



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

1754 Second Street, Suite C  
Napa, California 94559  
Phone: (707) 259-8645  
www.napa.lafco.ca.gov

---

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

---

**Agenda Item 2 (Action)**

**TO:** Legislative Committee

**FROM:** Brendon Freeman, Executive Officer *BF*

**MEETING DATE:** February 28, 2023

**SUBJECT:** Adopt Resolution Authorizing Remote Teleconferencing of Meetings of the Legislative Committee Pursuant to Government Code section 54953(e) (“AB 361”)

---

**RECOMMENDATION**

It is recommended that the Commission’s Legislative Committee (“the Committee”) adopt the draft resolution authorizing remote teleconference meetings pursuant to Government Code (G.C.) section 54953(e) (“AB 361”), included as Attachment One.

**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 Committee has been meeting by teleconference only consistent with the provisions of G.C. section 54953(e) enacted by AB 361.

In order for the Committee to continue to meet utilizing the AB 361 relaxed teleconference meeting rules, the Committee must make findings that the Committee 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 consistent with G.C. section 54953(e)(3). These findings are included in the draft resolution, included as Attachment One.

**ATTACHMENT**

- 1) Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

---

Margie Mohler, Chair  
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner  
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner  
Councilmember, City of Napa

Anne Cottrell, Vice Chair  
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner  
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner  
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner  
Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE LEGISLATIVE COMMITTEE OF THE LOCAL AGENCY  
FORMATION COMMISSION OF NAPA COUNTY AUTHORIZING REMOTE  
TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION  
54953(e) (“AB 361”)**

**WHEREAS**, Government Code section 54953(e), as amended by Assembly Bill No. 361 (“AB 361”), allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

**WHEREAS**, on March 4, 2020, the Governor of California proclaimed a state of emergency due to COVID-19 pursuant to Government Code section 8625, 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 Omicron subvariants of the virus continues to pose imminent risk to health and safety and directly impacts the ability of the public and the Committee to meet safely in person; accordingly, the Committee hereby recognizes the proclamation of a 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 Committee shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of Government Code section 54953, and 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 Committee meetings will be accessible to the public to attend electronically or via phone.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COMMITTEE 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. Findings. The Committee hereby finds and declares the following, as required by Government Code section 54953(e)(3):

- A. The Committee has reconsidered the circumstances of the state of emergency declared by the Governor of the State of California pursuant to his authority under Government Code section 8625;
- B. The state of emergency continues to directly impact the ability of members of the Committee and the public to meet safely in person;
- C. State and local officials have imposed or recommended measures to promote social distancing; and
- D. Meeting in person would present imminent risks to the health or safety of attendees.

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, but not limited to, conducting open and public meetings of the Committee in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

The foregoing resolution was duly and regularly adopted by the Committee at a public meeting held on February 28, 2023, after a motion by Committee Member \_\_\_\_\_, seconded by Committee Member \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Committee Member

ATTEST: \_\_\_\_\_  
Brendon Freeman  
Executive Officer

Recorded by: Dawn Mittleman Longoria  
Assistant Executive Officer