

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, April 20, 2021

7:00 PM

Remote Participation

City Council

CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, the City Council will be participating in public meetings via phone/video conferencing.

How to watch the meeting from home:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Click the link below to join the meeting:

<https://hayward.zoom.us/j/98615105067?pwd=dGtjSFFLMnJsaTFtWUtjeHNXLzhZZz09>

Meeting ID: 986 1510 5067

Passcode: Cmtg4/20@7

or

Dial: +1 669 900 6833 or +1 346 248 7799

Meeting ID: 986 1510 5067

Password: 5201989377

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER: Mayor Halliday

Pledge of Allegiance: Council Member Salinas

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATIONS

Presentation from Senator Bob Wieckowski

National Crime Victims' Rights Week - April 18-24, 2021

PUBLIC COMMENTS

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.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT

1. [MIN 21-050](#) Approve City Council Minutes of the Special City Council Meeting on March 30, 2021

 Attachments: [Attachment I Draft Minutes of 3/30/2021](#)

2. [MIN 21-051](#) Approve City Council Minutes of the City Council Meeting on April 6, 2021

 Attachments: [Attachment I Draft Minutes of 4/6/2021](#)

3. [CONS 21-182](#) Adopt a Resolution Accepting the Resignation of Ms. Lisa Sharp from the Keep Hayward Clean and Green Task Force, Effective Immediately

 Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resignation Letter](#)

4. [CONS 21-175](#) Approval of Final Map of Tract 8523 (Roof Garden Villas), a One-Lot Subdivision for Condominium Purposes at 26736 Hayward Avenue, to Allow the Construction of 8 Condominiums with Common Open Space Area and Related Site Improvements; Applicant/Owner: Wah Yat Holdings, Application No. 201801205

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Vicinity Map](#)
 [Attachment IV Final Map](#)

5. [CONS 21-170](#) Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the FY21 Sidewalk Rehabilitation Project No. 05302 and Wheelchair Ramp Projects 05221 and 05229

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Project Locations](#)
 [Attachment IV Wheelchair Location Map](#)
 [Attachment V Sidewalk District Map](#)

6. [CONS 21-176](#) Adopt a Resolution Rejecting All Bids, Approving Revised Plans and Specifications, and Calling for Bids for the FY21 Pavement Improvement Project, Project Nos. 05227, 05236, 05238, 05295, 05297

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III List of Selected Streets](#)
 [Attachment IV Location Map](#)

7. [CONS 21-177](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Security Integrations, Inc., for the Purchase of a City-wide Access Control System in an Amount Not-to-Exceed \$601,750.24

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

8. [CONS 21-178](#) Adopt Two Resolutions Authorizing the City Manager to: 1) Execute a Cooperative Implementation Agreement with Caltrans for the Arf Avenue and Tennyson Road Trash Capture Devices Not-to-Exceed \$3 Million; and 2) Negotiate and Execute an Agreement with Schaaf & Wheeler for Engineering Design Services Not-to-Exceed \$200,000

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution Authorizing Co-op Agreement](#)
[Attachment III Resolution for Engineering Services PSA](#)

WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

9. [WS 21-018](#) Let's House Hayward! Strategic Plan: Review Update on Planning Process, Vision, Goals, and Priority Projects for the Let's House Hayward Homelessness Reduction Strategic Plan (Report from Assistant City Manager Ott)

Attachments: [Attachment I Staff Report](#)
[Attachment II Presentation](#)

10. [WS 21-020](#) Strategic Roadmap Update: Review Updates to the FY21-23 Strategic Roadmap (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
[Attachment II Summary Report](#)
[Attachment III Priority Projects Ranked](#)
[Attachment IV Staff Edits and Comments](#)
[Attachment V General Plan Implementation](#)

11. [WS 21-021](#) City Council Retreat Follow Up: Further Discussion Regarding Council Referrals and Other Sections of the City Council Handbook (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
[Attachment II City Council Handbook](#)
[Attachment III March 30 Retreat PowerPoint with Notes](#)
[Attachment IV Annotated City Council Handbook](#)
[Attachment V Survey Results from Other California Cities](#)
[Attachment VI Council Survey Questionnaire](#)
[Attachment VII Survey Results from Hayward Council Members](#)

INFORMATIONAL ITEMS

Information items are presented as general information for Council and the public, and are not presented for discussion. Should Council wish to discuss or take action on any of the "information" items, they will direct the City Manager to bring them back at the next Council agenda as an Action Item.

