



## Legislation Details (With Text)

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**File #:** 21-1302      **Version:** 1

**Type:** Resolution      **Status:** Agenda Ready

**File created:** 11/23/2021      **In control:** Flood Control and Water Conservation District

**On agenda:** 12/7/2021      **Final action:** 12/31/2023

**Title:** District Manager requests approval of a Resolution making findings and declaring its intent to continue remote teleconference meetings pursuant to Government Code section 54953 due to the Governor's Proclamation of State Emergency and state and local recommendations related to physical distancing due to the threat of COVID-19.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution

Date	Ver.	Action By	Action	Result
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**TO:** Board of Directors

**FROM:** Richard Thomasser - District Manager

**REPORT BY:** Shana A. Bagley - District Counsel

**SUBJECT:** Teleconference Public Meetings

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### RECOMMENDATION

District Manager requests approval of a Resolution making findings and declaring its intent to continue remote teleconference meetings pursuant to Government Code section 54953 due to the Governor's Proclamation of State Emergency and state and local recommendations related to physical distancing due to the threat of COVID-19.

### EXECUTIVE SUMMARY

The Napa County Public Health Officer and the County Executive Officer recommended measures that relate to physical distancing that warrant holding meetings remotely. Newly enacted amendments to the Brown Act under Assembly Bill 361 allow for the continued use of teleconferencing for District Board meetings if there is state of emergency, a local order recommending physical distancing, and that a majority of the members vote to continue to meet via teleconference after considering the state of emergency and the local recommendation.

## **FISCAL IMPACT**

Is there a Fiscal Impact? No

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The recommended action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15378.

## **BACKGROUND AND DISCUSSION**

Due to the health and safety risks of the pandemic and under the Governor’s Executive Orders, the District Board has been meeting via teleconference and making the meetings accessible via telephone and electronically in compliance with the Executive Orders. Assembly Bill (“AB”) 361 was enacted, amending the Brown Act (Government Code § 54950 et seq.) to allow local legislative bodies to continue to allow remote meetings during a proclaimed state of emergency, if state or local officials have recommended measures related to physical distancing that warrant holding meetings remotely. On September 27, 2021, the Napa County Executive Officer and Public Health Officer issued a local order recommending that boards and commissions continue to meet remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19.

AB 361 requires an ongoing finding, by majority vote, every 30 days that it has reconsidered the circumstances of the state of emergency and that the state emergency continues to impact the ability to “meet safely in person,” or that state or local officials continue to recommend measures to promote social distancing. (Gov. Code § 54953, subd. (e)(3).)

The District Board can take action every 30 days, or at each regular meeting, (whichever comes first) and make continued findings and direct staff to notice the next meeting as a remote meeting unless the state emergency or local order is terminated. However, should the District wish to continue reconsidering meeting via teleconference under AB 361 and the time between meetings is longer than 30 days (such as the December 7, 2021 meeting), it is recommended that the District hold a special meeting via teleconference prior to the expiration of the 30 days to take action to remain in compliance with AB 361.

Should the District Board hold any meeting through teleconferencing under AB 361, the following requirements of the Brown Act are suspended:

The physical presence of members, the clerk, or other personnel of the body, or the public, as a condition of participation in or quorum for a public meeting.

Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

Each teleconference location be accessible to the public.

Members of the public may address the state body at each teleconference conference location.

Post agendas at all teleconference locations.

At least one member of the state body be physically present at the location specified in the notice of the meeting.

Should the District Board hold any meeting through teleconferencing under AB 361, the following requirements must be met:

Give notice of the meeting and post agendas as otherwise required.

The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored.

The legislative body shall not require public comments to be submitted in advance of the meeting.

The legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.