Upper Valley Agency WASTE MANAGEMENT

Upper Valley Waste Management Agency
Board Agenda Letter

TO: Board of Directors

FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency

REPORT BY: Steven Lederer, Director, Public Works - 259-8228

SUBJECT: AB 361 Remote Meeting Resolution

RECOMMENDATION

REMOTE TELECONFERENCE MEETINGS
REQUESTED ACTION: Executive Director requests approval of Resolution No. 2021-05 making findings and declaring the Board's intent to initiate and 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 Those executive orders have expired, having been replaced by Assembly Bill ("AB") 361.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 2022-05 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: 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 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 Those executive orders have expired, having been replaced by AB 361.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 local agencies to revisit the need to meet by teleconference every 30 days to determine, by majority vote, whether the state emergency "continues to directly impact the ability of the members to meet safely in person," or that "state or local officials continue to impose or recommend measures to promote social distancing." (Gov. Code § 54953, subd. (e)(3).) The Board should reconsider the need to meet remotely at each regular meeting until the state of emergency or recommendation of social distancing is terminated. However, should the Board wish to continue meeting via teleconference under AB 361 and the time between meetings is significantly longer than 30 days, the Board may want to hold a special meeting via teleconference prior to the expiration of the 30 days to take action to remain in strict compliance with AB 361. County Counsel's Office has heard that state officials have been notified that there are local agencies that do not meet every month, but it is unknown whether an amendment to AB 361 will be introduced to extend the 30 day renewal period for remote meetings.

SUPPORTING DOCUMENTS

A . Reso 21-05 Remote Meetings

Recommendation: Approve

Reviewed By: Steven Lederer