

**CITY COUNCIL MEETING
TUESDAY, MARCH 19, 2019**

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AGENDA QUESTIONS & ANSWERS

Item 9

AGENDA QUESTIONS & ANSWERS

MEETING DATE: March 19, 2019

Item # 9: [LB 19-017](#) Adoption of Proposed Revisions to the Council Member Handbook Section on “Order of Business related to Council Reports, Referrals and Future Agenda Items” (Report from City Manager McAdoo)

For the Referral Piece:

I'd like to have the matrix of the cities that were studied: name, what process they had, etc.

For Part A and B,

Are they a step by step process or is this a selection of possible processes that can be discussed by Council to see what the process is?

In reviewing agenda item 9 – the Council referral process, the following questions come to mind.

1. Do we need more clear explanation for items that are referrals, but fall within regular operations (ex: items that can be handled via access Hayward).

For example, (page 1, second paragraph under Council referrals)
“ The process to make a Council Referral has two parts. The first part is to enable the Council Member to place a matter before the Council. The second part is to enable the Council to determine whether staff time should be spent on the issue.” Please note, this two-step process is for items that require Council consideration and is not intended for items that are related to existing governmental operations such as items generally handled through Access Hayward.

2. Do we need to codify the practice of including our other CAO’s (in addition to the City Manager) in the development of policy ideas?

For example, (Council Referrals section opening paragraph)
“... The intent of this Council Referrals section of the Council Handbook is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the” appropriate Council Appointed Officers for action by the applicable City Staff.

See attached.

Processes A and B are intended to be sequential or a step by step process as proposed. The Council can discuss alternative processes at the meeting, if desired.

Yes, this edit can be made.

Please note, this two-step process is for items that require Council consideration and is not intended for items that are related to existing governmental operations such as items generally handled through Access Hayward.

Yes, reference can be made to the other CAO’s if it is a policy issue that also falls within their purview.

And (page 1, Item 1.A.)

“Prior to preparing a Council Referral Memo, Council Members can consult with the City Manager”, City Attorney, and/or City Clerk as appropriate, “to determine whether the issue can be addressed as part of the City Manager’s operational authority, does not require policy direction from the Council, and is within current budgeted resources.”

City Processes

CITY NAME	REFERRAL PROCESS	SECTION ON THE AGENDA	ACTION
Diamond Bar	Council members contact the City Manager's office directly with any requests. City Manager coordinates with staff and provides the information to the Council member and the entire Council.	Council Sub-Committee Reports and Meeting Attendance Reports/Council Member Comments	
Alameda	Written request submitted to City Clerk two weeks prior to the Council meeting requested.	Council Referrals - Matters placed on the agenda by a Council Member may be acted upon or scheduled as a future agenda item.	Take no action, refer the matter to staff, or take action if sufficient information is provided and there is no public hearing required.
Livermore	Verbal request during the meeting - <i>Majority support is needed.</i>	Council Committee Reports and Matters Initiated by City Manager, City Attorney, Staff, and Council Members.	
Emeryville	Verbal request during the meeting - <i>Majority support is needed.</i>	Future Agenda Item Requests from Council Members.	
Dublin	Verbal request during the meeting - <i>Majority support is needed.</i>	Other Business - Brief information only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expense (AB 1234).	
San Leandro	Verbal request during the meeting - <i>Majority support is needed.</i>	Council Requests to Schedule Agenda Items - This section is to be used to propose items for consideration for future scheduling, and not for substantive discussion.	
Newark	Informal request to City Manager or during a Council meeting.	Oral Communications	
Albany	Written request. Materials are submitted to the Mayor and City Manager by the Friday before the Wednesday posting of the agenda.	Other Business, Announcement of Events/Future Agenda Items - Council and staff announcements: Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items.	

City Processes

Berkeley	The Agenda Committee, consisting of the Mayor and two members of the Council, has the authority to place items on the agenda after its review during the Committee meeting.	Throughout the agenda. If the item is from a member of the Council, the name will be noted.	
Walnut Creek	Verbal request during the meeting - <i>Majority support is needed</i> . With the consent of City Council, the City Manager will direct staff to place the item on the agenda of a future meeting to be held within 90 days. Once an item has been listed on an agenda, another Councilmember may not remove the item from the agenda without the consent of the Councilmember who originally requested it.	Councilmember and Staff Announcements, Reports on Activities or Requests - (c) City Councilmember reports on AB1234 Activities, Councilmember assignments and various activities and upcoming events.	
San Jose	At a Council Priority Setting meeting, Council members submit written requests (memos). All agenda items, including written referrals from Council members are referred to Rules Committee consisting of the Mayor, Vice Mayor, 3 Council Members, City Manager, City Attorney and City Clerk.	Strategic Support	Take no action; refer to Priority Setting session; and take action if sufficient information is provided and there is no public hearing required.
Pleasanton	Verbal request - <i>Majority support is needed</i> .	Matters Initiated by Council - Council Members refer items to staff when there is a consensus of three Council Members.	
Union City	Verbal request - <i>Majority support is needed</i> . If the item is referred, the item will be placed at a future agenda under the City Manager Reports section of the agenda.	Items Referred by Council - Council Members refer items to staff when there is consensus of the majority of the Council.	
Fremont	Written request (staff report). The sponsoring Council member gives the City Manager a brief description of the subject to be printed on the agenda.	Council Referrals	Take no action; refer the matter to staff to schedule as a future City Council agenda item; take action if Council finds that sufficient notice has been provided by the published agenda time, sufficient information has been received by the Council, and no formal published public hearing notice is required.

City Processes

Palo Alto	"Colleagues memo" process. Two to three Council members are required in order to place a memo on the agenda. Memos have a section identifying any potential staffing or fiscal impacts of the contemplated action which is drafted by the City Manager. Completed memos are provided to the City Clerk by noon on the Tuesday prior to the Council meeting.	Council Member Questions, Comments and Announcements	The Council will not take action on the night that a colleague memo is introduced if it has any implications for staff resources or current work priorities not addressed in the memo. Brown Act requirements need to be satisfied in order to take action on the night the memo is introduced.
Belmont	Written memo or report summarizing the Council member's position is submitted at least one week prior to the meeting.	Matters of Council Interest/Clarification - Items in this category are for discussion and direction to staff only. However, Council/Board may take final action on an item if there is no need for additional staff analysis.	Council can vote on the item if there is no need for additional staff analysis or may direct staff to bring back a report addressing the request at a future meeting.
Bakersfield	Verbal request - <i>Majority support is needed</i> . City Manager's office coordinates a response which is provided to all Council members as part of the weekly general information packet that is provided to the Council, media and public.	Council and Mayor Statements	
Oakland	The Rules and Legislative Committee, consisting of four Council Members, City Attorney, City Administrator, and City Clerk's designee, assigns all proposed agendas to the City Council, or subject-matter committee for consideration and action.	Throughout the agenda. If the item is from a member of the Council, the name will be noted.	

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ITEM #9 LB 19-017

**ADOPTION OF PROPOSED REVISIONS TO THE
COUNCIL MEMBER HANDBOOK SECTION ON
“ORDER OF BUSINESS RELATED TO COUNCIL
REPORTS, REFERRALS AND
FUTURE AGENDA ITEMS”**

E-MAIL FROM RICHARD BRUNKEL

From: Richard Brunkel <>

Sent: Monday, March 18, 2019 4:38 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>; Barbara Halliday <Barbara.Halliday@hayward-ca.gov>; Francisco Zermeno <Francisco.Zermeno@hayward-ca.gov>; Al Mendall <Al.Mendall@hayward-ca.gov>; Sara Lamnin <Sara.Lamnin@hayward-ca.gov>; Elisa Marquez <Elisa.Marquez@hayward-ca.gov>; Mark Salinas <Mark.Salinas@hayward-ca.gov>; Aisha Wahab <Aisha.Wahab@hayward-ca.gov>

