



# AGENDA

## Special Meeting of the Scotts Valley City Council

**Remote Access Only**

**Date: August 30, 2022**

**Time: 8:00 AM**

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	Zoom Video Conference <a href="https://us02web.zoom.us/j/89880229857">https://us02web.zoom.us/j/89880229857</a>	The agenda was posted 8/26/2022 at City Hall and on the Internet at <a href="http://www.scottsvalley.org">www.scottsvalley.org</a>

### PUBLIC ADVISORY REGARDING COVID-19 AND PUBLIC PARTICIPATION

On September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue teleconferencing during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees. In accordance with AB 361, the Scotts Valley City Council adopted Resolution No. 2007.10 on July 26, 2022, authorizing the continued use of teleconferenced meetings pursuant to AB 361. Elected Officials and City Staff Members will be participating remotely via videoconference.

#### Public Participation:

To participate via Zoom you can join the following ways:

- Join from a PC, Mac, iPad, iPhone or Android device:
- Please click this URL to join. <https://us02web.zoom.us/j/89880229857>
- Or One tap mobile:
- US: +16699009128,,89880229857# or +16694449171,,89880229857#
- Or Telephone:  
Dial (for higher quality, dial a number based on your current location:  
US: +1 669 900 9128 or +1 669 444 9171 or +1 253 215 8782 or +1 346 248 7799  
or +1 719 359 4580 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000  
or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325  
Webinar ID: 898 8022 9857

You will be given opportunities to provide public comment at the appropriate times throughout the meeting via Zoom. If you are participating via dial-up only, use \*9 to raise your hand at the requested time.

#### How to comment via Zoom:

1. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted. Our usual time limits of 3 minutes per individual, or 5 minutes for an individual who is representing a group of three or more, will apply. Please note that per our standard practice, this is not a question and answer time, but simply a time for you to provide your comments to the Council.

2. There is an option on Zoom to raise your hand. Please click on this option when the Mayor announces that public comment will be taken. Zoom places people in line automatically. If you are participating via dial-up, you can raise your hand at the appropriate time by pressing \*9. When it is your turn, the City Clerk will unmute you, and you will be able to make your comments based on the above time frames. Once your time is up, you will once again be muted and the next person in line will be given their opportunity to speak.

**How to comment via email:**  
 Members of the public may provide public comment by sending comments to the City Clerk via email at [cityhall@scottsvally.org](mailto:cityhall@scottsvally.org) by 3:00 PM on 8/29/2022.

**CALL TO ORDER 8:00 AM**

**ROLL CALL**

<p><b>ELECTED OFFICIALS:</b>          Donna Lind, Mayor          Jim Reed, Vice Mayor          Jack Dilles, Council Member          Randy Johnson, Council Member          Derek Timm, Council Member</p>	<p><b>CITY STAFF MEMBERS:</b>          Mali LaGoe, City Manager          Kirsten Powell, City Attorney          Lauren Lambert, Deputy City Clerk</p>
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**PUBLIC COMMENT TIME**

This is the opportunity for individuals to make and/or submit written or oral comments to the Council on any items within the purview of the Council, which are NOT part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda.

**SPECIAL SET MATTER – CONSENT AGENDA ITEM**

- A. Approve Resolution No. 2007.11 authorizing the continued use of teleconference meetings, pursuant to Assembly Bill 361

**ADJOURNMENT**

**ADA NOTICE**

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5602 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

**PROCEDURAL INFORMATION FOR THE PUBLIC**

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN APPROVAL OF A RESOLUTION:**

1. Move the Resolution number for approval.
2. Second the motion.
3. Vote by body, a roll call vote is not required.

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN INTRODUCTION/ADOPTION OF AN ORDINANCE:**

1. Move the Ordinance number for introduction (or adoption).
2. Move the Ordinance be introduced by title only and waive the reading of the text.
3. Read the Ordinance title.
4. Second the motion.
5. Vote by body, a roll call vote is not required.

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN PUBLIC COMMENT/PUBLIC HEARINGS:**

Unless otherwise determined by the presiding officer of the meeting:

1. Three minutes allowed per individual to speak.
2. Five minutes allowed per individual representing a group of three or more.



