

# MEMORANDUM

Office of the City Manager



**DATE:** October 3, 2020  
**TO:** Mayor and Council  
**THROUGH:** Steve McHarris, City Manager *Steve McHarris*  
**FROM:** Ashwini Kantak, Assistant City Manager *Ashwini Kantak*  
**SUBJECT:** Transparency Measures and Transition to Live Comments for Public Meetings

The City of Milpitas is dedicated to assuring members of the public that they have every opportunity to provide comments on agenda items before any final action is taken. Openness and transparency in local governance is what makes Milpitas a resilient and flourishing community.

## **Public Participation is a Fundamental Right**

In Milpitas, we want to ensure that everyone is allowed to be heard without prejudice. We strive to be instrumental in letting our community members easily find, access and comment on information that they care about. It is our primary responsibility to bring a diverse group of individuals together to engage in information sharing and discussion that will make the City best in class. The City welcomes public participation because it helps:

- provide a platform for the community to voice their concerns and ideas;
- discuss complex issues that require community input;
- introduce a project or raise an issue; and
- open up opportunities to explore alternative solutions.

## **City of Milpitas “Open Meeting Law” Compliance Amidst COVID-19**

The [Brown Act](#) a.k.a. “Open Meeting Law” was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. It was a response to growing concerns about local government officials’ practice of holding secret meetings that were not in compliance with advance public notice requirements. Abuse in power and lack of accountability are common consequences of the lack of transparency. That is why the Brown Act makes public officials liable for their actions and allows the public to participate in the decision-making process.

In light of COVID-19 and the state’s shelter-in-place order, Governor Newsom authorized all open meetings to be held via telecommunication and waived the section of the Brown Act that requires physical attendance. The two most important aspects of the Brown Act involve *how the public is allowed to attend the meetings and how public comments are enabled*.

Since March 17, City Council meetings have been conducted remotely via Zoom and have been available to watch through the City’s website, Facebook and YouTube. In fact, Milpitas was the very *first* city in Santa Clara County to host a public meeting using the Zoom platform. Last Spring, the City received an overwhelming amount of about 300 public comments at one Council meeting, that ranged from voice messages being played out, voice recordings being heard (accompanied by electronic presentations) as well as e-mail comments on key issues that concerned the community.

This clearly demonstrates the shift to the Zoom-hosted public meeting format has not hindered our local residents and business owners from speaking their minds. Between March 17 and September 29, the City of Milpitas has had a surge in the number of special and regular meetings vs. pre-COVID-19 City Council meeting numbers. A total of 24 meetings were held even at the height of the pandemic, which translated to even more opportunities for the community to provide public comments on important issues.

### **City Transition to Live, Audio-Only Public Comments**

Although members of the public have been able to watch the meetings live through a variety of channels and have been able to comment in writing in real time, their comments are read by the City Clerk and they are unable to speak to the Council in their own voice. We have received input from the community and Council about this and starting Tuesday, October 6 the public will have an opportunity to provide live, audio-only public comments via the Zoom conferencing platform during its City Council meeting. All Subcommittee and Commission meetings will also transition to this format shortly. Those who wish to comment must first register for the Zoom webinar meeting by visiting the meeting registration link:

[https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN\\_ZZfHL\\_fvTjaeO1Fkky5V9A](https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_ZZfHL_fvTjaeO1Fkky5V9A)