

**MINUTES OF
AN ADJOURNED MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, MARCH 30, 2020**

1. CALL TO ORDER

An adjourned meeting of the City Council of the City of Rolling Hills was called to order by Mayor Mirsch at 7:01p.m. via teleconference.

2. ROLL CALL

Councilmembers participating via teleconference:

Mayor Mirsch, Pieper Black, Dieringer and Wilson.

Councilmembers Absent: None.

Others participating via teleconference:

Elaine Jeng, P.E., City Manager.

Yohana Coronel, City Clerk.

Michael Jenkins, City Attorney.

3. OPEN AGENDA

NONE.

4. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

A. DISCUSS RE-OPENING CITY HALL TO THE PUBLIC ON APRIL 1, 2020.

Mayor Mirsch explained that the item for tonight's discussion was brought up at the City Council Meeting on March 23, 2020. She indicated that the item could not be discussed because it was not agendized. Mayor Mirsch expressed that she was very uncomfortable discussing the item before the Council. She thought it was inappropriate to discuss opening City Hall to the public given all the latest developments. The State, Federal and County all released recommendations and orders that strongly encouraged people, including Council and City staff to stay safe at home. In order to make sure Councilmembers did not speak over each other, she directed them to speak in alphabetical order.

Councilmember Black stated that he was the Councilmember that brought up the topic at the last City Council meeting. He noted that the title of the agenda item was wrong, and the City was not aligned with the Los Angeles County Health Order because that order did not specifically include public entities. People are asked to adhere to social distancing of six feet or more and not have large group gatherings, but businesses and entities considered essential could remain open. He understood that it was normal to be afraid or concerned but it was more important to know how to manage fear. It was brought to his attention that City Hall staff was sent home because a part-time staff member reported possible exposure on Thursday, March 19th. Councilmember Black said that medical professionals know that a person is only contagious 24-48 hours prior to showing symptoms. He specifically sent out the recommendations from hospitals and the CDC as to when people could go to back to work after being in close contact with someone with the virus. He pointed out that none of the City's actions followed CDC recommendations. Part of leadership is to show people how to behave and to not panic. He stated that the City's actions represented one panic move after another. He stated that City staff should be in the building, the building should be open, and that staff should observe six-foot distances. He indicated that with a small staff, they were safer in City Hall than anywhere else.

Councilmember Dieringer shared that she works in the public sector. She stated that the State Supreme Court was drafting new measures because of the latest developments. Her office is dealing with criminal defendants' constitutional rights to have a trial. Notwithstanding the importance of these constitutional rights, the Courts have decided to suspend cases that were in trial. She commented that this pandemic is being taken very seriously. She concluded that she was

not in favor of opening City Hall. She pointed out that the City has a very small staff and if one person were to get sick, everyone would have to be quarantined, bringing everything to a halt. The City needed to exercise caution and added that there was nothing that could not be done through phone calls and email. Residents could drop things off in a designated area and staff could then retrieve it without having personal contact.

Mayor Pro Tem Pieper stated that he does not understand why the grocery clerks, Costco employees, and the guys at the marijuana dispensary must go to work and City staff would not go to work. Until recently, City Hall accepted walk-ins and conducted business by appointments and he thought the set up was very reasonable. He wondered if the City was conducting business effectively while telecommuting. He questioned whether the City stopped permitting and reviewing plans and if these functions also stopped at LA County offices. He commented that Rolling Hills is a small piece of a bigger puzzle. The current situation does not allow the City to stand out and be different. He believed closing City Hall was wrong if staff's physical absence prevented business from being conducted. Mayor Pro Tem Pieper further inquired if business was disrupted with LA County offices closed. He also expressed that working at City Hall was safer than working at any other place.

City Attorney Michael Jenkins suggested that City Manager Jeng clarify some of the concerns raised by Mayor Pro Tem Pieper. He observed that there was a perception that City Hall closed its doors, staff walked away, and there was no work being performed, but that was not his understanding.

City Manager Jeng reported that City Hall was closed to the public on Monday, March 16, 2020. City staff continued to report to work as usual behind closed doors until Wednesday, March 25, 2020 when all staff were directed to temporarily telecommute because a part-time staff member reported that she was exposed to someone that may have the COVID-19. City Manager Jeng said that the item before the Council was to discuss whether City Hall should be opened to the public and not whether City staff should telecommute.

