

**DOCKETED**

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## **OIR-2023-02 More efficient and effective business meetings and rulemaking petitions**

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What is the definition of a business meeting? Perhaps business meetings can be regular, special, or emergency meetings?

A clear and concise description of what a rulemaking consists of will allow more efficient and effective rulemaking petitions and improve the commission staff's ability to evaluate rulemaking petitions. This clear and concise description of what a rulemaking consists of must be done by adopting regulations to ensure the Energy Commission does not enforce provisions of 20 CCR section 1221 in a way not supported by the authority and reference noted in the proposed regulation.

Attached is my recommendation for how 20 CCR 1221 should be constructed and supporting documents.

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*Additional submitted attachment is included below.*

OIR-2023-02 More efficient and effective business meetings and rulemaking petitions

What is the definition of a business meeting? Perhaps business meetings can be regular, special, or emergency meetings?

Perhaps the commission have overlooked the Bagley-Keene Open Meeting Act provisions that allow more efficient and effective regular business meetings?

I believe the commission does not make good use of standing committees. Doing so allows lawful prohibiting of the opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item, as shown in the **bold type** below.

11125.7. (a) GOV-ARTICLE 9. Meetings 11120-11133

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. **This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body.** Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

Perhaps these Bagley-Keene Open Meeting Act provisions have been overlooked as they apply to recordings and meeting minutes in the proposed business meeting regulations? Please consider the **bold type** in the statutory provisions below.

11123.5. (b) GOV-ARTICLE 9. Meetings 11120-11133

(b) A member of a state body as described in subdivision (a) who participates in a teleconference meeting from a remote location subject to this section's requirements **shall be listed in the minutes of the meeting.**

11124.1. (b) GOV-ARTICLE 9. Meetings 11120-11133

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), but may be erased or destroyed 30 days after the recording. **Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.**

11125.5. (d) GOV-ARTICLE 9. Meetings 11120-11133

(d) **The minutes of a meeting called pursuant to this section,** a list of persons who the presiding officer of the state body, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting **shall be posted for a minimum of 10 days in a public place,** and also made available on the Internet for a minimum of 10 days, **as soon after the meeting as possible.**

11125.6. (d) GOV-ARTICLE 9. Meetings 11120-11133

(d) **The minutes of an emergency meeting called pursuant to this section,** a list of persons who the president of the commission, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting **shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.**

A clear and concise description of what a rulemaking consists of will allow more efficient and effective rulemaking petitions and improve the commission staff's ability to evaluate rulemaking petitions. This clear and concise description of what a rulemaking consists of must be done by adopting regulations to ensure the Energy Commission does not enforce provisions of 20 CCR section 1221 in a way not supported by the authority and reference noted in the proposed regulation.

Attached is my recommendation for how 20 CCR 1221 should be constructed and supporting documents.

Please consider that 20 CCR sections 1102 and 1105 are being amended for the second time in a little more than a year. 20 CCR section 1221 is being amended for the third time in a little more than a year, twice in the last three months. The prior amendments did not include the public in rulemakings. Perhaps petitions for rulemakings have been overlooked by commission staff for this rulemaking and in the above past rulemakings.

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