12. [RPT 21-051](#) Informational Report on the Annual Review of City Issued Debt

Attachments: [Attachment I Staff Report](#)

13. [RPT 21-052](#) Informational Report on Annual City Benefit Liabilities and Funding Plan Review

Attachments: [Attachment I Staff Report](#)

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda 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.

ADJOURNMENT**NEXT MEETING, April 27, 2021, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.

CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: MIN 21-050

DATE: April 20, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve City Council Minutes of the Special City Council Meeting on March 30, 2021

RECOMMENDATION

That the City Council approves the special City Council meeting minutes of March 30, 2021.

SUMMARY

The City Council held a meeting on March 30, 2021.

ATTACHMENTS

Attachment I Draft Minutes of March 30, 2021



**SPECIAL CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, March 30, 2021, 5:00 p.m.**

The Special City Council meeting was called to order by Mayor Halliday at 5:00 p.m. The special meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020 regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via Zoom platform.

Pledge of Allegiance: Mayor Halliday

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
Absent: None

SPECIAL WORK SESSION

1. City Council Member Handbook: Review Sections of the Handbook and Provide Direction to Staff Regarding Update or Changes **WS 21-015**

Staff report submitted by City Manager McAdoo dated March 30, 2021, was filed.

Mayor Halliday noted the special work session was a continuation of the February 20 City Council retreat to review the City Council Handbook. Based on Council feedback it was agreed the following items would be discussed: Council Referrals; Boards, Commissions, Committees, and Task Force; City Council; Council Committees; and Policy Regarding City Council Expression. At least one member expressed an interest in discussing the following sections: Council Liaison; Motions; Ordinances; Proclamations; Quasi-Judicial Hearings; and Rules, Decorum, and Order.

City Manager McAdoo introduced Ms. Julia Novak with The Novak Consulting Group who facilitated the special work session.

Members of the City Council offered suggestions for various sections as identified below.

City Council Section (Pages 2-9)

The Vacancy subsection needs clarity. Reference the possibility for appointments and include other scenarios for vacancy such as when a Council member is elected to the office of mayor or other elective office; consider rewording “dies” with “passes away” or another synonym; consider changing the period “60 consecutive days” to a set number of meetings

such as three regular meetings; consider giving examples of what would generally be excused absence such as military service, leave of absence or significant event.

The Elective Officers subsection needs clarity and could be read as follows, "... Elective Officers shall hold office for a term of four years immediately after they have been sworn in following their installation and shall continue in office until their respective successors qualify."

The Benefits subsection can be expanded to include that in addition to PERS, members can also participate in PARS (Public Agency Retirement Services). It was noted that Council members cannot be PERS eligible through multiple agencies.

Consider modifying the Policy in Support of Harassment-Free, Discrimination-Free, and Retaliation-Free Workplace, II Complaint Procedure, (A) Reporting to the Mayor subsection to indicate a Council member could file a complaint with the most recent Mayor Pro Tempore or another member of the Council.

Policy Regarding City Council Expression on State, Federal and International Issues Section (Page 17)

Rewrite section to replace resolution language with a summary that references Resolution 77-209.

Council Member Handbook needs to be updated to reflect the new laws related to social media requirements; and perhaps add language to a separate section in the Handbook.

Agenda Section (Page 20-28)

Consider including guidance for staff and outside consultants on presentation length.

The following comments were provided for the Council Referrals subsection: 1) prefer returning to the previous process which required a Council member just getting three other votes for an idea/request to move forward; 2) consider an in-between process specifying that items need to be raised at regular meetings rather than before closed sessions with a verbal motion and a vote captured in the minutes; 3) consider a process by which the member seeking the referral has to find two other Council members to support the proposal, present a thoroughly researched and data-driven document to explain how the item is connected to Council priorities, include a timeline, and have the item vetted by a council standing committee; 4) support for option three and add that if a Council member cannot discuss with another member due to committee limitations, it can become a referral for that committee; 5) consider a process by which referrals are vetted at the committee level and if there is support for a referral to move forward, there needs to be clarity about cost and what will be the offset to address the referral; 6) a referral should come to the full Council as a one-page policy memo, Council votes on direction which is documented in the minutes, referral goes to a committee to get vetted policy-wise with staff input and comes back to the full Council with a recommendation within a defined policy, and allow for a 2-3 month timeline for committee and Council review. It was noted there are two types of referrals: 1) straightforward community requests that can be submitted via Access Hayward; and 2)



**SPECIAL CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, March 30, 2021, 5:00 p.m.**

requests that pull resources from existing work and Council should have a discussion as to the tradeoffs. It was further added that a straightforward request is a community request.

