



DATE: July 14, 2020

TO: Mayor and City Council

FROM: City Manager
City Clerk
City Attorney

SUBJECT: Hayward City Charter: Adopt Resolutions Establishing November 3, 2020 as the Date for One Proposed Ballot Measure Asking Hayward Voters to Approve Amendments to the Hayward City Charter

RECOMMENDATION

That Council takes the following actions to place a City Charter amendment before the voters of Hayward at the November 3, 2020 election: 1) Adopts a resolution (Attachment II) approving the ballot question as it will appear on the ballot, and requests that the Alameda County Board of Supervisors authorize the City Clerk and Registrar of Voters to provide election services and canvass the returns; and directs the City Attorney to develop an impartial analysis of the proposed ballot measure and 2) Adopts a resolution (Attachment III) establishing the schedule and policy for the filing of ballot arguments for the Charter amendment.

SUMMARY

The purpose of the report is for the Council to take the necessary steps to place a City Charter amendment on the November 3, 2020 ballot to allow residents who are not qualified electors to serve on advisory commissions, and to eliminate gender-based titles and designations and replace them with neutral, gender-free titles and designations.

BACKGROUND

On June 23, 2020, the City Council considered a proposal from the City Manager, City Clerk, and City Attorney to submit to the voters on November 3, 2020, a possible City Charter amendment. The Council unanimously directed staff to move forward with a possible ballot measure to amend the City Charter to allow residents who are not qualified electors to serve on Council-appointed advisory bodies such as commissions, boards, and task forces. In addition, the Council directed staff to draft the Charter amendment to include elimination of gender-based titles and designations and to replace them with neutral, gender-free titles and designations.

Staff has surveyed surrounding jurisdictions and determined that qualified elector/registered voter status is not required to be eligible for appointment to advisory commissions, boards, committees, task forces, and similar bodies (TABLE A).

TABLE A		
CITY	QUALIFIED ELECTOR/ REGISTERED VOTER?	RESIDENT?
City of Berkeley	NO	YES
City of Fremont	NO	YES
City of Hayward	YES	YES
City of Newark	NO	YES
City of Oakland	NO	YES
City of Union City	NO	YES
Link to sample Board/Commission application: https://www.unioncity.org/DocumentCenter/View/137/Human-Relations-Commission-Application-PDF		

Staff has surveyed surrounding jurisdictions and determined that gender-based titles and designations in their charters and codes have been updated (see TABLE B). The Hayward charter includes gender-based references such as ‘Councilman,’ ‘Councilmen,’ ‘he’ ‘him,’ and ‘his.’ If the Charter amendment is approved, neutral, gender-free titles such as ‘Council members,’ ‘Council member,’ or the titles (Mayor, City Manager) would be used instead.

TABLE B	
CITY	GENDER BASED
City of Berkeley	NO
City of Fremont	NO
City of Hayward	YES
City of Newark	NO
City of Oakland	NO
City of Union City	NO

The first of the two resolutions (Attachment II) sets forth the question that would be included on the ballot Hayward voters would approve or reject by voting 'yes' or 'no' as the following:

<p>Shall amendments to the Hayward City Charter be adopted?</p>	
<p>'To create more opportunities for residents to volunteer, and to honor Hayward's commitment to diversity, shall the Charter of the City of Hayward be amended to eliminate the requirement of being a qualified elector/registered voter to serve on City Council-</p>	<p>YES</p>
<p>appointed advisory commissions, and shall the Charter be amended to eliminate gender-based designations and titles and instead use neutral, gender-free designations and titles?'</p>	<p>NO</p>

The resolution, pursuant to direction by the City Clerk, also asks the Alameda County Board of Supervisors to authorize the Registrar of Voters to provide election services and to canvass the returns.

The resolution also directs the City Attorney to prepare impartial analysis, which would be printed in the voter information guide.

The second attached resolution (Attachment III) establishes the schedule and policies governing the filing of ballot arguments for the City Charter. The primary argument filing period closes at noon on August 11, 2020. The rebuttal argument period closes on August 21, 2020. Each argument period shall be followed by a ten-day public review period.

ECONOMIC & FISCAL IMPACT

The cost of the November 3, 2020 election is estimated to be \$250,000, which would include this ballot measure, and four seats on the City Council.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

PUBLIC CONTACT

This agenda item was published in compliance with the requirements of the Brown Act.

NEXT STEPS

The calendar below outlines key dates related to these measures.

DATE	ACTION
July 14, 2020	Presentation of proposed Charter Amendment ballot measure language to Council.
August 7, 2020	Deadline to deliver City resolution calling ballot measure election and request election consolidation.
August 11, 2020	Deadline for submission of Direct Arguments for/against proposed ballot measure. (12pm – Noon)
August 21, 2020	Close of Public Examination Period for Primary Arguments. Deadline for submission of Rebuttal Arguments for/against proposed ballot measure. (12pm – Noon)
August 31, 2020	Close of Public Examination Period for Rebuttal Arguments.
September 24, 2020	First Pre-Election Campaign Statement Deadline FPPC Form 460 - Period covers 7/1/20 - 9/22/20.
October 19, 2020	Last day to register to vote (for the November 3, 2020 election).
October 22, 2020	Second Pre-Election Campaign Statement Deadline FPPC Form 460 - Period covers 9/23/20 - 10/20/20.
November 3, 2020	Election Day. Polls open at 7am and close at 8pm.
December 3, 2020	Last day for Alameda Registrar of Voters to certify results to City.
December 8, 2020	Council to certify election results.
January 31, 2021	Semi-Annual Filing Campaign Statement Deadline FPPC Forms - Period covers 10/21/20 - 12/31/20.

Prepared and Recommended by:

Kelly McAdoo, City Manager
 Miriam Lens, City Clerk
 Michael Lawson, City Attorney

Approved by:



 Kelly McAdoo, City Manager