



**CITY COUNCIL AGENDA
CITY COUNCIL SPECIAL MEETING
CITY OF HALF MOON BAY**

**TUESDAY, AUGUST 18, 2026
5:45 PM**

**TED ADCOCK COMMUNITY CENTER,
535 KELLY AVENUE,
HALF MOON BAY, CALIFORNIA 94019**

**Debbie Ruddock, Mayor
Deborah Penrose, Vice Mayor
Robert Brownstone, Councilmember
Patric Jonsson, Councilmember
Paul Nagengast, Councilmember**

This agenda contains a brief description of each item to be considered. Those wishing to address the City Council on any matter not listed on the agenda, but within the jurisdiction of the City Council to resolve, may come forward to the podium during the Public Forum portion of the agenda and will have a maximum of three minutes to discuss their item. Those wishing to speak on a Business or Public Hearing matter will be called forward at the appropriate time during that item's consideration.

NOTE: Anyone wishing to present materials to the City Council, please submit seven copies to the City Clerk.

Copies of written documentation relating to each item of business on the agenda are on file in the Office of the City Clerk at City Hall where they are available for public inspection. If requested, the agenda shall be available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132.) Information may be obtained by calling 650-726-8271.

In compliance with the Americans with Disabilities Act, special assistance for participation in this meeting can be obtained by contacting the City Clerk's Office at 650-726-8271. A 48-hour notification will enable the city to provide reasonable accommodation to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

<http://halfmoonbay.gov>

HYBRID MEETING PUBLIC COMMENT PARTICIPATION PROTOCOLS

*This closed session meeting will take public comment in-person and via Zoom. Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation. All Councilmembers and staff will participate in person. During any public comment portions, attendees may use the “raise your hand” feature and will be called upon and unmuted when it is their turn to speak. Please click to join the webinar: <https://us06web.zoom.us/j/85007693509> or join by phone at 669-900-9128, using Webinar ID 850 0769 3509. If joining by phone, use *9 to raise your hand, *6 to mute and unmute.*

1. CONVENE SPECIAL MEETING / ROLL CALL

2. OPEN SESSION IDENTIFICATION OF CLOSED SESSION ITEMS

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

4. CLOSED SESSION

4.A CONFERENCE WITH LABOR NEGOTIATORS - PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives: Christopher Ko Boucher, Esq., Alex Avakiantz, Esq., Matthew Chidester, and Kenneth Stiles

Employee organization and Unrepresented employees: International Union of Operating Engineers, Local 39; Non-Represented Confidential Employees; Unrepresented Executive Employees; Represented Management

4.B CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

Name of case: The People of the State of California et al. v. City of Half Moon Bay, San Mateo County Superior Court, Case No. 26-CIV-05579

4.C CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (5) of subdivision (e) of Section 54956.9: (One Potential Case) (See Attachment 1). [ATTACHMENT 1](#)

4.D CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One Potential Case)

5. ADJOURN SPECIAL MEETING



**AGENDA DEL AYUNTAMIENTO
REUNIÓN ESPECIAL DEL AYUNTAMIENTO
CIUDAD DE LA BAHÍA DE MEDIA LUNA**

**MARTES, 18 DE AGUSTO DE 2026
17:45**

**Debbie Ruddock, Mas Antigua
Deborah Penrose, Vicealcalde
Robert Brownstone, Concejal
Patric Jonsson, Concejal
Paul Nagengast, concejal**

**CENTRO COMUNITARIO TED ADCOCK,
535 AVENIDA KELLEY,
HALF MOON BAY, CALIFORNIA 94019**

Esta agenda contiene una breve descripción de cada punto a considerar. Quienes deseen dirigirse al Ayuntamiento sobre cualquier asunto no incluido en la agenda, pero que esté dentro de la jurisdicción del Ayuntamiento para resolver, podrán presentarse al atril durante la parte del Foro Público y dispondrán de un máximo de tres minutos para debatir su punto. Quienes deseen intervenir sobre un asunto empresarial o de audiencia pública serán llamados en el momento oportuno durante la consideración de dicho punto.

NOTA: Cualquier persona que desee presentar materiales al Ayuntamiento, por favor envíe siete copias al Secretario Municipal.

Copias de documentación escrita relacionada con cada punto del orden del día están archivadas en la Oficina del Secretario Municipal del Ayuntamiento, donde están disponibles para su inspección pública. Si se solicita, la agenda estará disponible en formatos alternativos apropiados para personas con discapacidad, tal y como exige la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 U.S.C. Sec. 12132). Se puede obtener información llamando al 650-726-8271.

