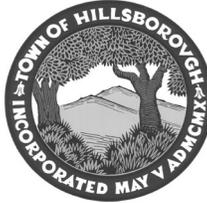


TOWN OF HILLSBOROUGH

San Mateo County

Alvin L. Royse, Mayor
Christine Krolik, Vice Mayor
Marie Chuang, Councilmember
Sophie Cole, Councilmember
Laurence M. May, Councilmember



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

A G E N D A

THURSDAY, AUGUST 25, 2022

9:00 AM SPECIAL CITY COUNCIL MEETING

This City Council 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 Town of Hillsborough will be conducting the City Council meeting via Zoom. The Council Chambers will not be open to the public for this Town of Hillsborough City Council meeting.

Members of the public may view the meeting by logging onto the Zoom meeting listed below.

<https://us06web.zoom.us/j/84238547829?pwd=RGhaOWI0eS8zOWVIRkdGNjFMK1hsUT09>

• *Dial-in via phone:*

- +1 669 444 9171 US
- +1 720 707 2699 US (Denver)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)

Meeting ID: 842 3854 7829

Passcode: 913295

*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. PLEDGE OF ALLEGIANCE**
- IV. PUBLIC COMMENT I**

*This portion of the meeting is reserved for persons wishing to address the City Council 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 City Council. 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 Mayor. Members of the public are limited to one comment at this time. State law prohibits the Council from discussing or acting on non-agenda items, and generally limits the ability of the Council to respond to any public comments made regarding non-agenda items.*

V. ANNOUNCEMENT OF CONFLICT OF INTEREST

This portion of the agenda is for Councilmembers to disclose any conflict of interest related to any item on the agenda. Any Councilmember 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.

VI. CONSENT CALENDAR

The Consent Calendar includes routine items, which do not require discussion. A Councilmember may remove an item for discussion, and any member of the audience may request a Councilmember to remove an item for discussion. The items are approved in one motion.

1. RECONFIRM FINDINGS AND DETERMINATIONS UNDER RESOLUTION NO. 21-87 PURSUANT TO ASSEMBLY BILL 361

VII. NEW BUSINESS

2. RESOLUTION APPOINTING MARIE CHUANG AND LESLIE MARDEN RAGSDALE TO THE HILLSBOROUGH CITY COUNCIL

VIII. ADJOURNMENT

SPECIAL ACCOMMODATIONS:

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the City Council 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 City Council meeting.

ADDRESSING THE CITY COUNCIL:

Members of the public may provide written comments to the City Council 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 City Council 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 City Council 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 City Council meeting, including the audience in attendance, using an audio or video recording device subject to certain exceptions. Please be aware that by attending a City Council meeting, you may be audio or video recorded.



TOWN OF HILLSBOROUGH

San Mateo County
1600 Floribunda Avenue
Hillsborough, CA 94010

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**CONSENT CALENDAR
CITY COUNCIL MEETING
AUGUST 25, 2022**

AGENDA STAFF REPORT

ITEM SUBJECT: RECONFIRM FINDINGS AND DETERMINATIONS UNDER RESOLUTION NO. 21-87 PURSUANT TO ASSEMBLY BILL 361

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 Councilmembers 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. This has allowed the City Council, Administrative Hearing Panel, Architecture and Design Review Board, Citizens Communication Advisory Committee and Financial Advisory Committee meetings to be conducted by Zoom with Councilmembers, board/committee members and staff joining from remote virtual locations.

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 along with the uncertainty that surrounded the Governor's potential recall, the State Legislature also took the remote meeting issue into its own hands through the adoption of Assembly Bill 361, which is explained in more depth in the Analysis section below.

On October 11, 2021, the City Council adopted Resolution No. 21-87, making findings that state or local officials continue to recommend social distancing measures to prevent the spread of COVID-19 and including reference in particular to Cal-OSHA regulation 3205 which recommends physical

distancing in the workplace. The adoption of this resolution was consistent with enacted Assembly Bill (AB) 361.

The City Council reconfirmed the findings of Resolution No. 21-87 on November 8, 2021, November 22, 2021, December 13, 2021, January 10, 2022, February 14, 2022, March 14, 2022, April 11, 2022, May 9, 2022, June 13, 2022, July 11, 2022 and August 8, 2022 as required by AB 361.

On March 14, 2022, the City Council also provided direction to staff on a planned hybrid meeting approach beginning with the April 11, 2022 City Council meeting.

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.

At this time, staff is recommending a reconfirmation of the findings contained in Resolution No. 21-87 to ensure that there is no gap in the ability of the City Council, boards and committees to attend virtually as necessary.

FISCAL IMPACT: The City Council's approval of a motion to continue with virtual meetings will maintain the status quo and no financial impact is anticipated by approval of the motion. The move to hybrid meetings required additional technical equipment which has been purchased and installed.

ENVIRONMENTAL ISSUES: The City Council's reconfirmation of the findings 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.

ATTACHMENTS: Resolution No. 21-87

PREPARED BY: Christopher J. Diaz, City Attorney

RECOMMENDATION: Approve a motion to reconfirm the findings and determinations made in Resolution No. 21-87 pursuant to Assembly Bill 361, with acknowledgment that the California Department of Public Health has updated the definition of "close contact" in Regulation 3205 from being within six feet of another person to sharing the same indoor space with another person for 15 minutes or more, which further supports the findings.