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**City of Scotts Valley  
CITY COUNCIL STAFF REPORT**

**DATE:** August 30, 2022  
**TO:** Honorable Mayor and City Council  
**FROM:** Kirsten M. Powell, City Attorney  
**SUBJECT: CONTINUED VIRTUAL MEETINGS FOR CITY COUNCIL AND APPOINTED BOARDS**

**SUMMARY OF ISSUE**

On October 26, 2021, the City Council passed Resolution No. 2007 authorizing continued virtual meetings and extended those meetings on November 17, 2021, December 15, 2021, January 12, 2022, February 2, 2022, March 2, 2022, March 16, 2022, April 6, 2022, May 4, 2022, June 1, 2022 and July 26, 2022, by Resolution Nos. 2007.1, 2007.2, 2007.3, 2007.4, 2007.5, 2007.6, 2007.7, 2007.8, 2007.9 and 2007.10. Pursuant to AB 361, legislative bodies may use teleconferencing to conduct public meetings during a proclaimed State of Emergency, as defined under the California Emergency Services Act, if one of the following circumstances apply: (A) State or local officials have imposed or recommended measures to promote social distancing; (B) The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

At this point, the State of Emergency the Governor proclaimed on March 4, 2020 is still in effect today and the recommended measures to promote social distancing are still in place. Recently with the emergence of the BA.4 and BA.5 variants, cases have increased in the State of California and in Santa Cruz County. The test positivity rate in Santa Cruz County is currently 8.3%, however, that may be significantly undercounting cases due to the prevalence of home testing. Health officers continue to recommend wearing masks indoors. The CDC has determined the risk level of catching COVID 19 in Santa Cruz County is medium risk.

The City currently does not have the technological capabilities to hold hybrid meetings so anyone wanting to participate in the meetings would have to attend in person. As a result, holding public meetings of the City Council or other appointed bodies in person continues to present imminent risks to the health and safety of attendees.

**FISCAL IMPACT**

There is no fiscal impact associated with continuing virtual meetings.

**STAFF RECOMMENDATION**

Adopt Resolution No. 2007.11 confirming the need for virtual meetings pursuant to AB 361.

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**RESOLUTION NO. 2007.11**  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY**  
**AUTHORIZING THE CONTINUED USE OF TELECONFERENCED MEETINGS**  
**PURSUANT TO ASSEMBLY BILL 361**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency, pursuant to the Emergency Services Act, in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain requirements of Government Code section 54950 *et seq.*, the Ralph M. Brown Act ("Brown Act"), in order to allow local legislative bodies to conduct meetings telephonically or electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, providing that the provision suspending the Brown Act requirements in Executive Order N-29-20 would remain in effect through September 30, 2021, at which point the suspension would expire; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue teleconferencing during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees;

WHEREAS, the State of Emergency proclaimed by the Governor on March 4, 2020, remains in effect; and

WHEREAS, state and local officials have imposed and/or recommended measures to promote social distancing; and

WHEREAS, public health officials are recommending people wear masks indoors; and

WHEREAS, the test positivity rate in Santa Cruz County is currently 8.3%, however, that may be significantly undercounting cases due to the prevalence of home testing; and

WHEREAS, the Omicron subvariants BA.4 and BA.5 are rapidly spreading; and

WHEREAS, the CDC has determined the risk level of catching COVID 19 in Santa Cruz County is medium risk; and

WHEREAS, on October 26, 2021, the City Council of the City of Scotts Valley passed Resolution No. 2007 to continue the use of virtual meetings and confirmed the need for virtual meetings on November 17, 2021, with passage of Resolution No. 2007.1, on December 15, 2021, with the passage of Resolution No. 2007.2, on January 12, 2022, with the passage of Resolution No. 2007.3, on February 2, 2022, with the passage of Resolution No. 2007.4, with the passage of Resolution No. 2007.5 on March 2, 2022, with the passage of Resolution No. 2007.6 on March 16, 2022, with the passage of Resolution No. 2007.7 on April 6, 2022, with the passage of Resolution No. 2007.8 on

May 4, 2022, with the passage of Resolution No. 2007.9 on June 1, 2022, and with the passage of Resolution No. 2007.10 on July 26, 2022; and

WHEREAS, the City Council of the City of Scotts Valley hereby finds and determines that the above conditions continue to create an imminent risk to the health and safety of attendees should they be required to attend meetings in person in a shared indoor public meeting space; and

WHEREAS, the City Council wishes to authorize remote meetings as set forth in this Resolution.

NOW THEREFORE, be it resolved by the City Council of the City of Scotts Valley as follows:

A. The City hereby acknowledges the Governor of the State of California's Proclamation of State of Emergency related to the COVID-19 pandemic remains in effect; and

B. The City finds that due to the continued threat of COVID-19 transmission in the community holding in person meetings for the City Council and other appointed bodies of the City of Scotts Valley would present imminent risks to the health or safety of attendees.

C. The City Council and other appointed bodies of the City of Scotts Valley are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

D. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty days from the adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and the appointed bodies of the City of Scotts Valley may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a special meeting held on the 30<sup>th</sup> day of August, 2022 by the following vote:

AYES:

NOES

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Donna Lind, Mayor

Attest: \_\_\_\_\_  
Lauren Lambert, Deputy City Clerk