scozzola	✓			
City of Cupertino	Director Wang				✓
City of Gilroy	Director Hilton	✓			
City of Los Altos	Director Meadows	✓			
Town of Los Altos Hills	Director Tyson	✓			
Town of Los Gatos	Director Rennie	✓			
City of Milpitas	Director Barbadillo	✓			
City of Monte Sereno	Director Mekechuk	✓			
City of Morgan Hill	Director Martinez Beltran	✓			
City of Mountain View	Director Showalter	✓			
County of Santa Clara	Director Lee	✓			
City of Saratoga	Director Page	✓			
City of Sunnyvale	Director Klein	✓			

Signed by:  
  
 5EA05306024B4B4...  
 \_\_\_\_\_  
**Chair**

**ATTEST:**

DocuSigned by:  
  
 8BC3564ACEA848D...  
 \_\_\_\_\_  
**Clerk**

EXHIBIT A

General and Administrative Policy 9: Hybrid Meetings

[see attached]



## **General and Administrative Policy 9: Hybrid Meetings**

### **I. Purpose**

To establish standard procedure for conducting public Silicon Valley Clean Energy (SVCE) hybrid meetings.

### **II. Scope**

SVCE Board and Committee meetings subject to the Ralph M. Brown Act mandating open and transparent government meetings for local agencies.

### **III. Policy**

- A. Regular Board meetings will be held at Sunnyvale Civic Center or other location as noticed. Committee meetings will be held at SVCE offices, unless otherwise noticed.
- B. Board and Committee members ("Members") may participate in meetings in person or by teleconference. Teleconference participation is allowed by following the traditional Brown Act rules (the "Traditional Rules") or the alternative rules for limited teleconferencing conditions (the "Alternative Rules"), as outlined below.
- C. The preferred method for meeting participation is in person attendance, followed by teleconference participation at the regular meeting location in the Member's appointing jurisdiction pursuant to the Traditional Rules. Members are encouraged to ask their alternate Member to attend a meeting in person when the Member cannot attend in person.
- D. The Brown Act imposes conditions and limitations on use of teleconference meeting participation, which could result in SVCE being unable to conduct essential time-sensitive business at a meeting. For this reason, in the event that a Member cannot participate in person, the Member is expected to contact the Board Clerk and CEO as soon as possible to determine, in consultation with General Counsel, the best approach to participation in the meeting.



- E. Members who require an accommodation under the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.* (1990)) should contact the Board Clerk as early as possible to make arrangements for an accommodation.

#### **IV. Participation under the Traditional Rules for Teleconferencing**

A Member may participate in a meeting by teleconference using the Traditional Rules under the following conditions:

- A. Each teleconference location must be identified in the notice and agenda of the meeting. The Member must provide the Board Clerk the location at least one week before the meeting.
- B. The agenda must be posted at each teleconference location.
- C. Each location must be publicly accessible.
- D. If the Member is ultimately unable to join from the remote location, they must ensure that someone at that location still connects to the teleconference and allows the public to access and participate from the location. The Member should also take steps to have their alternate attend in their absence.
- E. At least a quorum of the Members must participate from locations within SVCE's jurisdiction.
- F. A Member should consider not participating by teleconference under the Traditional Rules if any of the following conditions are met.
  - 1. The remote location may not have sufficient internet connectivity to ensure reliable connectivity for a teleconference;
  - or
  - 2. The remote location is outside the territorial boundaries of the United States.

