



**NAPA-VALLEJO WASTE
MANAGEMENT AUTHORITY**

Agenda Date: 2/3/2022

Agenda Placement: 7D

Napa-Vallejo Waste Management Authority Board Agenda Letter

TO: Board of Directors
FROM: Marie Nicholas for Richard Luthy - Executive Director
Napa-Vallejo Waste Management Authority
REPORT BY: Marie Nicholas, MANAGEMENT ANALYST II - 299-1731
SUBJECT: Remote Teleconference Meetings

RECOMMENDATION

REMOTE TELECONFERENCE MEETINGS

REQUESTED ACTION: Approval of Resolution No. 2022-08 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 Those executive orders have expired, having been replaced by Assembly Bill ("AB") 361.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 2022-08 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

County Strategic Plan pillar addressed:

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 Those executive orders have expired, having been replaced by AB 361.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 10, 2021, the Governor extended the state of emergency due to the COVID-19 pandemic until March 31, 2022. Staff is recommending the Board continue to meet by teleconference pursuant to AB 361.

AB 361 requires legislative bodies meeting remotely 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). The Board should consider the need to meet remotely at each regular meeting until the state of emergency or recommendation of social distancing is terminated. 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 away. However, the Board may want to consider holding a special meeting to review the emergency prior to the expiration of the 30 days when the next regularly scheduled meeting is significantly longer than 30 days away.

The recent increase in COVID-19 cases in Napa County is increasing the risk of transmission at public meetings. The ability for one or more Directors 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. 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 will continue to be held via teleconference due to the threat of COVID-19.

SUPPORTING DOCUMENTS

A . Remote Teleconferencing

Executive Director: Approve
Reviewed By: Marie Nicholas