



## Legislation Details (With Text)

**File #:** 22-859      **Version:** 1

**Type:** Report      **Status:** Agenda Ready

**File created:** 4/13/2022      **In control:** Napa-Vallejo Waste Management Authority

**On agenda:** 5/5/2022      **Final action:** 12/31/2023

**Title:** Approval of Resolution No. 2022-12 making findings and declaring the Board's intent to continue remote teleconference meetings pursuant to Government Code section 54953(e), based on the Governor's declaration of a state of emergency and local recommendation for continued remote attendance at Brown Act meetings due to the threat of COVID-19.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2022-12 Remote Teleconference Meetings.pdf

Date	Ver.	Action By	Action	Result
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**TO:** Napa-Vallejo Waste Management Authority Board of Directors

**FROM:** Richard Luthy, Executive Director

**REPORT BY:** Richard Luthy, Executive Director

**SUBJECT:** Remote Teleconference Meetings

### RECOMMENDATION

Approval of Resolution No. 2022-12 making findings and declaring the Board's intent to continue remote teleconference meetings pursuant to Government Code section 54953(e), based on the Governor's declaration of a state of emergency and local recommendation for continued remote attendance at Brown Act meetings due to the threat of COVID-19.

### EXECUTIVE SUMMARY

Board meetings have been held via teleconference pursuant to executive orders issued by the Governor to help reduce the spread of COVID-19. Those executive orders have expired, having been replaced by Assembly Bill ("AB") 361. AB 361 amended the Brown Act to allow local legislative bodies to continue meeting remotely

during a state of emergency declared by the Governor, if state or local officials have also proposed or recommended measures to promote social distancing. These conditions currently exist. Staff is recommending the Board adopt Resolution 2022-11 to continue to meet by teleconference pursuant to AB 361. The Board will need to revisit the need to meet by teleconference at every regular meeting if it desires to continue meeting remotely.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: This activity is not a project pursuant to CEQA Guidelines section 15378; therefore CEQA does not apply.

**BACKGROUND AND DISCUSSION**

Due to the health and safety risks of the COVID-19 pandemic, Board meetings have been held via teleconference pursuant to executive orders issued by the Governor. Those executive orders have expired, having been replaced by AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue meeting remotely during a state of emergency declared by the Governor, if state or local officials have also proposed or recommended measures to promote social distancing. These conditions currently exist.

On September 27, 2021, the Napa County Executive Officer and Public Health Officer issued a memorandum recommending that boards and commissions continue to meet remotely in order to help minimize the spread and transmission of COVID-19. 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.

The Board of Directors find that it has considered the circumstances of the state of emergency due to COVID-19 and that the state or local officials continue to recommend measures to promote social distancing and, therefore, intends that all Authority meetings 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(e);

1. Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Board of Directors 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 Authority meetings subject to the Ralph M. Brown Act continue to meet via teleconference.
3. Authority staff is 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. Authority 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 Directors for consideration at each regularly scheduled meeting the related information and recommendations for meetings by teleconference 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(e)(3).