

RESOLUTION NO. 1105-22 FA**A RESOLUTION OF THE CITY OF SUNNYVALE
FINANCING AUTHORITY MAKING FINDINGS
PURSUANT TO GOVERNMENT CODE SUBDIVISION
54953(e) (AB 361) TO CONTINUE VIRTUAL PUBLIC
MEETINGS DURING THE COVID-19 STATE OF
EMERGENCY**

WHEREAS, the Ralph M. Brown Act (California Government Code Sections 54950, et seq., hereinafter referred to as the “Brown Act”) requires that public meeting agendas be posted at least 72 hours prior to a regular meeting and at least 24 hours prior to a special meeting; and

WHEREAS, the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met: (1) each teleconference location from which a member is participating is noticed on the agenda; (2) each teleconference location is accessible to the public; (3) members of the public must be able to address the body at each teleconference location; (4) at least one member of the legislative body must be physically present at the location specified in the meeting agenda; and (5) during teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body’s territorial jurisdiction; and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 which suspended the Brown Act teleconferencing requirements so that legislative bodies can hold public meetings solely by teleconference, or otherwise electronically, without listing the teleconference locations and without any physical location, as long as the agenda that is posted 72 hours in advance indicates that the members of the legislative body will be participating by teleconference, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which sunsets the Brown Act provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, on September 17, 2021, Governor Newsom signed urgency ordinance AB 361 which allows a local agency to use teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during a Governor-proclaimed state of emergency pursuant to California Government Code Section 8625 et seq, if the state of emergency continues to directly impact the ability of the members of its legislative bodies to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council made findings, beginning on March 17, 2020 and continuing every 60 days thereafter, most recently by Resolution No. 1098-21 adopted on December 14, 2021, for the continued proclamation of local emergency based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19; and

WHEREAS, beginning with the March 31, 2020 Council meeting, the City has conducted public meetings utilizing teleconferencing technology to provide for members of the public, staff, and public officials to participate without providing for in-person participation, and on August 10, 2021, the City Council provided the direction regarding the format of future public meetings, including continuing virtual-only meetings as long as this model is allowable; and

WHEREAS, due to the spike in case numbers attributable to the omicron variant, the California Department of Public Health issued an indoor mask mandate effective December 15, 2021 through February 15, 2022; and

WHEREAS, an unprecedented surge in COVID-19 cases has been reported in the Bay Area and across California, the United States and the world due to the highly contagious omicron variant; and

WHEREAS, Government Code Section 54953(e)(3) requires that the City Council review the need and make findings for continuing teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and

WHEREAS, the associated emergency conditions are on-going and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of; and

WHEREAS, the City Council has made findings and approved teleconferencing for meetings of the Council and all City Boards and Commissions, but has not yet made such findings for the Financing Authority because the Authority meets infrequently.

NOW, THEREFORE, BE IT RESOLVED BY THE FINANCING AUTHORITY OF THE CITY OF SUNNYVALE THAT:

1. The Financing Authority of the City of Sunnyvale hereby finds that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1098-21 adopted on December 14, 2021 and incorporated herein by reference, are on-going.
2. The Financing Authority finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring

the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

3. The Financing Authority finds that the state of emergency continues to directly impact the ability of members of the City Council and Financing Authority to meet safely in person.

4. City officials continue to impose or recommend measures to promote social distancing in City facilities.

5. Members of the Financing Authority are authorized to use teleconferencing, or other electronic means, to hold its public meetings without noticing the teleconferenced locations on the agenda, without making teleconferenced or physical locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the meeting, and without requiring a quorum of the members of the legislative body to participate from locations with the City's jurisdiction, as long as the agenda that is posted at least 72 hours in advance indicates that members of the legislative body may be participating electronically, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations, in compliance with AB 361, Government Code Section 54953(e).

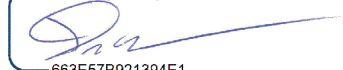
6. The City Clerk is hereby directed to report to the City Council and Financing Authority within thirty (30) days on the need to further continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

Adopted by the City of Sunnyvale Financing Authority at a regular meeting held on January 25, 2022, by the following vote:

AYES: KLEIN, HENDRICKS, LARSSON, MELTON, CISNEROS, DIN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
RECUSAL: NONE

ATTEST:

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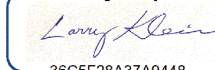


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Financing Authority Secretary
(SEAL)

APPROVED:

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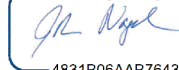


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Financing Authority Chairperson

APPROVED AS TO FORM:

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Financing Authority Counsel