



# Napa County

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.napacounty.gov

Main: (707) 253-4580

## Legislation Text

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**TO:** Board of Supervisors  
**FROM:** Minh C. Tran, County Executive Officer  
**REPORT BY:** Jasmine Elo, Management Analyst  
**SUBJECT:** Remote Teleconference Meetings for Board of Supervisors and County Boards and Commissions

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### **RECOMMENDATION**

County Executive Officer requests adoption of a Resolution making findings in accordance with Assembly Bill (AB) 361 and Government Code Section 54953, for Board of Supervisors and County boards and commissions (including committees) to hold remote teleconference meetings due to the threat of COVID-19.

### **EXECUTIVE SUMMARY**

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. 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. County boards and commissions (including committees) have been conducting meetings via teleconference, at first pursuant to executive orders issued by the Governor and currently pursuant to AB 361, to help reduce the spread of COVID-19. This action makes the necessary findings under AB 361 for the Board of Supervisors to meet remotely via teleconference, and for County boards and commissions to continue to meet remotely, in lieu of each board and commission making these determinations separately.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No  
County Strategic Plan pillar addressed: Effective and Open Government

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California

Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

## **BACKGROUND AND DISCUSSION**

Due to health and safety risks of the COVID-19 pandemic, meetings of County boards and commissions (including committees) were held via teleconference pursuant to executive orders issued by the Governor. Those executive orders expired, having been replaced by AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue to meet remotely during a state of emergency declared by the Governor, if the emergency impacts the ability of members to meet safely in person, or state or local officials have proposed or recommended measures to promote social distancing. The Governor recently extended the state of emergency due to the COVID-19 pandemic until March 31, 2022.

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). There are a number of County boards and commissions which meet less often than every 30 days, and would be forced to convene special meetings to strictly comply with the requirements of AB 361. 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. However, in an abundance of caution, for boards and commissions whose members are appointed by the Board of Supervisors, the County may exercise its authority under Chapter 2.68 of the Napa County Code to make the necessary findings under AB 361 every 30 days, allowing the boards and commissions to continue to meet remotely without scheduling special meetings.

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. 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.

County staff continues to monitor the health and safety conditions related to COVID-19, the status of the Governor's state of emergency, and state and local health orders related to social distancing. Today's resolution confirms that the Board has considered the circumstances of the state of emergency due to COVID-19 and finds that meetings of the Board of Supervisors, and County boards and commissions subject to the Ralph M. Brown Act, will be held via teleconference due to the threat of COVID-19 unless the Board of Supervisors, board or commission determines otherwise.