



Agenda Date: 12/15/2021

Agenda Placement: 7B

Napa Sanitation District Board Agenda Letter

TO: Honorable Board of Directors

FROM: Timothy Healy - General Manager
NS-Administration

REPORT BY: Cheryl P. Schuh, Human Resources Officer/Clerk of the Board - 258-6003

SUBJECT: Adopt Resolution Finding Proclaimed State of Emergency and Authorize Meetings by Teleconference of Legislative Bodies

RECOMMENDATION

Adopt Resolution of the Board of Directors of 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.

EXECUTIVE SUMMARY

Last year, the Governor issued Executive Order N-29-20, suspending certain provisions of the Ralph M. Brown Act ("Brown Act") to more easily allow legislative bodies to hold remote public meetings in light of the novel coronavirus disease 2019 ("COVID-19") pandemic. This Executive Order expired on September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 (2021) ("AB 361") amending the Brown Act to allow local legislative bodies to continue to conduct meetings virtually under specified conditions and pursuant to special rules on notice, attendance, and other matters.

Prior to the adoption of AB 361, Board Members attending meetings by "teleconference" were required to, among other things, notice the location from which the Board Member was attending by teleconference and to allow the public to participate from that location. AB 361 authorizes the Board of Directors to meet during declared states of emergency without noticing the location of individual Board Members or requiring such locations to be open to the public if certain findings are made and certain procedures are followed. Where a virtual meeting is held pursuant to AB 361, the members of the public must be able to observe and participate during the meeting.

Although the Board has provided for public participation through Zoom, it has not yet exercised its authority under the amended Brown Act to allow Directors to participate remotely. The current circumstances of the COVID-19 pandemic meet the criteria under AB 361. The Governor's March 4, 2021 declaration of a State of Emergency

