



*July 29, 2022*

**NSCAPCD Board of Directors  
Special Board Meeting**

**Wednesday August 3, 2022 at 10:00 AM**

Dear NSCAPCD Director:

Herein are the materials for the August 3, 2022 Special Meeting of the Board of Directors of the Northern Sonoma County Air Pollution Control District. The Agenda packet is also available online in PDF format on the District's [BOD portal](#). Should you have any questions prior to the meeting, please contact the Clerk, Ian Maurer at 565-7124 or [Ian.Maurer@sonoma-county.org](mailto:Ian.Maurer@sonoma-county.org).

This will be an In Person Meeting, with Directors and/or members of the public attending in person at the District Office.

Sincerely,

Rob Bamford (Cell: 707-535-9690)  
Air Pollution Control Officer  
Northern Sonoma County Air Pollution Control District

Clean Air. **Good Living.**





NORTHERN  
SONOMA COUNTY

Air Pollution Control District

## A G E N D A – Special Meeting

### NSCAPCD Board of Directors

Wednesday, August 3 at 10:00 AM

150 Matheson St Healdsburg, CA 95448

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This is a special meeting pursuant to the Ralph M. Brown Act (Section 54956) for the purpose of public health safety during the ongoing State of Emergency due to the COVID-19 pandemic.

In accordance with AB 361, Governor Newsom’s March 4, 2020 State of Emergency due to the COVID-19 pandemic, and Sonoma County Public Health Officer’s Recommendation for Teleconferenced Meetings, the August 3, 2022 Board meeting will be facilitated in-person using a dual format for the public with listening and participation available through Zoom and in-person.

Members of the public can watch or join the meeting using one of the three following methods:

1. Join the Zoom meeting: use your computer, tablet, or smartphone. Go to: <https://us02web.zoom.us/j/81910246897> (Meeting ID: **819 1024 6897**).
2. Call-in and listen to the meeting. Dial: **1 669 900 6833**. Enter meeting ID: **819 1024 6897**.
3. Attend in-person. Members of the public are encouraged to attend virtually but may attend in person at the District office at 150 Matheson Street.

#### THE PUBLIC CAN COMMENT PRIOR TO THE BOARD MEETING:

- Voice recorded public comment: To submit public comment via recorded message, please call **707-565-7124** by 5pm Tuesday, August 2nd. State your name and the item number(s) on which you wish to speak. The recordings will be limited to two minutes. These comments may be played at the appropriate time during the board meeting.
- Email public comment: To submit an emailed public comment to the Board please email [Ian.Maurer@sonoma-county.org](mailto:Ian.Maurer@sonoma-county.org) and provide your name, the agenda item on which you wish to speak, and your comment. These comments will be emailed to all Board members and can be provided anytime leading up to and throughout the meeting.

#### THE PUBLIC CAN COMMENT DURING THE BOARD MEETING:

- Comment using Zoom: Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment at specific points throughout the meeting.
- Email public comment: One may also email public comment to [Ian.Maurer@sonoma-county.org](mailto:Ian.Maurer@sonoma-county.org) throughout the meeting. All emailed public comments will be forwarded to all Board Members.
- Comment in person. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers.

DISABLED ACCOMMODATION:

- If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the Clerk of the Board at **(707) 565-7124** or by email **lan.Maurer@sonoma-county.org** by 12pm Tuesday, August 2nd to ensure arrangements for accommodation.

**These rules for public observation and comment supersede and replace the standard provisions for the duration of the public health emergency.**

**Call to Order**

**Statement of Meeting Procedures.** Welcome to the Northern Sonoma County Air Pollution Control District's ("NSCAPCD" or "District") Board of Directors meeting. If you wish to speak on an issue not appearing on the agenda, you may do so during the public comment period. However, please note that the Board is not permitted to take action on topics addressed under public comment. All items that are listed on the agenda will be open for public comments before final action is taken. The Board requests that you state your name and association for the record before you speak. Be aware that there is a 5-minute time limit per speaker, and the Chairperson has the discretion to limit the total discussion time on any item. Please place all cell phones in silent mode. Thank you for your participation and cooperation.

