



CITY OF MILPITAS

Economic Development and Trade Commission

REGULAR MEETING

AGENDA

4:30 PM

Monday, January 9, 2023

Milpitas City Hall

First Floor Committee Conference Room

- 1. Call to Order (4:30 PM)**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Seating of Alternates**
- 5. Approval of Agenda:** January 9, 2023
- 6. Approval of Minutes:** September 14, 2022, and November 14, 2022

7. Public Forum (4:35 PM)

Members of the audience are invited to address the Commission on any subject not on the agenda. Speakers must state their name (address is optional) for the record and limit their remarks to three minutes or less. For items not listed on the agenda, no response is required of City staff or Commissioners. However, Commissioners may ask City staff to place the item on a future meeting agenda.

8. Announcements

- a. EDTC Commissioners
- b. City Council Liaison
- c. City Staff

9. Business Items

- a. Election of Officers – Chair Chris Norwood (Chair of Economic Development and Trade Commission) (4:45 PM)

Background: Once per year, City Commissioners will vote to elect a Chair and Vice Chair of the Economic Development and Trade Commission. The Chair is responsible for leading the regular meetings of the Commission. The Chair shall call the meeting to order, state items to be discussed on the agenda, permit all members with the opportunity to be heard, allow for comments from the public, call for a vote when required and work directly with the City staff liaisons to ensure a successful meeting. The Vice Chair shall serve the role of Chair in the absence of the Chair. No City Commissioner shall serve more than three years as the Chair or Vice Chair of any Milpitas Commission.

Recommendation: Elect a Chair and Vice Chair of the Economic Development and Trade Commission.

- b. Milpitas Business Layoffs – Daniel Degu, Sr. (Economic Development Coordinator) (5:05 PM)

Background: On December 6, 2022, the City Council directed City staff to discuss the potential impacts of the business layoffs and how they are affecting the local economy with the Economic Development and Trade Commission in early 2023. City staff will share general employment statistics and Milpitas businesses that have laid off employees in the past 12 months.

Recommendation: Receive City staff report.

- c. American Rescue Plan Act (ARPA) Update – Eddie Truong (Special Project Associate) and Travis Bell (Special Project Associate) (5:20 PM)

Background: City staff will provide a programmatic update on ARPA economic vitality initiatives: 1) ARPA Storefront Improvement Grant Program; 2) ARPA Workforce Development; 3) ARPA Business Improvement District Feasibility Analysis; and 4) ARPA Catalytic Converter Theft Deterrent Program.

Recommendation: Receive City staff report and provide feedback to staff.

- d. Commissioner Roles and Involvement – Michael Thomas (Economic Development Specialist) (5:35 PM)

Background: The Commission's Fiscal Year 2022-2023 Workplan includes Commissioners assisting in formal and informal business outreach and participating in the Milpitas of Chamber of Commerce events. City staff has provided an updated list of events and activities and Brown Act applicability for the Commission's consideration.

Recommendation: Receive City staff report, memorandum and provide feedback to staff.

10. Adjournment – Next Meeting on Monday, February 13, 2023, at 4:30 PM.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mmutalipassi@milpitas.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting "I Want to . . . View " link.

Materials related to an item on this agenda submitted to the Commission after initial distribution of the agenda packet is available for public inspection on the City website. Commission agendas and related materials can be viewed online: <http://www.ci.milpitas.ca.gov/our-government/commission/> (select meeting date).

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.

If you need assistance, per the Americans with Disabilities Act, for a City of Milpitas public meeting, please call Alex Andrade at 408-586-3046 or send an e-mail to businessassistance@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.



CITY OF MILPITAS

Economic Development and Trade Commission

REGULAR MEETING MINUTES

4:30 PM

Monday, September 12, 2022

Milpitas City Hall

First Floor Committee Conference Room

CALL TO ORDER

Meeting called to order at 4:34 PM by Vice Chair McNeil.

PLEDGE OF ALLEGIANCE

Vice Chair McNeil led the Pledge of Allegiance.

ROLL CALL

Economic Development Specialist Michael Thomas called the roll.