Ms. Julia Novak suggested the Council form an ad hoc committee to work on changes to the referral process as there were differing ideas suggested. Discussion ensued among members of the City Council, Ms. Julia Novak, and City Manager McAdoo about how to proceed. There was consensus to hold a work session specific to the referral process, conduct a survey beforehand and present its findings to Council, bring back policies from different cities; and if that does not lead to consensus, an ad hoc committee could be formed.

Council Committees Section (Page 46)

Include an inventory of standing committees; provide information on committee prioritization and consolidation; and clarify which committees are intended to be temporary, time-bounded, and ad hoc.

Boards, Commissions, Committees, Task Forces Section (Page 48)

Consider a separate conversation about the role of the Community Advisory Panel (CAP) after Policy Innovation Workshop recommendations; consider inclusion of indigenous community members in the annual recruitment, possibly on the Planning Commission to bring perspective related to land use; update changes in language from passage of Measure OO (Charter Amendment); consider if small, temporary, ad hoc committees should be subject to the Brown Act; expand opportunity for service to all people by having a maximum of two terms with required break; monitor efficiency and productivity of committees and evaluate preferred number of committees and consider addressing this during roadmap conversation; and consider referring to establishing/abolishing committee language via a link to Charter language or as an appendix.

Proclamation (Page 23)

Clarify the process to request/present a proclamation; clarify the difference between proclamations and resolutions; and consider creating an appendix with the information from the City's website.

Addressing the Council Section (Page 35)

Consider updating language to allow for virtual public comment. City Manager McAdoo noted there will be discussion about public engagement options during the August recess as the City plans to move forward into hybrid meetings.

Quasi-Judicial Hearings (Page 24)

Further describe process under this section.

Rules, Decorum, and Order Section (Page 29-33)

Consider an introductory statement such as, “the purpose of the meeting is the business of the City”; expand language at the end of page 33 such as, “Council members should, when commenting, keep their focus on the issue at hand”; and lay out the process and order for questions/comments after public comment, noting differences for work sessions and public hearings; and clarify the process for new members and in meetings include PowerPoint slides with categories/actions.

Motions (Page 39)

Ensure language is clear when distinguishing between items.

Ordinances (Page 44)

Lay out process for adoption of ordinances after their introduction; when they garner unanimous approval, they are placed on the consent calendar and when they do not get unanimous approval, they are placed on legislative business.

Council Liaison (page 47)

Add language that Council Liaison’s reporting to the City Council could occur during the Council Reports and Announcement section of the agenda.

PUBLIC COMMENTS

There were no comments from public members.

Mayor Halliday noted she received feedback on a need to explain the process for phone-in participants. City Clerk Lens acknowledged the comments and noted she would start providing instructions as was done prior to instituting the video that plays at the beginning of the meeting.

Council Member Andrews reminded all about Earth Day and earth month activities and noted the Keep Hayward Clean and Green Task Force will cleanup around the Heritage Plaza in July.

Council Member Lamnin noted the Alameda County Board of Supervisors was holding a special meeting on April 6, 2021 about the 2021 redistricting process.

Council Member Zermeño highlighted March 31, 2021 was Cesar Chavez’s Birthday and reminded all to keep in mind individuals working in the fields.

Mayor Halliday announced April 6, 2021 was the next City Council meeting.



**SPECIAL CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, March 30, 2021, 5:00 p.m.**

ADJOURNMENT

Mayor Halliday adjourned the special meeting at 7:05 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: MIN 21-051

DATE: April 20, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve City Council Minutes of the City Council Meeting on April 6, 2021

RECOMMENDATION

That the City Council approves the City Council meeting minutes of April 6, 2021.

SUMMARY

The City Council held a meeting on April 6, 2021.

ATTACHMENTS

Attachment I Draft Minutes of April 6, 2021



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, April 6, 2021, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, regarding the COVID-19 pandemic. Members of the City Council, City staff, and public participated via the Zoom platform.

Pledge of Allegiance: Council Member Márquez

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab
MAYOR Halliday

Absent: COUNCIL MEMBER Zermeño

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., regarding two items: (1) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups; and (2) conference with legal counsel pursuant to Government Code section 54957 (a) regarding matters posing threat to public's right of access to public services or public facilities. City Attorney Lawson reported the City Council met, with Council Member Zermeño absent, to discuss both items and there was no reportable action.