[5] **Flag Salute / Roll Call / Determination of a Quorum**

**Public Comment:** Any person desiring to address the Board on any item not on the agenda, which is within the jurisdiction of the Board, may do so at this time. No action will be taken on any issue not currently on the agenda.

**REGULAR CALENDAR**

- [5] **1. Action Item: Remote Meeting Authorization.** Item for Board consideration. Adopting Resolution #22-07 would comply with AB 361 requirements to allow the District Board to meet remotely for the following 30-day period, which would include the next regularly scheduled August 10, 2022 general Board meeting.

## **Meeting Adjournment**

**Northern Sonoma County Air Pollution Control District is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you require disability-related modifications or accommodations, please contact the Clerk of the Board. All requests must be in writing and must be received by the Clerk five business days prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.**

**Materials related to this meeting which are provided to Board members after distribution of the meeting packet are available for public inspection during business hours at the Air Pollution Control District office at 150 Matheson St, Healdsburg, CA 95448. District Office Telephone: (707) 433-5911.**



NORTHERN  
SONOMA COUNTY

Air Pollution Control District

## Agenda Item #1

*Action Item:  
Remote Meeting  
Authorization, Reso. #22-07*

**Agenda Date:** August 3, 2022  
**Prepared By:** Rob Bamford, APCO & Christiana Darlington, District Counsel  
**Topic:** Brown Act Remote Meeting

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### **ACTION REQUESTED:**

Adopting Resolution #22-07 would comply with AB 361 requirements to allow the District Board to meet remotely under the Ralph M. Brown Act for the following 30-day period, which would include the next regularly scheduled August 10, 2022 general Board meeting.

### **DISCUSSION:**

Governor Newsom previously issued Executive Orders (EOs) N-29-20 and N-35-2 in March 2020, as a response to the public health crisis brought about by the COVID-19 pandemic. These Executive Orders authorized local legislative bodies subject to the Ralph M. Brown Act to conduct meetings entirely via telephonic or other electronic means in lieu of requiring the physical presence of Board members or members of the public. On June 11, 2021, the Governor issued EO N-08-21, which continued suspension of the Brown Act's teleconferencing requirements, without requiring that members of the public be given the right to access all teleconference locations, through September 30, 2021, in anticipation of the State's proposed reopening. This was then extended through April 1, 2022 through EO N-01-22. There was no extension approved past the April 1 date.

Bill 361, signed into law by Governor Newsom on September 16, 2021, amends the Brown Act and will stay in effect from October 1, 2021 through January 1, 2024. In part, AB 361 amends subparagraph (e) of Section 54953 of the California Government Code to state that local agencies may continue to use teleconferencing without complying with the teleconferencing requirements of the Brown Act in any of the following circumstances:

- A. When the legislative body holds a meeting during a proclaimed state of emergency and state or local officials have imposed or recommended measures to propose social distancing;
- B. When 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;  
or
- C. When the legislative body holds a meeting during a proclaimed state of emergency

and has already 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.

In the event of an ongoing proclaimed state of emergency, or where state or local officials have imposed or recommended measures to promote social distancing, in order to continue to utilize the teleconferencing measures set forth above, a legislative body must, no later than 30 days after teleconferencing for the first time pursuant to Government Code Section 54953(e)(1), and every 30 days thereafter, make the following findings by majority vote:

- A. The legislative body has reconsidered the circumstances of the state of emergency.
- B. Any of the following circumstances exist:
  - I. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
  - II. State or local officials continue to impose or recommend measures to promote social distancing.

See California Government Code Section 54953(e)(1). Governor Newsom first declared a statewide emergency resulting from the COVID-19 pandemic on March 4, 2020.

At the regularly scheduled August 10<sup>th</sup> meeting the District staff will propose an action item to add new meeting dates to maintain the 30-day resolutions in series, without gaps, to provide for ongoing remote meetings.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Adopt Resolution #22-07 to meet remotely within the 30-day period following execution of the resolution (August 3, 2022 to September 2, 2022).

