



Local Agency Formation Commission of Napa County

Subdivision of the State of California

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

■ Diane Dillon, Chair ■ Margie Mohler, Vice Chair ■ Mariam Aboudamous ■ Kenneth Leary
■ Brad Wagenknecht ■ Ryan Gregory, Alternate ■ Eve Kahn, Alternate ■ Beth Painter, Alternate

Administrative Office
1754 Second Street, Suite C
Napa, California 94559
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www.napa.lafco.ca.gov

Consistent with California Assembly Bill 361 and California Government Code Section 54953 due to the COVID-19 State of Emergency and the recommendations for physical distancing, there will be no physical or in-person meeting location available to the public. Instead, the meeting will be conducted solely by teleconference. All staff reports for items on the meeting agenda are available on the Commission's website at https://www.napa.lafco.ca.gov/staff_reports.aspx. The meeting will be accessible for all members of the public to attend via the link and phone number listed below.

SPECIAL MEETING AGENDA Thursday, March 10, 2022, 9:00 AM

This meeting will be conducted by teleconference. Written public comments may be submitted PRIOR to the meeting by 5:00 P.M. on March 9, 2022. Public comments DURING the meeting: See "COVID-19 – Notice of Meeting Procedures" on pages 2 and 3 of the agenda.

*Join Teleconference Meeting **Electronically** (computer, tablet, or smartphone):*
<https://countyofnapa.zoom.us/j/83507790988>

*Join Teleconference Meeting by **Telephone**:*
Dial: (669) 900-6833
Follow the prompts: Meeting ID: 83507790988#

1. **CALL TO ORDER BY CHAIR; ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **AB 361 REMOTE TELECONFERENCING ACTION**
Pursuant to AB 361, the Commission will consider the status of the ongoing emergency and facts related to health and safety of meeting attendees due to COVID-19 and consider further findings related to holding this Commission meeting by teleconference pursuant to the provisions of subdivision (e) of Government Code Section 54953.
4. **APPROVAL OF AGENDA**
The Chair will consider approving the agenda as prepared by the Executive Officer with any requests to remove or rearrange items by members of the Commission or staff. A vote of the Commission is not required for this item.
5. **CLOSED SESSION:**
 - a) **Public Employee Appointment – (Government Code Section 54957(b)(1))**
Title: General Counsel
6. **ADJOURNMENT TO NEXT SCHEDULED MEETING**
Monday, April 4, 2022 at 2:00 P.M. The meeting will be conducted by teleconference due to COVID-19 in compliance with California Assembly Bill 361.

MEETING INFORMATION

COVID-19 – Notice of Meeting Procedures

TELECONFERENCE MEETING: In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Commission will conduct this meeting as a teleconference in compliance with California Assembly Bill 361 and California Government Code Section 54953 due to the COVID-19 State of Emergency and the recommendations for physical distancing, and members of the Commission or Commission staff may participate in this meeting telephonically or electronically. Members of the public may participate in the meeting, as described below.

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SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Commission before the meeting by **March 9, 2022 at 5:00 P.M.** by email to info@napa.lafco.ca.gov or by mail to Napa LAFCO at 1754 Second Street, Suite C, Napa, CA 94559-2450. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”; and (2) it is received by the Commission prior to the deadline of **March 9, 2022 at 5:00 P.M.**

SUBMITTING SUPPLEMENTAL WRITTEN COMMENTS: Any member of the public may submit supplemental written comments to the Commission, beyond the 500-word limit for comments read into the record, and those supplemental written comments will be made a part of the written record.

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING:

Electronically:

1. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click “participants”, a menu will appear. On computer or tablet: click on the “raise hand” icon or word. On a smartphone: click on your name in the list of participants, click on “raise hand”. Staff will unmute speakers in turn.
3. When you are called upon to speak, please provide your name and address for the record.
4. When called, please limit your remarks to the time limit allotted (3 minutes).

By phone (please avoid the speakerphone function to prevent echoing):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press *9 to “raise your hand”. Staff will unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible. You will be prompted to press *6 to be unmuted.
3. When you are called upon to speak, please provide your name and address for the record.
4. When called, please limit your remarks to the time limit allotted (3 minutes).

VIEWING RECORDING OF TELECONFERENCE MEETING: The Commission's teleconference meeting will be recorded. Members of the public may access the teleconference meeting and other archived Commission meetings by going to https://www.napa.lafco.ca.gov/cm_meeting_video.aspx. Please allow up to one week for production time.

AGENDA ITEMS: The Commission may reschedule items on the agenda. The Commission will generally hear uncontested matters first, followed by discussions of contested matters, and staff announcements in that order.

CONDUCT OF HEARINGS: A contested matter is usually heard as follows: (1) discussion of the staff report and the environmental document; (2) testimony of proponent; (3) testimony of opponent; (4) public testimony; (5) rebuttal by proponent; (6) provision of additional clarification by staff as required; (7) close of the public hearing; (8) Commission discussion and Commission vote.

VOTING: A quorum consists of three members of the Commission. No action or recommendation of the Commission is valid unless a majority of the quorum of the Commission concurs therein.

OFF AGENDA ITEMS: Matters under the jurisdiction of the Commission and not on the posted agenda may be addressed by the public under "Public Comments" on the Agenda. The Commission limits testimony on matters not on the agenda to 500-words or less for a particular subject and in conformance with the COVID-19-Notice of Meeting Procedures. The Commission cannot take action on any unscheduled items.

SPECIAL NEEDS: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through LAFCO staff at (707) 259-8645 or info@napa.lafco.ca.gov.

POLITICAL REFORM ACT: Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contributes \$1,000 or more or expends \$1,000 or more in support of or in opposition to a change of organization or reorganization that will be, or has been, submitted to LAFCO must comply, to the same extent as provided for local initiative measures, with reporting and disclosure requirements of the California Political Reform Act of 1974. Additional information can be obtained by contacting the Fair Political Practices Commission. Pursuant to Government Code Section 84308, if you wish to participate in the proceedings indicated on this agenda, you or your agent is prohibited from making a campaign contribution of \$250 or more to any Commissioner or Alternate Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. If you or your agent has made a contribution of \$250 or more to any Commissioner or Alternate Commissioner during the 12 months preceding the decision, that Commissioner or Alternate Commissioner must disqualify themselves from the decision in the proceeding. However, disqualification is not required if the Commissioner or Alternate Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings.

MEETING MATERIALS: Any writings or documents provided to a majority of the members of the Commission regarding any item on this agenda after the posting of the agenda and not otherwise exempt from disclosure will be made available for public review at <https://www.napa.lafco.ca.gov> or by contacting LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645. If the supplemental materials are made available to the members of the Commission at the meeting, a copy will be available for public review at <https://www.napa.lafco.ca.gov>. Staff reports are available online at https://www.napa.lafco.ca.gov/staff_reports.aspx or upon request to LAFCO staff at info@napa.lafco.ca.gov or call the LAFCO office at (707) 259-8645.



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Agenda Item 3 (Action)

TO: Local Agency Formation Commission

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

MEETING DATE: March 10, 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 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).

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

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) This special meeting and the April 4, 2022 regular meeting of the Commission will continue to be held by teleconference in compliance with subdivision (e) of G.C. Section 53436.