PUBLIC COMMENTS

Ms. TJ, with Hayward Concerned Citizens, spoke in support of the use of drones for Hayward Police Department (HPD) and Hayward Fire Department (HFD) noting the use of drones is becoming the standard practice.

Ms. Maclane Olson, former Hayward Area and Recreation Park District (HARD) employee, spoke about potential closure of camps at East Avenue Park and urged to help bridge the gap between the City and HARD to ensure youth programs remain intact.

Ms. Suzanne Luther, Hayward Concerned Citizens member, spoke in favor of approving the funding and use of drones for HPD to assist with de-escalation situations, disaster management and criminal searches.

Mr. Jeffrey Bouchard, former HARD employee, echoed comments made by Ms. Olson and urged the Council to do everything possible to intercept camp programs from closing.

Mr. Tom Ferreira, with Hayward Concerned Citizens, noted drones are important tools for the safety of officers and the community; and noted HFD already uses drones for firefighter safety.

Mr. Ryan Howard, former HARD camp director, spoke on the potential closure of HARD camp programs, spoke fondly of the programs, and urged the Council to help keep the camps open because they benefit the community.

Ms. Alicia Lawrence, Hayward Collective member, spoke in response to comments about drones, and asked for Council's deliberations of a drone program to be in the context of how many programs are being funded and how to empower the community to help themselves.

Ms. Lauren Korbas, former HARD Camp Director, asked for any support the Council and City can provide to keep East Avenue Park camps open and thriving post pandemic.

In response to Council Member Márquez's inquiry for updates on the B Street parking garage homicide and the HPD video circulating on social media; City Manager McAdoo noted the suspect was detained and did not appear to be a random act of violence; and the HPD incident was undergoing an internal investigation and pledged transparency and accountability.

Council Member Wahab noted she was supportive of a partnership to benefit HARD camps, highlighted her experience visiting homeless encampments, and announced the Policy Innovation Workshop on community safety would be discussed during the April 26 Council Budget and Finance Committee (CBFC) meeting.

City Manager McAdoo noted Policy Innovation Workshop recommendations will be presented during the April 26th CBFC meeting and then during the May 18th City Council work session.

Mayor Halliday announced the next Hayward Local Agency Committee meeting will be on May 13th for individuals interested in the HARD East Avenue Park camp's issue.

Council Member Andrews noted she met with HARD Board Director Hatcher to discuss partnership opportunities for youth and will bring the camps issue to future discussions.

CONSENT

1. Approve City Council Minutes of the City Council Meeting on March 16, 2021 **MIN 21-043**

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried unanimously with Council Member Zermeño absent, to approve the minutes of the City Council meeting on March 16, 2021.

Council Member Wahab highlighted that related to the vote on Item No. 1, she voted on items she had not voted on previously, worked on or were completed.

2. Approve City Council Minutes of the City Council Meeting on March 23, 2021 **MIN 21-044**

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried unanimously with Council Member Zermeño absent, to approve the minutes of the City Council meeting on March 23, 2021.



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, April 6, 2021, 7:00 p.m.**

3. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Vegetation Management Contract for Specific City Owned and Maintained Properties with Joe's Landscape and Concrete in an Annual Amount of \$104,092.77 **CONS 21-149**

Staff report submitted by Director of Maintenance Services Rullman dated April 6, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution with a change to its text by including "not to exceed" in front of \$104,092.77 and read, "annual amount not to exceed \$104,092.77."

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Zermeño
ABSTAIN: None

Resolution 21-045, "Resolution Authorizing the City Manager to Negotiate and Execute a Vegetation and Rubbish Management Contract for Specific City Owned and Maintained Properties with Joe's Landscape and Concrete in an Annual Amount of \$104,092.77"

4. Adopt a Resolution Approving the FY 2022 Measure B/BB Annual Paratransit Program Plan and Authorizing the City Manager to Execute FY 2022 Service Agreements for the Continued Provision of Measure B/BB Funded Paratransit Services **CONS 21-160**

Staff report submitted by Assistant City Manager Ott dated April 6, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab
MAYOR Halliday
NOES: None
ABSENT: COUNCIL MEMBER Zermeño
ABSTAIN: None

Resolution 21-046, “Resolution Authorizing the City Manager to Implement an Annual Paratransit Plan and Negotiate and Execute all Documents Related to and in Support of Paratransit Activities Including the Administration of the Hayward Operated Paratransit (HOP) Program”

WORK SESSION

5. Community Agency Funding: Fiscal Year 2022 Community Agency Funding Recommendations for Services; Arts & Music; and Economic Development and Infrastructure; and Overview of the FY 2022 Annual Action Plan **WS 21-016**

Staff report submitted by Assistant City Manager Ott dated April 6, 2021, was filed.