Subject: Upcoming Vote (City Manager Recommendations) - Vote NO! - Adoption of Proposed Revisions to the Council Member Handbook Section on "Order of Business related to Council Reports, Referrals and Future Agenda Items"

Importance: High

Mayor/Council Members

Please vote NO on the City Managers recommendation to limit the city councils goals and slow progress. We should not have an **UNELECTED** body dictating the progress of our city. We have far too many issues for this to happen. This city doesn't need a power trip what it needs is solutions to homelessness, housing & crime. The staffing report I just read does nothing but make long processes longer. It gives FAR too much power to a person who isn't the will of the people. The City Managers duty should be to manage the city and it's affairs NOT dictate city council meetings. This is why we have an elected official like the Mayor. With no disrespect intended why do we have one if we are allowing so much power to a CONTRACTED person that's frankly in my opinion not needed. This process is very UNDEMOCRATIC. There are a lot of us in the community watching this vote. Please VOTE NO! We elected you to drive change we didn't elect her to slow down.

Thanks Much!

Richard Brunkel

Client Manager with Swiss Post Solutions

Wendel, Rosen, Black & Dean LLP

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E-MAIL FROM DAVID WHATLEY

From: David Whatley <>
Sent: Monday, March 18, 2019 10:14 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: City Council Meeting - Tuesday - March 19, 2019

The Honorable Hayward City Council---

Dear Mayor & Councilmembers,

This is a short note to express support for allowing public policy issues that impact Hayward residents to be allowed on the agenda for discussion and direction on how they can be improved.

If there is a line item on the City budget associated with the public policy issue, then it is merited to be agendized for the possibility of further study, amendment, and if required, a roll call vote.

As one grew-up in the Hayward, attended Hayward public schools, and whose family has lived in the City of Hayward continuously since the 1960's, I feel residents voices should not be silenced nor should the voices of those whom we elect to represent us on the City Council.

Thank you for your time and consideration with this public comment.

Sincerely,

David Whatley, MA
alumnus: Mt. Eden High, UCLA

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David Whatley

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E-MAIL FROM LACEI AMODEI

From: Lacei Amodei <>
Sent: Tuesday, March 19, 2019 2:18 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Proposed Revision to Councilmember Handbook: Please Vote No

Dear Mayor and Councilmembers,

I am writing to urge you all to vote no against the "proposed revisions to the referral process" as it is written now. I understand there are good reasons for a city from time to time to review its processes and to improve them when necessary. However, there are 2 pieces of the referral that seem to arbitrarily reduce council member's authority and to push city governing behind closed doors.

1. **The 3-5 referral limit per councilmember is very concerning.** This strikes me as undemocratic and raises many questions. I also wonder what would happen if, in a particular year, Hayward were confronted with a spike of unanticipated new issues? Where is there any kind of evidentiary support to explain the need for a limit at all? And the evidentiary support to explain how the City has arrived at the number 3-5?

Also, I appreciate the possibility of hearing each council member's unique policy suggestion during the council meetings. As a member of the public it is a challenge to understand all that is going on and also to understand the viewpoints of different members. Part of this challenge is understandable- city governance is complex. However, I would urge you all to please make these processes more transparent and accessible to the average Hayward resident. This proposal appears to move in the opposite direction. Especially the referral cap.

2. **I disagree "City Manager to determine when to place the item on a future agenda" & requirement that referral must be given "at least two weeks prior to the desired Council meeting".** I believe that there should be flexibility here for Council to have a say as to when an item appears on a future agenda. There should be a process in place so that, at Council's urging, an item can come back at their discretion. Also, putting a general deadline for referrals make sense but there should be a carve out for when exceptions can be made.

I respectfully ask for you all to please find a way to alter this proposal so that the general spirit of streamlining the referral process is upheld but the process is not so rigidly in the hands of City Staff and also so that governing is made as transparent as possible. Please vote no on this proposal (as it is) tonight.

