

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW  
ALLOWING ALL LEGISLATIVE BODIES OF THE CITY OF MOUNTAIN VIEW  
SUBJECT TO THE BROWN ACT TO CONTINUE TO MEET REMOTELY IN  
ACCORDANCE WITH AB 361 AND MAKING REQUIRED FINDINGS

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 (later extended by Executive Order N-08-21) suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, the City Council and the City's boards, commissions, and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, before the expiration of the above-described Executive Order, the Governor signed into law Assembly Bill (AB) 361, an urgency measure effective upon adoption, that allows government bodies to meet virtually without conforming to the Brown Act teleconferencing rules during a declared state of emergency if: (1) State or local officials have imposed or recommended measures to promote social distancing; (2) the legislative body is meeting to determine whether, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; or (3) the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, beginning in mid-2021, the COVID-19 Delta variant (Delta variant) surged in the United States and became the predominant SARS CoV-2 variant, accounting for more than 99% of COVID-19 cases and higher hospitalization rates; and

WHEREAS, the Delta variant is believed by public health and medical experts to be twice as contagious as previous variants, and data has shown that the variant has increased transmissibility even among some vaccinated people; and

WHEREAS, in late November 2021, the Omicron variant was first detected internationally and, in less than a month, had spread rapidly and broadly in Europe and other parts of the world, resulting in renewed travel and other restrictions to mitigate the spread; and

WHEREAS, the Omicron variant is believed by public health and medical experts to be even more highly transmissible than the Delta variant, and, as of mid-December 2021, the first cases of the Omicron variant were confirmed in Santa Clara County, and evidence of Omicron was present in all County sewer sheds; and

WHEREAS, on December 28, 2021, less than two weeks after predicting a surge of the Omicron variant around the corner, the Santa Clara County Public Health Officer reported that COVID-19 cases within that period had tripled in the County; and even in the Bay Area, with relatively high vaccination rates, case rates had already spiked to exceed the heights of the Delta variant surge in the summer; and

WHEREAS, indoor mask requirements, including for vaccinated persons, remain in effect in most Bay Area counties, including Santa Clara County, and were reinstated by the Governor Statewide in December; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variants of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person, in a shared indoor meeting space, would pose an unnecessary and immediate risk to the attendees; and

WHEREAS, on September 21, 2021, the Santa Clara County Public Health Officer issued a recommendation that public bodies meet remotely to the extent possible "due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission"; and

WHEREAS, beginning September 28, 2021, the City Council has each month considered the existing circumstances and adopted a resolution pursuant to AB 361, making findings and determining that the City's legislative bodies continue to meet virtually for the 30 days following adoption of each resolution; and

WHEREAS, as required by AB 361, the City Council has reconsidered the circumstances of the emergency in making the findings and determinations set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that:

1. The City Council adopts the recitals set forth above as findings of fact.
2. All legislative bodies of the City of Mountain View subject to the Brown Act, including, but not limited to, the City Council, the City's boards and commissions, and their committees, may continue to meet remotely in accordance with AB 361, with Brown Act teleconferencing rules suspended.
3. Pursuant to AB 361, the City Council hereby finds that a state of emergency continues to exist relating to COVID-19, and the County Public Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of COVID-19 transmission.
4. This Resolution shall be in effect for 30 days following its adoption.

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