Community Services Manager Davis and Management Analyst Lee provided a synopsis of the staff report.

Mayor Halliday opened the public comment period at 7:55 p.m.

Community Services Commissioner Garg reminded Council about the different Application Review Committee (ARC) process, hoped the Council endorses the recommendations, and asked for clarity as to the purpose of general funds.

Community Services Commissioner Lawrence shared she served on the Arts & Music ARC, asked for Council’s support for the recommendations, and acknowledged Manager Davis and her team for their work.

Mr. Alexis Villalobos, Hayward resident, highlighted there was a \$270,000 request for the Tenant Rights Program project and the Commission was recommending \$75,164, underscored the need to have legal services for tenants, and added the stimulus funding could be used to meet funding gaps.

Mayor Halliday closed the public comment period at 8:02 p.m.

Members of the City Council praised the work done by the Community Services Commission (CSC) and congratulated them on the annual entitlement award; acknowledged Council Member Lamnin’s service as a liaison to the Commission, and acknowledged the work done by City staff.

Council Member Lamnin, serving also as the CSC Council Liaison, acknowledged the Commission for its work in balancing priorities and applying a racial equity lens, and invited Council’s input on how to apply resources and a potential Council Homelessness Housing Task Force and CSC subcommittee joint meeting.

Council Member Márquez expressed she was open to having discussions about funding the SAVE COPS program through the HPD budget and the Family Education Program through



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, April 6, 2021, 7:00 p.m.**

the Library budget, especially with anticipated stimulus funding; and concurred with Council Member Lamnin's comment about a joint meeting to have further discussion.

Community Services Commissioner Garg, Commissioner Lawrence and Commissioner Berry described how the CSC engaged in discussions/training related to the importance of funding programs and services that advance racial equity and to have standing monthly updates from the HPD Community Advisory Panel (CAP).

Council Member Andrews asked about the letter that was submitted on behalf of CSC and how it may have impacted the selection process.

Council Member Wahab expressed a desire to meet requests over the recommendation with stimulus funds, noted her priority to ensure people can stay housed and have legal services to make payments; and wants to ensure information is shared between commissions and departments to help understand policy and community demands.

Council Member Salinas expressed appreciation for the process and attention to program fidelity.

Mayor Halliday noted City funds usually leverage funding from other sources and philanthropic organizations, supported continuing to recognize Russell City Blues in its tradition; agreed to address unmet needs with stimulus funds, and received confirmation that the Hayward Municipal Band is working with Hayward Area Historical Society as its fiscal sponsor and funds were carried forward from last year's award.

Council Member Andrews recused herself from participating on Item No. 5 regarding CDBG funding and left the Zoom meeting at 8:36 p.m.

Community Services Manager Davis provided a synopsis of FY 2022 funding recommendations for public services, economic development, and infrastructure (CDBG). It was noted the public hearing will be held on April 27, 2021.

There being no public comment, Mayor Halliday opened and closed public comment at 8:40 p.m.

Council Member Márquez disclosed she has had conversations with nonprofits that felt overwhelmed about the application process in the past and was happy to see new agencies receiving funding and staff providing technical assistance to service providers.

Council Member Andrews rejoined the meeting at 8:41 p.m., and disclosed she had to recuse from participating on the previous item because of her former position on the Hayward Downtown Streets Team within the last year.

6. Stimulus Funding Expenditure Plan: Provide Feedback on a Proposed Expenditure Framework for Stimulus Funding from the American Rescue Plan Act of 2021 to Address the Economic and Fiscal Impacts of the COVID Crisis in the City of Hayward **WS 21-017**

Staff report submitted by Assistant City Manager Ott dated April 6, 2021, was filed.

City Manager McAdoo provided a synopsis of the staff report.

Mayor Halliday opened public comment at 8:57 p.m.

Ms. Lacey Amodei, Hayward resident, spoke to the suggestion about implementing recommendations from the community public safety workshops with stimulus funding and urged the Council to communicate to the public the ongoing commitment to community safety and create a permanent one-line item in the budget.

