

DOCKETED

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BUSMTG-2023-01 Action taken on a unlawful agenda item

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At the January 25, 2023 Business Meeting of the Energy Commission action was taken on a agenda item that was unlawfully added to the agenda.

What is the status of the action taken? Perhaps the action is voided by the unlawful nature of the agenda item.

Steve Uhler
sau@wwmpd.com

Additional submitted attachment is included below.

BUSMTG-2023-01 Action taken on a unlawful agenda item

At the January 25, 2023 Business Meeting of the Energy Commission action was taken on a agenda item that was unlawfully added to the agenda.

A agenda with twenty-two (22) items was posted on the Business Meeting website pursuant to the notification requirements of section 11125.(b) GOV-ARTICLE 9. Meetings 11120-11133.

On or about January 23, 2023 the agenda on the Business Meeting website was replaced with a agenda with twenty-three (23) items.

It appears that a matter was taken from the consent calendar item on the original agenda and inserted as item seventeen (17) on the replacement agenda. This movement was not done pursuant to 20 CCR section 1104(d)(2), the only lawful way of adding a item to the Energy Commission's agenda subsequent to the provision of notice of the meeting.

Perhaps commission staff should of informed the Energy Commission chair of the change to the agenda?

This unfortunate and misleading error on the part of the meeting chair would not of happened if the chair of the Energy Commission were to enforce that all documents submitted in a proceeding be filed in the proceeding docket pursuant to 20 CCR section 1208 prior to start of any proceeding. A "Proceeding" means any meeting, hearing, workshop, conference, or visit, of the commission or its staff, at which public attendance is required or permitted.

What is the status of the action taken? Perhaps the action is voided by the unlawful nature of the agenda item.

Attached are the original agenda and the agenda with the added item, each identified by as of dates in the file names and in the document properties. Both were obtained from the Business Meeting website.

Steve Uhler
sau@wwmpd.com