En cumplimiento con la Ley de Estadounidenses con Discapacidades, se puede obtener asistencia especial para participar en esta reunión contactando con la Oficina del Secretario Municipal en el 650-726-8271. Una notificación de 48 horas permitirá a la ciudad proporcionar

adaptaciones razonables para garantizar la accesibilidad a esta reunión (28 CFR 35.102-35.104 ADA Título II).

<http://halfmoonbay.gov>

PROTOCOLOS HÍBRIDOS DE PARTICIPACIÓN EN REUNIONES PÚBLICAS

*Esta reunión a puerta cerrada recibirá comentarios públicos en persona y por Zoom. La participación remota se ofrece como una forma complementaria de obtener comentarios públicos, pero este método no siempre funciona. Se anima al público a asistir en persona para garantizar la plena participación. Todos los concejales y el personal participarán en persona. Durante cualquier parte de comentarios públicos, los asistentes pueden usar la función de "levantar la mano" y serán llamados y desactivados cuando les toque hablar. Por favor, haz clic para unirse al seminario web: <https://us06web.zoom.us/j/85007693509> o únete por teléfono al 669-900-9128, usando el ID del seminario web 850 0769 3509. Si te unes por teléfono, usa *9 para levantar la mano, *6 para silenciar y desactivar el silencio.*

- 1. CONVOCAR REUNIÓN ESPECIAL / LISTA DE LISTA**
- 2. IDENTIFICACIÓN DE ELEMENTOS DE SESIÓN CERRADA EN SESIÓN ABIERTA**
- 3. COMENTARIOS PÚBLICOS SOBRE LOS PUNTOS DE LA SESIÓN CERRADA**
- 4. SESIÓN CERRADA**

4.A CONFERENCIA CON NEGOCIADORES LABORALES - CONFORME AL CÓDIGO GUBERNAMENTAL SECCIÓN 54957.6

Representantes designados por la agencia: Christopher Ko Boucher, Esq., Alex Avakiantz, Esq., Matthew Chidester y Kenneth Stiles
Organización de empleados y empleados no representados: Sindicato Internacional de Ingenieros Operativos, Local 39; empleados confidenciales no representados; empleados ejecutivos no representados; Dirección representada

4.B CONFERENCIA CON ASESOR LEGAL—LITIGIO EXISTENTE CONFORME A LA SECCIÓN 54956.9(d)(1) DEL CÓDIGO GUBERNAMENTAL

Nombre del caso: The People of the State of California et al. v. Ciudad de Half Moon Bay, Tribunal Superior del Condado de San Mateo, Caso nº 26-CIV-05579

4.C CONFERENCIA CON ASESOR LEGAL—LITIGIOS PREVISTOS

Exposición significativa a litigios conforme al párrafo (2) de la subdivisión (d) y el párrafo (5) de la subdivisión (e) de la Sección 54956.9: (Un caso potencial) (Véase el Anexo 1)
[ATTACHMENT 1](#)

4.D CONFERENCIA CON ASESOR LEGAL—LITIGIOS PREVISTOS

Inicio de litigio conforme al párrafo (4) de la subdivisión (d) de la Sección 54956.9: (Un caso potencial)

- 5. LEVANTE LA REUNIÓN ESPECIAL**

BELL, McANDREWS & HILTACHK, LLP

ATTORNEYS AND COUNSELORS AT LAW

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August 14, 2026

BY EMAIL DELIVERY

Denise S. Bazzano,
City Attorney City of Half Moon Bay
c/o Burke, Williams & Sorensen, LLP
DBazzano@bwslaw.com

Maggie Rodriguez, CMC, City Clerk City of Half Moon Bay
501 Main Street
Half Moon Bay, CA 94019
MRodriguez@halfmoonbay.gov

Re: Demand to Accept Primary Argument Against Ordinance No. 2026-01 and to Restore Rebuttal Rights; Notice of Intent to Seek Writ Relief Under Elections Code Section 13314

Dear Ms. Bazzano and Ms. Rodriguez:

This office represents Let HMB Voters Decide and the signers of the Primary Argument Against Ordinance No. 2026-01, Harold M. (Hal) Bogner, Naomi Patridge, B. J. Burns, Bev Ashcraft and Juan Carlos Pantoja (collectively, “Proponents”). We write regarding the City Clerk’s August 11, 2026 letter refusing to accept the Proponents’ primary argument against the measure placed on the November 3, 2026 ballot by Resolution No. C-2026-63, and the Clerk’s August 12, 2026 email denying the Proponents any right to submit a rebuttal argument.

The rejection is unlawful. Unless the City rescinds it and confirms in writing, **by 12:00 noon on Monday, August 17, 2026**, that the Proponents’ argument will be transmitted to the San Mateo County Elections Office for inclusion in the voter information guide and that the Proponents’ rebuttal rights are restored, we will file a petition for writ of mandate pursuant to Elections Code section 13314 and Code of Civil Procedure section 1085, on an expedited basis, naming the City, the City Clerk, and the County Elections Official as necessary, and will seek attorney’s fees under Code of Civil Procedure section 1021.5.

