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VCE Community Advisory Committee Meeting – Thursday, January 25, 2024



Item 7 – Overview of the Brown Act-Social Media

To Provide Public Comment on any agenda item please:

- E-mail 300 words or less to: meetings@valleycleanenergy.org

OR

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The Brown Act in a Modern World

January 25, 2024

Presented by: Patrick Enright – Richards Watson & Gershon

Ralph M. Brown Act



- "All meetings of the legislative body of a local agency shall be *open and public*, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."

Applies to “Legislative Bodies”

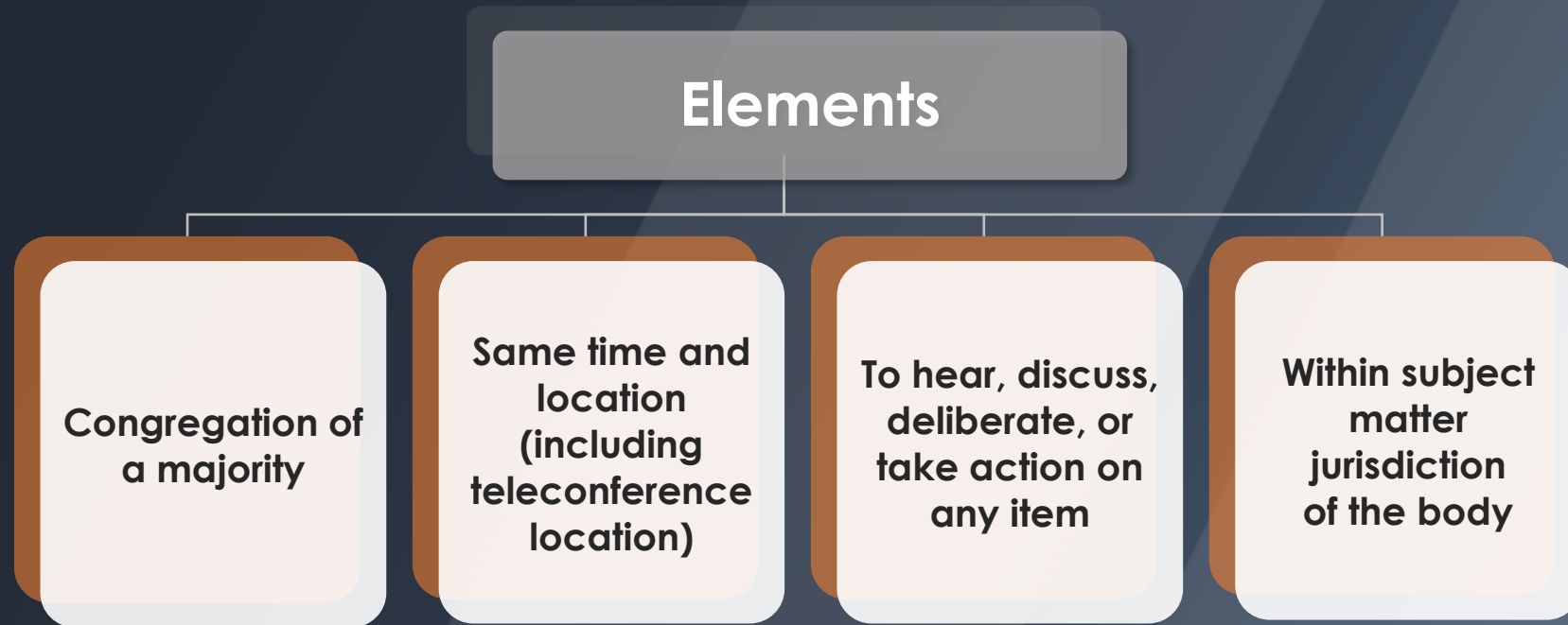
- **What is a “legislative body?”**

- Governing body of the local agency
- Subordinate boards & commissions created by formal action of the governing body
- Standing committees with a regular meeting schedule and continuing subject matter jurisdiction

- **What is not a “legislative body?”**

- Advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body

What Is a “Meeting”?



Serial Meetings Are Illegal

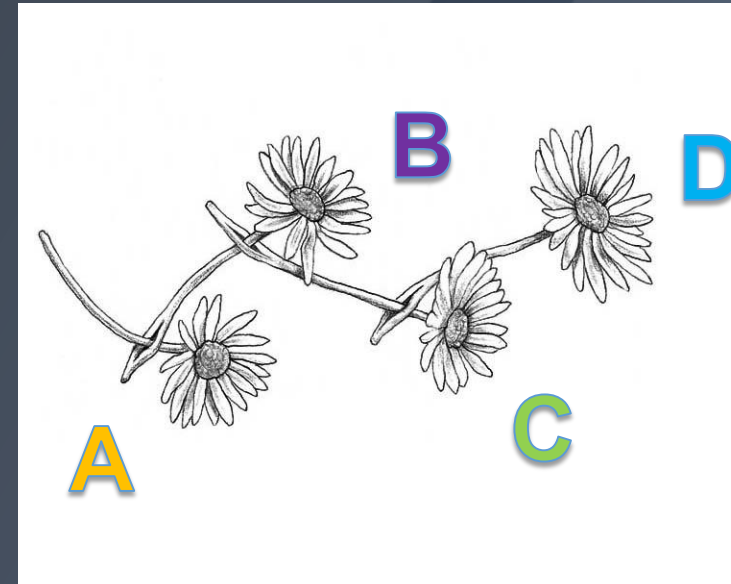
- **What is an illegal serial meeting?**
 - Series of direct or indirect communications (intermediaries/technology)
 - By a majority of the body
 - To discuss, deliberate, or take action on any item of business or potential business
- **Individual briefings are okay**
 - “Unidirectional”
 - Don’t describe views of any other members
 - Don’t ask about other members' views

2 Types of Illegal Serial Meetings

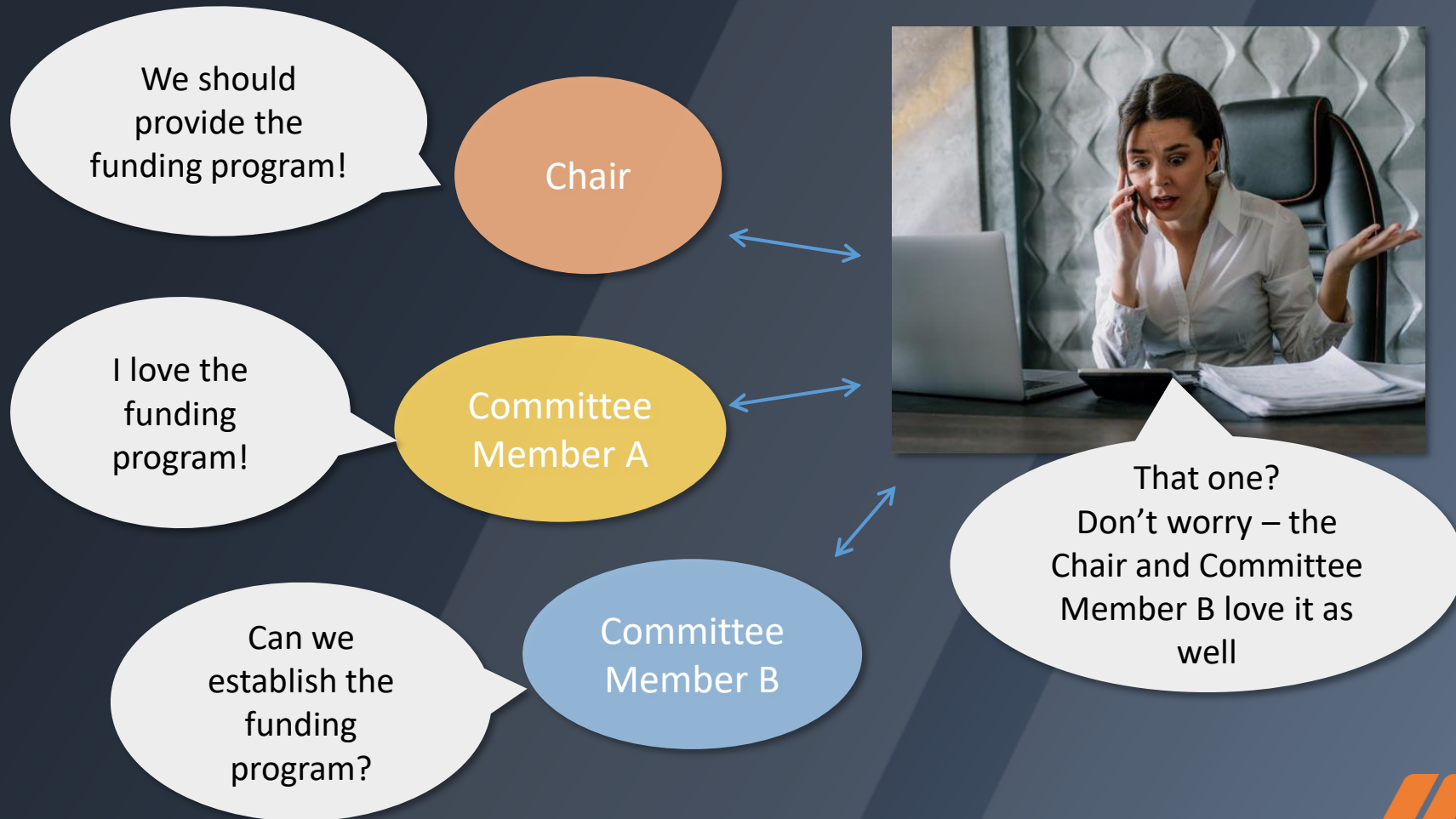
Hub & Spoke



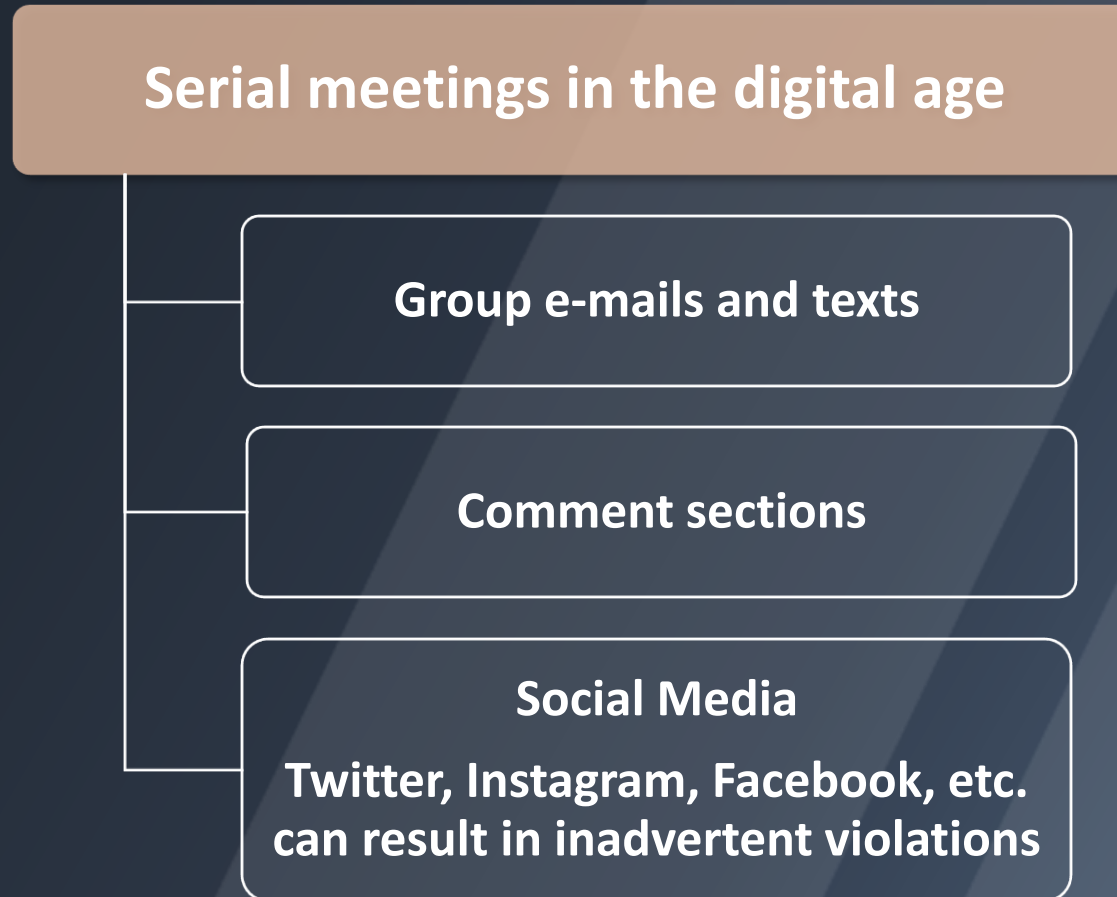
Chain



Serial Meeting: Hub & Spoke



Unintentional Serial Meetings



Assembly Bill 992

- Permits social media interactions unrelated to official business.
- However, members of a legislative body may not interact with posts of other members on topics within the subject matter jurisdiction of the legislative body.
- Applies to interactions between just two members.
 - “A member of the legislative body shall not respond directly to any communication on a...social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.”
 - Brown Act normally permits less than a majority of a legislative body to communicate, but not on social media.



What does it mean to “interact” with a post?

- If a member of your legislative body makes or shares a post on social media within the subject matter jurisdiction of the legislative body then **you cannot.....**



- Like
- Comment
- Share
- Tag
- Repost
- Use Digital Icons
- Use Emojis
- Screen Recording
- Screenshots
- Photographs

Acceptable Communications



Garnier v. O'Connor-Ratcliff

Facts

- School District Trustees created public Facebook and Twitter pages to promote their election campaigns.
- Trustees are elected, but continue to use their social media pages to publicize information regarding the School District and Board of Trustees.
- Two parents frequently post comments critical of the Trustees on their social media pages.
- Trustees repeatedly deleted or hid the parents' comments, including 226 identical replies within a 10-minute period.
- Trustees eventually block the parents entirely from their social media pages and created word filters applicable to all new verbal comments.

ALLOWED VS. NOT ALLOWED

WHAT IS NOT ALLOWED?

- Blocking certain individuals from commenting on your “official” social media pages.
- Hiding or deleting comments from certain individuals if the comments do not violate any rules of etiquette relating to length or topic.

WHAT IS GENERALLY ALLOWED

- Disable the comment feature on an “official” page for everyone so the page no longer acts as a public forum.
- Use word “filters” applicable to everyone that prohibit posts using certain words.
- Adopt formal rules of decorum or etiquette.
- Rules have to be sufficiently and objectively created to prevent arbitrary or discriminatory enforcement

Robert's Rules of Order

Guide for
conducting
meetings and
making group
decisions

Rules are not
mandatory and
strict
observance is
not required

Rules are
superseded by
other
provisions of
law

Eight Basic Rules

1. **The Rights of the Organization Supersede the Rights of the Individual Members**
2. **All members are equal and their rights are equal**
3. **A quorum must be present to do business**
4. **The majority rules**
All questions shall be decided by simple majority of the votes cast, unless other laws require a super-majority.

Eight Basic Rules

5. One question at a time and one speaker at a time

- Motions must be related to matters under consideration

6. Once a member has been 'recognized' this individual has been granted 'the floor' and may not be interrupted by another member

- Motion must receive full debate

7. The meeting chair may not put a motion to vote as long as members wish to debate it

- Debate can only be cut short by a 2/3 vote

8. Once a decision is made, an identical motion must not be brought forward at the same meeting

- Such a motion shall be ruled out of order by the meeting chair

Eight Basic Rules

BONUS!

Personal remarks in a debate are ALWAYS out of order

- Debate Motions not Motives
- Debate must be directed to Principles and not Personalities

Running a Meeting Effectively

Chair Characteristics

In control of the floor

Impartial

Composed

Precise: restates motions
before votes

Focused: stays on track
with discussions

Temperate: Uses the
gavel sparingly

Motions

A motion is a formal proposal for consideration and action

- Only one motion can be made at a time
- No main motion can be made while the body is already considering a prior motion
- Motion procedure:
 - Motion is made (“I move that . . .”)
 - Motion is seconded.
 - Motion is debated/discussed
 - Motion is voted on

Asking Questions

1. Parliamentary Inquiry

Question to the chair, to clarify some aspect of parliamentary rules for procedures

2. Point of Information

Question pertaining to the matter at hand

Directed to the chair, or to another member through the chair



Thank you!

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Item 8 – Introduction/Overview of AgFIT program

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An aerial photograph showing a large agricultural field. A central portion of the field is covered with rows of solar panels, which appear as a grid of dark, rectangular shapes. The surrounding areas are lush green crops, likely corn. A road or path runs through the field, intersecting the solar panel area. The overall scene is a blend of traditional agriculture and modern renewable energy technology.

All About AgFIT

Sierra Huffman

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Presentation Topics

1. Who's Participating
2. Hourly Prices
3. Subscription/Bill Protection
4. Customer Experience
5. Findings and Customer Response



AgFIT Participation

- Began Summer '22, runs through Summer '24
- 5 customers and 49 participating pumps
- 3 MW of enrolled load
- Agricultural irrigation pumping customers
- Incentives for load automation technology
- Fully voluntary program enrollment



Pricing Details

Prices are broken into two main components:

1. VCE's Portion: Generation
2. PG&E's Portion: Distribution and Transmission

VCE's Price Inputs

- Revenue requirements
- Maximum Net Load (MW)
- Hourly Net Load (load – renewable output)
- LMP – Locational Marginal Price



Scarcity Pricing

Designed to collect more revenue during times of grid stress, when electricity demand is high

Price Drivers

- **Peak** = revenue collected during peak times or high load
- **Ramp** = revenue collected during ramp hours or as load increases over 3-hour increments

[Prices are available up to 7 days in advance!](#)



Subscriptions/Bill Protection

2 Versions of Subscriptions or Bill Protection

1. AgFIT 1.0 – Based on historical usage
2. AgFIT 2.0 – adjusted using an average OAT

AgFIT 1.0

- Historical loads & historical bills are used to create set quantity of kW in each hour of a billing month for a set cost

AgFIT 2.0

- Uses PG&E's rate schedule specific average cost per kW
- No set quantity



Enrollment Process

1. Customer elects to participate in pilot, agrees to terms and conditions
2. Customer service points are evaluated for best fit – Little to no previous shifting
3. Automation is installed in the field and/or software is connected to devices
4. Customer receives training/mentoring on the Polaris scheduling portal



Automation

- Provided an incentive of \$200/enrolled kW
- Incentive covers hardware and software
- Participation in program is not hardware specific and can even be done manually
- Polaris provides software that communicates set schedules to devices in the field
- Prices are not sent to devices directly



AgFIT Weekly Scheduling

David Meyers

- Map
- Sites
- Event Mgmt
- Chart
- Schedule
- DR Events
- Account
- Report

Real-Time Data Connected

MyPolaris BETA

SIGN OUT

Scheduled Pump HP (15kW)
20

Schedule Operation Notes
Pump Panel Switch in AUTO

Select TOU or AgFIT rates
TOU AgFIT

Week of
Sunday Aug 28

→ PRE-FILL RECOMMEND NEXT

	8/28 Sunday	8/29 Monday	8/30 Tuesday	8/31 Wednesday	9/1 Thursday	9/2 Friday	9/3 Saturday
12:00am	0.22	0.21	0.23	0.24	0.32	0.29	0.27
01:00am	0.20	0.20	0.21	0.23	0.27	0.26	0.24
02:00am	0.21	0.21	0.22	0.25	0.28	0.28	0.26
03:00am	0.20	0.21	0.21	0.24	0.28	0.26	0.25
04:00am	0.21	0.21	0.23	0.24	0.27	0.25	0.24
05:00am	0.21	0.21	0.23	0.24	0.28	0.27	0.25
06:00am	0.20	0.25	0.27	0.30	0.34	0.31	0.25
07:00am	0.19	0.21	0.23	0.25	0.27	0.27	0.22
08:00am	0.17	0.21	0.21	0.23	0.24	0.24	0.21
09:00am	0.16	0.19	0.20	0.22	0.24	0.24	0.21
10:00am	0.16	0.20	0.20	0.22	0.26	0.25	0.21
11:00am	0.16	0.21	0.21	0.24	0.31	0.29	0.24
12:00pm	0.18	0.20	0.22	0.25	0.31	0.29	0.26
01:00pm	0.19	0.22	0.25	0.29	0.36	0.34	0.30
02:00pm	0.21	0.25	0.29	0.34	0.43	0.38	0.36
03:00pm	0.23	0.27	0.31	0.38	0.50	0.42	0.41
04:00pm	0.26	0.31	0.35	0.41	0.55	0.46	0.45
05:00pm	0.34	0.36	0.43	0.51	0.67	0.53	0.55
06:00pm	0.56	0.55	0.70	0.87	1.26	0.95	0.93
07:00pm	0.72	0.66	0.77	0.91	1.35	0.97	0.98
08:00pm	0.53	0.46	0.53	0.59	0.77	0.59	0.54
09:00pm	0.27	0.26	0.30	0.34	0.39	0.36	0.36
10:00pm	0.23	0.23	0.26	0.28	0.35	0.33	0.33
11:00pm	0.22	0.24	0.25	0.27	0.33	0.32	0.31

estimated bills: 08/01 - 08/31 VCE LSE - 09/01 - 09/30 VCE LSE

Bill Period: Aug 1 - Aug 31

Transactive Energy \$0.18 (AVG) existing: 12,058kWh new: 1,050kWh \$2,224.03

Charges with Subscription

Bill Period: Sep 1 - Sep 30

Transactive Energy \$0.24 (AVG) existing: 1,246kWh new: 750kWh \$293.48 + \$15.03

Charges with Subscription

CALCULATE Calculate final Schedule cost

Estimated Schedule Charges (120hr) \$15.03

Existing Bill Charges \$2,517.51

Total \$2,532.54

***Scheduled manually each week by program participant**

Key Takeaways

- **Automation is driving customer action!**
- Program participants seeing additional savings from efficient water usage and reduced labor
- Almost all action is scheduled a week in advance, few changes in scheduling happening at DA
- For customers that successfully manage TOU and avoid demand charges, AgFIT may not be the best choice

