

RESOLUTION R2022-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, RATIFYING AND CONTINUING THE PROCLAMATION OF LOCAL EMERGENCY TO RESPOND TO THE CORONAVIRUS (COVID-19), AND AUTHORIZING THE USE OF REMOTE TELECONFERENCING PROVISIONS FOR CITY COUNCIL MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)

WHEREAS, international, national, state, and local health and governmental authorities have been and are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARSCoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 15, 2020, the City Manager, as Director of Emergency Services for the City of Napa, issued Proclamation P2020-001 Proclaiming the Existence of Local Emergency to Respond to the Coronavirus (“Proclamation of Local Emergency”), which was ratified by the City Council on March 16, 2020 by Resolution R2020-037; and the ongoing impacts of COVID-19 on the community and the City’s operations have been documented and described in public reports to support the City Council’s continuation of the Local Emergency on March 31, 2020, and at every regular Council meeting thereafter, most recently on January 1, 2022; and

WHEREAS, on March 17, 2020, the Governor of California executed Executive Order N-29-20 which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code Section 54950 et seq.) and authorized local legislative bodies to hold public meetings via teleconferencing and to make public meeting accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body; and

WHEREAS, on June 11, 2021, the Governor of California executed Executive Order N-08-21 which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 (AB 361, Rivas; Stats. 2021, ch. 165) which establishes alternative procedures for conducting public meetings via teleconferencing during a proclaimed state of emergency when social distancing measures have been imposed or recommended, as set forth in Government Code Section 54953(e); and

ATTACHMENT 1

WHEREAS, Government Code Section 54953(e) imposes requirements to ensure members of the public are able to access and participate in public meetings conducted via teleconference, including:

(a) Since no physical location is required for public attendance at the meeting, the City must provide an opportunity for the public to access and participate in the meeting through a call-in or an internet-based (video and/or audio) service, and instructions for how to participate must be included in the posted meeting notice;

(b) If there is any disruption of the call-in or internet-based service the City Council must take no further action on meeting agenda items until the problem is fixed;

(c) The City Council may allow public comments to be submitted prior to a meeting, but must also allow the public to participate in real time through call-in or internet-based service;

(d) If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting;

(e) When providing a timed period for public comment, the City Council must allow reasonable time for members of the public to comment, and must also include reasonable time for members to register with a third-party host, if applicable; and

(f) The City must protect the statutory and constitutional rights of the parties and the public; and

WHEREAS, cases from the pandemic are currently surging due to the presence of the “Omicron Variant” of COVID-19 which is highly transmissible and it has resulted in over 400 cases during the week ending December 26, 2021, a 72% increase from the prior week; and

WHEREAS, on January 7, 2022, the City Manager signed Proclamation P2022-001 (attached hereto as Exhibit “A,” and incorporated herein by reference) authorizing the City Clerk to prepare for meetings of the City Council, the Board of Commissioners of the Housing Authority of the City of Napa, and Planning Commission to be held via teleconference in compliance with Government Code Section 54953(e) through February 8, 2022; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

ATTACHMENT 1

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 continues the Local Emergency described in this Resolution, as initially ratified by the City Council pursuant to Resolution R2020-037, authorizing the City Manager to take actions necessary to respond to COVID-19 in accordance with Napa Municipal Code Chapter 2.89.
3. The City Council hereby ratifies actions previously taken by the City Manager in implementation of the Proclamation of Local Emergency, including the ratification of Proclamation P2022-001.
4. The City Council hereby determines, pursuant to Government Code Section 54953(e), and based on the facts summarized in this Resolution:
 - (a). The City Council has reconsidered the circumstances of the state of emergency described in this Resolution.
 - (b). The state of emergency directly impacts the ability of members of City Council to meet safely in person as a result of the threat of COVID-19.
 - (c). State and local officials continue to impose and recommend measures to promote social distancing, with a goal of minimizing the spread of COVID-19.
5. The City Council hereby determines that it will conduct its meetings complying with the teleconferencing requirements of Government Code Section 54953(e), in accordance with Proclamation P2022-001.
6. This Resolution shall take effect immediately upon its adoption.

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 18th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney