



Special Meeting Agenda

City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, August 19, 2020 3:30 p.m.

Virtual Meeting

Link to join the meeting can be found below

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.

The City Council Meeting will be live-streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at: <https://bit.ly/081920SpecialCityCouncilMtg> or by calling in to: (669) 900-9128, then enter the meeting id: 852 5505 4268.

Public comment for City Council meetings will be accepted via email to ccpubliccomment@morganhill.ca.gov <<mailto:ccpubliccomment@morganhill.ca.gov>>. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

SPECIAL MEETING

A Special Meeting of the City Council is called at 3:30 p.m. for the purpose of conducting city business.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2
Deputy City Clerk Michelle Bigelow

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. REJECT BIDS FOR TREE MAINTENANCE SERVICES

Recommendation:

Reject all bids for the City's tree maintenance services agreement and direct staff to issue a revised request for proposals.

OTHER BUSINESS

2. ADOPT RESOLUTIONS APPOINTING RICH CONSTANTINE AS MAYOR AND CAITLIN ROBINETT JACHIMOWICZ AS TREASURER DUE TO UNCONTESTED ELECTION AND AMEND RESOLUTION 20-033 TO REMOVE THOSE POSITIONS FROM THE NOVEMBER 3, 2020 BALLOT

Recommendation:

1. Adopt resolution appointing Rich Constantine as Mayor for a full two-year term;
2. Adopt resolution appointing Caitlin Robinett Jachimowicz as Treasurer for a full four-year term; and
3. Adopt amended resolution 20-033 removing the Mayor and Treasurer seats from the November 3, 2020 General Municipal Election.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community Engagement and Messaging
- Economic Development
- Transportation



CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT

MEETING DATE: August 19, 2020

PREPARED BY: Anthony Eulo, Program Administrator

APPROVED BY: City Manager

REJECT BIDS FOR TREE MAINTENANCE SERVICES

RECOMMENDATION(S)

Reject all bids for the City's tree maintenance services agreement and direct staff to issue a revised request for proposals.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety

Maintaining Infrastructure

REPORT NARRATIVE:

The purpose of this item is to provide the City Council with an opportunity to reject all of the tree maintenance proposals received in order to enable staff to rebid this work with an amended solicitation.

The City has contracted for tree maintenance services for many years. Services addressed by this agreement include grid pruning, specific tree pruning, arborist consultation, and a bevy of related services. As the City's current maintenance agreement expires on September 30, competitive bids were solicited this summer for this important service.

The Request for Proposals (RFP) indicated that the contract award would be made using a "best value" methodology in which the agreement would be awarded to the qualified proposer with the lowest cost proposal. Proposals were due for the agreement on July 15, 2020 and the City received proposals from A Plus Tree, Arborist Now, ArborWorks, Brightview, Davey Tree Expert Care, Kingsborough Atlas Tree Surgery, New Image Landscape, Tope's Tree Service, and West Coast Arborists.

Once received, a City team reviewed and scored the narrative portion of the proposals. All of the proposers, except one, received a qualifying score. Staff then analyzed the cost proposals to determine which proposal would result in the lowest likely cost to the City during the term of the agreement. To conduct this analysis, staff evaluated the past several years of service and determined the likely frequency that different services would be used. For example, while "grid pruning" and "crew rental" are used with great frequency, "tree planting" and "tree watering" are not. Staff used these anticipated frequencies to give greater or lesser weight to different line items in the cost proposal in order to develop the most accurate "best value" scoring for the City.

As a result of this analysis, A Plus Tree had the highest overall score and the City notified proposers of its intent to award the agreement to A Plus Tree. Upon learning this and reviewing the cost proposals, West Coast Arborists protested the intended award because their proposal would have scored higher if the City had simply added up the line items in the cost proposals without weighting them. As the RFP did not clearly indicate that weighting would be used in the analysis, staff (including the City Attorney) believes that it would be most appropriate to reject all of the proposals received and rebid the agreement with an amended RFP indicating that the cost proposal analysis will be weighted.

Staff recommends that the Council reject all of the proposals received to allow staff to rebid the project and award a new contract prior to the existing contract expiring.

COMMUNITY ENGAGEMENT: Not Applicable

The contract for tree maintenance services is an expected and existing City service and there would likely be little or no interest from the community on this issue.

ALTERNATIVE ACTIONS:

N/A.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Council has taken numerous actions relating to contractual agreements for tree maintenance services over the years. The last action taken by the Council on this issue was on March 7, 2018 when the Second Amendment to West Coast Arborists' current agreement was approved.

FISCAL AND RESOURCE IMPACT:

There is no direct fiscal impact related to the recommended Council action and soliciting proposals for tree maintenance services is included in the work program of the Community Services Department.

