CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 22, 2020

DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA

eCOMMENTS RECEIVED

Public Comment

eComments received for September 22, 2020 Hayward City Council Meeting:

Item	Name	Comment	Position
The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.	HAYWARD CONCERNED CITIZENS HCC	HAYWARD CONCERNED CITIZENS DO NOT SUPPORT the 7 demands to defund our police agendized by groups including Hayward Collective, Hayward Community Coalition & several city council candidates. Our petition (http://chng.it/LkQYZh2Kk9) has amassed 464 signatures in 3 weeks. Their petition collected 314 signatures in 5 weeks. This illustrates that: HayCoCoa's petition does NOT represent a consensus of The People of Hayward. Our residents have a stake in decisions made with our Measure A and C funds.	Oppose

ITEM #8 LB 20-045

Extend Commercial Evictions Moratorium: Adopt an Emergency Ordinance Amending Temporary Moratorium on Evictions to Extend the Moratorium for Commercial Evictions until January 31, 2021 (Report from Deputy City Manager Ott)

PUBLIC COMMENTS

Balch Enterprises, Inc.

DEVELOPERS / BUILDERS / PROPERTY MANAGERS

September 18, 2020

Via E-Mail and U. S. Postal Service

Barbara Halliday, Mayor
City of Hayward
777 B Street
Hayward, CA 94541-5007
Barbara.Halliday@hayward-ca.gov

Council Members, City of Hayward:
Francisco.Zermeno@hayward-ca.gov
Al.Mendall@hayward-ca.gov
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Aisha.Wahab@hayward-ca.gov

Re: Temporary Eviction Moratorium Ordinance 20-11

Dear Mayor Halliday; City Council Members; City Manager, Ms. McAdoo:

The Temporary Eviction Moratorium has enabled unscrupulous tenants to ignore all rules and regulations, damage our property and disrupt other tenants. We need help.

Balch Enterprises, Inc. is a local business headquartered in Hayward for over 40 years. We manage commercial, industrial and retail property in the area. As soon as the shelter in place order was instituted, we developed a plan to work with tenants that we knew would be the most impacted. While most of our tenants are doing fine, as time has passed and the Care Act monies have been spent, some of the businesses that had to shut down are having more trouble. We try to work with each tenant to address their specific need, be it rent deferment, rent forgiveness or letting them cancel their lease and walk away from any further financial obligation. We were waiving all late fees for anyone that contacted us prior to the passage of the Ordinance.

Unfortunately, there are always a few that take advantage of the situation. With the current ordinance, we have no power to enforce the rules. We had a tenant that was not paying their rent while they subleased the space and received income from a produce distributer. Their sublessee took up all the parking, left rotting produce outside, and when approached about their operation, they simply said we could not evict them. We have a tenant that is doing construction in their unit without permits. They will not tell us what they are doing and we have now had to involve an attorney to help us gain access to the unit to see what construction it taking place. This same tenant has modified the common area and the landscaping against our wishes. We had reached agreement to defer 50% of the rent, even though they do not seem to be impacted by the pandemic, that they were going to sign. Once the ordinance passed, they told us they were not going to pay us anything because we could not charge a late fee. They are over $60,000 behind in rent as of the first of September, and the amount continues to increase. We are concerned that once the ordinance is lifted, they will bankrupt the LLC that leases the space and leave us with many thousands of dollars in repairs. We also expect to incur over $10,000 in attorney fees to

get them out, and the amount they owe by the time we are done will exceed $100,000. These are only two examples of problems we are having because of the temporary eviction moratorium.

We need help and protection from the few bad apples. I assume that residential property owners are having similar problems.

Please do not extend this ordinance. It places an unfair burden on anyone that may own leased property in Hayward.

Sincerely,

BALCH ENTERPRISES, INC.

Jack W. Balch
President

JW/gp
cc. Kelly McAdoo, City Manager
City of Hayward
777 B Street
Hayward, CA 94541
Kelly.McAdoo@hayward-ca.gov

ITEM #9 LB 20-044

League of California Cities Annual Policy Resolutions: Adopt a Resolution Supporting the Singular League of California Cities Policy Resolution Being Considered at the 2020 League of California Cities Annual Business Meeting (Report from City Manager McAdoo)

PUBLIC COMMENTS

From: Carl Gorringe
Sent: Monday, September 21, 2020 3:04 AM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Item 9: LB 20-044 League of California Cities & Section 230

Dear Hayward City Council:

Regarding Item 9 (LB 20-044) for this Tuesday 9/22.

