



**DATE:** February 25, 2020

**TO:** Mayor and City Council

**FROM:** City Attorney  
City Clerk

**SUBJECT:** Informational Report to the City Council on the Process for Enacting Ordinances

### **RECOMMENDATION**

That the Council receives this informational report on the process for enacting ordinances.

### **SUMMARY**

This report provides Council with clarification on the process for enacting ordinances.

### **BACKGROUND**

Hayward's City Charter, starting with Section 616 through Section 632, sets forth the process for enacting ordinances.<sup>1</sup> Enactment of ordinances involves a two-step process: the first step is the introduction, and the second step is the adoption.<sup>2</sup> Historically, adoption of ordinances which were unanimously introduced had been placed on the Consent Calendar. Adoption of ordinances garnering a split vote at the time of introduction were placed under Legislative Business items. This historical practice was changed at the beginning of 2018 to help manage the length of Council meetings. The new practice involved placing the adoption of all ordinances, regardless of how they were approved, on the Consent Calendar with the understanding that Council Members who had voted against the ordinance during its introduction could remove the item from the Consent Calendar for a separate vote.

In an effort to strike a balance between continuing to remain transparent and manage efficient meetings, staff now proposes that Council return to the pre-2018 process.

---

<sup>1</sup> City Charter [https://library.municode.com/ca/hayward/codes/charter?nodeId=CIHACH\\_S616ENCLOR](https://library.municode.com/ca/hayward/codes/charter?nodeId=CIHACH_S616ENCLOR)

<sup>2</sup> In some cities, the introduction of an ordinance is called the 'first reading.' The adoption of the ordinance is called the 'second reading.'

At the time of introduction, an ordinance will be agendized under Legislative Business or Public Hearing items. The procedure for introduction of an ordinance will consist of: staff report and questions, public comment, discussion (if needed), motion to introduce the ordinance, a second to the motion, City Council votes, and results declared.

If the ordinance is unanimously approved at the time of introduction, adoption of the ordinance will be placed on the Consent Calendar. If it is not unanimously approved at the time of introduction, the ordinance will be placed under Legislative Business items. The procedure for adoption of an ordinance not garnering unanimous votes, at the time of introduction, will be: reading of the title of the report by the Mayor, public comment (if any), motion to pass, second, City Council votes, and results declared.

With the sole exception of ordinances which take effect immediately, no ordinance will be adopted by the City Council on the day of its introduction.

All ordinances, except as listed below, will become effective thirty (30) days after adoption. The following ordinances will become effective immediately upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under State law or a procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
- (d) An emergency ordinance adopted in the manner provided for in this Charter;
- (e) An ordinance annexing areas to the City;
- (f) An ordinance relating to the zoning or rezoning of the City or portions thereof.

An ordinance declared by the City Council to be necessary as an urgency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at the same meeting if passed by at least five (5) affirmative votes.

## **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.

## **NEXT STEPS**

The Hayward Council Member Handbook will be amended to memorialize this change during the next update.

*Prepared and Recommended by:*

Michael Lawson, City Attorney  
Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

---

Kelly McAdoo, City Manager