CEQA (California Environmental Quality Act):

Categorical Exemption.

The activities described in this Staff Report are categorically exempt per the California Environmental Quality Act (CEQA) Guidelines specifically identify by Section 15301 - Existing Facilities: Operation, repair, maintenance, or minor alterations to existing public and private facilities involving no or negligible expansion of existing or former use.



CITY COUNCIL STAFF REPORT

MEETING DATE: August 19, 2020

PREPARED BY: Michelle Bigelow, Deputy City Clerk
APPROVED BY: City Manager

ADOPT RESOLUTIONS APPOINTING RICH CONSTANTINE AS MAYOR AND CAITLIN ROBINETT JACHIMOWICZ AS TREASURER DUE TO UNCONTESTED ELECTION AND AMEND RESOLUTION 20-033 TO REMOVE THOSE POSITIONS FROM THE NOVEMBER 3, 2020 BALLOT

RECOMMENDATION(S)

1. Adopt resolution appointing Rich Constantine as Mayor for a full two-year term;
2. Adopt resolution appointing Caitlin Robinett Jachimowicz as Treasurer for a full four-year term; and
3. Adopt amended resolution 20-033 removing the Mayor and Treasurer seats from the November 3, 2020 General Municipal Election.

COUNCIL PRIORITIES, GOALS & STRATEGIES

2020-2021 Strategic Priorities
Financial Sustainability

REPORT NARRATIVE:

On June 3, 2020, Pursuant to Election Code §10002, Resolution 20-033 was adopted which calls for a General Municipal Election to be held on Tuesday, November 3, 2020 to elect a Mayor for a two-year term; one Council Member from District A for a four-year term; one Council Member from District C for a four-year term; and a City Treasurer for a four-year term.

The nomination period to pull papers to run for the above offices opened on Monday, July 13th and closed on Friday, August 7th. At the end of the nomination of the regular nomination period, we received only one nomination each for the Mayor and Treasurer seats. Pursuant to elections code §10229, the nomination period for the Treasurer seat was extended to Wednesday, August 12th as the incumbent did not submit papers to run for office.

Elections Code §10229, provides that for any elected office, if the number of persons who have been nominated for that office does not exceed the number to be filled at that election, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

1. Appoint to the office the person who has been nominated.

2. Appoint to the office an eligible elector if no one has been nominated.
3. Hold the election, if either no one or only one person has been nominated. The city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the city elections official.

The City Clerk published notice of the uncontested election on August 14, 2020. Due to the fact that only one nomination was received for each of the two seats, and due to the unprecedented fiscal impacts of COVID-19 on City finances, staff recommends that the City Council move forward with action 1 above, to appoint the nominee for each seat and to remove the Mayor and Treasurer seats from the November 3, 2020 General Municipal Election. This action would reduce the election costs and save the General Fund approximately \$56,000.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community of the recommendation to appoint the nominees for the Mayor and Treasurer seats saving the City approximately \$56,000.

ALTERNATIVE ACTIONS:

The City Council could choose to take no action, thus leaving the Mayor and Treasurer seats on the ballot for the November 3, 2020 General Municipal Election.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council adopted Resolution 20-033 calling the November 3, 2020 General Municipal Election.

Municipal Elections are conducted every two years for the purpose of electing officers and presenting ballot measures to the electorate as required by law.

FISCAL AND RESOURCE IMPACT:

The estimated cost to place the Mayor and Treasurer seats on the November 3, 2020 General Municipal Election is \$28,000 per seat (\$56,000). City Council action to appoint the nominees for each seat would provide a general fund cost savings of approximately \$56,000.

CEQA (California Environmental Quality Act):

Not a project.

The calling for a municipal election is not a project as defined in Section 15378 of the State CEQA guidelines.

LINKS/ATTACHMENTS:

1. Amended 20-033 Calling for a General Municipal Election for November 3, 2020
2. 20-0XX - Appointing Mayor 8-19-20
3. 20-0XX - Appointing Treasurer 8-19-20

RESOLUTION NO. 20-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL CALLING, AND GIVING NOTICE FOR THE HOLDING OF A CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Consolidated General Municipal Election shall be held on Tuesday, November 3, 2020, for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Morgan Hill, California, on Tuesday, November 3, 2020, a Consolidated General Municipal Election for the purpose of electing a Member of the City Council from District “A” for the full term of four-years and a Member of the City Council from District “C” for the full term of four-years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed, and directed to coordinate with the Registrar of Voters Office of the County of Santa Clara to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o’clock a.m. of the day of the election and shall remain open continuously from that time until eight o’clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County of Santa Clara, Registrar of