The Relevant Facts Are Documented in the City’s Own Writings

On August 3, 2026, Mr. Bogner asked the City Clerk, in writing, for “the rules/guidelines that govern my ballot argument submission,” expressly including “the formatting rules and such.” The Clerk responded the same day with a written list of requirements that she described as “a list we send anyone asking about arguments.” Item 1 stated, in bold: “**The County deadline for all**

arguments is August 11. We recommend submitting any written argument and paperwork to the City Clerk's Office prior to this deadline to ensure all requirements have been met." The Clerk's instructions said nothing about Resolution C-2026-63, nothing about an August 10 deadline, and nothing about the formatting restrictions in Section 11.D of that Resolution, despite Mr. Bogner's specific request for the formatting rules.

On Monday, August 10, 2026, Mr. Bogner communicated with Deputy City Clerk Whitney Rescino, who, after consulting with the Clerk, confirmed that the submission would be accepted the following day, Tuesday, August 11, and asked only that it be submitted "as soon as possible." The argument and forms were complete and signed by Bogner, Patridge, and Burns on August 10, as the signature dates on the filed forms reflect; the Proponents deferred filing to August 11 in direct reliance on the Clerk's Office's written and oral instructions.

On August 11, 2026, at approximately 2:00 p.m., within the deadline the Clerk herself announced, Mr. Bogner filed the argument, the County's Ballot Measure Primary Argument Submission Form, and the County's Supporters/Opponents for Printing on the Official Ballot Submission Form, and provided electronic Word versions as instructed. At 6:07 p.m. that evening, the Clerk issued a letter refusing to accept the argument on two grounds: (1) noncompliance with unspecified "formatting requirements" under Section 11.D of Resolution C-2026-63, and (2) untimeliness under a Resolution deadline of August 10 at 5:00 p.m. that the Clerk asserted "cannot be waived by me or anyone in my Office."

On August 12, 2026, the Clerk compounded the error, informing the Proponents that because their argument "was not accepted," they are not "authors" under Elections Code section 9285(a)(2) and therefore may not submit a rebuttal to the argument in favor.

The Deadline Is the Elections Official's to Fix, and She Fixed August 11

The Clerk's assertion that the August 10 deadline "cannot be waived by me or anyone in my Office" inverts the statute. Elections Code section 9286(a) commits the argument deadline to "the city elections official," who "shall fix a date" based on "the time reasonably necessary to prepare and print the arguments and voter information guides" and to permit the ten-day public examination period. Subdivision (b) expressly removes the fourteen-day formula where, as here, the election is consolidated under Elections Code section 10400 et seq. The deadline is an administrative determination belonging to the elections official, calibrated to printing logistics, not a jurisdictional bar erected by the City Council beyond the official's control.

Here, the City's chief elections official communicated one deadline to the public and to these Proponents: August 11. She did so in a formal written response to a direct request for the governing rules, described it as the standard guidance sent to "anyone asking about arguments," and reaffirmed it through her Deputy on August 10. The Proponents filed within that deadline. The County's own deadline for arguments was, by the Clerk's account, August 11, and the argument in favor of the measure, accepted and stamped August 6, will suffer no prejudice from typesetting both arguments on the same schedule. There is no printing exigency, and none has been identified.

Equitable Estoppel Bars the City from Enforcing a Secret Deadline Against Parties Who Followed the Clerk's Written Instructions

Even if the Resolution's August 10 date otherwise controlled, the City is estopped from enforcing it here. Estoppel lies against a public entity "where justice and right require it," so long as its application does not nullify a strong rule of policy adopted for the public's benefit. (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 493, 496-497.) Every element is satisfied: the Clerk knew the facts, including the Resolution she now invokes; she intended her August 3 instructions to be relied upon, having framed them as the office's standard guidance; the Proponents were ignorant of the Resolution's internal deadline, which the Clerk never disclosed even when asked for the governing rules; and the Proponents relied to their detriment by filing on August 11 an argument that was signed and ready on August 10. (See *Driscoll v. City of Los Angeles* (1967) 67 Cal.2d 297, 305.)

Nor would estoppel defeat any public policy. The governing policy runs the other way. The Elections Code contemplates that voters receive both sides: the elections official "shall enclose a printed copy of both arguments" with each voter information guide. (Elec. Code, § 9282.) This measure is on the ballot only because the County verified the signatures of hundreds of Half Moon Bay voters demanding a vote on Ordinance No. 2026-01. A voter guide presenting only the City-favored argument, with the sole opposing argument excluded on the strength of a deadline the Clerk's own written instructions contradicted, is precisely the outcome the statutory scheme exists to prevent.

