



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 5b (Consent/Action)

TO: Local Agency Formation Commission

FROM: Brendon Freeman, Executive Officer *BF*
DeeAnne Gillick, General Counsel *DAG*

MEETING DATE: April 4, 2022

SUBJECT: Consider AB 361 Findings for Remote Teleconference Only
Commission Meeting due to COVID-19 Emergency

RECOMMENDATION

It is recommended that the Commission consider the circumstances of the state of emergency pursuant to the Governor's COVID-19 Emergency Proclamation and make further findings related to holding this meeting by teleconference only consistent with the provisions of subdivision (e) of Government Code section 54953.

BACKGROUND AND DISCUSSION

On October 4, 2021, the Commission approved Resolution No. 2021-22 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. The Commission has continued to make findings at each subsequent Commission meeting to allow for continued teleconference only meetings consistent with the provisions of Government Code (G.C.) Section 53953 enacted by Assembly Bill (AB) 361.

In order for the Commission to continue to meet utilizing the AB 361 relaxed teleconference meeting rules, the Commission must make ongoing findings every 30 days that the Commission has reconsidered the circumstances of the state of emergency and that the emergency continues to impact the ability to "meet safely in person," or that state or local officials continue to recommend measures to promote social distancing. G.C. Section 54953(e)(3).

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Brendon Freeman
Executive Officer

COVID-19 health risks and impacts continue and are ever changing. In response to improving conditions, Governor Newsom issued Executive Order N-04-22 on February 25, 2022, which lifted many of the provisions related to the emergency while maintaining certain measures to support the ongoing response and recovery effort. Although a portion of the emergency provisions have been lifted, the Governor's state of emergency proclamation remains active related to COVID-19. The Governor's continued state of emergency order supports holding public meetings by teleconference only pursuant to the provisions of AB 361.

Recently local and state rules related to wearing face masks have also been updated. On February 15, 2022, Napa County Health Officer rescinded the prior local order requiring all persons wear face coverings while indoors, with limited exceptions. On February 28, 2022, the California Department of Public Health updated its Guidance for the Use of Face Masks. Although face masks are now recommended, and not required, in most indoor settings for vaccinated and unvaccinated individuals, in workplaces employers remain subject to the CalOSHA Emergency Temporary Standards. Section 3205 of the CalOSHA Emergency Temporary Standards continues to regulate close contacts, within 6 feet of another, and physical distancing continues to be recommended. These CalOSHA requirements continue to support the County of Napa's September 27, 2021 Memorandum to permit remote attendance at all boards and commission meetings. Based on these state and local orders, the findings to support teleconference only meetings pursuant to Section 54953(e)(1) can continue to be made.

Although there are indications that adverse cases and impacts are decreasing, there remains risks associated with COVID-19, the ability to meet in person, and the State regulations continue to impose or recommend measures to promote social distancing.

Staff will continue to monitor the conditions related to COVID-19 and provide updates to the Commission related to meeting accommodations as conditions change.

Now, therefore, it is recommended that the Commission make the following findings:

- 1) The Commission has reconsidered the circumstances of the state of emergency.
- 2) The state of emergency continues to directly impact the ability of the Commission to meet safely in person, and state and local officials continue to impose or recommend measures to promote social distancing.
- 3) The Commission meetings will continue to be held by teleconference in compliance with subdivision (e) of G.C. Section 53436 and the Commission will continue to monitor the circumstances related to COVID-19 and the state of emergency.