Sincerely,

Lacei Amodei

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LETTER FROM THE HAYWARD COLLECTIVE



Tuesday, March 19, 2019

RE: Adoption of Proposed Revisions to the Council Member Handbook Section on “Order of Business related to Council Reports, Referrals and Future Agenda Items”

Dear Mayor Halliday and City Council Members,

We are deeply troubled by the proposed revisions being presented by City Manager Kelly McAdoo.

There should be no obscuring of what Council directs staff to work on via the City Manager or the work staff (at council’s direction) is pursuing. In fact, the entire point of public council meetings and is to ensure the public is privy to the decisions being made by their government officials.

Per the City Charter section quoted in the staff report, “The City Manager shall take his orders and instructions from the City Council only when it is sitting in a lawfully held meeting.” Gendered language aside, the City Manager works for the City Council. Not the other way around. And this proposal is plainly an attempt by City Manager Kelly McAdoo to set a precedent by which she (and any future City Manager) is afforded more control of priority setting than the City Council.

The lack of transparency inherent in the staff report itself is troubling. Where in the staff report are the 18 municipalities surveyed actually named? And of the six unnamed municipalities with a process requiring a memo, what are the rest of their processes like? Do their processes similarly obscure council direction and priorities?

On page 3 of the staff report for this item, in the opening of the “Discussion” section it’s stated that evaluating the referral process has been an ongoing concern. Why no work session or discussion in the alleged Ad Hoc committee to elicit feedback from council? Why the rush?

On page 4: “The first part is to enable the Council Member to place a matter before the Council.” Enable as in seek permission? Why does any one council member need permission to address their colleagues in the public forum? Or raise an item for potential consideration by their colleagues?

To Part 1 (A), why not just draft the memo as a matter of public record? Why can’t the City Manager state in the public forum if the request can already be accounted for in other work already being pursued, or raise the concern about staff capacity? In fact, Part 2 (B) makes this part of the process wholly redundant.

To Part 1 (C), setting a minimum two-week advance for making a referral inhibits timeliness for being able to address issues being raised by community members. We keep hearing how the housing and tenant issues are taking so long because of the “slow pace of government.” Council needs to reconcile the fact that they are the slow pace of government. A measure like this makes the already sluggish machinations of Hayward government even more lethargic.



Part 1 (D), the limitation on the number of referrals, also inhibits council's ability to respond to community needs. Which is part of the council's job. The limitation effectively sets an expiration date for you, our elected officials. What happens if you meet that limit? Is priority setting left to appointed staff? Are you going to tell your community that your hands are tied in responding to their issues because you agreed to this procedure?

A vote for these revisions is a vote against transparency and accountability. The public has every right to discern from council comments and public decision-making where council's priorities and concerns lie.

By all means; establish a transparent referral policy that does not open you open to Brown Act violations. But what is before you is not it.

Sincerely,
The Hayward Collective

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EMAIL FROM NAVPREET K. KHABRA

From: Navpreet Khabra <>
Sent: Tuesday, March 19, 2019 6:18 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Comments re: Changes to Council Number of Goals and Referral Process

To the Mayor and Council Members,

While I understand that the changes to Council Handbook are being suggested to offset the workload of the city staff, I do not agree with the proposed language. I echo [the comments made by the Hayward Collective](#) on this matter. I personally think that we need to work on taking more action at the city council member level and do not support any limits to the ability of a city council to propose council referrals. The recent celebration of tenant protections came as a topic of conversation proposed by Hayward councilmember Aisha Wahab. Without the suggestion of the topic, there is no clear understanding of when action could have been taken yet council members were quick to celebrate the passing of these tenant protections. I challenge the Hayward city council members to understand that while there is a legislative process to consider at hand, these issues are affecting people's lives on a daily basis and cannot continue to wait until it is taken care in a vague timeline. In sum, I do not support the proposed changes to the Council Handbook in specific focus to the limiting of council member referral items.

Thank you,

Navpreet K. Khabra

Asian American and Environmental Studies | UC Santa Barbara | Class of 2018