



Position Paper on Modernize Council Processes for “Good Governance”

Introduction

Common sense and historical best practices show there are three essential elements of “good governance” for local governments: Accountability, Transparency and Citizen Engagement. For the past several decades, there has been systemic failures in all three areas when it comes to local Hillsborough government.

For the past 15 years, I have made it my personal effort to attend as many city council meetings as possible to help promote solutions to problems that were affecting my neighborhood and my family: the high burglary rate in West Hillsborough along US-280, the need to have a more engaged cadre of residents for self-supporting disaster preparedness, the lack of code enforcement (regarding “problem” trees in particular), and the reality that our emergency communications systems are in shambles. With a full-time career, and the needs of my young family with their school and extra-curricular activities, it was challenging. Now that I have somewhat retired and my daughters are in high school, my family, friends and neighbors have “drafted” me as an issue-oriented candidate to run for our city council.

More recently, my neighbors and friends became acutely aware of failure in “good governance” when it came to the deliberations concerning cell tower placement in Hillsborough neighborhoods. The lack of proscribed notices for such meetings (only 24 hour notice instead of 48/72 hour notice), the possible back room dealing of committees (also that did not include technical expertise in their areas), possible off-the-record communications among council members, and finally the blatant conflict of interest that arose when a council member acquired between \$20,000-\$100,000 in Crown Castle and Verizon stock during the very sensitive stage of settlement negotiations regarding our town’s cell tower design standards evolution.

How do we solve such festering problems when the average Hillsborough resident feels disconnected from the processes? Why does the typical city council meeting feel like a 1950’s country club discussion among town elites with a handful of senior citizens thrown in as window dressing to make the scene appear “democratic”?

Well, there are laws. California’s [Brown Act](#) and [Fair Political Practices Commission](#) (FPPC) have been passed to make local governments *more* accountable and transparent. The Ralph M. Brown Act is California’s “sunshine” law for local government. The laws do not currently address “citizen engagement” other than suggestions to set up processes to alert residents of meetings and to allow for some public comment. However, this is the 21st century, we are a wealthy community, and we are in the heart of Silicon Valley – how can we *not* have citizen engagement via a full-fledged unified Civic Event Management platform similar to that which our sister peninsula cities have had for decades (as well as similar sized affluent communities)? Why are our town residents *not* entitled to be notified and attend city council meetings (the eNotice system used by Hillsborough gets a D- rating by residents), Architecture Design Review Board, Financial Advisory Committee, and other public meetings? Why are the meeting minutes *not* indexed/synced with videos such that residents can easily access key documents germane to the meeting of interest? And please don’t argue that the fact our town was forced to use Zoom for meetings (else be totally non-compliant with the Brown Act), that “we have achieved sufficient citizen engagement capability”. Have you tried to access the past 6 months of council meetings that were held via Zoom? Have you tried to match city council agenda meeting notes with the YouTube videos of these meetings?

ISSUE #1 – Participation & Engagement via Live Video Stream of All Town Hall Meetings

While it's good and well, that our town government has stepped up to use Zoom for certain meetings, we need to get past the amateur level and into the professional level. We can spend \$\$\$ on Hillsborough TV for our middle school students, but not \$\$ for true multi-camera video feeds in our town hall chambers? Why are we still stuck in the 1950's (relatively speaking) compared to similar-sized affluent Bay Area communities such as Atherton, Belvedere, Menlo Park, Mill Valley, Piedmont, etc.? Even our less affluent sister cities of Burlingame, Foster City, Millbrae, San Carlos, etc. have had video streaming and archiving/retrieval of key meetings/committees for 10+ years, it seems.

RECOMMENDED ACTIONS

- Execute on plan to provide transparency, participation and citizen engagement via live video stream of all town hall meetings including ADRB (Architecture Design & Review Board), FAC (Finance Advisory Committee), WCAC (Wireless Communications Advisory Committee), etc.
 - Upgrade our basic audio-visual capabilities for town hall chambers to 2020 performance/ economics level
 - Before, during and after video meetings, enable online and oral commentary, not just written for citizen input
 - Provide video archive and key document index/synchronization with archived videos
- Invest in a professional "civic event management system" such as Granicus to automate many of the manual indexing/retrieval processes associated with making the video functionally usable for the average Hillsborough resident
 - Acquire "best practice" capabilities such as Granicus similar in use at Burlingame, Millbrae, Daly City, Foster City, Redwood City, Palo Alto, et al
- Create and maintain town resident database
 - The San Mateo County voter/election database is a reasonable start to prime the system, along with data purchased or acquired from partner organizations such as Hillsborough City School District (HCSD)