City Attorney Jenkins clarified that City staff had been telecommuting because of the exposure to the part-time employee.

Councilmember Black insisted that no exposure occurred. He stated that a lot of non-medical people were making incorrect medical treatment plans and it made no sense.

City Attorney Jenkins stated that the status quo before the possible exposure was that all employees were physically reporting to work, but the doors were closed to the public. If a member of the public had city business, they could make an appointment. He explained that nothing different was being proposed. He clarified for the Council that the only question before them was whether the City should keep City Hall doors unlocked during business hours and allow unrestricted access from any member of the public.

City Manager Jeng added that the County also closed its doors to the public. It was her understanding that County staff was still working in the office but at a limited capacity. The County has since developed ways to issue permits and check plans remotely while also exploring ways to pay fees remotely. All these services did not exist prior to the COVID-19. She stated that City staff is in constant contact with the County's Building and Safety office that serves Rolling Hills.

Mayor Pro Tem Pieper asked about daily foot traffic at City Hall prior to closure.

City Manager Jeng responded that the majority of City Hall's walk-ins were of residents requesting to discuss issues requiring city assistance. These visits have been replaced by phone calls and there has been no negative feedback or service issues. Consultants visit City hall to drop off plans. They have been directed to submit plans electronically; electronic submittal has proven to be more efficient. There have been no requests for walk-in service.

Mayor Pro Tem Pieper stated that he was in support of the status quo. He indicated that more City services need to be streamlined and that the City could use this time to transition. He stated that it did not matter to him one way or another unless he hears from residents of inadequate service.

Councilmember Wilson concurred with Mayor Pro Tem Pieper. He shared that his business is considered essential and he has conflicting feelings. He was dealing with employees who were very concerned with customer interactions and had to find ways to address it. Some of his employees expressed concerns about proximity to other employees, so his company implemented social distancing requirements. Other employees expressed a concern about continuing to work even though his company did its best to make sure all employees felt safe and comfortable. On the other hand, he stated that a lot of his employees were happy to be employed. There is real fear within people and that fear takes a toll on employees. Councilmember Wilson expressed the importance of City Hall being open to the public, but it appeared to him that important business was continuing. He stated that he missed having the public at the Council meetings and some of the orders were heavy handed and perhaps unnecessary, but whether it was needed remained unknown.

Mayor Mirsch stated that she respected Councilmember Black as a physician and trusted him with her care. However, she took issue with his statement of "non-medical people making decisions" because she has been listening to Public Health Officials such as Dr. Jerome Adams, Dr. Anthony Fauci, and Dr. Barbara Ferrer. They all continue to stress that people should have limited contact with the public. She reiterated that the City's business could continue without having the office open to the public. She received comments from residents questioning the need to open City Hall to the public. Furthermore, the City was not being perceived as panicking but rather following guidelines from the public health government officials and other physicians in a position to provide information.

Councilmember Black stated that City Hall was panicking and it made no sense to him. He called for a vote on the item.

Mayor Pro Tem Piper stated that he agreed with Councilmember Black, however, he proposed a motion for City Hall to continue to operate as is.

Mayor Mirsch asked for clarification on the appropriate motion.

City Attorney Jenkins clarified that the question was whether City Hall should be opened to the public. Councilmember Black could make a motion to reopen City Hall to the public or someone else could make a motion to maintain the status quo. He noted that the status quo was that City Hall would be available to the public by appointment, email, or by phone.

Councilmember Black motioned that City Hall be reopened to the public in accordance with the Los Angeles County Public Health recommendations and the CDC guidelines and that staff be present at City Hall.

The motion was not seconded.

Mayor Mirsch asked if Council needed a motion to keep the status quo.

City Attorney Jenkins stated no motion was needed to maintain the status quo.

Councilmember Black requested to continue the meeting to next week to discuss staff's physical presence at City Hall. The City was going against medical practices regarding the Coronavirus. He requested to have the City Council meet weekly because it was his opinion that bad decisions were being made.

Mayor Mirsch stated that the next regular Council meeting was scheduled for April 13, 2020. She inquired if Councilmember Black wanted to hold a meeting on April 06, 2020.

Councilmember Black stated that the City Council should meet as soon as possible to resolve City staff not being at work.

