

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
DIRECTING 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 FINDINGS PURSUANT TO AB 361

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 E.O. 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 and commissions have conducted their meetings virtually, as authorized by 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 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; or (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, in the last few months, the COVID-19 Delta variant (Delta variant) has surged in the United States and become 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 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, indoor mask requirements, including for vaccinated persons, remain in effect in most Bay Area counties, including Santa Clara County; and

WHEREAS, this month, the entire Bay Area returned to the Centers for Disease Control and Prevention's orange "substantial" and red "high" transmission tiers; and

WHEREAS, due to uncertainty and concerns about the Delta variant and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date until next year; 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 variant 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, on September 28, 2021 and October 26, 2021, the City Council 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, shall continue to only 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 as a result, meeting in person presents imminent risks to the health or safety of attendees, 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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