ISSUE #2 – Timely Filing & Enforcement of Potential Conflicts of Interest

Certain somewhat "ad hoc" committees such as the WCAC (Wireless Communications Advisory Committee) made major contributions to the town's efforts to set aesthetic and other standards in the deliberations regarding cell tower placement. Unfortunately, these members were *not* vetted* by FPPC conflict of interest standards, while at the same time the committee appeared to have carte blanche in setting such standards that otherwise would have been the bailiwick of town departments and legal. Based on residents' efforts to publicize the lack of COI process and enforcement, in late July 2020 our city council began to undertake measures to address this area. Perhaps the this came about as a result of Hillsborough Citizens Alliance forcefully keeping this topic alive at the city council meetings re: cell tower placement over the past 6-9 months.

Note = The Hillsborough City Council recently passed a measure that updated the Town's Conflict of Interest policy to include the requirement that "*The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney and the City Treasurer, shall electronically file their annual statements of economic interests [Form 700s] directly with the Fair Political Practices Commission [FPPC].*" Included in this measure, Form 700s will be required for members of committees such as ADRB. "*The amendments include listing new positions that must be designated, revising titles, clarifying real property disclosure and including the language regarding e-filing with the Fair Political Practices Commission (FPPC).*" Included among those required to file Form 700s are five additional staff roles (Planning Manager, ...)

We need 21st century style “open” public meetings, not 1950’s style “country club” inner circle and (in effect) closed door meetings. We need to enforce timely filing of Conflict of Interest-related mandatory forms such Form 700 with the Fair Political Practices Commission (unlike lackluster effort in past by council members & candidates). Note that two of three candidates on the Cole-Krolik-Royse slate have declared ZERO economic interests/income on their Form 700 as of 18-Oct-2020 (despite having filed their candidacies in July 2020). We don’t believe these were malicious attempts at hiding undue investment, rather it creates an aura of lack of respect for the regulatory system and “possible’ conflict of interest (COI) scenarios when previously both the mayor and vice-mayor (for example) failed to disclose *any* income for themselves or their spouses.

RECOMMENDED ACTIONS

- Enforce existing “open government” laws regarding timely and accurate filing of financial statements by city council members & their citizen designees on key committees
- Acquire “best practice” document/minutes filing process/workflow capabilities such as Granicus similar in use at Burlingame, Millbrae, Daly City, Foster City, Redwood City, Palo Alto, et al
- Manage timely and accurate filing of election forms for council members (esp. Form 700 declaration of economic interests)
- Provide timely/legal notice of meetings to meet the Brown Act requirement of due notice, posting all committee meeting dates, times, in-person venues, and electronic venues six months in advance
- Enforce recusals by council members when potential conflicts of interest arise
- Enforce timely cross checking of legal filings by Hillsborough city clerk’s office
- Deliver timely and accurate responses to freedom of information document requests via California Public Records Act (PRA)
- Execute even-handed enforcement of town codes and ordinances (note there are several hundred UNFULFILLED FIX IT requests in the city’s official app SECLICKFIX that have seen no action for 12-18 months)
- Provide Brown Act ability to comment on city council proceedings (online, live comments with equal priority to email/written comments)
- Encourage our community to be more involved in our open government by applying current best practices from public and private sectors utilizing marketing campaigns across all social media and communication platforms (city web site, Facebook, YouTube, Zoom, Twitter, email, mail, Instagram, text message, phone, and Nextdoor)
- Improve the design of the web site and all communication channels to make it easier for constituents to interact with the city's leadership and staff, prioritizing transparency, engagement, and digital delivery of all services
- Set targets for, and report on progress on, getting a larger percentage of the city's residents engaged in the city's business

REFERENCES

- [Burlingame web portal for city council meeting videos/documents](#)
- [Sample neighboring city use of Granicus software for video streaming/archiving](#)
- [Link to Granicus's Citizen Engagement software overview](#)
- [California's Brown Act](#)
- [California's Public Records Act](#)
- [California's Fair Political Practices Commission \(FPPC\)](#)
- [Link to Hillsborough city council recorded Zoom meetings](#)
- [Overview of California FPPC Form 700](#) required for all candidates
- To promote compliance and increase transparency in government, the Forms 700s for many local and state officials can be searched [here](#)