

AGENDA

NOTICE AND AGENDA

SPECIAL MEETING – TUESDAY, AUGUST 9, 2022
VIRTUAL MEETING WITH NO PHYSICAL MEETING LOCATION
8:00 A.M.

During this declared State of Emergency, this meeting will be conducted in accordance with California Government Code Section 54953(e), as authorized by resolution. Please contact city.clerk@mountainview.gov to obtain a copy of the applicable resolution. All members of the Downtown Committee will participate in the meeting by video conference, with no physical meeting location. Members of the public wishing to observe the live meeting may do so at <https://mountainview.gov/meeting> or <https://mountainview.legistar.com>.

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to john.lang@mountainview.gov by 5:00 p.m. on Monday, August 8, 2022. Emails will be received directly by the Downtown Committee. Please identify the Agenda Item number in the subject line of your email.
2. Provide oral public comments during the meeting:
 - Online: You may join the Zoom Webinar using this link: <https://mountainview.gov/meeting> and entering Webinar ID: 861 3407 7246. You may be asked to enter an email address and a name. Your email address will not be disclosed to the public.

When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified of their turn shortly before they are called on to speak.

- By phone: Dial: 669-900-9128 and enter Webinar ID: 861 3407 7246. When the Chair announces the item on which you wish to speak, dial *9. Phone participants will be called on by the last two digits of their phone number. When the Chair calls your name to provide public comment, if you are participating via phone, please press *6 to unmute yourself.

For instructions on using the “raise hand” feature in Zoom, visit https://mountainview.gov/raise_hand. When called to speak, please limit your comments to the time allotted (up to three minutes, at the discretion of the Chair).

1. **CALL TO ORDER**

2. **ROLL CALL**—Committee members Erik Cormier, Raghav Gupta, Marina Keith, Maria Lange, David Lin, Kira Pascoe, Jamil Shaikh, Merry Yen, Vice Chair Pamela Baird, and Chair Mike Kasperzak.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

This portion of the meeting is reserved for persons wishing to address the Committee on any matter not on the agenda. Speakers are limited to three minutes. State law prohibits the Committee from acting on nonagenda items.

4. **NEW BUSINESS**

4.1 **AB 361 RESOLUTION TO CONTINUE REMOTE PUBLIC DURING STATE OF EMERGENCY**

Adopt a Resolution of the Downtown Committee of the City of Mountain View Authorizing and Continuing Virtual Meetings of the Downtown Committee Pursuant to AB 361 and Marking Required Findings, to be read in title only, further reading waived (Attachment 1 to the Committee report.)

5. **ADJOURNMENT**

JL/6/CDD
819-08-09-22A

AGENDAS FOR BOARDS, COMMISSIONS, AND COMMITTEES

- The specific location of each meeting is noted on the notice and agenda for each meeting which is posted at least 72 hours in advance of the meeting. Special meetings may be called as necessary by the Committee Chair and noticed at least 24 hours in advance of the meeting.
- Questions and comments regarding the agenda may be directed to the Economic Development Division at 650-903-6535.
- Interested persons may review the agenda and staff reports at the Mountain View Library (585 Franklin Street) beginning the Monday evening before each Regular Meeting and at the Community Development Department, 500 Castro Street, First Floor, beginning the Monday morning before each meeting. Staff reports are also available during each meeting.
- **SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990**
Anyone who is planning to attend a meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the Community Development Department at 650-903-6379 48 hours in advance of the meeting to arrange for assistance. Upon request by a person with a disability, agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format.
- The Board, Commission, or Committee may take action on any matter noticed herein in any manner deemed appropriate by the Board, Commission, or Committee. Their consideration of the matters noticed herein is not limited by the recommendations indicated herein.
- **SPECIAL NOTICE**—Any writings or documents provided to a majority of the Downtown Committee regarding any item on this agenda will be made available for public inspection in the Community Development Department, located at 500 Castro Street, during normal business hours and at the meeting location noted on the agenda during the meeting.

ADDRESSING THE BOARD, COMMISSION, OR COMMITTEE

- Interested persons are entitled to speak on any item on the agenda and should make their interest known to the Chair.
- Anyone wishing to address the Board, Commission, or Committee on a nonagenda item may do so during the “Oral Communications” part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.