The "Formatting" Ground Is Legally Untenable and Unequally Applied

The August 11 letter does not identify a single formatting defect; it recites only that the argument "did not meet the formatting requirements" of Section 11.D, which prohibits "underlining, italics, asterisks, or other, similar, type of formatting." Three points dispose of this ground.

First, typographic emphasis in a submission is a matter of form, not substance, and is cured in the ordinary course when the County typesets all arguments in the uniform style of the voter information guide. Election law does not permit disenfranchising defects of form where there is "actual compliance in respect to the substance essential to every reasonable objective of the statute." (*Assembly v. Deukmejian* (1982) 30 Cal.3d 638, 649; accord *Costa v. Superior Court* (2006) 37 Cal.4th 986, 1013-1015 [technical noncompliance excused where the purpose of the requirement is served].) The purpose of Section 11.D, uniform presentation to voters, is fully served by printing the argument in standard type. Exclusion of the only argument against the measure is a wildly disproportionate response to typeface emphasis, and restrictions affecting ballot argument content must be narrowly applied given the First Amendment interests at stake. (See *Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th 1417, 1429-1430.)

Second, the ground is unequally applied. The argument in favor, accepted by the Clerk's Office on August 6, itself employs headers, bullet-point formatting, and similar typographic devices. The City cannot construe "other, similar, type of formatting" expansively against the measure's

opponents while overlooking comparable formatting by its proponents.

Third, the Clerk raised no formatting objection when the argument was tendered in person on August 11, nor at any time before the 6:07 p.m. rejection letter, and to this day has not identified what the defect is. Mr. Bogner asked for the formatting rules on August 3; the Clerk's response omitted them. Basic fairness forecloses rejection on undisclosed criteria the filer specifically requested and was never given, particularly where any defect could have been cured in minutes had it been identified while cure was possible.

The Denial of Rebuttal Rights Is Circular and Independently Unlawful

The August 12 email reasons that the Proponents may not rebut because their argument "was not accepted." That is bootstrapping: the City relies on its own unlawful rejection to extinguish a second statutory right. Once the primary argument is accepted, as it must be, the Proponents are "authors" entitled to prepare and submit a rebuttal under Elections Code section 9285(a)(2), which must be accepted if filed "no later than 10 days after the final filing date for primary arguments." (Elec. Code, § 9285(a)(3).) We expect the City's written response to confirm a rebuttal deadline consistent with the statute and with the Proponents' ability to meaningfully exercise that right.

Writ Relief Is Available and Will Be Sought

Elections Code section 13314 authorizes any elector to seek a writ of mandate where "an error or omission has occurred, or is about to occur . . . in the printing of . . . a county voter information guide . . . or other official matter, or that any neglect of duty has occurred, or is about to occur," and such actions "have priority over all other civil matters." Both statutory prerequisites are met: the exclusion of the sole opposing argument violates the Elections Code for the reasons stated above, and issuance of the writ will not interfere with the conduct of the election, because the argument was in the Clerk's possession by the County's own August 11 deadline and both arguments can be printed on the same schedule. Time is of the essence given the public examination period under Elections Code section 9295 and County printing deadlines, which is why our demand deadline is short.

Demand

On behalf of the Proponents, we demand that the City, by **12:00 noon on Monday, August 17, 2026**:

1. Rescind the August 11, 2026 rejection and accept the Primary Argument Against Ordinance No. 2026-01 as timely filed on August 11, 2026;
2. Transmit the argument and accompanying forms to the San Mateo County Elections Office for inclusion in the ballot materials and voter information guide, printed in the County's standard typeface (the Proponents consent to the removal of all bold, underline, and similar emphasis in typesetting, and will furnish a plain-text version on request within two hours);
3. Confirm in writing the Proponents' right to submit a rebuttal argument, with a deadline

consistent with Elections Code section 9285(a)(3); and

4. Preserve all documents and communications concerning this matter, including all emails, text messages, notes, and voicemails of the City Clerk's Office, the City Attorney's Office, and any councilmember or consultant, relating to the arguments for or against Ordinance No. 2026-01. This letter constitutes notice of anticipated litigation for purposes of your preservation obligations.

We remain available to resolve this today. The Proponents have no wish to burden the court or the County with emergency litigation over an argument that was filed on the very deadline the City Clerk announced in writing. But if the City stands on the rejection, we will seek relief under section 13314, on shortened time, together with our fees and costs under Code of Civil Procedure section 1021.5.

Please direct all further communications regarding this matter to my attention.

Thank you.

Very truly yours,



Brian T. Hildreth

cc: Hal Bogner, Let HMB Voters Decide
Mark Church, Chief Elections Officer, County of San Mateo (registrar@smcacre.gov)