RESOLUTION NO. 21-87

RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS FOR ALL LEGISLATIVE BODIES

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, the Legislature recently 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 City Council of the Town of Hillsborough has considered the circumstances of the 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 meetings 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 City Council of the Town of Hillsborough desires that all Town legislative bodies continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW, THEREFORE BE IT RESOLVED that the City Council of the Town of Hillsborough hereby finds, determines, and resolves as follows:

1. The City Council 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 City Council and all other legislative bodies of the Town of Hillsborough who are required to hold open and public meetings, shall continue 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 City Council.
3. This resolution shall become effective upon adoption.



Attest: City Clerk



Mayor of the Town of Hillsborough

This resolution was adopted by the City Council of the Town of Hillsborough at its regular meeting held on the 11th day of October 2021, by the following vote of the members thereof:

| | | |
|----------|----------------|------------------------------------|
| AYES: | Councilmembers | <u>Royse, Krolik, Chuang, Cole</u> |
| NOES: | Councilmembers | <u>None</u> |
| ABSENT: | Councilmembers | <u>May</u> |
| ABSTAIN: | Councilmembers | <u>None</u> |



TOWN OF HILLSBOROUGH

San Mateo County
1600 Floribunda Avenue
Hillsborough, CA 94010

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NEW BUSINESS
CITY COUNCIL MEETING
AUGUST 25, 2022

AGENDA STAFF REPORT

ITEM SUBJECT: RESOLUTION APPOINTING MARIE CHUANG AND LESLIE MARDEN RAGSDALE TO THE HILLSBOROUGH CITY COUNCIL

SUMMARY: At the June 11, 2022 City Council meeting, the City Council adopted Resolution No. 22-43 calling a General Municipal Election to be held in the Town of Hillsborough on November 8, 2022 for the election of two members to the City Council. At the close of the extended nomination period on August 17, 2022 at 5:00 p.m., only two persons, Marie Chuang and Leslie Marden Ragsdale, had filed nomination papers for the two City Council seats to be filled at the General Municipal Election. The San Mateo County Elections Official verified the necessary number of signatures filed on the nomination papers for the two candidates.

Pursuant to Section 10229 of the California Elections Code, the City Council may consider one of the following courses of action at this time:

1. Appoint to the office the persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.

If appointed, Marie Chuang and Leslie Marden Ragsdale will take office at the first regular meeting of the City Council in December 2022.

A statement presenting the fact that there are not more candidates than offices to be elected was delivered to the City Council on August 17, 2022 after 5:00 p.m. Pursuant to Elections Code Section 10229(a)(3), a notice was published in the San Mateo Daily Journal on August 19, 2022. After 5:00 p.m. on August 17, 2022, the notice and was also posted on the three public bulletin boards in the Town and on the Town website.

If the City Council makes the appointments pursuant to Section 10229 of the Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy submitted after the appointments are made.

FISCAL IMPACT: Appointing the two nominees and therefore cancelling the election will result in a savings of approximately \$32,000 in the FY 2022-23 adopted budget. To date, the Town has incurred approximately \$2,600 in supplies and required publication and translation costs.

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: Resolution

PREPARED BY: Lisa Natusch, City Clerk

RECOMMENDATION: That the City Council consider the following options:

1. Adopt the resolution appointing Marie Chuang and Leslie Marden Ragsdale to the Town of Hillsborough City Council; or
2. Take no action to appoint nominees and proceed with the November 8, 2022 General Municipal Election for the election of two Councilmembers.

RESOLUTION NO. 22-

RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH APPOINTING MARIE CHUANG AND LESLIE MARDEN RAGSDALE TO THE HILLSBOROUGH CITY COUNCIL

WHEREAS, two (2) City Council seats are to be filled in the General Municipal Election scheduled to be held on November 8, 2022; and

WHEREAS, pursuant to Section 10229 of the California Elections Code, as of the close of the extended nomination period on August 17, 2022 there were not more candidates than offices to be elected, and that Section 10229 of the California Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person(s) who have been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, only two persons, Marie Chuang and Leslie Marden Ragsdale, timely filed nomination papers for those two City Council seats by the conclusion of the extended nomination period on August 17, 2022; and

WHEREAS, the City Elections Official (the City Clerk) has submitted a certificate of these facts to the City Council and informed the City Council that it may either appoint the persons nominated or hold the election pursuant to Section 10229 of the California Elections Code; and

WHEREAS, a notice was published on August 19, 2022 in the San Mateo Daily Journal pursuant to Section 10229 of the California Elections Code and posted on the three public bulletin boards in the Town and on the Town website on August 17, 2022; and

WHEREAS, appointing the two nominees pursuant to Section 10229 of the California Elections Code rather than holding an election will save the Town approximately \$32,000 in the FY 2022-23 budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Hillsborough as follows:

1. Marie Chuang and Leslie Marden Ragsdale are hereby appointed to the City Council in lieu of election.
2. Pursuant to Section 10229 and 10263 of the California Elections Code and Section 36503 of the California Government Code, Marie Chuang and Leslie Marden Ragsdale shall take office at the regular meeting of the City Council in December 2022 (that being the meeting at which the City Council would have adopted the official canvass of votes at the municipal election had there been one) and shall

serve exactly as if elected at the November 8, 2022 General Municipal Election for the two City Council seats.

3. The General Municipal Election scheduled to be held on November 8, 2022 is now cancelled.
4. This resolution shall be printed and posted upon the three official bulletin boards of the Town of Hillsborough.

Mayor of the Town of Hillsborough

Attest: City Clerk

This resolution was adopted by the City Council of the Town of Hillsborough at its special meeting held on the 25th day of August 2022, by the following vote of the members thereof:

| | | |
|----------|----------------|-------|
| AYES: | Councilmembers | _____ |
| NOES: | Councilmembers | _____ |
| ABSENT: | Councilmembers | _____ |
| ABSTAIN: | Councilmembers | _____ |