PRESENT: Vice Chair Casey McNeil; Commissioners Inderjit Mundra and Cheri Romero; Alternate Commissioner Jennie Phan; Student Commissioner Stephen Huang (non-voting member); Assistant City Manager Ashwini Kantak; Economic Development Director Alex Andrade, Economic Development Specialists Eddie Truong and Michael Thomas.

ABSENT: Chair Chris Norwood; Commissioners Marshall Jones, Lynne Rice, and Prakash Daryani.

ALTERNATE SEATING

Alternate Commissioner No. 1 Jennie Phan was seated in place of the vacant Hospitality seat.

APPROVAL of AGENDA

Motion: To approve the September 12, 2022, agenda of the Economic Development and Trade Commission and to defer agenda item 9(a) to the next regularly scheduled Commission meeting.

Motion/Second: Romero/Phan

Motion carried by a vote of AYES: 4, NOES: 0, and ABSENT: 4 (Jones, Rice, Daryani, Norwood)

APPROVAL OF MINUTES

Motion: To table the approval of the May 9, 2022, meeting minutes to the next regularly scheduled meeting of the Economic Development and Trade Commission.

Motion/Second: Mundra/Phan

Motion carried by a vote of AYES: 4, NOES: 0, and ABSENT: 4 (Jones, Rice, Daryani, Norwood)

PUBLIC FORUM

No public comment.

ANNOUNCEMENTS

Commissioner Mundra shared that there was a free networking mixer event attended by 15 chambers of commerce in Santa Clara.

The Milpitas Chamber's election process for new board members has begun and all Chamber members are invited to apply for a board position. Non chamber members may join and then apply for a position. The application deadline is September 22.

Vice-Chair McNeil expressed concern about the lack of quorum for previously canceled Economic Development and Trade Commission meetings since the resumption of in-person meetings earlier this year.

Director Andrade introduced the newest member of the Commission: Cheri Romero. Director Andrade also introduced the new Economic Development Specialist Michael Thomas.

Specialist Truong shared an update on programs funded by the American Rescue Plan Act (ARPA). The City is in the process of concluding the Small Business Assistance Grant Program and completed the Hotels Assistance Grant Program. In all, 343 small businesses will receive \$5,000 grants and 13 hotels have received \$10,000 grants to facilitate economic recovery. The next ARPA program on the horizon is the Catalytic Converter Theft Deterrent program and the City expects to formally launch the program by early October. The Office of Economic Development will reach out to register automotive businesses for the program and encourage Economic Development and Trade Commissioner to participate in outreach efforts.

BUSINESS ITEMS

A. Commissioner Roles and Involvement

No public comment.

This agenda item was not heard and will be continued to the next regular meeting of the Economic Development and Trade Commission.

B. Economic Development and Trade Commission Fiscal Year 2022-23 Workplan

No public comment.

Director Andrade summarized the Fiscal Year 2021-2022 workplan for the Economic Development and Trade Commission. Major accomplishments are related to programs under the categories: 1) Economic Development Strategy; 2) American Rescue Plan Act; 3) Workforce Development & Education; 4) Innovation District; 5) International Trade & Commerce; and 6) Manufacturing Day 2021.

Vice Chair McNeil expressed support to include the Innovation District work into Main Street Revitalization.

Commissioner Mundra expressed support that a Milpitas Chamber of Commerce Business Breakfast in partnership with the Economic Development and Trade Commission be included. It was suggested that November 16, 2022, could be a new date for the event.

Motion: Receive the presentation and provide feedback to staff regarding the draft work plan directing staff to return with a final draft during a Special Meeting of the Economic Development and Trade Commission meeting in early October so that City Council may consider the recommended workplan at its regular meeting of October 18, 2022. This direction includes creating a new workplan category for the Gateway/Main Street Specific Plan, Main Street Revitalization, and to add a joint Commission/Milpitas Chamber Business Breakfast event to the workplan.

Motion/Second: Romero/Mundra

Motion carried by a vote of AYES: 4, NOES: 0, and ABSENT: 4 (Jones, Rice, Daryani, Norwood)

C. Sixth Annual Manufacturing Day 2021 Update

No Public Comment.

