

RESOLUTION NO. _____

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, MAKING FINDINGS IN ACCORDANCE
WITH AB 361 AND GOVERNMENT CODE SECTION 54953, FOR THE
BOARD OF SUPERVISORS AND COUNTY BOARDS AND
COMMISSIONS TO HOLD REMOTE TELECONFERENCE MEETINGS**

WHEREAS, all meetings of the Board of Supervisors are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the County’s legislative body conduct its business; and

WHEREAS, the Board of Supervisors established various advisory boards and commissions pursuant to Section 2.68.010 of the Napa County Code; and

WHEREAS, County advisory boards and commissions generally follow the Ralph M. Brown Act pursuant to Napa County Policy Manual, Part I: Section 8, so that any member of the public may attend, participate, and watch boards and commissions conduct their business; and

WHEREAS, Governor Newsom signed Assembly Bill (“AB”) 361, amending the Brown Act, including Government Code section 54953(e), that authorizes remote teleconferencing for meetings of members of a legislative body without compliance with the traditional teleconferencing requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 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, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

WHEREAS, the proclaimed state of emergency remains in effect; and

WHEREAS, California Department of Public Health and the Federal Center for Disease Control and Prevention caution that the Delta variant of COVID-19 may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, on September 27, 2021, the Napa County Executive Officer and Public Health Officer jointly recommended measures to promote social distancing, including that all boards and commissions may continue meeting remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19; and

WHEREAS, on November 26, 2021, the World Health Organization classified the new Omicron variant of COVID-19 as a variant of concern, and this variant has been detected in most states, including California, and is rapidly increasing the proportion of COVID-19 cases it is causing (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>); and

WHEREAS, the Board of Supervisors has been meeting in person, but the recent increase in COVID-19 cases in Napa County is increasing the risk of transmission at Board meetings, and the ability for one or more Supervisors to attend meetings from remote locations pursuant to AB 361 will help ensure the Board has a quorum necessary to conduct business, especially in light of federal and state quarantine and isolation guidelines; and

WHEREAS, the Board of Supervisors is committed to preserving and nurturing public access and participation at its meetings, and at meetings of boards and commissions, and to protecting the health, welfare, and safety of the participants; and

WHEREAS, County advisory boards and commissions often consist of significantly more members than the Board of Supervisors, and may hold public meetings in rooms significantly smaller than the Board chambers, putting attendees at such meetings at higher risk of contracting COVID-19; and

WHEREAS, AB 361 requires legislative bodies meeting remotely pursuant to its provisions to revisit the circumstances of the state of emergency every 30 days to determine whether remote meetings are still necessary, pursuant to Government Code section 54953(e)(3); and

WHEREAS, many County advisory boards and commissions meet less often than every 30 days, and would be forced to convene special meetings to strictly comply with the requirements of AB 361; and

WHEREAS, the Board of Supervisors desires to take action on behalf of its boards and commissions in an abundance of caution, recognizing that substantial compliance with the 30 day requirement is likely permissible because the purpose of AB 361 is for legislative bodies to review the emergency at regular intervals, even if their regular meetings occur at intervals longer than 30 days; and

WHEREAS, the Board of Supervisors does hereby find that it has considered the circumstances of the state of emergency due to COVID-19 and that state or local officials continue to recommend measures to promote social distancing and, therefore, intends that its meetings, and meetings of County boards and commissions subject to the Ralph M. Brown Act, be held via teleconference and to invoke the provisions of AB 361 related to teleconferencing as provided in Government Code section 54953(e); and

WHEREAS, the Board of Supervisors intends this resolution to authorize, but not require, County advisory boards and commissions to continue to meet via teleconference, in lieu

of each board and commission revisiting the circumstances of the state of emergency every 30 days to determine whether remote meetings are still necessary;

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Board of Supervisors finds that in consideration of the recitals set forth above, the continued state of emergency, and recommended measures by state or local officials to promote social distancing, that meeting in person would present imminent risks to the health or safety of attendees and that meetings of the Board of Supervisors, and County boards and commissions subject to the Ralph M. Brown Act, will be held via teleconference unless the Board of Supervisors, board or commission determines otherwise.
3. County staff, boards and commissions 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 by teleconference in accordance with Government Code section 54953(e), and other applicable provisions of the Brown Act.
4. County staff is further directed to continue to monitor the health and safety conditions related to COVID-19, the status of the Governor's state of emergency, the state regulations related to social distancing, and the local orders related to health and safety, and present to the Board of Supervisors for consideration, no later than every 30 days, the related information and recommendations for meetings by teleconference so long as the state of emergency continues to directly impact the ability of Supervisors and members of boards and commissions to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing, pursuant to Government Code section 54953(e)(3).

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THE FOREGOING RESOLUTION WAS DULY, AND REGULARLY ADOPTED
by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board
of Supervisors on the 27th day of September, 2022, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____
ABSTAIN: SUPERVISORS _____
ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the
State of California

By: _____
RYAN GREGORY, Chair
Napa County Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>Thomas C. Zeleny</u> Interim County Counsel Date: <u>September 15, 2022</u> PL Doc. No. 79498	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____
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