



DATE: July 16, 2019

TO: Mayor and Council Members

FROM: City Manager, City Attorney, and City Clerk

SUBJECT: Adopt a Resolution Accepting Revisions and Additions to the Council Member Handbook

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) accepting revisions and additions to the Council Member Handbook (“Handbook”) and directing the City Clerk to issue the updated Handbook to Council, Council’s appointed bodies, and other interested parties.

SUMMARY

The Council Ad Hoc Committee on the Council Handbook has met over the last several months to review various sections of the Council Handbook, as identified by the Council during their February 3, 2019 Council Retreat. This staff report presents the Council Ad Hoc Committee’s proposed amendments to the Council Handbook for Council consideration and adoption.

BACKGROUND

On February 3, 2019¹, during the Special Council Retreat, the Council reviewed the Table of Contents of the Handbook and discussed sections they recommended be reviewed and modified. During the same meeting, the Council agreed to have an Ad Hoc Committee of the Council review proposed modifications to the Handbook. The Council Ad Hoc Committee was comprised of Mayor Halliday, Council Member Mendall, and Council Member Márquez. The Council Ad Hoc Committee convened three meetings on March 25, 2019², April 8, 2019³, and

¹ February 3, 2019 Council Minutes

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3863374&GUID=5E6D9809-6F16-4472-9D46-1AD430C0BD58&Options=&Search=>

² March 25, 2019 Council Ad Hoc Committee Packet

<https://hayward.legistar.com/MeetingDetail.aspx?ID=683141&GUID=D633EA8E-CA0B-4C42-8A19-4B12815273BB&Options=info&Search=>

³ April 8, 2019 Council Ad Hoc Committee Packet

<https://hayward.legistar.com/MeetingDetail.aspx?ID=683142&GUID=A48D6E22-89E2-4286-AD72-0E8A6700062B&Options=info&Search=>

April 29, 2019⁴, to review sections of the Handbook identified at the Retreat. The Ad Hoc Committee was also asked to review the section on “Council Reports, Referrals, and Future Agenda Items” which was presented to the Council at a subsequent Council meeting.

DISCUSSION

The Council Ad Hoc Committee reviewed proposed amendments and identified further changes that are incorporated into the redlined version of the Handbook (Attachment III). The Council Ad Hoc Committee referred the “Compensation for Members of the City Council” and “Benefits” sections of the Handbook to the Council Budget and Finance Committee for discussion during its meeting on April 16, 2019⁵. The Council Budget and Finance Committee discussed this section of the Handbook and the Council had subsequent Closed Session discussions related to Council Benefits and Compensation.

Discussion items included:

- 1) The Committee requested clarification as to whether Councilmembers are full-time or part-time employees: The City Charter, Articles V and VI, generally establishes the makeup of the City Council, the requirements for election, and duties of the mayor and members of the Council. Section 501 of the Charter identifies the mayor and the six members of the Council as elective officers of the City. The Charter does not explicitly say the mayor and members of the Council are full-time or part-time. The Mayor and Council are salaried employees. The City Attorney opined that they are entitled to spend as much or as little as they choose in carrying out their duties.
- 2) The Committee considered salary adjustments of 2% with an additional 1% contribution to PERS: Section 603 of the City Charter establishes the framework for compensating the Mayor and members of the Council. An ordinance is currently in place, Hayward Municipal Code Section 2-1.12, which establishes the compensation at \$40,000 annually for the Mayor, and \$25,000 annually for each member of the Council, subject to an annual increase per the Bay Area Consumer Price index, but no greater than 5%. Section 603 authorizes upward adjustments to the compensation, as long as the process follows the ordinance in place at the time of the action to increase compensation. If the Mayor and members of the Council decide to increase their compensation, any such increase would not be effective until one or more members of the Council become eligible to serve a new term of office. This constraint in Section 603 means any increase in compensation at the current time would not become

⁴ April 29, 2019 Council Ad Hoc Committee Packet

<https://hayward.legistar.com/MeetingDetail.aspx?ID=683143&GUID=CBFC3528-A67D-417B-866A-8A2267FCE973&Options=info&Search=>

⁵ Council Budget and Finance Committee Packet

<https://hayward.legistar.com/MeetingDetail.aspx?ID=611681&GUID=51F2ECFB-6607-4341-9BB7-858BB10A33FE&Options=info&Search=>

effective for any current member unless and until the member is re-elected in November 2020.