Economic Development Specialist Thomas made a presentation on the upcoming Manufacturing Day event scheduled for October 13, 2022. Partners include Milpitas Unified School District, SEMI (Semiconductor Equipment and Materials International) Foundation, and more. City staff requested feedback from Commissioners regarding program implementation and execution.

Vice Chair McNeil suggested the program topics include supply chain issues and manufacturing production in Silicon Valley. Vice-Chair McNeil also expressed interest in resuming on-site, in-person events at manufacturing facilities in the future.

Commissioner Mundra inquired about the feasibility of hosting in-person events at City facilities. City staff responded that hosting such events requires long range planning and logistics that current staffing and resources cannot support at this time.

Motion: Receive staff update and obtain Commission feedback.

Motion/Second: Romero/Phan

Motion carried by a vote of AYES: 4, NOES: 0, and ABSENT: 4 (Jones, Rice, Daryani, Norwood)

ADJOURNMENT

Commissioner Mundra motioned and seconded by Commissioner Phan to adjourn the meeting at 5:53 PM to the regularly scheduled commission meeting on Monday, October 10, 2022, at 4:30 PM.

Motion carried by a vote of AYES: 4, NOES: 0, and ABSENT: 4 (Jones, Rice, Daryani, Norwood)



CITY OF MILPITAS

Economic Development and Trade Commission

REGULAR MEETING MINUTES

4:30 PM
Monday, November 14, 2022
Milpitas City Hall
First Floor Committee Conference Room

CALL TO ORDER Meeting called to order at 4:30 PM by Chair Norwood.

PLEDGE OF ALLEGIANCE Chair Norwood led the Pledge of Allegiance.

ROLL CALL Economic Development Specialist Michael Thomas called the roll.

PRESENT: Chair Chris Norwood, Vice Chair Casey McNeil; Commissioners Lynne Rice, Inderjit Mundra, Parkash Daryani and Cheri Romero; Alternate Commissioner Jennie Phan (5:24 PM); Student Commissioner Stephen Huang (non-voting member) (4:42 PM); Economic Development Director Alex Andrade, Economic Development Specialists Eddie Truong and Michael Thomas; Special Project Associate Travis Bell

ABSENT: None

ALTERNATE SEATING Alternate Commissioner No. 1 Jennie Phan was seated in place of the vacant and unfilled Hospitality seat.

APPROVAL of AGENDA Motion: To approve the November 14, 2022, agenda of the Economic Development and Trade Commission's meeting as submitted.

Motion/Second: Adopted by consensus as the motion and second was not documented.

Motion carried by a vote of AYES: 6, NOES: 0, ABSENT: 0 and ABSTAIN: 0

APPROVAL OF MINUTES Motion: To table the approval of the Economic Development and Trade Commission's draft meeting minutes of September 12, 2022.

Motion/Second: Adopted by consensus as the motion and second was not documented.

Motion carried by a vote of AYES: 6, NOES: 0, ABSENT: 0 and ABSTAIN: 0

Motion: To approve the Economic Development and Trade Commission's special meeting minutes of October 3, 2022, as submitted

Motion/Second: Norwood/McNeil

Motion carried by a vote of AYES: 4, NOES: 0, ABSENT: 0 and ABSTAIN: 2 (Rice and Romero)

PUBLIC FORUM

Public comment was neither submitted nor presented.

ANNOUNCEMENTS

Chair Norwood asked the Commissioners if they would like to request items be agendaized for a future meeting Commission meeting. No requests for future agenda items were submitted.

Commissioner Mundra announced the results of the Milpitas Chamber of Commerce Board of Directors Election: Inderjit Mundra (President); John Agg (Vice President); Suraj Viswanathan (Treasurer). Board Members: Larry Ciardella, Chris Horton, Victor San Vicente, Warren Wettenstein, Kelly Yip-Chuan and Juliette Gomez

Commissioner Mundra reported that the Milpitas Chamber of Commerce held its annual awards banquet in October.

