

RESOLUTION NO. _____

**RESOLUTION OF THE NAPA SANITATION DISTRICT
FINDING PROCLAIMED STATE OF EMERGENCY AND THAT MEETING
IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH
OR SAFETY OF ATTENDEES; AND AUTHORIZING MEETINGS BY
TELECONFERENCE OF LEGISLATIVE BODIES.**

WHEREAS, all meetings of the legislative bodies of the Napa Sanitation District (“District”) are open and public, as required by the Ralph M. Brown Act, Government Code Section 54950, *et seq*, and any member of the public may observe, attend, and participate in the business of such legislative bodies; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, on March 17, 2020, the Board of Supervisors of the County of Napa a Proclamation by the Health Officer of Local Health Emergency due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act (“Brown Act”) in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which District staff implemented virtual meetings for all meetings of legislative bodies within the District; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters; and

WHEREAS, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021 and requires the Board of Directors to make specific findings to continue meeting under special teleconference rules; and

WHEREAS, Governor Newsom has declared a State of Emergency due to COVID-19, state and local officials have imposed or recommended measures to promote physical distancing, and the Board of Directors have determined meeting in person would present imminent risks to the health and safety of attendees, including members of the public and District employees; and

WHEREAS, on August 5, 2021, in response to the Delta variant, the Napa County Health Department, by Health Officer Order No. C19-12, ordered all individuals to wear masks when inside public spaces; and

WHEREAS, on September 27, 2021, the Napa County Public Health Officer issued a Memorandum recommending remote attendance at public meetings; and

WHEREAS, on October 7, 2021, the California Department of Public Health issued Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments, finding “Individuals at higher risk for severe illness from COVID-19 should exercise more caution regarding the time they spend in indoor environments outside of their home[;]” and

WHEREAS, the presence of the new omicron variant of SARS-CoV-2, the coronavirus causing COVID-19, was detected in the San Francisco Bay Area on December 1, 2021, and the extent of transmissibility and severity of disease is not yet known; and

WHEREAS, the Centers for Disease Control and Prevention continues to recommend physical distancing of at least six feet from others outside of the household; and

WHEREAS, due to the continued threat of COVID-19, the District continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of employees and members of the public; and

WHEREAS, the Board of Directors recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its employees and a safe environment for the open and public meetings of the District’s legislative bodies; and

WHEREAS, the Board of Director hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including members of the public, District employees, and members of the Board, should meetings of the District’s legislative bodies be held in person; and

WHEREAS, the Board of Directors and the General Manager shall ensure meetings of the District’s legislative bodies comply with the special teleconference rules under the Brown Act, as amended by Assembly Bill 361.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors as follows:

1. The above recitals are true and correct and hereby incorporated into this Resolution.
2. In compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), the Board of Directors hereby makes the following findings:
 - a. The Board of Directors has considered the circumstances of the state of emergency; and

- b. The states of emergency, as declared by the Governor and the County of Napa, continue to impact directly the ability of the District's legislative bodies, as well as staff and members of the public, to safely meet in person;
 - c. The Napa County Health Department and the Centers for Disease Control and Prevention continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
 - d. Meeting in person would present imminent risks to the health and safety of members of the public, members of the District's legislative bodies, and District employees due to the continued presence and threat of COVID-19.
3. The District's legislative bodies may continue to meet remotely in compliance with the special teleconference rules of Section 54953 of the Government Code, as amended by Assembly Bill 361 (2021), in order to protect the health and safety of the public.
4. The Board of Directors will review these findings and the need to conduct meetings by teleconference within thirty (30) days of adoption of this resolution.

I hereby certify that the foregoing Resolution was duly and regularly adopted by the Board of Directors of the Napa Sanitation District, at its regularly scheduled meeting on the 15th day of December 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Chair, Board of Directors
Napa Sanitation District

ATTEST:

Secretary of the Board
Napa Sanitation District