

CITY OF LOS ALAMITOS
Via videoconference
Participation via Phone: (301) 715-8592
Meeting ID: 886 3248 2330

CITY COUNCIL AGENDA
REVISED SPECIAL MEETING

Thursday, August 25, 2022 – 8:00 AM

SAFETY ALERT – NOTICE REGARDING COVID-19

Due to COVID-19, the above meeting of the City of Los Alamitos City Council will be conducted by videoconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to Executive Orders and given the current health concerns, members of the public may not attend the meeting in person. Members of the public can access the meeting by phone by dialing **+1 (301) 715-8592** and enter the **Meeting ID: 886 3248 2330**. Your microphone will be disabled upon entry for the duration of the meeting.

The public can submit comments to cityclerk@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 3:00 p.m. the day prior** will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to cityclerk@cityoflosalamitos.org **until the start of the meeting**. The City Clerk will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the City Clerk will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

NOTICE TO THE PUBLIC – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection online at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Mayor Hasselbrink
Mayor Pro Tem Doby
Council Member Bates
Council Member Chirco
Council Member Nefulda

3. CONSENT CALENDAR

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings (Administration)

For the City Council to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the City Council make specific findings at least every thirty (30) days.

Recommendation:

Make the following findings by a majority vote of the City Council:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect; and,
2. The City Council has reconsidered the circumstances of the state of emergency; and,
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

Roll Call

Mayor Hasselbrink
Mayor Pro Tem Doby
Council Member Bates
Council Member Chirco
Council Member Nefulda

4. SPECIAL ORDER OF THE DAY

A. November 8, 2022 Election – Consideration of Appointment of Sole City Council Candidate in District 5 (Administration)

On May 16, 2022 the City Council took action calling the General Municipal to be held on Tuesday, November 8, 2022, with Districts 4 and 5 City Council seats up for election. At the close of nomination period, only one candidate was nominated for the District 4 seat. Per Elections Code (EC) Section 10229, when only one

person has been nominated for a District seat, the City Council may opt to appoint to office the person who has been nominated or proceed with an uncontested election for the District seat.

Recommendation:

1. Appoint to the City Council Shelley Hasselbrink, the only candidate nominated for the District 4 seat; and,
2. Adopt Resolution No. 2022-27, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF SHELLEY HASSELBRINK TO THE DISTRICT 4 CITY COUNCIL SEAT OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022"; and,
3. Direct the City Clerk to prepare the Oath of Office and Certificate of Election for Shelley Hasselbrink for installation at the December 19, 2022, Regular City Council meeting; and,
4. Direct the City Clerk to notify the County of Orange of the cancellation of the District 4 seat at the General Municipal Election on November 8, 2022; and,
5. Direct the City Clerk to refund the deposit of \$500.00, as appropriate, for the cost of printing a 200-word candidate statement; and,

OR

6. Hold the election for the uncontested District 4 City Council seat at the General Municipal Election on November 8, 2022.

Roll Call

Mayor Hasselbrink
Mayor Pro Tem Doby
Council Member Bates
Council Member Chirco
Council Member Nefulda

5. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 24 hours prior to the meeting.



Windmera Quintanar, MMC, City Clerk
Dated: August 23, 2022

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: August 25, 2022

ITEM NUMBER: 3A

To: Mayor Shelley Hasselbrink & Members of the City Council

Presented By: Michael Daudt, City Attorney

**Subject: Findings Required by AB 361 for the Continued Use of
Teleconferencing for Meetings**

SUMMARY

For the City Council to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the City Council make specific findings at least every thirty (30) days.

RECOMMENDATION

Make the following findings by a majority vote of the City Council:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect; and,
2. The City Council has reconsidered the circumstances of the state of emergency; and,
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

BACKGROUND

Assembly Bill 361 (AB 361) was signed into law by the Governor on September 16, 2021. A portion of AB 361 enacted amendments to California Government Code section 54953 regarding teleconference meetings. Those amendments authorize local agencies, like the City, to continue to conduct meetings by teleconference during a Governor-proclaimed state of emergency provided that certain findings are made by the legislative body, and provided that certain procedural requirements are met regarding public access to the meetings. A "teleconference" occurs for purposes of AB 361 whenever one or more members of the City Council connect to a City Council meeting via electronic means. Thus, even if four members of the City Council meet in person, if the fifth joins the meeting via Zoom, the meeting will be a teleconference meeting that must be conducted in accordance with the requirements of AB 361. For purposes of AB 361 "...state of emergency' means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act..." Cal. Gov't Code Sec. 54953(e)(4). Section 8265 of CESA in turn refers to a state of emergency proclaimed by the Governor.