DATE: August 9, 2022

TO: Downtown Committee

FROM: John Lang, Economic Vitality Manager

SUBJECT: **AB 361 Resolution to Continue Remote Public Meetings During State of Emergency**

RECOMMENDATION

Adopt a Resolution of the Downtown Committee of the City of Mountain View Authorizing Virtual Meetings Pursuant to AB 361 and Making Required Findings, to be read in title only, further reading waived (Attachment 1 to the Committee report).

BACKGROUND

In March 2020, Governor Gavin Newsom issued an Executive Order authorizing exemptions to the Brown Act's teleconferencing rules to facilitate remote public meetings during the declared State of Emergency due to the COVID-19 pandemic. Since March 17, 2020, the City Council and the City's boards, commissions, and committees have conducted their meetings entirely remotely, as authorized by the Executive Order.

Assembly Bill (AB) 361, which became effective on September 16, 2021, allows remote public meetings to continue (under the Brown Act teleconferencing rules exemption) during a state of emergency if State or local officials have imposed or recommended measures to promote social distancing or the legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

Beginning September 28, 2021, the City Council has each month considered the existing circumstances of the COVID-19 pandemic and adopted a resolution pursuant to AB 361, making findings and determining that the City's public meetings may continue to be held remotely for 30 days following the adoption of the resolution. Due to the City Council's summer recess, these findings will need to be made by each legislative body that may be meeting after Council's June 28 AB 361 resolution expires (July 28). AB 361 requires that the legislative body consider the circumstances of the emergency and make the required findings every 30 days in order to continue to meet remotely under the Brown Act teleconferencing rules exemption.

ANALYSIS

Despite the relatively high rate of vaccination in Santa Clara County, the risk of community spread of COVID-19 remains persistent. At the beginning of the year, fueled by the rapid spread of the Omicron variant, the rate of infection reached pandemic highs. The infection rate has since declined in most parts of the State, including Santa Clara County. However, the Governor's declared State of Emergency remains in effect, as do public health orders and recommendations to promote social distancing to mitigate the spread of COVID-19.

These public health measures include the County Public Health Officer's recommendation issued in September 2021 that public bodies meet remotely to the extent possible, which remains in effect. The Public Health Officer based the recommendation on "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." As recognized by the County Public Health Department, COVID-19 continues to pose imminent risks to the health and safety of meeting attendees.

Adoption of the proposed resolution would allow the Downtown Committee to continue to meet remotely, without adhering to the regular teleconference rules, for 30 days. If the Downtown Committee does not adopt the proposed resolution, it will no longer be exempt from the physical public access, quorum, and public comment opportunity rules applied to teleconference meetings.

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819-08-09-22M

Attachment: 1. Resolution

CITY OF MOUNTAIN VIEW
DOWNTOWN COMMITTEE
RESOLUTION NO.
SERIES 2022

A RESOLUTION OF THE DOWNTOWN COMMITTEE OF THE CITY OF MOUNTAIN VIEW
AUTHORIZING VIRTUAL MEETINGS PURSUANT TO 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, on September 16, 2021, 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, on September 21, 2021, the Santa Clara County Public Health Officer issued a recommendation, which is still in effect, 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, COVID-19 remains a continuing threat to public health; and

WHEREAS, although the rate of infection and hospitalizations has declined since the winter peaks, the declared State of Emergency and public health recommendations promoting social distancing to mitigate the spread of COVID-19 remain in effect; and

WHEREAS, the State of Emergency has caused and will continue to cause imminent risks to the health or safety of persons attending meetings of City legislative bodies, and there is a need to continue to use teleconferencing for public meetings without requiring that all teleconferencing locations be posted on the agenda and accessible to the public; and

WHEREAS, the City Council and the City's boards, commissions, and committees have conducted their meetings virtually since March 17, 2020, first as authorized by Executive Order and subsequently by AB 361; and

WHEREAS, the Downtown Committee has determined that it will hold virtual meetings, with all members, staff, and the public participating remotely without a common physical location; and

WHEREAS, as required by AB 361, the Downtown Committee has considered the circumstances of the emergency in making the findings and determinations set forth in this resolution;

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

1. The Downtown Committee adopts the recitals set forth above as findings of fact.
2. The Downtown Committee 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 a means to reduce the risk of COVID-19 transmission.
3. The Downtown Committee shall only meet remotely in accordance with AB 361, with Brown Act teleconferencing rules suspended.
4. This resolution shall be in effect for 30 days following its adoption.

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819-08-09-22dcr