



**CITY OF HUGHSON
SPECIAL CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
7018 Pine Street, Hughson, CA**

**AGENDA
MONDAY, MAY 23, 2022 – 5:59 P.M.**

How to participate in, or observe the Meeting:

- In person in the City Council Chambers and submit public comment when invited during the meeting.
- Interactively, via WebEx Videoconference, by accessing this link:
<https://cityofhughson.my.webex.com/cityofhughson.my/j.php?MTID=mc893c231078e85b2fd92c4f517413e95>

Meeting Number: 2555 863 1631

Password: mjXpzwyw373

(65979999 from phones and video systems)

- Observe only via YouTube live, by accessing this link:
https://www.youtube.com/channel/UC-PwkdIrkMmOJDzBSodu6A?view_as=subscriber

Should technology problems cause issues providing access to the meeting via WebEx and/or YouTube, the in-person meeting will proceed as scheduled.

- In addition, recorded City Council meetings are posted on the City's website the first business day following the meeting. Recorded videos can be accessed with the following link:
<http://hughson.org/our-government/city-council/#council-agenda>

CALL TO ORDER: Mayor Pro Tem Harold Hill

ROLL CALL: Mayor George Carr
 Mayor Pro Tem Harold Hill
 Councilmember Ramon Bawan
 Councilmember Samuel Rush
 Councilmember Michael Buck

FLAG SALUTE: Mayor Pro Tem Harold Hill

INVOCATION:

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, state their name and city of residence for the record (requirement of name and city of residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

- 3.1:** Adopt Resolution No. 2022-17 Making the Required AB 361 Findings for the Use of Teleconference Meetings for the Period May 23, 2022 – June 21, 2022.

4. ADJOURNMENT:

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language

WAIVER WARNING

If you challenge a decision/direction of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

UPCOMING EVENTS:

May 24	▪ Coffee with a Pinch of Art Gallery, Hughson Family Resource Center 4:30-6:00 PM
May 30	▪ Memorial Day – City Hall Closed
May 30	▪ Laying of the Wreath Veterans Memorial, Deputy Dennis Wallace Soccer Fields, 8:00 AM

AFFIDAVIT OF POSTING

DATE: May 22, 2022 **TIME:** 4:30 p.m.
NAME: Anna Nicholas **TITLE:** Director of Finance and Administrative Services



CITY COUNCIL AGENDA ITEM NO. 3.1 SECTION 3: CONSENT CALENDAR

Meeting Date: May 23, 2022
Subject: Approval to Adopt Resolution No. 2022-17 Making the Required AB 361 Findings for the use of Teleconference Meetings for the Period May 23, 2022 – June 22, 2022
Presented By: Daniel J. Schroeder, City Attorney

Approved By: Merry Mayhew

Staff Recommendation:

Adopt Resolution No. 2022-17, making the required AB 361 findings for the use of teleconference meetings for the period May 23, 2022 – June 22, 2022.

Background:

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency in response to the outbreak of COVID-19, which remains in effect. Throughout the State of Emergency, the Governor issued a series of Executive Orders to reduce the spread of COVID-19.

On March 12, 2020, the Governor issued Executive Order N-25-20 waiving certain requirements of the Ralph M. Brown Act (Brown Act) making it easier for local agencies to hold public meetings via teleconference. On March 17, 2020, the Governor issued Executive Order N-29-20 which superseded a portion of Executive Order N-25-20 and identified the ability of local agencies to continue with teleconferenced meetings provided certain requirements for public participation were met. On June 11, 2021, the Governor issued Executive Order N-08-21 which continued the waiver of the teleconference provisions in the Brown Act through September 30, 2021.

With the expiration of the Executive Orders, the Legislature introduced Assembly Bill 361 (AB 361), which allows the continued use of teleconferencing if specific requirements are met. On September 16, 2021, the Governor signed AB 361 into law. AB 361 amends section 54953 of the Brown Act and allows a local agency to use teleconferencing without complying with certain provisions of the Brown Act under certain circumstances and if certain findings are made.

Discussion:

AB 361 amends Section 54953 of the Government Code to allow a legislative body of a local agency to meet remotely without complying with the teleconference requirements imposed by the Brown Act such as agenda posting at teleconference locations, physical location access by the public, or establishing a quorum within the boundaries of the agency. The agency may do so if one of three scenarios exists, all of which requires the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- (A) State or local officials have imposed or recommended measures to promote social distancing;
- (B) The legislative body is holding a meeting for the purpose of determining, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees;
- (C) The legislative body is holding a meeting and has determined, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Any boards and committees that are required to comply with the Brown Act that holds a meeting under any of the scenarios identified above must continue to post an agenda within the time periods required by the Brown Act and ensure the public is able to address the board or committee directly through teleconference means. If a technological disruption prevents the board or committee from broadcasting the meeting or receiving public comments in real time, the board or committee cannot take further action until the technological function is restored.

If the proclaimed State of Emergency remains in effect, and if Hughson City Council wishes to continue meeting under the modified rules, then the Council must adopt a resolution containing the following findings: (1) the State of Emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing. The Council must reconsider and reconfirm the findings no later than every thirty (30) days.

If consecutive regular meetings fall outside the 30-day window, the Council should hold a special meeting to re-authorize the AB 361 findings. If the Council does not adopt a resolution making the findings required under AB 361, or if the authorization lapses, it will be required to comply with the traditional teleconference rules contained in the Brown Act for future meetings or until the Council utilizes AB 361 at a future date. In that scenario, the Council will be required to post an agenda at each teleconference location, teleconference locations will need to be identified on the agenda and accessible to the public, and a quorum of the Council will need to be established within the boundaries of the agency.

AB 361 allows the Council to hold its first meeting using AB 361 without previously adopting the AB 361 teleconference procedures as long as the Council makes the finding required by AB 361 within 30 days of that meeting. Adopting Resolution No. 2022-04 will make those findings now and allow the Council to continue to hold its meetings remotely effective immediately through June 22, 2022.

Fiscal Impact:

There is no direct fiscal impact in making the required AB 361 findings.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2022-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON DETERMINING
TO CONDUCT MEETINGS USING TELECONFERENCING PURSUANT TO
GOVERNMENT CODE 54953 AS AMENDED BY AB 361 FOR THE PERIOD May 23,
2022 TO June 22, 2022.**

WHEREAS, the City of Hughson (“City”) is committed to preserving and nurturing public access and participation in its meetings; and

WHEREAS, all meetings of the City legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, the California Department of Public Health and the Centers for Disease Control and Prevention (CDC), recommend that all individuals, regardless of vaccination status, wear face coverings in indoor public settings when in close contact with other individuals; and

WHEREAS, currently the dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the City Council desires to allow its members, staff and the public the ability to attend and participate in Council Meetings via remote means; and

WHEREAS, on May 23, 2022, the City held a special meeting in accordance with Government Code Section 54953(e) and hereby desires to adopt this resolution within 30 days of that meeting as required by said section in order to continue to use remote teleconference/videoconference for the 30 days thereafter.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson resolves as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Finding of Imminent Risk to Health or Safety of Attendees. The City Council does hereby find that the current dominant strain of COVID-19 in the country is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to City employees and other representatives, and attendees of City public meetings; and

Section 3. Teleconference Meetings. The City Council do hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and local officials that the City may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

Section 4. Direction to Staff. The City Manager and City staff 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.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately and cover the period through June 22, 2022.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof, held on May 23, 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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»

APPROVED:

HAROLD HILL, Mayor Pro-Tem

ATTEST:

ASHTON GOSE, Deputy City Clerk