Commissioner Romero announced that the National Hispanic Organization for Real Estate Associates installation event on December 7, 2022, at the Mexican Heritage Plaza in San Jose.

Chair Norwood reported that the Milpitas Unified School District's Jack Emery Food Drive and fundraiser to support the Milpitas Food Pantry and other organizations that serve local families in need is in progress.

The Milpitas Unified School District teachers benefited from the Great Mall's classroom makeover program. Commissioner Rice reported that the *Mercury News* covered the event.

Chair Norwood moderated the panel discussion for the 7th Annual Manufacturing Day virtual event on October 13, 2022, and the event was well-received by students. Economic Development Specialist Thomas informed the Commission that 50 gift cards totaling \$1,000 donated by the Great Mall were delivered to the following schools to be distributed to students who participated in Manufacturing Day: Milpitas High School, Calaveras Hills High School, Milpitas Middle College High School and Milpitas Adult Education.

Commissioner Rice reported on events that occurred at the Great Mall including fundraisers and the Family Fall Festival in October. These events were well attended by community members. The Great Mall is closed on Thanksgiving Day but will open at 6:00 AM on Black Friday.

Assistant City Manager Ashwini Kantak joined the meeting at 4:45 PM.

Director Andrade introduced Economic Development Specialist Michael Thomas who reported that more than 300 students participated online in Manufacturing Day. Mr. Thomas distributed materials to teachers to facilitate in-class debrief activities with students. Chair Norwood requested that he be included in email communications to teachers regarding such activities.

Director Andrade reported that Marshall Jones resigned as Economic Development and Trade Commissioner and the City Council accepted his resignation at its regular meeting on November 1, 2022. This seat represents the hospitality sector. Director Andrade encouraged the Commissioner to inform representatives from the hospitality sector of this opportunity.

City Council approved the Commission's Fiscal Year 2022-23 Workplan at its regular meeting of October 18, 2022. Planning Department staff will present the proposed outdoor dining ordinance at the City Council's regular meeting on November 15, 2022. The Planning Commission recommended the City Council approve the proposed ordinance at its regular meeting of October 26, 2022. This ordinance would reduce parking requirements for eating and drinking establishments to allow outdoor dining space on private property.

Director Andrade reported that Becton, Dickinson and Company (BD Biosciences) has signed a lease for a 240,000 square foot building and 800 employees are expected to work at the Milpitas facility.

BUSINESS ITEMS

9a. Gateway-Main Street Specific Plan

No public comment.

Principal Planner Jay Lee presented a slide presentation that updated the Economic Development and Trade Commission on development of the Milpitas Gateway-Main Street Specific Plan. Mr. Lee explained assessment of existing conditions, stakeholder input, project area and scope, key findings, timeline, completed tasks and next steps. Mr. Lee also explained how land use, zoning and urban form apply to this plan. Mr. Lee stated that the Gateway Plan will complement the Milpitas Metro Specific Plan which is also in development.

While most of the stakeholder engagement has been completed, stakeholder engagement will continue throughout this plan's development. Stakeholder feedback collected to date is informing staff in developing the plan's strategies which will serve as the plan's foundation.

In response to Commissioners' questions, Principal Planner Lee stated the following:

The specific plan's final report will reflect stakeholder input from interviews with specific stakeholders such as property owners, developers and business owners. Mr. Lee requested the Economic Development and Trade Commission suggest stakeholders to consider for subsequent outreach.

Planning staff considered the inclusion of east-west pedestrian crossings over the railroad tracks as connections to the plan area but deemed this approach very costly. Impact fees may be needed to fund pedestrian crossings.

The traffic analysis on Calaveras Boulevard can be included in the plan's final report.

Chair Norwood requested staff inform the public of future meetings and provide status updates at future Commission meetings. Mr. Lee offered to provide updates, strategies, and alternatives at future Commission meetings.

Chair Norwood left the meeting at 5:05 PM and handed the gavel to Vice Chair McNeil.

Commissioner Mundra stated that the plan should account for public access to businesses in the plan area.

In response to Commissioner Daryani's question, Mr. Lee stated that connecting Thompson Court and Abbott Avenue is of interest but stated that development impact fees may be the funding source for connecting the two streets.

Vice Chair McNeil requested traffic impacts on the Calaveras Boulevard corridor be considered in the plan's development. The Main Street crossroads could be a main attraction in Milpitas.

Mr. Lee responded to Vice Chair McNeil's request to explain parcel aggregation as developers purchasing small parcels to create larger parcels conducive to development. Director Andrade stated that a property owner has acquired three parcels in the last five years in the proposed plan area.

Commissioner Daryani asked if online retailers operate distribution facilities. Director Andrade stated that Amazon operates a facility and owns another facility not currently in operation.

Alternate Commissioner Jennie Phan joined the meeting at 5:24 PM

Vice Chair McNeil asked what is guiding the current three-story limit in the plan area. Mr. Lee stated that zoning standards are the reason and need to be revised to attract development because current development standards do not offer incentive for development. Therefore, the plan or a comprehensive zoning code update can call for new zoning and development standards.

Motion: Receive Milpitas Gateway/Main Street Specific Plan progress report on Land Use, Zoning and Urban Form Analysis, Market Study and Transportation Analysis, discuss Plan objectives and priorities, and provide direction on key planning concepts and economic development strategies

Motion/Second: Rice/Romero

Motion carried by a vote of AYES: 6, NOES: 0, ABSENT: 1 (Norwood) and ABSTAIN: 0

Commissioner Romero left the meeting at 5:31 PM

9b. Commissioner Roles and Involvement

No public comment.

Director Andrade introduced this item and Economic Development Specialist Michael Thomas summarized events and activities for consideration by the Economic Development and Trade Commissioner now that the City Council approved the Commission's Fiscal Year 2022-23 Workplan. Mr. Thomas explained how the Brown Act affects Commissioners' involvement outside of publicly noticed meetings.

Vice Chair McNeil requested inclusion of City Council meetings among the events and activities. Mr. McNeil also requested that a sign-up sheet be provided to Commissioners in lieu of discussion on each event and activity for the sake of expediency.

Commissioner Rice requested inclusion of larger events like retail and tourism conferences such as Urban Land Institute (ULI), Silicon Valley Economic Development Alliance (SVEDA), and Innovating Commerce Serving Communities (ICSC).

Commissioner Daryani requested clarification of the corporate visitation program. Director Andrade stated the program involves formal on-site visits between City representatives including council members, city executive leadership, department heads and staff to create and build mutual relationships with the Milpitas business community and identify and resolve issues including business retention and expansion.

Commissioner Mundra advocated for business outreach opportunities be included in future events and activities.

Director Andrade stated that an electronic sign-up form will be distributed to the Commissioners via blank courtesy copy email to avoid Brown Act violations.

Motion: The Commission (1) receives the memorandum, (2) select events to participate in via an electronic form via email, and (3) provide feedback to staff.

Motion/Second: Mundra/Daryani

Motion carried by a vote of AYES: 5, NOES: 0, and ABSENT: 2 (Norwood, Romero)

C. EDTC January Meeting

No Public Comment.

Director Andrade stated that the Commission's next regularly scheduled meeting is on January 9, 2023. However, the Commission may consider re-scheduling this meeting due to this date's proximity to the start of the calendar year so that quorum is achieved.

After discussion, the Economic Development and Trade Commission agreed to not set another date and time for its next meeting and meet as scheduled on January 9, 2023.

Motion: The Commission meet for its next regular meeting as scheduled on January 9, 2023.

Motion/Second: Rice/Mundra

Motion carried by a vote of AYES: 5, NOES: 0, and ABSENT: 2 (Norwood, Romero)

ADJOURNMENT

Commissioner Daryani motioned and seconded by Commissioner Rice to adjourn this meeting at 5:57 PM to the next regularly scheduled Commission meeting on Monday, January 9, 2023, at 4:30 PM.