**ATTACHMENTS:**

**Attachment #1** Resolution #22-07 – Remote Meeting Authorization

**Attachment #1**  
**Remote Meeting Option**

Resolution #22-07  
Remote Meeting Authorization



Before the Board of Directors of the Northern Sonoma County Air  
Pollution Control District

**In the Matter Of:** A resolution of the Governing Board of the Northern Sonoma County Air Pollution Control District (Northern Sonoma County APCD) recognizing the proclamation of a state of emergency by Governor Newsom on March 4, 2020 and that the County of Sonoma continues to recommend measures to promote social distancing, and authorizing fully or partially remote teleconference meeting of the governing board of the Northern Sonoma County Air Pollution Control District for the period of August 3, 2022 through September 2, 2022 pursuant to provisions of the Brown Act.

The following **RESOLUTION** was duly passed by the Northern Sonoma County Air Pollution Control District Board of Directors at a special meeting held on August 2, 2022 by the following vote:

Ayes: Kelley \_\_\_\_\_ Hopkins \_\_\_\_\_ Gore \_\_\_\_\_ Palla \_\_\_\_\_ Salmon \_\_\_\_\_  
Alternates: \_\_\_\_\_

Noes: Kelley \_\_\_\_\_ Hopkins \_\_\_\_\_ Gore \_\_\_\_\_ Palla \_\_\_\_\_ Salmon \_\_\_\_\_  
Alternates: \_\_\_\_\_

Abstain: Kelley \_\_\_\_\_ Hopkins \_\_\_\_\_ Gore \_\_\_\_\_ Palla \_\_\_\_\_ Salmon \_\_\_\_\_  
Alternates: \_\_\_\_\_

Signed and approved by me after its passage:

\_\_\_\_\_ Chairperson

**WHEREAS**, the Governing Board of the Northern Sonoma County APCD is committed to preserving and nurturing public access and participation in all meetings subject to the provisions of the Ralph M. Brown Act (California Government. Code §§54950-54963, hereafter Brown Act);  
and

**WHEREAS**, pursuant to the provisions of the Brown Act, all meetings of Northern Sonoma County APCD Governing Board are required to be open and public so that any member of the public may attend, participate, and watch the Northern Sonoma County APCD legislative body conduct their business; and

**WHEREAS**, the Brown Act Government Code §54953(e) makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code §54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency has been declared by the Governor pursuant to Government Code §8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code §8558; and

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

**WHEREAS**, Bill 361, signed into law by Governor Newsom on September 16, 2021, amends the Brown Act and will stay in effect from October 1, 2021 through January 1, 2024. In part, AB 361 amends subparagraph (e) of Section 54953 of the California Government Code to state that local agencies may continue to use teleconferencing without complying with the teleconferencing requirements of the Brown Act in certain circumstances; and

**WHEREAS**, the Sonoma County Public Health Officer has made a recommendation for teleconferenced meetings as a measure to promote social distancing, or, the legislative body meeting would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the spread of COVID-19 poses a continued risk to the health and safety of members of the Northern Sonoma County APCD legislative bodies, District Staff, and members of the general public who attend such meetings in that unvaccinated or partially vaccinated persons are at a high risk of contracting COVID-19 and even fully vaccinated persons can contract and potentially unknowingly spread COVID-19; and

**WHEREAS**, the Governing Board of the Northern Sonoma County APCD shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code §54953, as authorized by subdivision (e) of §54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of §54953; and

**WHEREAS**, the legislative bodies of the Northern Sonoma County APCD will continue to ensure access to their meetings by making them available telephonically and via virtual access for both members of the legislative bodies and the general public; and

**WHEREAS**, a notice of meetings along with information regarding all methods which may be used for public participation in such meetings will continue to be posted at the Northern Sonoma County APCD headquarters, posted at any teleconference locations which are officially noticed on the agenda, posted on the Northern Sonoma County APCD website, provided to anyone who requests such information, and clearly printed on any agendas produced for such meetings.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the Northern Sonoma County APCD hereby finds that highly contagious nature of COVID-19 poses an imminent risk to large numbers of persons meeting indoors in a single location; and

**BE IT FURTHER RESOLVED**, that the Governing Board of the authorizes and directs staff to take all actions necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption and remain in effect until September 2, 2022, or until such time as the Northern Sonoma County APCD Governing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which legislative body of the Northern Sonoma County APCD may continue to teleconference without strict compliance with paragraph 3 of Government Code section 54953(b).