A new requirement in AB 361 requires specific findings be reaffirmed at least every thirty (30) days in order for the City Council to continue to have the option for one (1) or more of its members to use teleconferencing.

DISCUSSION

The Required Findings

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active, or while state or local officials have recommended measures to promote social distancing. When either of those is the case (both are true at this time), then in order to continue to teleconference using the new provisions of AB 361, the City Council must make the following findings by majority vote every 30 days:

(A) The City Council has reconsidered the circumstances of the state of emergency; and,

(B) Either of the following circumstances exist:

- i. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- ii. State or local officials continue to impose or recommend measures to promote social distancing (Cal Gov't Code Sec. 54953(e)(3))

To comply with that requirement, the recommended action would have the City Council find each of the following:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect; and,
2. The City Council has reconsidered the circumstances of the state of emergency; and,
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

The "Every 30 Days Thereafter" Requirement

As noted above, AB 361 findings must be made "no later than 30 days after teleconferencing for the first time pursuant to , and every 30 days thereafter..."

In order to preserve the option for the City Council or individual members of the City Council to participate in meetings during the pandemic via teleconference in the future, the City Council will have to adopt the required findings at least every 30 days.

Potential Consequence of Not Making the Findings Every 30 Days

AB 361 does not expressly state what happens if a legislative body fails to make the required findings "every 30 days." However, it expressly requires the timely re-approval of the findings "in order to continue to teleconference" in the manner that AB 361 authorizes.

As a result, if the City Council does not adopt the required findings every 30 days, then the City Council could be precluded from continuing to teleconference thereafter, perhaps even if the City Council was willing to adopt the findings at a later date. For this reason, the City Attorney

recommends that the City Council adopt the required findings at this time and at least every 30 days thereafter, unless the City Council decides as a permanent matter that it will no longer permit teleconferencing at all (e.g., regardless of whether the state of emergency worsens).

Procedural Requirements for The Conduct of Teleconference Meetings

AB 361 contains several new requirements for the conduct of teleconference meetings with which the City has prepared to comply. Specifically, each meeting must:

1. Allow members of the public to attend and comment at the meeting via call-in option or internet-based service option; and,
2. Protect the statutory and constitutional rights of the parties and the public appearing before the legislative body; and,
3. In the event of disruption which prevents broadcasting the meeting or which prevents members of the public from offering public comments via the call-in or internet-based option, the City Council must take no further action until the disrupted public access is restored; and,
4. The City may not require public comments to be submitted in advance, and must offer the opportunity for the public to offer comments “in real time” during the meeting; and,
5. The public must be allowed “a reasonable amount of time per agenda item to allow members of the public to provide public comment, including time for members of the public to register , or otherwise be recognized for the purpose of providing public comment.

FISCAL IMPACT

None.

Attachment: None

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: August 25, 2022

ITEM NUMBER: 4A

To: Mayor Shelley Hasselbrink & Members of the City Council

Presented By: Windmera Quintanar, City Clerk

Subject: November 8, 2022 Election – Consideration of Appointment of Sole City Council Candidate in District 5

SUMMARY

On May 16, 2022 the City Council took action calling the General Municipal to be held on Tuesday, November 8, 2022, with Districts 4 and 5 City Council seats up for election. At the close of nomination period, only one candidate was nominated for the District 4 seat. Per Elections Code (EC) Section 10229, when only one person has been nominated for a District seat, the City Council may opt to appoint to office the person who has been nominated or proceed with an uncontested election for the District seat.