Voters Office, the City Council in accordance with Election Code § 15651(b), shall conduct a special runoff election to resolve the tie vote and such special runoff election is to be held on a Tuesday not less than 40 days nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 8. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 19th day of August 2020 by the following vote:

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

APPROVED:

ATTEST:

YVONNE MARTINEZ BELTRAN, Mayor Pro Tem

IRMA TORREZ, City Clerk

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-033 adopted by the City Council at the meeting held on the 19th day of August 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

RESOLUTION NO. 20-0XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF MAYOR THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2020**

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period Friday, August 7, 2020, there are not more candidates than offices to be elected for the Mayor seat 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 Friday, August 14, 2020 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, 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 action is being taken:

The following person is being appointed to the office to which they were nominated, and are considered to be the same as being elected, pursuant to § 10229(a)(3) of the Elections Code:

- Rich Constantine appointed as Mayor

SECTION 2. The election for the seat of Mayor scheduled to be held on Tuesday, November 3, 2020 is canceled.

SECTION 3. The person appointed 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 AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 19th day of August 2020 by the following vote:

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

APPROVED:

ATTEST:

YVONNE MARTINEZ BELTRAN, Mayor Pro Tem

IRMA TORREZ, City Clerk

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-0XX adopted by the City Council at the meeting held on the 19th day of August 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

Attachment: 20-0XX - Appointing Mayor 8-19-20 [Revision 2] (2837 : Amend Reso 20-033 calling for election)

RESOLUTION NO. 20-0XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF TREASURER THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2020

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period Wednesday, August 12, 2020, there are not more candidates than offices to be elected for the Treasurer seat 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 Friday, August 14, 2020 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, 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 action is being taken:

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:

- Caitlin Robinett Jachimowicz appointed as Treasurer

SECTION 2. The election for the seat of Treasurer scheduled to be held on Tuesday, November 3, 2020 is canceled.

SECTION 3. The person appointed 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 AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 19th day of August 2020 by the following vote:

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

APPROVED:

ATTEST:

YVONNE MARTINEZ BELTRAN, Mayor Pro Tem

IRMA TORREZ, City Clerk

Attachment: 20-0XX - Appointing Treasurer 8-19-20 [Revision 3] (2837 : Amend Reso 20-033 calling for election)

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-0XX adopted by the City Council at the meeting held on the 19th day of August 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

Attachment: 20-0XX - Appointing Treasurer 8-19-20 [Revision 3] (2837 : Amend Reso 20-033 calling for election)

From: Allan Abrams
To: [Michelle Bigelow](#)
Subject: Re: Nomination Paper
Date: Friday, August 14, 2020 11:28:14 AM

Michelle,

I do not see how the City Council can vote to not have a write in space of Mayor when the write in candidate period is Sept 8 to Oct 20. I plan to run for mayor as a write in candidate and insist that the city offer space on the ballot for write in candidates for the mayor's office.

On Fri, Aug 14, 2020 at 11:21 AM Michelle Bigelow <Michelle.Bigelow@morganhill.ca.gov> wrote:

Good morning Allan,

Below is all of the information regarding write-in candidates. The City Council will be holding a special meeting on Wednesday, August 19th at 3:30 pm to discuss removing the Mayor and Treasurer seats from the ballot to save the related election costs of \$28,000 per seat as there was only one candidate per seat. If this is approved by the City Council, write-in candidates for the Mayor and Treasurer seats would not be accepted.

Candidates who desire to be a write-in candidate and have his or her name written on the ballot of an election shall fulfill the requirements of Part 3 of Division 8 of the Elections Code, commencing at Section 8600. Write-in candidates must meet all qualifications of the office to which they are seeking the nomination. The name of the qualified write-in candidate is not printed on the ballot. Prospective write-in candidates should note that write-in candidacy is possible only if the office appears on the ballot.

Between September 8 and October 20, 2020, anyone seeking to be a write-in candidate for any office appearing on the ballot must file a Statement of Write-In Candidacy. The elections official provides the form during the official write-in filing period.

Between September 8 and October 20, 2020, a candidate seeking elective office that requires nomination signers must circulate a petition to collect required signatures and file them for examination with the county elections official of the county in which the signers reside.

For each election, the Office of the Registrar of Voters will post a list of qualified write-in candidates for offices appearing on the ballot in the County. Once the filing period closes, the Secretary of State will prepare a certified list of write-in candidates, and the City Clerk of each respective City will provide the certified list of write-in candidates for their City. The County will combine all write-in candidates onto one list. A link will be available on the

current election webpage.

Following Election Day and during the official canvass of the vote, the elections official will manually tally and report all votes cast for qualified write-in candidates. Votes tallied for write-in candidates are not reflected in the Election Night report, nor in the updated reports the County releases in the days and weeks following. Rather, this information is available at the time certification of the election has been completed. Write-in votes are not tallied at the same time as votes for qualified candidates who have their names printed on the ballot. Instead, these votes must be manually reviewed to ensure the name of the person written in on the ballot is qualified to have votes counted, and that the name is written under the correct candidate contest. Write-in votes are tallied by hand under the provisions of Article 7, of Chapter 1, of Division 7, in Title 2 of the California Administrative Code of Regulations. See Sections 20100 – 20105.

Michelle Bigelow, MMC, CPMC

Council Services and Records Manager/Deputy City Clerk

City of Morgan Hill

City Clerk's Office

17575 Peak Avenue, Morgan Hill, CA 95037

D: 408.310.4678 **O:** 408.779.7259

michelle.bigelow@morganhill.ca.gov

morganhill.ca.gov | [facebook](#) | [twitter](#)

From: Allan Abrams <apabrams@gmail.com>
Sent: Thursday, August 13, 2020 3:09 PM
To: Michelle Bigelow <Michelle.Bigelow@morganhill.ca.gov>
Subject: Re: Nomination Paper

Michelle,

What are the rules/requirements for a write in ballot campaign?

On Tue, Jul 21, 2020 at 6:16 PM Michelle Bigelow <Michelle.Bigelow@morganhill.ca.gov> wrote:



Hi there,

City Clerk is inviting
you to a scheduled
Zoom meeting.

[Join Zoom Meeting](#)

Phone one-tap: US: [+16699009128](tel:+16699009128) or [+13462487799](tel:+13462487799)
Meeting URL: <https://us02web.zoom.us/j/82020852141>
Meeting ID: 820 2085 2141

Join by Telephone

For higher quality,
dial a number based
on your current
location.

Dial:

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 301
715 8592 or +1 312 626 6799 or +1 646 558 8656

Meeting ID: 820 2085 2141

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WARNING: This message is from an external user. Confidential information such as social security numbers, credit card numbers, bank routing numbers, gift card numbers, wire transfer information and other personally identifiable information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.

Item # 02

AGENDA DATE: 08/19/2020
SUPPLEMENT # 2

From: [Caitlin Robinett Jachimowicz](#)
To: [CC Public Comment](#)
Cc: [Michelle Bigelow](#); [Christina Turner](#); [Donald Larkin](#)
Subject: Agenda Item #2
Date: Wednesday, August 19, 2020 11:32:24 AM

Mayor and Councilmembers,

Thank you for taking the time during your break for this specially-set meeting. I don't want to take up any more of your time than necessary today, so I thought I'd send you a note ahead of the meeting.

I was, of course, looking forward to being on the ballot in November. I am proud to have qualified and participate in the process. However, I am running for the office of Treasurer because I am so deeply concerned about the city's financial future. I am concerned about cuts to services and furloughed employees. I am in full support of a decision that will save the city close to \$60,000, and hopefully someone's job.

I look forward to working with you and staff on better preparing for our economic future. It's going to take all of us, and a coordinated community effort, to successfully usher our city through the next few years.

In Partnership,

Caitlin Robinett Jachimowicz

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Special Meeting Agenda

City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, August 19, 2020 3:30 p.m.

Virtual Meeting

Link to join the meeting can be found below

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.

The City Council Meeting will be live-streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at: <https://bit.ly/081920SpecialCityCouncilMtg> or by calling in to: (669) 900-9128, then enter the meeting id: 852 5505 4268.

Public comment for City Council meetings will be accepted via email to ccpubliccomment@morganhill.ca.gov <<mailto:ccpubliccomment@morganhill.ca.gov>>. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

SPECIAL MEETING

A Special Meeting of the City Council is called at 3:30 p.m. for the purpose of conducting city business.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2
Deputy City Clerk Michelle Bigelow

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. REJECT BIDS FOR TREE MAINTENANCE SERVICES

Recommendation:

Reject all bids for the City's tree maintenance services agreement and direct staff to issue a revised request for proposals.

OTHER BUSINESS

2. ADOPT RESOLUTIONS APPOINTING RICH CONSTANTINE AS MAYOR AND CAITLIN ROBINETT JACHIMOWICZ AS TREASURER DUE TO UNCONTESTED ELECTION AND AMEND RESOLUTION 20-033 TO REMOVE THOSE POSITIONS FROM THE NOVEMBER 3, 2020 BALLOT

Recommendation:

1. Adopt resolution appointing Rich Constantine as Mayor for a full two-year term;
2. Adopt resolution appointing Caitlin Robinett Jachimowicz as Treasurer for a full four-year term; and
3. Adopt amended resolution 20-033 removing the Mayor and Treasurer seats from the November 3, 2020 General Municipal Election.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community Engagement and Messaging
- Economic Development
- Transportation