Motion carried by a vote of AYES: 5, NOES: 0, and ABSENT: 2 (Norwood, Romero)

MEMORANDUM

Office of Economic Development



DATE: January 9, 2023

TO: Economic Development and Trade Commission

FROM: Alex Andrade, Economic Development Director
Michael Thomas, Economic Development Specialist

SUBJECT: Item 9d – Commissioner Roles and Involvement

BACKGROUND:

The Economic and Development Trade Commission's Fiscal Year 2022-23 Workplan includes the following activities in support of the City's Economic Development Strategy:

- Volunteer as ambassadors to assist in formal and informal business outreach as directed by City staff.
- Participate and present at the Milpitas of Chamber of Commerce events, such as breakfast and lunch convenings.

Such activities reflect Commissioner roles and involvement, which was also discussed at the October 3, 2022, Special Meeting of the Economic Development and Trade Commission (Commission). As a result, the Commission requested that City staff develop a calendar of events and activities for the Commission's consideration. At the Commission's regular meeting on November 14, 2022, City staff provided a draft calendar of events and activities that included planned and tentative events. Vice Chair McNeil requested inclusion of City Council meetings and a sign-up sheet be provided to Commissioners to expedite the sign-up process, while Commissioner Rice requested inclusion of retail and tourism conferences. Following the November 14, 2022, Commission meeting, City staff distributed a link to an electronic sign-up form via email and three commissioners responded, and those responses are captured in **Table 1**. City staff will update the electronic sign-up form on an ongoing basis as events are scheduled and confirmed.

Table 1. Commissioner Responses to Events & Activities

Description	Date & Time	Number of Commissioners Interested in Attending
Chamber of Commerce Business Luncheon	February 16, 2023 11:00 AM to 1:00 PM	3
Corporate Visitation	February 16, 2023 2:30 PM to 3:30 PM	1
Corporate Visitation	March 16, 2023 2:30 PM to 3:30 PM	2
Corporate Visitation	May 18, 2023 2:30 PM to 3:30 PM	3

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Office of Economic Development



City staff has since updated the electronic sign-up form with City Council and Planning Commission meetings, as well as a ribbon cutting ceremony on January 9, 2023. Confirmed January and February event dates and times are in bold as shown in **Table 2**. The complete draft calendar is provided in **Attachment A**.

Table 2. EDTC Activities and Events November 2022

Activity / Event	Lead Organization	Date
Ribbon Cutting Ceremony TDH-Headway Facility Expansion	City of Milpitas & TDK-Headway	January 9, 2023 10:30 AM
City Council Meeting <i>Moved from January 3</i>	City of Milpitas	January 10 5:30 PM
City Council Meeting		January 17 7:00 PM
Chamber of Commerce Business Luncheon	Chamber of Commerce	February 16 11:00 AM – 1:00 PM
Corporate Visitation at TBD	City of Milpitas	February 16 2:30 PM – 3:30 PM
ICSC Conference & Deal Making	International Council of Shopping Centers	February 28 – March 1 Monterey

Ribbon Cutting Ceremony

Representatives from [TDK Headway Technologies](#) are scheduled to host a ribbon cutting ceremony for its newly-constructed wafer manufacturing facility on January 9, 2023, at 10:30 AM. TDK Headway Technologies representatives have requested City representatives to attend and participate in this event.

City Council Meetings

Agendas for the January City Council meetings were not available as of the writing of this memorandum, but agendas and minutes are available in the City's [Agenda Center](#) as they are published. City staff will update the Commission on any additional items of interest at the January 9th meeting.

Milpitas Chamber of Commerce Business Luncheon

The Milpitas Chamber of Commerce's business luncheon is scheduled for February 16, 2023, at 11:00 AM. More event details will be provided by the Milpitas Chamber of Commerce. Upcoming events are available on the [Milpitas Chamber of Commerce's website](#).

MEMORANDUM

Office of Economic Development



Brown Act Requirements

Like local legislative bodies in California, the Economic Development and Trade Commission (Commission) is subject to public meeting requirements per the [Ralph M. Brown Act \(Brown Act\)](#) that guarantee the public's right to attend and participate in public meetings of local legislative bodies. The Brown Act defines a meeting as: "...any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body." The term "meeting" is not limited to gatherings at which action is taken but includes deliberative gatherings as well.

