



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 8b (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Dawn Mittleman Longoria, Analyst II/Interim Clerk *DML*

MEETING DATE: April 4, 2022

SUBJECT: Direction on Future Commission Meetings

RECOMMENDATION

This item is for discussion purposes only. No formal action is required as part of this item. It is recommended the Commission consider alternatives for holding future Commission meetings in-person, remotely, or as a hybrid. The Commission is invited to provide direction to staff with respect to its preference for future Commission meetings.

BACKGROUND AND SUMMARY

On October 4, 2021, the Commission adopted a resolution, included as Attachment One, to continue remote teleconference meetings. The action was in response the Executive Order declaring a State of Emergency by Governor of California March 4, 2020, and the passage of Assembly Bill (AB) 361, which allows continued flexibility for public meetings following the expiration of the Governor's Executive Orders. The extension of remote meetings is in response to the continued health threat posed by the Delta and other COVID variants. AB 361 requires the Commission to adopt a resolution every 30 days regarding its intent to hold optional meeting formats.

On February 7, 2022, the Commission discussed its preference for future Commission meetings. The majority of Commissioners expressed concerns about in-person or hybrid meetings at this time due to the continued COVID health threat. Several Commissioners indicated their interest in returning to in-person or hybrid meetings when it becomes more safe to do so. The Commission directed staff to schedule today's meeting as a teleconference meeting and include an item on the agenda to allow the Commission to discuss its preferences for future meetings.

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

ALTERNATIVES AND DISCUSSION

Staff has identified the following three alternatives for Commission consideration.

1. Virtual teleconference meetings: The Commission has used this format since the State of Emergency was declared. Virtual meetings of government bodies have allowed for increased public participation without the necessity for individuals to take lengthy blocks of time off work or other commitments. Staff of other agencies are able to attend without significant time commitment and with reduction of carbon emissions and traffic congestion resulting from necessary travel. There are no expenses associated with recording meetings.
2. In-person meetings: This format is a possible option, provided health concerns are addressed. It would be necessary to comply with imposed or recommended measures to promote social distancing as required by California Division of Occupational Safety and Health (“Cal/OSHA”) regulations. Staff has already coordinated with the County to reserve the Board of Supervisors Chambers on the first Monday of each even-numbered month for this purpose. Notably, this option involves expenses associated with Napa Valley TV recording meetings at a cost of \$150 per hour. The Commission’s current budget includes sufficient appropriations for this purpose through the end of the current fiscal year.
3. Hybrid meetings: The hybrid option combines both in-person and virtual meeting attendance formats. Commission staff has contacted County staff regarding this option and it is possible to conduct hybrid meetings with their assistance. It would be necessary to comply with advised health and safety requirements. This option also involves expenses associated with Napa Valley TV recording meetings at a cost of \$150 per hour.

Staff recommends the Commission discuss the options outlined above and provide direction to staff with respect to scheduling future Commission meetings.

ATTACHMENT

- 1) Resolution #2021-22 Approving Continued Teleconference Meetings (adopted on October 4, 2021)

RESOLUTION NO. 2021-22

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
DECLARING ITS INTENT TO CONTINUE REMOTE TELECONFERENCE ONLY
MEETINGS DUE TO THE GOVERNOR'S PROCLAMATION OF STATE EMERGENCY
AND STATE REGULATIONS RELATED TO PHYSICAL DISTANCING DUE TO THE
THREAT OF COVID-19**

WHEREAS, the Local Agency Formation Commission of Napa County (“Commission”) is committed to preserving and nurturing public access and participation in meetings of the Commission;

WHEREAS, all meetings of Commission are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and observe the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the State; and

WHEREAS, such conditions now exist in the State, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID-19, which remains in effect; and

WHEREAS, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations at Title 8 Section 3205 recommends physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances; and

WHEREAS, the proliferation of the Delta variant of the virus continues to pose imminent risk to health and safety and directly impacts the ability of the public and the Commission to meet safely in person, accordingly, the Commission hereby recognizes the proclamation of state of emergency by the Governor of the State of California and the regulations of Cal/OSHA recommending physical distancing; and

WHEREAS, as a consequence of the emergency related to COVID-19, the Commission does hereby find that the Commission shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Commission shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Commission meetings will be accessible to the public to attend electronically or via phone.

NOW, THEREFORE, BE IT RESOLVED THAT THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. State of Emergency due to COVID-19. The Board hereby recognizes the imminent threat to the health and safety of attendees at public meetings due to the impacts of COVID-19 and the importance of physical distancing to minimize any potential adverse health and safety risks.

3. Remote Teleconference Meetings. The Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings of the Commission in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

4. Reoccurring Evaluation by the Commission. The Executive Officer is hereby directed to continue to monitor the conditions and health and safety conditions related to COVID-19, the status of the Governor's state of emergency, and the state regulations related to social distancing, and present to the Commission at its next regularly scheduled meeting the related information and recommendations for remote only meetings pursuant to the provisions of Government Code section 54953(e)(3) and to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 4, 2021, after a motion by Commissioner Mohler, seconded by Commissioner Wagenknecht, by the following vote:

AYES: Commissioners WAGENKNECHT, MOHLER, ABOUDAMOUS, DILLON AND LEARY

NOES: Commissioners NONE

ABSENT: Commissioners NONE

ABSTAIN: Commissioners NONE

Diane Dillon

Diane Dillon (Oct 5, 2021 23:02 PDT)

Diane Dillon
Commission Chair

ATTEST: *Brandon Freeman*
Brandon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Clerk