I was quite surprised to see that this City Council will be voting to support a stance concerning Section 230 of the Communications Decency Act. As a person who works in tech I sometimes follow these issues. Usually I defer to the judgment of the Electronic Frontier Foundation (EFF), who does an excellent job analyzing these issues.

This resolution by the League of California Cities may SEEM like a good thing -- who doesn't want to prevent the promotion of criminal activities online? But I can tell you that measures like these often have unintended consequences. (or intended by certain interest groups!)

One concern that I have with this resolution, that "limit the immunity provided to online platforms where their forums enable criminal activity to be promoted." may have the unintended consequence of entrenching large established platforms such as Facebook, Twitter, etc. while endangering small startups or free nonprofits from legal liability from online activity which they cannot reasonably moderate.

The debate around Section 230 is a very complex and nuanced issue, and I can't tell for sure if this resolution from the League is specifically supporting the PACT Act recently introduced in the Senate, since they don't site that bill explicitly, or other potential bills.

According to the EFF:

> "*The PACT Act's implementation of these good ideas, however, is problematic. The bill's modifications of Section 230 will lead to greater, legally required online censorship, likely harming disempowered communities and disfavored speakers. It will also imperil the existence of small platforms and new entrants trying to compete with Facebook, Twitter, and YouTube by saddling them with burdensome content moderation practices and increasing the likelihood that they will be dragged through expensive litigation. The bill also has several First Amendment problems because it compels online services to speak and interferes with their rights to decide for themselves when and how to moderate the content their users post." [1]*

For these reasons, and because the EFF generally opposes these changes, I'd URGE you to please OPPOSE this resolution.

To OPPOSE this resolution simply means that the City of Hayward does not take a stance on this issue.

Thank You,

Carl Gorringe
Hayward Resident

[1] e PACT Act's Attempt to Help Internet Users Hold Platforms Accountable Will End Up Hurting Online Speakers (JULY 21, 2020)
https://www.eff.org/deeplinks/2020/07/pact-acts-attempt-help-internet-users-hold-platforms-accountable-will-end-hurting

From: joe
Sent: Tuesday, September 22, 2020 4:42 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Electronic Frontier Foundation comment in opposition to LB 20-044, League of California Cities Resolution to Amend Section 230

Dear Mayor and Councilmembers,

I'm writing on behalf of the Electronic Frontier Foundation, a nonprofit organization that works to protect privacy and free expression in the digital world. Founded in 1990, EFF represents more than 30,000 dues-paying members nationwide, including thousands in California.

A supporter made us aware today of the California League of Cities proposal to undermine 47 U.S. Code Section 230, which I understand the Hayward City Council is considering this evening. The resolution is entitled “A Resolution of the General Assembly of the League of California Cities Calling for An Amendment of Section 230 of the Communications Decency Act of 1996 to Require Social Media Companies to Remove Materials Which Promote Criminal Activities.”

We were surprised and dismayed to learn about this proposal, which asks Congress to mandate that online platforms not only take down material that allegedly "solicits criminal activity," but actively aid police in the "identification and apprehension" of platform users who are said to "solicit" such activity.

If the vague allegation that a platform was used in "soliciting criminal activity" is enough to spur prosecutions and lawsuits against an online platform or small website, it will result in widespread Internet censorship. If Congress were to pass such a policy, it would provide a lever to government officials to eliminate protest and rally organizing via social media. Online platforms would be coerced into performing police surveillance of citizens in Hayward, and many other cities.

There are already procedures in place for law enforcement to request user information from online platforms when it is needed, and legally justified.

We urge you to not support this California League of Cities resolution, which would censor the speech of residents of Hayward and other cities, and subject them to intrusive state surveillance of their online activities.

Please feel free to reach out to me if you have questions about EFF's views on these matters. Please see the link below for additional materials regarding our views on Section 230:
https://www.eff.org/document/section-230-not-broken

Sincerely,
Joe Mullin
Policy Analyst, EFF