Quorum and majority for Commission meetings is four commissioners by virtue of this body's seven voting members. Three or fewer Commissioners may participate in events and activities outside of publicly noticed meetings without violating the Brown Act. In the event a quorum of Commissioners gathers under the auspices of a meeting in an activity and/or event to discuss, deliberate or take action on any item, a meeting of the Commission shall be publicly noticed.

However, the Brown Act allows a majority of members of a legislative body to attend and participate in events and activities outside of publicly noticed meetings based on the following seven exceptions: (1) Conferences; (2) Social or Ceremonial Events; (3) Community Meetings; (4) Standing Committees; (5) Other Legislative Bodies; (6) Individual Contacts; and (7) Grand Jury Testimony. However, a majority of members cannot discuss among themselves specific business within their subject matter jurisdiction. To avoid any potential Brown Act violations, it is recommended that three or fewer Commissioners participate in events and activities. In most cases, one or two Commissioners will suffice.

(1) Conferences

A legislative body majority may attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body. This exception allows legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction. In the case of a conference not open to the public, Commissioner attendance is limited to three or fewer members.

(2) Social or Ceremonial Events

A legislative body may attend purely social or ceremonial occasions (e.g., ribbon cutting events). However, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the

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Office of Economic Development



subject matter jurisdiction of the body is discussed. So long as no such business is discussed, there is no violation of the Brown Act.

(3) Community Meetings

A legislative body majority may attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. Given the fine line between what is permitted and what is not, members should exercise caution when participating in these types of events.

(4) Standing Committees

A majority of a legislative body may attend an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers, meaning they cannot speak or otherwise participate in the meeting.

(5) Other Legislative Bodies

A majority of a legislative body may attend an open and publicized meeting of another body of the local agency, and a legislative body of another local agency. The majority cannot discuss among themselves business of a specific nature that is within their subject matter jurisdiction, other than as part of the scheduled meeting. For example, this exception allows a city council or a majority of a board of supervisors to attend a planning commission meeting.

The Brown Act does not prevent the majority of a legislative body from sitting together at such a meeting. However, members may choose not to in order to avoid any possibility of improperly discussing local agency business, and to avoid the appearance of a Brown Act violation. Aside from the Brown Act, other reasons such as due process considerations may affect why members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

(6) Individual Contacts

This exception allows a legislative body member the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague. Individual contacts, however,

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cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited, (i.e., serial meetings).

(7) Grand Jury Testimony

Members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.

RECOMMENDATION:

Receive City staff report, memorandum and provide feedback to staff.

ATTACHMENTS

A. Draft Calendar of Activities & Events

EDTC Activities and Events Draft Calendar

Confirmed Dates & Times in Bold

*Location in Milpitas unless noted otherwise

Activity / Event	Lead Organization	Date & Location*
Ribbon Cutting Ceremony TDH-Headway Facility Expansion	City of Milpitas & TDK-Headway	January 9, 2023 10:30 AM
City Council Meeting <i>Moved from January 3</i>	City of Milpitas	January 10 5:30 PM
City Council Meeting		January 17 7:00 PM
Chamber of Commerce Business Luncheon	Chamber of Commerce	February 16 11:00 AM – 1:00 PM
Corporate Visitation TBD	City of Milpitas	February 16 2:30 PM – 3:30 PM
Colliers Commercial Real Estate 2023 Trends & Forecast,	Colliers International	February San Jose
<u>ICSC Conference & Deal Making</u>	International Council of Shopping Centers	February 28 – March 1 Monterey
Corporate Visitation TBD	City of Milpitas	March 16
Corporate Visitation At TDK / Headway Technologies	City of Milpitas	May 18, 2023
Manufacturing Day 2023	City of Milpitas	October 2023

Prospective Events & Activities, Dates TBD

Activity / Event
SMART service outreach to employers
Storefront Improvement Grant Program outreach
Outdoor dining standards outreach
Corporate visits and facility tours
Business Improvement District Feasibility Study outreach
SVEDA, ULI events and tours
Milpitas Youth Workforce Training
Job fairs and business workshops