#### **V. Participation under the Alternative Rules for Teleconferencing - Multijurisdictional Body**

Members who are on personal travel outside SVCE's jurisdiction should consider utilizing the teleconferencing rules for a multijurisdictional body. A Member may participate in a meeting using the Alternative Rules for



teleconferencing for a multijurisdictional body, pursuant to Government Code Section 54953.8.7, provided that the following conditions are satisfied:

- A. Use of a two-way audio visual platform or a two-way telephonic service and a live webcast of the meeting to allow the public to both remotely hear and visually observe the meeting.
- B. The notice for the meeting must state how members of the public may access the meeting and offer public comment, including how members of the public can attend and participate using the remote participation internet or telephonic service.
- C. In the event of a disruption that prevents the meeting from being broadcast to members of the public using the call-in option or internet-based service option, or in the event of a disruption within SVCE's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the meeting cannot continue until remote access is restored.**
- D. SVCE cannot require public comments to be submitted in advance of the teleconference meeting and the public must have the opportunity to provide comments in real time.
- E. A reasonable amount of time per agenda item must be allowed for the public to provide public comment, including time to register to give public comment.
- F. The minutes of the meeting must list any Member who participated in the meeting via teleconference from a remote location and the specific provision of law the member relied upon to permit their participation by teleconferencing.
- G. At least a quorum of the members of the legislative body must participate from one or more physical locations that are open to the public and within the boundaries of territory where the body has jurisdiction.
- H. Any members who receive compensation for their service on the body must participate from a physical location that is open to the public.
- I. The agenda must identify which members plan to participate remotely.



- J. Members cannot participate remotely unless the location from which the member participates from is more than 20 miles away, one way, from a physical meeting location that is open to the public.
- K. Remote Member must participate via both audio and visual technology. These rules for teleconferencing cannot be the means for a Member to attend a meeting via teleconferencing: for more than two (2) meetings per year. To ensure compliance with this limit, SVCE staff will track and report on the number of meetings for each Board member utilizing this option.

## **VI. Participation under the Alternative Rules for Teleconferencing - Just Cause**

A Member that cannot participate in person may participate in a meeting using the Alternative Rules for teleconferencing for "just cause," pursuant to Government Code Section 54953.8.3, provided that the following conditions are satisfied:

- A. Use of a two-way audio visual platform or a two-way telephonic service and a live webcast of the meeting to allow the public to both remotely hear and visually observe the meeting.
- B. The notice for the meeting must state how members of the public may access the meeting and offer public comment, including how members of the public can attend and participate using the remote participation internet or telephonic service.
- C. In the event of a disruption that prevents the meeting from being broadcast to members of the public using the call-in option or internet-based service option, or in the event of a disruption within SVCE's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the meeting cannot continue until remote access is restored.**
- D. SVCE cannot require public comments to be submitted in advance of the teleconference meeting and the public must have the opportunity to provide comments in real time.



- E. A reasonable amount of time per agenda item must be allowed for the public to provide public comment, including time to register to give public comment.
- F. The minutes of the meeting must list any Member who participated in the meeting via teleconference from a remote location and the specific provision of law the member relied upon to permit their participation by teleconferencing.
- G. **At least a quorum of the members of the legislative body must participate in person from a singular physical location** clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction.
- H. The Member must notify SVCE at the earliest opportunity possible, of the need to participate by teleconference for just cause and include a general description of the circumstances that prevent in person attendance. Only the following circumstances are "just cause" for teleconferencing under these Alternative Rules:
  - i. Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that prevents in person attendance. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section Government Code Section 12945.2.
  - ii. A contagious illness that prevents in person attendance.
  - iii. A need related to a physical or mental condition, which is not an accommodation for a disability under Government Code Section 54953(c).
  - iv. Travel while on official business of the legislative body or another state or local agency.
  - v. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that prevents in person attendance.
  - vi. A physical or family medical emergency that prevents in person attendance.
  - vii. Military service obligations that prevent in person attendance because the Member is serving under official written orders for



active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the Member to be at least 50 miles outside the boundaries of SVCE.

- I. The member must participate through both audio and visual technology. These rules for teleconferencing cannot be the means for a Member to attend a meeting via teleconferencing: for more than two (2) meetings per year. To ensure compliance with this limit, SVCE staff will track and report on the number of meetings for each Board member utilizing this option.

## **VII. Policy Review**

This Policy will be reviewed at least every five (5) years.