

**RESOLUTION R2023-\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, (1) DOCUMENTING THE CITY COUNCIL'S COMPLIANCE WITH THE OPEN AND PUBLIC MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTIONS 54950, AND FOLLOWING) IN RESPONSE TO A LETTER FROM THE NAPA COUNTY FARM BUREAU DATED AUGUST 28, 2023; AND (2) CURING AND CORRECTING AN ALLEGED VIOLATION OF THE BROWN ACT BY RETRACTING A LETTER DATED AUGUST 7, 2023, SIGNED BY THREE MEMBERS OF THE CITY COUNCIL, AND PROVIDING RELATED NOTICES**

WHEREAS, the State law known as the Ralph M. Brown Act (or "Brown Act," Government Code Sections 54950, and following) establishes requirements by which the legislative bodies (including governing bodies) of local agencies are required to conduct business in an open and public manner; and

WHEREAS, the City Council of the City of Napa is subject to the requirements of the Brown Act since the City of Napa is a local agency, and the City Council is the governing body of the City of Napa; and

WHEREAS, the Brown Act prohibits a majority of the members of the City Council from meeting to hear, discuss, deliberate, or take action on any item within the subject matter jurisdiction of the City Council, unless the meeting is conducted in accordance with the Brown Act; and the definition of a "meeting" includes any series of communications among a majority of the members (whether the communications are direct, or indirect through intermediaries) to discuss, deliberate or take action on any item of business that is within the subject matter jurisdiction of the City Council (see Government Code Section 54952.2); and

WHEREAS, if an interested person alleges that the City has violated the Brown Act, that person may submit to the City Clerk a demand letter describing the action of the City that is alleged to have violated the Brown Act, along with a demand for the City to cure or correct the alleged violation (see Government Code Section 54960.1); and

WHEREAS, if the City Council cures or corrects an alleged violation of the Brown Act within 30 days of receipt of a demand letter, the matter will have been resolved, and if any civil legal action were filed against the City, the Brown Act provides that it shall be dismissed with prejudice by the court. (See Government Code Section 54960.1(e)); and

WHEREAS, where a legislative body takes action to cure or correct an alleged violation pursuant to Government Code Section 54960.1, the action to cure and correct

## ATTACHMENT 1

shall not be construed or admissible as evidence that the legislative body had violated the Brown Act (see Government Code Section 54960.1(f)); and

WHEREAS, on August 7, 2023, three members of the five-member City Council (Sedgley, Luros, and Alessio) signed a letter (that was delivered to the Napa County Board of Supervisors) identifying concerns regarding an item of business to be considered by the Board of Supervisors that could have a negative impact on the watershed of a municipal water reservoir managed by the City (attached hereto as Exhibit "A," and incorporated herein by reference; and referred to as the "August 7, 2023, Statement"); and

WHEREAS, the August 7, 2023, Statement was not previously discussed or authorized during a regular meeting or special meeting of the City Council conducted in accordance with the Brown Act; and

WHEREAS, on August 28, 2023, the Napa County Farm Bureau forwarded to the City a letter (attached hereto as Exhibit "B," and incorporated herein by reference) asserting that it was a Brown Act violation for three members of the City Council to sign and send the August 7, 2023, Statement; and

WHEREAS, the City intends to cure and correct the alleged violation summarized in these recitals in order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby:

(a) Cures and corrects the alleged violation of the Brown Act described in this Resolution, pursuant to Government Code Section 54960.1, by taking the actions set forth herein;

(b) Retracts the August 7, 2023, Statement (Exhibit "A");

(c) Directs the City Clerk to forward a copy of this Resolution to the Napa County Farm Bureau and the Napa County Board of Supervisors; and

(d) Directs the City Clerk to forward a copy of this Resolution to the Napa Valley Register, which reported on the statement to the community, along with a request for this Resolution to be published.

3. This Resolution shall take effect immediately upon its adoption.

4. This Resolution shall not be construed as admissible as evidence of a violation of the Brown Act pursuant to Government Code Section 54960.1(f).

## ATTACHMENT 1

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 19th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney