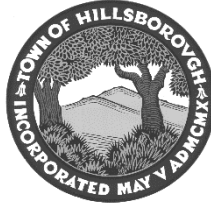


TOWN OF HILLSBOROUGH

San Mateo County

Alvin L. Royse, President
Christine Krolik, Vice President
Marie Chuang, Director
Sophie Cole, Director
Laurence M. May, Director



1600 Floribunda Avenue
Hillsborough, CA 94010
www.hillsborough.net
Phone 650-375-7400

A G E N D A

MONDAY, JUNE 13, 2022

IMMEDIATELY FOLLOWING THE REGULAR CITY COUNCIL MEETING HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION ANNUAL BOARD MEETING

Hillsborough Town Hall and Zoom Video Conference

(The Hillsborough Public Improvement Corporation meeting will convene immediately following the regular City Council meeting and no earlier than 6:00 pm.)

This Hillsborough Public Improvement Corporation meeting will be conducted pursuant to the provisions of Assembly Bill 361 and Government Code Section 54953(e) (and without compliance with section 54953(b)(3)) related to conducting public meetings during the COVID-19 pandemic. The Board of Directors, staff and members of the public may participate in the meeting virtually via Zoom Video Conference or in person at Town Hall.

Members of the public may provide public comments on any agenda item, or non-agenda item during the general public comment portions of the meeting. All members of the public will be limited to one comment per item or non-agenda item.

To attend the meeting in person:

1600 Floribunda Avenue, Hillsborough, CA 94010

To provide Public Comment in person:

Members of the public wishing to speak are requested to complete a yellow speaker card and submit it to the City Clerk.

To participate in the meeting via Zoom Video Conference:

• Log in to the meeting at <https://us06web.zoom.us/j/81210465045?pwd=Yms0aUwzUGpuTmZzQ0lZcUxrSF14dz09>

• Dial-in via phone:

+1 669 900 9128 US (San Jose)

+1 346 248 7799 US (Houston)

+1 720 707 2699 US (Denver)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 812 1046 5045

Passcode: 040663

To provide Public Comment via Zoom Video Conference:

Live verbal public comments may be made by requesting to speak using the "raise hand" feature in Zoom or, if calling in by phone, by pressing *9 on the telephone keypad prior to the consent calendar being heard, or prior to the close of the public comment period for agenda items or non-agenda items. In response, the Town will unmute the speaker and allow them to speak up to three minutes.

I. CALL TO ORDER

II. ROLL CALL

III. ANNOUNCEMENT OF CONFLICT OF INTEREST

This portion of the agenda is for Board members to disclose any conflict of interest related to any item on the agenda. Any Director who has confirmed a conflict of interest or has reason to believe they have a conflict of interest should disclose the conflict for the record and abide by the disqualification requirements contained in FPPC regulations.

IV. CONSENT CALENDAR

1. MINUTES OF THE HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION (HPIC) MEETING OF JUNE 14, 2021
2. RESOLUTION OF THE HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR VIRTUAL MEETINGS
3. CONFIRM APPOINTMENT OF HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION (HPIC) BOARD OF DIRECTORS

V. PUBLIC COMMENT

*This portion of the meeting is reserved for persons wishing to address the Board on any matter not on the agenda. Members of the public participating in person are requested to complete a yellow speaker card and submit it to the City Clerk before addressing the Board. Members of the public participating via the Zoom platform may use the “raise hand” feature or, if calling in by phone, press *9 on the telephone keypad. In response, the Town will call the speaker to the podium or unmute the speaker and allow them to speak on any topic for up to three minutes. If there appears to be a large number of speakers, speaking time may be reduced to no less than 2 minutes, at the discretion of the President. Members of the public are limited to one comment at this time. State law prohibits the HPIC from discussing or acting on non-agenda items, and generally limits the ability of the HPIC to respond to any public comments made regarding non-agenda items.*

VI. ADJOURNMENT

SPECIAL ACCOMMODATIONS:

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the Hillsborough Public Improvement Corporation meeting, or if you need an agenda in an alternate form, please contact the City Clerk’s Office at 375-7412 at least 24 hours before the scheduled Hillsborough Public Improvement Corporation meeting.

ADDRESSING THE HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION:

Members of the public may provide written comments to the Hillsborough Public Improvement Corporation regarding any item on the agenda up to two hours before the meeting to lnatusch@hillsborough.net or by mail/in person at 1600 Floribunda Avenue, Hillsborough, CA 94010. Any writings or documents provided to a majority of the Hillsborough Public Improvement Corporation regarding any item on this agenda prior to the deadline, except as exempt from public disclosure under applicable law, will be available for public inspection on the Town website, and in the City Clerk’s Office at 1600 Floribunda Avenue, Hillsborough, CA 94010, during regular business hours.

AUDIO / VISUAL ADVISORY:

Those persons who wish to use PowerPoint or other mediums when presenting to the Hillsborough Public Improvement Corporation will be required to submit media items to the City Clerk by 12:00 p.m. on the day of the meeting. Media items can be emailed to lnatusch@hillsborough.net.

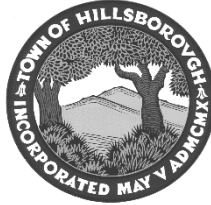
AUDIO OR VIDEO RECORDINGS:

Please be advised that under the Brown Act, any person has the right to record the Hillsborough Public Improvement Corporation meeting, including the audience in attendance, using an audio or video recording device subject to certain exceptions. Please be aware that by attending a Hillsborough Public Improvement Corporation meeting, you may be audio or video recorded.

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UNAPPROVED MINUTES
MONDAY, JUNE 14, 2021
HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION
ANNUAL BOARD MEETING

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. Pursuant to the Shelter-in-Place Order issued by the San Mateo County Health Officer on March 16, 2020, and which was updated and extended on March 31, 2020, April 29, 2020, May 15, 2020, and May 28, 2020, the statewide Shelter-in-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC's social distancing guidelines which discourage large public gatherings, the Council Chambers was not open to the public for this Hillsborough Public Improvement Corporation Annual Board Meeting.

I. CALL TO ORDER

President Royse called the meeting to order at 11:28 p.m., immediately following adjournment of the June 14, 2021 City Council meeting.

II. ROLL CALL

Present: Chuang, Cole, Krolik, Royse
Absent: May

III. MINUTES: June 8, 2020

On motion of Director Chuang, seconded by Vice President Krolik and unanimous on roll call vote with Director May absent, the minutes of the June 8, 2020 Hillsborough Public Improvement Corporation meeting were approved.

IV. ANNOUNCEMENT OF CONFLICT OF INTEREST

There were no announcements of conflict of interest.

V. NEW BUSINESS:

1. CONFIRM APPOINTMENT OF HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION (HPIC) BOARD OF DIRECTORS

Treasurer Jan Cooke provided the staff presentation.

President Royse opened public comment. There were no speakers. President Royse closed public comment.

On motion of Vice President Krolik, seconded by Director Cole and unanimous on roll call vote with Director May absent, the members of the Hillsborough Public Improvement Corporation Board of Directors were confirmed to be the members of the City Council, with the confirmation to be recorded in the official minutes for the Hillsborough Public Improvement Corporation Board meeting.

VI. PUBLIC COMMENT:

There were no public comments.

VII. ADJOURNMENT

President Royse adjourned the meeting at 11:33 p.m.



TOWN OF HILLSBOROUGH

San Mateo County
1600 Floribunda Avenue
Hillsborough, CA 94010

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**CONSENT CALENDAR
HPIC MEETING
JUNE 13, 2022**

AGENDA STAFF REPORT

ITEM SUBJECT: RESOLUTION OF THE HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION MAKING FINDINGS AND DETERMINATIONS UNDER ASSEMBLY BILL 361 FOR VIRTUAL MEETINGS

SUMMARY: On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained at Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended allowing legislative body members to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum in the jurisdiction.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual meetings until September 30, 2021.

With the expiration of the Governor's Executive Order, the State Legislature adopted Assembly Bill 361 to allow for the continuation of virtual meetings.

ANALYSIS

On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

AB 361 preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of

transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.