Ms. Suzanne Philis, Hayward resident and SEIU 1021 Clerical Chapter President, urged Council to use stimulus funds to reinvest in services for the community and reinvest in the workforce that provides those services; and make workers whole who took furloughs and had to upgrade home technology to work from home or worked as essential workers.

Mr. Saad Muhammad, SEIU 1021 Clerical/Maintenance field representative, echoed Ms. Philis' comments, noted proposed funding expenditure recommendations speak to members' concerns including furloughs, continuance of FFCRA, and restoration positions.

Ms. Arti Garg, Hayward resident and Policy Innovation Workshop member, supported making City employees whole, agreed with concerns that workshops implementation should not be one-time adoptions, and encouraged to think about the balance of what can be done with the funding opportunity.

Mr. Blake Huntsman, SEIU field representative, noted it was important to acknowledge that employees struggled and worked collaboratively to continue City operations and it was fair to use the funding opportunity to make City workers whole.

Community Services Commissioner Berry expressed support for City employees, reiterated comments from the work session around the funding gap for safety nets, noted there were organizations that could leverage additional support, and encouraged consideration of funding for innovative programs and one time infrastructure requests for vulnerable communities.

Mayor Halliday closed the public comment at 9:12 p.m.

Council Member Wahab recommended expenditure of stimulus funds as follows: make employees whole, who took furlough/COLA (cost of living adjustments) deferrals; give hazard



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, April 6, 2021, 7:00 p.m.**

pay to employees who were exposed; bring reserves back to 20% of General Fund; address public health hazards including maintenance and cleanliness throughout the city; allocate funds for housing including legal services and property owners (commercial/residential); focus on infrastructure (water, sewage, broadband); reserve funds for business employees in the city, particularly small businesses such as childcare; revisit down payment assistance and tax defaulted property programs; and expressed concern about implementation of public safety workshop recommendations before programs are fully vetted.

Council Member Márquez recommended expenditure of stimulus funds as follows: make employees who gave concessions whole; engage the public in the discussion (Saturday work session or survey); have staff provide information regarding leveraging county dollars to further support homeless individuals and mental health services; consider funding for pilot projects in public safety innovation; agree with increasing funding for legal services for housing issues and to prevent displacement; mitigate blight, illegal dumping and graffiti nuisances; consider funding for contract staff to supplement Economic Development team to help fill vacant storefronts and encourage walkability; consider additional support for rent relief programs; and be briefed on other funding streams.

Council Member Lamnin recommended expenditure of stimulus funds as follows: address internal infrastructure backlog such as Corporation Yard improvements; agree to one-time expenditure as a criteria for funding; agree with cross-department and cross-agency collaboration for programs that Hayward residents might not be eligible for; echo need to refill reserves; agree to support staff in redesigning workspaces to ensure safety; consider majority of funds for economic recovery; target funds that enables programs to offer down payment assistance; consider looking into building tiny homes which may be an affordable solution for long term housing; and support hiring temporary staff to administer programs to disperse funding as soon as possible.

Council Member Andrews recommended expenditure of stimulus funds as follows: support considering small businesses that were impacted by the pandemic such as childcare; agree on rent relief and assistance for homeowners of small properties; agree with need for emergency response for mental health services and use of community ambassadors; leverage community agencies to address blight; address graffiti but if not on city's infrastructure, find a mechanism to hold agencies responsible for the blight to keep dollars in the community; use funds for one-time costs for immediate implementation related to Policy Innovation Workshop recommendations on public safety and have a timeline of when projects can be completed.

Council Member Salinas recommended expenditure of stimulus funds as follows: concur with leveraging other agencies to take care of their properties and blight that Hayward has been fighting; consider researching what other local agencies will be receiving stimulus funding; agree with suggestions offered; keep families healthy and safe by investing in HFD; consider housing for all families including tenant protections; grow Hayward's economy by investing in

small local businesses; budget for recovery and growth; and make staff whole in recognition of their commitment to help the City be financially solvent.

Mayor Halliday recommended expenditure of stimulus funds as follows: agree to support workforce and replenish reserves; focus on small businesses such as childcare; support initiatives to support the economy and green initiatives; focus on community cleanup and consider providing temporary part-time jobs for community members who lost income; consider supporting the funding gap for the South Hayward Youth and Family Center project; support youth literacy and academic support through the library; and for year two, set aside funds for community recovery events; keep in mind that the funding is intended for community recovery and the expenditures should reflect that goal; and mentioned the idea of a COVID memorial by Library Commissioner Gorringer.

