

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AUTHORIZING AND CONTINUING VIRTUAL MEETINGS OF THE
CITY COUNCIL, COMMITTEES, BOARDS, AND COMMISSIONS 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, the California Occupational and Safety Health Administration (OSHA) recommends certain social distancing requirements, as described in the California Code of Regulations, Title 8, Section 3205 (COVID-19 Prevention); and

WHEREAS, public health officers of Bay Area counties, including Santa Clara County, have issued health orders requiring face coverings indoors in public places, regardless of vaccination status, which orders remain in place; 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, as underscored by the rapid spread of the highly contagious Omicron variant of COVID-19 since late December 2021, with increased hospitalizations and the rate of infection reaching pandemic highs in January 2022; 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, 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 may continue to meet virtually for the 30 days following adoption of each resolution; and

WHEREAS, the City Council has determined that the City Council may continue to meet remotely, as it has since near the beginning of the pandemic, or elect to hold its public meetings in a hybrid format, with some or all Councilmembers attending in-person and limited in-person public attendance to maintain social distancing as much as practicable, while still offering the use of telephonic and internet-based services so that the public and others may participate in meetings remotely; and

WHEREAS, due to meeting locations, size of legislative bodies, and staffing and other needs, to ensure the health and safety of all attendees of meetings of various City committees, boards, and commissions, these bodies will continue to 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 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. 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 a means to reduce the risk of COVID-19 transmission.
3. The City Council may continue to only meet remotely or meet in a hybrid format in accordance with AB 361, with Brown Act teleconferencing rules suspended.
4. City boards, commissions, and committees shall continue to only meet remotely in accordance with AB 361, with Brown Act teleconferencing rules suspended.
5. This resolution shall be in effect for 30 days following its adoption.

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