RECOMMENDATION

1. Appoint to the City Council Shelley Hasselbrink, the only candidate nominated for the District 4 seat; and,
2. Adopt Resolution No. 2022-27, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF SHELLEY HASSELBRINK TO THE DISTRICT 4 CITY COUNCIL SEAT OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022"; and,
3. Direct the City Clerk to prepare the Oath of Office and Certificate of Election for Shelley Hasselbrink for installation at the December 19, 2022, Regular City Council meeting; and,
4. Direct the City Clerk to notify the County of Orange of the cancellation of the District 4 seat at the General Municipal Election on November 8, 2022; and,
5. Direct the City Clerk to refund the deposit of \$500.00, as appropriate, for the cost of printing a 200-word candidate statement; and,

OR

6. Hold the election for the uncontested District 4 City Council seat at the General Municipal Election on November 8, 2022.

BACKGROUND

Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council in situations where only one candidate has been nominated for election in one of the City's voting Districts:

1. Appoint to the office the person who has been nominated; or
2. Hold the election, with the one person that has been nominated uncontested.

DISCUSSION

As of the close of the nomination period on August 12, 2022, only one candidate for District 4, Shelley Hasselbrink, had filed nomination papers with the City Clerk's Office. Pursuant to Section 10229, Elections Code, the City Clerk has submitted to the City Council the Certification That There Are Not More Candidates than Offices to be Elected. On August 18, 2022, the required Notice That There Are Not More Candidates than Offices to be Elected was posted at City Hall and published in the Orange County Register.

The Notice stated that the City Council will hold a meeting on August 25, 2022 to make an appointment for the District 4 City Council seat or direct an election to be held. If the City Council fails to take action by August 25, 2022, the District 4 seat will remain on the ballot for the November 8, 2022 General Municipal Election.

After the fifth day following the date of posting and publication, the City Council may make the appointment or direct an election to be held. Persons appointed for an uncontested City Council seat serve exactly as if elected at a municipal election for the office. If appointed, Shelley Hasselbrink would take office at the December 19, 2022 Regular Council meeting.

Regardless the of the action Council takes tonight, there will still be an Election in the City of Los Alamitos on November 8, 2022 for the District 5 Member of the City Council. Staff has confirmed with the Orange County Registrar of Voters regarding the cost for an election with one or two Council seats. The estimated cost for two Council seats was quoted between \$14,501 - \$17,739. The estimated cost for one Council seat is quoted at \$3,059 - \$3,743.

FISCAL IMPACT

There will be costs for translation and publishing cancellation notices for the District 4 Election. Sufficient funds have been included in the FY 2022-23 budget for this expense.

- Attachment:
1. Resolution No. 2022-27
 2. Notice That There are not More Candidates Than Offices to be Elected
 3. City Clerks Certification That There are not More Candidates that Offices to be Elected

RESOLUTION NO. 2022-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF SHELLEY HASSELBRINK TO THE DISTRICT 4 CITY COUNCIL SEAT OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 12, 2022 there are not more candidates for District 4 Member of the City Council than offices to be elected and that § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, a notice was published on August 18, 2022 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to § 10229 of the Elections Code of the State of California, the following the following person is being appointed to the office to which she was nominated, and is considered to be the same as being elected, pursuant to § 10229(a)(3) of the Elections Code:

Shelley Hasselbrink District 4 Member of the City Council Four Year Term

SECTION 2. The election for a District 4 Member of the City Council office scheduled to be held on Tuesday, November 8, 2022 is now canceled.

SECTION 3. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 25th day of August, 2022.

Shelley Hasselbrink, Mayor

ATTEST:

Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was duly adopted and passed at a special meeting of the City Council on the 25th day of August, 2022, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, MMC, City Clerk



City of Los Alamitos

NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

NOTICE IS HEREBY GIVEN pursuant to § 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Los Alamitos, California, to be held on Tuesday, November 8, 2022.

As of the close of the nomination period on August 12, 2022, there are not more candidates than offices to be elected for District 4 Member of the City Council.

The person so nominated is: Shelley Hasselbrink

That § 10229 of the 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 has/have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

The City Council will meet on **August 25, 2022**, to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the office(s) pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Windmera Quintanar, MMC, City Clerk

Dated: August 16, 2022



City of Los Alamitos

CITY CLERKS CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify pursuant to § 10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, November 8, 2022.

As of the close of the nomination period on August 12, 2022, there are not more candidates than offices to be elected for District 4 Member of the City Council.

The person so nominated is: Shelley Hasselbrink

That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the persons who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published on August 18, 2022, in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Windmera Quintanar, MMC, City Clerk

Dated: August 17, 2022