2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Hillsborough Public Improvement Corporation must, within thirty (30) days of its first meeting under AB 361, and every thirty (30) days thereafter, make findings that (a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees. As the Hillsborough Public Improvement Corporation meets regularly once per year, staff will evaluate the applicable laws in advance of the June 2023 Hillsborough Public Improvement Corporation meeting to determine if AB 361 would still be applicable at that time.

FISCAL IMPACT: The Hillsborough Public Improvement Corporation's adoption of the resolution to hold virtual meetings is not anticipated to cause any financial impact.

ENVIRONMENTAL ISSUES: The Hillsborough Public Improvement Corporation's adoption of the resolution is not a project under the California Environmental Quality Act (CEQA) Guideline 15378(b)(5) as it constitutes an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment. Further, virtual meetings are likely to reduce certain impacts associated with vehicular travel related to in-person public meetings.

ATTACHMENTS: Resolution

PREPARED BY: Christopher J. Diaz, City Attorney

RECOMMENDATION: Adopt the resolution making findings and determinations under Assembly Bill 361 for virtual meetings.

HPIC RESOLUTION NO.

**RESOLUTION OF THE HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION
MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR
VIRTUAL MEETINGS**

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to, among other things, provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, on September 16, 2021 the Legislature enacted Assembly Bill 361 (AB 361), which amended Government Code section 54953 to allow local agencies to meet fully virtually, without fully adhering to the rules otherwise applicable to teleconferencing, during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, the Hillsborough Public Improvement Corporation has considered the circumstances of the ongoing state of emergency; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing to prevent the spread of COVID-19, in particular, Cal-OSHA regulation 3205 recommends physical distancing in the workplace generally and regulates a “close contact” defined as being within 6 feet of another under certain circumstances; and

WHEREAS, in order to continue to impose social distancing while holding in-person meetings there is a high likelihood that members of the public would not all be able to be present in the meeting spaces; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are no longer necessary; and

WHEREAS, the Hillsborough Public Improvement Corporation desires to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW, THEREFORE BE IT RESOLVED that the Hillsborough Public Improvement Corporation hereby finds, determines, and resolves as follows:

1. The Hillsborough Public Improvement Corporation has considered the full

record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The Hillsborough Public Improvement Corporation shall be able to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3) based upon the findings and determinations hereby made by the Hillsborough Public Improvement Corporation.
3. This resolution shall become effective upon adoption.

President, Board of Directors

Attest: Secretary of the Corporation

This resolution was adopted by the Hillsborough Public Improvement Corporation at its regular meeting held on the 13th day of June 2022, by the following vote of the members thereof:

AYES:	Directors	_____
NOES:	Directors	_____
ABSENT:	Directors	_____
ABSTAIN:	Directors	_____



TOWN OF HILLSBOROUGH

San Mateo County
1600 Floribunda Avenue
Hillsborough, CA 94010

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CONSENT CALENDAR
HPIC MEETING
JUNE 13, 2022

AGENDA STAFF REPORT

ITEM SUBJECT: CONFIRM APPOINTMENT OF HILLSBOROUGH PUBLIC IMPROVEMENT CORPORATION (HPIC) BOARD OF DIRECTORS

SUMMARY: The Hillsborough Public Improvement Corporation (“HPIC”) is a nonprofit public benefit corporation that was formed, among other things, to assist the Town of Hillsborough (“Town”) in financing public projects. Pursuant to the HPIC Bylaws, section 5, the HPIC is required to hold at least one annual meeting to confirm the members of its Board of Directors. Per section 3 of the HPIC Bylaws, the Board of Directors is composed of the City Council.

FISCAL IMPACT: There is no fiscal impact associated with this agenda item.

ENVIRONMENTAL ISSUES: The proposed action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15378(b)(2) and 15378(b)(5) as ongoing administrative or organizational activities that will not result in direct or indirect physical changes in the environment.

ATTACHMENTS: None

PREPARED BY: Jan Cooke, Treasurer

RECOMMENDATION: Confirm members of the Hillsborough Public Improvement Corporation Board of Directors are the members of the City Council, to be recorded in the official minutes of the Hillsborough Public Improvement Corporation.