In response to Mayor Halliday's inquiry about community input, City Manager McAdoo noted the internal-facing funding will not require as much community engagement and input; and there will be opportunities for input on community-facing funding.

Council Member Wahab pointed out that staff concessions amounted to close to \$2 million and reserve spend was about \$5 million which would account for 18% of the anticipated funding. City Manager McAdoo noted the April 20th City Council staff report will include updated forecasting of revenue loss to give a whole picture of the budget.

CITY MANAGER'S COMMENTS

Council Member McAdoo made three comments: (1) highlighted that next week the City will launch its first post-Measure OO recruitment for City commissions and the KHCG Task Force which removes the requirement to be a registered voter from the Charter; (2) congratulated the Finance Department for achieving its 39th consecutive Distinguished Budget Presentation Award from Government Finance Officers Association; and (3) noted a membership-based private jet company SetJet opened its Bay Area hub at the Hayward Executive Airport which will offer private flights to Los Angeles, San Diego and Las Vegas and eventually to Cabo San Lucas.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Wahab noted she would like to see passport services provided at the Hayward Executive Airport; noted Sikh Gurdwara at 1805 Hill Avenue in Hayward will have COVID vaccinations on April 10th from 8am-12pm; added Alameda County Assessor will host a 2021 Homeowners Expo on April 28th via Zoom on how to lower property taxes, resources for first-time homebuyers, and home loan updates; mentioned Tami Rossell's Living Love scholarships are available to students attending Hayward schools; and noted concerns about the HPD video circulating on social media regarding use of force and urged for a transparent and thorough investigation.

Council Member Márquez, serving as Hayward's representative to the Alameda County Mosquito Abatement District Board, asked the community to be vigilant about standing water



**CITY COUNCIL MEETING
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in backyards, stated there have been no reported cases of West Nile virus in Hayward and noted the District launched its quarterly reporting at www.mosquitoes.org

Council Member Andrews spoke about the HPD use of force video and asked to expedite the review and release of any videos; and reminded that April is Earth Month and community members can visit the City website to sign up for Earth Month Challenge.

Mayor Halliday spoke about letters she has sent supporting legislation for Assembly Bill 71 (Chu) to address homelessness by committing to dedicating ongoing resources, and Assembly Bill 550 (Chu) which would open the door for California communities to consider automated speeding enforcement.

Mayor Halliday announced the next regular City Council meeting will be April 20, 2021.

COUNCIL REFERRALS

None received.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:17 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-182

DATE: April 20, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt a Resolution Accepting the Resignation of Ms. Lisa Sharp from the Keep Hayward Clean and Green Task Force Effective Immediately

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting the resignation of Ms. Lisa Sharp from the Keep Hayward Clean and Green Task Force effective immediately.

SUMMARY

Ms. Lisa Sharp was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2020. Ms. Sharp's resignation becomes effective immediately per her resignation letter dated March 30, 2021 (Attachment III).

Ms. Lisa Sharp's vacated position will be filled as part of the annual appointment process for the City's appointed officials to Commissions and Keep Hayward Clean and Green Task Force.

ATTACHMENTS

| | |
|----------------|--------------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | Resignation Letter |



DATE: April 20, 2021
TO: Mayor and City Council
FROM: City Clerk
SUBJECT Adopt a Resolution Accepting the Resignation of Ms. Lisa Sharp from the Keep Hayward Clean and Green Task Force Effective Immediately

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting the resignation of Ms. Lisa Sharp from the Keep Hayward Clean and Green Task Force effective immediately.

SUMMARY AND DISCUSSION

Ms. Lisa Sharp was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2020. Ms. Sharp’s resignation becomes effective immediately per her resignation letter dated March 30, 2021 (Attachment III). Ms. Lisa Sharp’s vacated position will be filled as part of the annual appointment process for the City’s appointed officials to Commissions and Keep Hayward Clean and Green Task Force.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

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

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF MS. LISA SHARP FROM THE KEEP HAYWARD CLEAN AND GREEN TASK FORCE

WHEREAS, Ms. Lisa Sharp was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2020; and

WHEREAS, Ms. Lisa Sharp submitted a resignation letter on March 30, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Ms. Lisa Sharp; and commends her for her civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

- AYES: COUNCIL MEMBERS:
- MAYOR:
- NOES: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

From: Lisa Sharp

Sent: Tuesday, March 30, 2021 10:40 AM

To: Miriam Lens <Miriam.Lens@hayward-ca.gov>

Cc: Denise Chan <Denise.Chan@hayward-ca.gov>; Kimberly De Land <Kimberly.DeLand@hayward-ca.gov>

Subject: Resignation from KHC&G Task Force

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Ms. Lens,

Due to some personal health issues, I am resigning from the Keep Hayward Clean and Green Task Force.

