

**RESOLUTION NO. 2021-09 (FC)**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MAKING FINDINGS IN ACCORDANCE WITH AB 361 AND GOVERNMENT CODE SECTION 54953, AUTHORIZING REMOTE TELECONFERENCE MEETINGS**

**WHEREAS**, all meetings of Napa County Flood Control and Water Conservation District's ("District") Board of Directors meetings 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 District's legislative bodies conduct their business; and

**WHEREAS**, Governor Newsom signed Assembly Bill ("AB") 361, amending the Brown Act, including Government Code section 54953, subd. (e), that makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953, subd.(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, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, 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**, the District is committed to preserving and nurturing public access and participation in meetings of the District Board and to protecting the health, welfare, and safety of the participants; and

**WHEREAS**, the District Board 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 all District-related legislative bodies as well as subcommittees of the District Board subject to the Ralph M. Brown Act continue meeting via teleconference and to invoke the provisions of AB 361 related to teleconferencing as provided in Government Code section 54953, subd. (e).

**NOW, THEREFORE, THE DISTRICT BOARD OF THE NAPA COUNTY  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT DO HEREBY  
RESOLVE AS FOLLOWS:**

1. Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The District Board 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 all meetings of all District-related legislative bodies subject to the Ralph M. Brown Act continue to meet via teleconference.
3. Staff and legislative bodies of the Napa County Flood Control and Water Conservation District 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 in accordance with Government Code section 54953, subd. (e), and other applicable provisions of the Brown Act.
4. 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 for consideration at each regularly scheduled meeting the related information and recommendations for remote only meetings so long as the state of emergency continues to directly impact the ability of the members 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, subd. (e)(3).

*[REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY]*

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Directors of the Napa County Flood Control and Water Conservation District at its regular meeting held on the 7th day of December 2021, by the following vote:

AYES:	DIRECTORS	_____
NOES:	DIRECTORS	_____
ABSTAIN:	DIRECTORS	_____
ABSENT:	DIRECTORS	_____

**NAPA COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT**, a  
special district of the State of California

By: \_\_\_\_\_  
BRAD WAGENKNECHT, Chair of the  
Board of Directors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy County Counsel</p> <p>Date: <u>November 22, 2021</u></p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Secretary of the District Board</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
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