It was determined to not make any adjustments to Council salary or contributions to PERS at this time.

The Handbook was made gender neutral and changed to use positions rather than pronouns. Below is a brief description of the other proposed amendments to the Council Member Handbook. Attachment III contains the redlined verbatim version of the proposed amendments to the Council Handbook.

CITY COUNCIL

Elective Officers

This Section is proposed to be amended to include reference to the Code of Fair Campaign Practices and its basic principles, which are expected to be observed by all Council Members.

Compensation for Member of the City Council Section

The Compensation for Member of the City Council Section is proposed to be amended to include reference to how City Council salary adjustments are made and not specify annual salary dollar amounts, as those change annually. The section of the Hayward Municipal Code (Chapter 2, Article 1, Section 1) will be updated later this year to align with the proposed language in the Handbook.

1. MAYOR

Mayor Pro Tempore Section

This Section is proposed to be amended to reflect that the Council will elect the Mayor Pro Tempore at the end of the calendar year during off election years. The Section is proposed to be further revised to indicate that the term of the Mayor Pro Tempore will be from January 1st to December 31st.

2. POLICY REGARDING CITY COUNCIL EXPRESSION ON STATE, FEDERAL AND INTERNATIONAL ISSUES

This Section is proposed to be amended to include more information about the Hayward Legislative Program and a weblink to information on the City's website.

3. MEETINGS

Special Meetings/Calling/Notice Section

This Section is proposed to clarify language regarding special meetings and to memorialize that the City Council will strive to hold a meeting outside of City Hall and in another part of the community at least once a year.

4. AGENDA

Order of Business Section

This Section is proposed to be amended to reflect the current order of business.

Delivery of Agenda Section

This Section is proposed to be amended to reflect current practice.

Proclamation Section

A new Section called "Proclamation" was added to provide guidelines and information for submitting proclamation requests.

Certain subsections under Agenda were moved within the same section to be consistent with the "Order of Business" sequencing outline.

Council Reports and Announcements Referrals and Future Agenda Items Section

This Section was separated into two sections: 1) Council Reports and Announcements and 2) Council Referrals. The Council Referrals Section provides information about the process for submitting a Council Referral Memorandum (Memo) and procedure for considering the Memo during Council meetings.

5. RULES, DECORUM, AND ORDER

Council Member's Prerogative Section

This Section is proposed to be removed and have its language incorporated under the Motion to Amend Section.

6. ADDRESSING THE COUNCIL

This Section is proposed to be modified to allow the Presiding Officer flexibility to manage time during the public comment section of Council meetings.

7. MOTIONS

Processing of Motions Section

This Section is proposed to be modified to remove unnecessary information.

Motion to Amend Section

This Section is proposed to be amended to add clarity regarding continuance of matters.

8. COUNCIL COMMITTEES

This Section is proposed to be modified to incorporate reference to Alameda County agencies and other regional boards and to note that Council appointees' attendance at Alameda County agencies and other regional boards will be reported annually to the Mayor and Council.

9. COUNCIL LIAISON

Responsibility of Council Liaison Section

This Section is proposed to be modified to include language to reflect that the Council liaison plays an important role informing and advising Council's appointed bodies.

Liaison and Commission Member Decorum Section

This Section is proposed to be modified to include language encouraging Council liaisons to send updates to the City Council within one month of meetings.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of this resolution.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

PUBLIC CONTACT

The Council Ad Hoc Committee agendas and this agenda report were published in accordance with Brown Act guidelines. The Ad Hoc Committee meetings were open to the public.

NEXT STEPS

If approved, a final copy of the Council Member Handbook will be distributed to Council and interested parties and it will be posted on the City's website accordingly.

Prepared and Recommended by: Maria A. Hurtado, Assistant City Manager
Michael Lawson, City Attorney
Miriam Lens, City Clerk

Approved by:



Kelly McAdoo, City Manager