

CITY OF MOUNTAIN VIEW

ENVIRONMENTAL PLANNING COMMISSION
STAFF REPORT
AUGUST 17, 2022

6. NEW BUSINESS

6.1 Resolution Authorizing Virtual Meetings Pursuant to Assembly Bill 361

RECOMMENDATION

Adopt a Resolution of the Environmental Planning Commission 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 (Exhibit 1 to the Environmental Planning Commission Staff Report).

PUBLIC NOTIFICATION

The Environmental Planning Commission's (EPC) agenda and this staff report appear on the City's internet website.

BACKGROUND AND ANALYSIS

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 the Council's June 28, 2022 AB 361 Resolution expires (July 28, 2022). 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.

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 Environmental Planning Commission to continue to meet remotely, without adhering to the regular teleconference rules, for 30 days. If the Environmental Planning Commission 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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Exhibit: 1. Resolution