



COUNCIL REPORT

DATE: November 14, 2023

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Resolution Authorizing Recycling and Waste Reduction Technical Advisory Committee Teleconference Options**

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Authorizing the City Manager or Designee to Execute the First Amendment to the Agreement Creating the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee for Teleconference Options, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

The Recycling and Waste Reduction Commission of Santa Clara County (Commission) is an organization chartered by the Santa Clara County Board of Supervisors in 1992 for countywide coordination of recycling programs and projects to reduce the amount of material disposed in landfills. Commission membership consists of elected officials representing the jurisdictions in each region of the county.

Commission bylaws established a Technical Advisory Committee (TAC) to provide technical expertise on solid waste management, policies, and programs. The TAC is comprised of staff representing the 15 Santa Clara County cities and the County, as well as other solid waste industry representatives including non-profit environmental organizations and recyclers. The TAC operated as an informal committee until 2013.

In 2013, the City Council, and all other participating jurisdictions, adopted a Memorandum of Agreement (MOA) to formally establish the TAC as an advisory body to the Commission, and outlined meeting requirements including provisions on teleconference options in compliance with Section 54953(b) of the Ralph M. Brown Act (Brown Act).

Although the MOA permitted teleconferencing, it contains language that strongly discourages it because, at the time, phone calls were the only teleconference option available to participating jurisdictions. The Commission determined that this was an insufficient form of participation based on the inability to confirm member attendance, identify participants during active conversations/discussions, and document important action items as they occurred on the record.

ANALYSIS

In December 2020, the Santa Clara County Health Officer ordered local businesses and agencies to begin implementing workplace changes in accordance with the rules and regulations of AB 361 in response to the state of emergency caused by the COVID-19 pandemic. As a result, limitations were placed on in-person activities and events to help prevent the spread of the virus and ensure the health and safety of the public. As such, the Commission and subcommittees began hosting their meetings virtually through the online platform Zoom.

Using a communication platform to host virtual meetings revealed two things: (1) the advancements in teleconferencing technology have effectively addressed the concerns that had been raised initially to strongly discourage teleconference participation as outlined in the MOA; and (2) a hybrid meeting solution would enhance member participation in the meetings.

In January 2023, in-person meetings resumed with the expiration of AB 361. After experiencing the benefits of teleconferencing during the COVID-19 pandemic, which include reduced staff travel time to in-person meetings and associated greenhouse gas emissions, the TAC is now recommending MOA amendments to better align meeting procedures with Section 54953(b) of the Brown Act, which permits teleconference participation (including both audio and camera) based on specific predefined conditions. The proposed amendments will:

1. Nullify the language that strongly discourages teleconferencing;
2. Allow for multiple satellite meeting locations within the county; and
3. Allow for auxiliary meeting locations.

Essentially, these amendments will provide TAC members with the flexibility to video conference at a satellite location or continue attending in-person meetings at County offices in San Jose. All satellite meeting locations will be virtually linked and accessible to the public. Meeting agenda posting and other Brown Act requirements will also be followed.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the amendment to the MOA. All costs related to the City's membership in the TAC programs and services are already integrated into the Solid Waste Enterprise Fund operating budget.

ALTERNATIVES

1. Do not approve the Resolution that authorizes the City Manager or designee to execute the agreement amendment for TAC teleconference options.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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Attachment: 1. Resolution