Mayor Pro Tem Pieper asked if City staff were going to be available to physically return to work.

City Manager Jeng stated that she was waiting for the COVID-19 test result. If the result came back negative, staff would physically return to City Hall. If the test result returned positive, she would seek further information before proceeding.

Councilmember Black stated that he disagreed with the City Manager's actions. If the employee was potentially exposed on the 19th and had shown no symptoms by the 30th this person did not have the virus on the 19th. The part-time employee could have contracted the disease on the 27th by going to the supermarket but, did not contract the virus on the 19th.

Mayor Mirsch asked if there was a possibility that the employee could be a carrier of the disease.

Councilmember Black stated that carriers were not necessarily infectious. A person could be infectious between 24-48 hours before they show symptoms. He again stated that the part-time employee could not have become infected on the 19th if the person infected first showed symptoms the 24th.

City Manager Jeng stated that the Council entrusted her with the operations of City Hall and she was doing so to the best of her ability. Although she is not a medical professional and does not have one on staff, she gathered the best information available to care for the wellbeing of the community and City staff.

Councilmember Black replied that the City Manager had a medical professional on her Council who was willing to talk to her. He inquired if the person was tested? It was his understanding that people do not have to get tested and further added that the test results fall under patient privacy. Test results for individuals cannot be legally released to other individuals.

City Manager Jeng stated that, according to the employer of the person, a city official of another city, he was tested, and his test result would be shared.

City Attorney Jenkins reminded the Mayor that there was a request to schedule an adjourned meeting for Monday, April 6, 2020 to reassess the situation.

Mayor Mirsch stated that she would like to schedule a meeting for next Monday and inquired if she needed a second motion.

City Attorney Jenkins stated that she could adjourn the meeting to Monday, April 6th, set a time, and wait for a second motion to vote.

Councilmember Black moved that the City Council adjourn the City Council meeting of March 30, 2020 to Monday, April 06, 2020 at 7pm. Mayor Pro Tem Pieper seconded the motion. The motion passed by voice vote as follows:

AYES: COUNCILMEMBERS: Mayor Mirsch, Pieper, Black, Dieringer, and Wilson
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

Mayor Mirsch provided an update on her conversations with the State Assembly representative and Senator Ben Allen's office regarding the City's request to extend the property tax payment deadline. She reported that she was unable to reach Governor Newsom's office. She also spoke with the Tax Collector's office and the County Treasurer Tax Collector's office. The League of California Cities and seven other agencies sent a letter asking the State not to extend the property tax payment deadline. The response that she received from her outreach was that a person could appeal to have their late fees waived after April 11th. If the person's reason for late payment had to do with COVID-19, a task force would investigate the request. All the people she spoke with did not support a payment deadline extension because property tax is a revenue source for their cities necessary to pay for first responders, doctors, and essential services.

Councilmember Black stated that it was his understanding that if a person wanted their late fees waived, they would have to prove that they were physically incapable of doing so due to COVID-19. He asked if his interpretation was correct.

]

]

]

Mayor Mirsch stated that she wondered the same thing but unfortunately, she was not able to obtain an answer.

Councilmember Black asked City Attorney Jenkins if he would go to jail if he recommended that people not pay their property taxes.

City Attorney Jenkins replied he would not be violating any laws by providing his opinion.

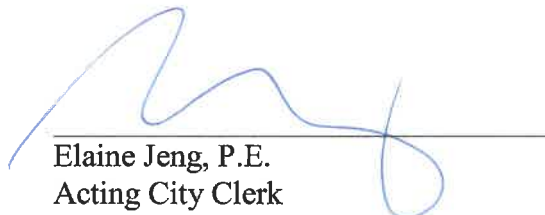
Councilmember Dieringer stated that Councilmember Black had the right to free speech.

City Attorney Jenkins indicated that Councilmember Black needed to be clear that he was stating his personal opinion and was not speaking as a Councilmember.

11. ADJOURNMENT

Hearing no further business before the City Council, Mayor Mirsch adjourned the meeting at 7:50p.m. to an adjourned meeting of the City Council scheduled for Monday, April 06, 2020 beginning at 7:00p.m. via teleconference.

Respectfully submitted,



Elaine Jeng, P.E.
Acting City Clerk

Approved,



Leah Mirsch
Mayor