

NAPA COUNTY OFFICE OF EDUCATION
Barbara Nemko, Ph.D., Superintendent

The Napa County Board of Education will hold a Special Meeting on Friday, May 20, 2022, at 3:30 p.m. **Members of the public may attend the meeting virtually. Please view Public Participation information below.**

This meeting will be conducted as a Teleconference. Chambers will be closed.

<https://napacoe.zoom.us/j/84559436996>

1. ORGANIZATION

- A. Call to Order
- B. Flag Salute
- C. Public Participation

Members of the public are invited to participate in person or can join by computer, tablet, smartphone, or telephone. Remote access can be achieved by following the instructions below:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://napacoe.zoom.us/j/84559436996>

Or One tap mobile:

+16699006833,,84559436996# US (San Jose)

+12532158782,,84559436996# US (Tacoma)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 845 5943 6996

International numbers available: <https://napacoe.zoom.us/j/84559436996>

- D. Welcome to Visitors
- E. Approval of Agenda
- F. Public Comment

Members of the public wishing to provide public comment must request to be called upon using one of the following options:

- i. using the chat feature on the web conference to send a request to meeting hosts, or
- ii. using the hand raising feature in the participant panel on the web conference, or,
- iii. emailing a request to jschultz@napacoe.org or smorris@napacoe.org.

Comments by the Public for Items on the Agenda: Anyone may provide public comment to the Board in support of, or in opposition to, any item being presented to the Board for consideration on the agenda during the Board's consideration of the item. Individuals shall be allowed up to three minutes for their presentation.

Comments by the Public for Items NOT on the Agenda: Suggestions, comments, and requests may be presented to the Board at this time, for items not on the agenda, on those subjects over which the Board has jurisdiction. Normally, the Board will take no action on

any topic at this time. Individuals shall be allowed up to three minutes for their presentations.

2. ACTION ITEM

- A. Format of Future Board Meetings: The Board will consider when to resume in-person or hybrid in-person meetings. (Josh Schultz, Deputy Superintendent)

- B. Board Approval Resolution 2022-17 Authorizing Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code section 54953. This proposed determination will be evaluated, discussed and reconsidered every 30 days. The Board will be asked to approve Resolution 2022-17 Authorizing Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code section 54953. This proposed determination will be evaluated, discussed and reconsidered every 30 days. (Josh Schultz, Deputy Superintendent)

3. NEXT MEETING OF THE NAPA COUNTY BOARD OF EDUCATION

A regular meeting of the Napa County Board of Education will be held on Tuesday, June 7, 2022.

4. ADJOURNMENT

In compliance with the American with Disabilities Act, if special assistance is needed to participate in this meeting, contact the Napa County Office of Education (NCOE) at 253-6810. Notification forty-eight hours prior to the meeting will enable the NCOE to make reasonable arrangements to ensure accessibility to this meeting. I HEREBY CERTIFY THE AGENDA FOR THE STATED MEETING WAS POSTED ON THE NCOE WEBSITE, NCOE'S DISPLAY CASE AT 2121 IMOLA AVENUE, NAPA, CA 94559, and the Napa Preschool site, on Friday, May 13, 2022. Informational material is available for review at the NCOE.

Ellen Sitter, Recording Secretary
NCOE Board of Education

Napa County Office of Education
Barbara Nemko, Ph.D., Superintendent

Item: 2B
May 20, 2022
Board Meeting

TITLE:

Adoption of Resolution 2022-17 – Brown Act Resolution to Permit Videoconferenced County Board of Education Meetings

HISTORY:

Executive Order N-08-21 issued by Governor Newsom allowed legislative bodies to hold meetings via teleconference and make meetings accessible electronically through September 30, 2021, without violating the Brown Act. Effective October 1, 2021, AB 361 allows local legislative bodies to continue to allow remote meetings during a proclaimed state of emergency, if “state or local officials have imposed or recommended measures to promote social distancing.”

Because the State of California has continued to permit remote attendance at boards and commission meetings, the Napa County Executive Officer and Public Health Officer jointly recommend that this practice be permitted by all boards and commissions that may prefer to continue meeting remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19.

CURRENT PROPOSAL:

Approve Resolution 2022-17 to Permit Videoconferenced Board of Education Meetings.

FUNDING SOURCE: NA

SPECIFIC RECOMMENDATION: Approve Resolution 2022-17.

PREPARED BY: Joshua Schultz, Deputy Superintendent

RESOLUTION NO. 2022 - 17

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration remains in place.

See <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. See <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

WHEREAS, on September 27, 2021, the Napa County Executive Officer and the Napa County Public Health Officer recommended that continued remote attendance at Brown Act meetings be permitted “in order to help minimize the spread and transmission of COVID-19,” see <https://www.countyofnapa.org/DocumentCenter/View/22572/Memorandum-re-PH-Recommendation-Per-AB-361>; and

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

WHEREAS, on June 17, 2021, Cal/OSHA issued revised regulations related to emergency temporary standards for COVID-19 Prevention, which require training of employees that, among other items, include, “The conditions under which face coverings must be worn at the workplace and that face coverings are additionally recommended outdoors for people who are not fully vaccinated if six feet of distance between people cannot be maintained,” and “[t]he fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the

spread of COVID-19, but are most effective when used in combination,” see Cal. Code of Regs., tit. 8, sections 3205(c)(5)(D) and (E); and

WHEREAS, the County Board of Education’s meeting facilities are indoor facilities that are not designed to ensure circulation of fresh/outdoor air, and were not designed to ensure that attendees can remain six (6) feet apart; now therefore be it; and

WHEREAS, holding in-person meetings would encourage community members to come to the County Board of Education’s Board meeting facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to physically come to County Office of Education facilities to participate in local government; and

WHEREAS, attendees may use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

WHEREAS, effective October 1, 2021, the Government Code provides that after September 30, 2021, a local agency may use teleconferencing [audio, video or both] in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B) that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. See Cal Gov. Code § 54953(e)(1).

NOW, THEREFORE, BE IT RESOLVED: that the Napa County Board of Education finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and

BE IT FURTHER RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the Napa County Board of

Education determines that conducting in-person meetings would pose imminent risks to the health of attendees; and

BE IT FURTHER RESOLVED: that the Napa County Board of Education firmly believes that the community's health and safety and the community's right to participate in local government are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e); and

FURTHER RESOLVED: that the Napa County Board of Education will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Napa County Board of Education finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever is occurs first.

ADOPTED ON THIS 20th DAY OF MAY, 2022.

AYES:

NOES:

ABSTAINED:

ABSENT:

Board President

Date