RESOLUTION NO. 2015-103

**RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, ADDING EFFECTIVE SEPTEMBER 2, 2015, PART I, SECTION 8J TO COUNTY POLICY MANUAL REGARDING TELECONFERENCE PARTICIPATION IN MEETINGS**

**WHEREAS**, from time to time, in order to carry on with the essential business of Napa County’s Board of Supervisors and of other Napa County committees, commissions, task forces, and legislative bodies (“Body” or “Bodies”) that are subject to the requirements and rules of the Ralph M. Brown Act (California Government Code sections 54950 et seq. (the “Brown Act”)), it may be necessary for members of such Bodies to participate by teleconference; and

**WHEREAS,** Section 54953 of the Brown Act permits local public entities to allow members of such Bodies to participate in meetings by teleconference, subject to the rules and restrictions of Section 54953 and of the Brown Act in its entirety; and

**WHEREAS**, the Napa County Board of Supervisors wishes to allow teleconference participation by members of such Bodies in their meetings, subject to such rules and restrictions.

**NOW, THEREFORE, BE IT RESOLVED** that, effective as of September 2, 2015, the Napa County Board of Supervisors hereby amends the Napa County Policy Manual in Part 1 to add Section 8J, to be entitled "Teleconference Participation by Board Members in Meetings of Napa County Legislative Bodies Governed by the Ralph M. Brown Act" in the form attached and incorporated herein by this reference as Exhibit “A.”

**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 held on the 11th day of August, 2015, by the following vote:

AYES: SUPERVISORS WAGENKNECHT, PEDROZA, CALDWELL

and DILLON

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS LUCE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DIANE DILLON, Chair of the

Board of Supervisors

|  |  |  |
| --- | --- | --- |
| APPROVED AS TO FORM  Office of County Counsel  By: *Jeffrey M. Richard*  Chief Deputy County Counsel  Date: August 3, 2015 | APPROVED BY THE NAPA COUNTY  BOARD OF SUPERVISORS  Date: August 11, 2015  Processed By:    Deputy Clerk of the Board | ATTEST: GLADYS I. COIL  Clerk of the Board of Supervisors  By: |

**Exhibit A**

## TeleCONFERENCE Participation BY BOARD MEMBERS in Meetings OF NAPA COUNTY LEGISLATIVE BODIES Governed by the Ralph M. Brown Act

Teleconference participation by members of the Napa County Board of Supervisors and by members of all other Napa County-created boards, committees, commissions, task forces and any and other legislative bodies ("Bodies") in meetings of the Bodies is permissible but must comply with all provisions of the Ralph M. Brown Act, California Government Code sections 54950 et seq. (the “Brown Act”), and in particular with the requirements and restrictions set forth in Government Code section 54953, which is incorporated herein by this reference. Subject to any changes or amendments of the Brown Act or the provisions of any other State or federal law if in conflict with this policy, the following rules and procedures shall apply and must be followed by members of all Napa County Bodies covered by the Brown Act in participating in meetings of such Bodies by teleconference:

• "Teleconference" means a meeting of a Napa County-created Body, during which one or more members of the Body’s governing board are in different locations, connected by electronic means, through either audio or video, or both.

• At least a quorum of the members of the Body must participate from locations within the territory over which the Body exercises jurisdiction. In most cases, this will mean within Napa County, but there may be Bodies whose jurisdictional area occupies only a portion of Napa County.

• The members of the Body who participate by teleconference must be located within the 50 States of the United States of America or the District of Columbia, but may not participate from a foreign country or from a consulate or embassy of the United States located within a foreign country or territory.

• The notice of the meeting of the Body and the agenda for the meeting must identify the specific location where each teleconferencing member of the Body will be calling in from.

• The agenda must be posted not only at the main meeting site but also at all teleconference locations (for example, outside a hotel room or outside the conference center where a member of the Body will participate).

• Each teleconference location must be open and accessible to the public, including to those with disabilities.

• If members of the public are at a teleconference location, they must be able to hear the proceedings (and see them if the teleconference includes video presentations and participation) and they must be given the right to comment as if they were at the primary site for the Body's meeting. Therefore, the telephone used at each location must have speakerphone capability.

• All votes taken during a teleconference meeting must be by roll call vote, and the vote must be publicly reported.

• If the meeting agenda includes one or more closed session items, each teleconference location shall be selected and arranged in a way to allow exclusion of -- and steps shall be taken to prevent -- members of the public from being able to observe, hear, see or be present during any closed session portion of the meeting.