Sincerely,

Lisa Sharp



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-175

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Assistant City Manager / Development Services Director

SUBJECT

Approval of Final Map of Tract 8523 (Roof Garden Villas), a One-Lot Subdivision for Condominium Purposes at 26736 Hayward Avenue, to Allow the Construction of 8 Condominiums with Common Open Space Area and Related Site Improvements; Applicant/Owner: Wah Yat Holdings, Application No. 201801205

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Final Map for Tract 8523 (Attachment III), finding it in substantial conformance with the approved Vesting Tentative Tract Map (Attachment IV) and authorizing the City Manager to execute the Subdivision Agreement, related other documents and take appropriate administrative actions to effectuate the improvements required by the Conditions of Approval.

SUMMARY

The Final Map for Tract 8523 subdivides one existing parcel at 26736 Hayward Avenue for condominium purposes to allow the construction of 8 new condominiums and common open space. The Council is also requested to authorize the City Manager to execute a Subdivision Improvement Agreement to complete all required improvements.

The Final Map and Improvement Plans are based on the Vesting Tentative Map approved by Council by Resolution 13-079 on June 4, 2013. In addition to the Vesting Tentative Map, Council approved Ordinance 13-07 on June 18, 2013 rezoning the property to a Planned Development District. The City Engineer has reviewed the Final Map and Improvement Plans and has determined these documents to be in substantial compliance with the City approved Vesting Tentative Map, applicable City Standards and addressing the City's conditions of map approval.

File #: CONS 21-175

ATTACHMENTS

| | |
|----------------|----------------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | Vicinity Map TR 8523 |
| Attachment IV | Final Map TR 8523 |



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Assistant City Manager / Development Services Director

SUBJECT: Approval of Final Map of Tract 8523 (Roof Garden Villas), a One-Lot Subdivision for Condominium Purposes at 26736 Hayward Avenue, to Allow the Construction of 8 Condominiums with Common Open Space Area and Related Site Improvements; Applicant/Owner: Wah Yat Holdings, Application No. 201801205

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Final Map for Tract 8523 (Attachment III), finding it in substantial conformance with the approved Vesting Tentative Tract Map (Attachment IV) and authorizing the City Manager to execute the Subdivision Agreement, related other documents and take appropriate administrative actions to effectuate the improvements required by the Conditions of Approval.

SUMMARY

The Final Map for Tract 8523 subdivides one existing parcel at 26736 Hayward Avenue for condominium purposes to allow the construction of 8 new condominiums and common open space. The Council is also requested to authorize the City Manager to execute a Subdivision Improvement Agreement to complete all required improvements.

The Final Map and Improvement Plans are based on the Vesting Tentative Map approved by Council by Resolution 13-079 on June 4, 2013. In addition to the Vesting Tentative Map, Council approved Ordinance 13-07 on June 18, 2013 rezoning the property to a Planned Development District. The City Engineer has reviewed the Final Map and Improvement Plans and has determined these documents to be in substantial compliance with the City approved Vesting Tentative Map, applicable City Standards and addressing the City's conditions of map approval.

BACKGROUND

Tentative Map - Per State law, Tentative and Final Maps are required for subdivision of real property into five or more parcels. A Vesting Tentative Map Application (No. PL-2010-0381) showing the proposed subdivision of 26736 Hayward Boulevard (APN 081D-1640-016-00) for

condominium purposes to allow the construction of 8 new condominium units and common open space along with preliminary plans and documents describing the proposed development was reviewed and approved by the City Council on June 4, 2013 subject to certain Conditions of Approval. On June 18, 2013, Council approved the PD Rezone from Single Family Residential to Planned Development District. The City's Planning Commission recommended approval of the Vesting Tentative Map and PD Rezone for Tract 8523 to the City Council on May 9, 2013.

The Council approved the Vesting Tentative Map and PD Rezone of Tract 8523 in a public meeting after considering comments from the public and public agencies. Council also considered compliance with the Subdivision Map Act, the California Environmental Quality Act, Planned Development guidelines, the City Subdivision Ordinance, Zoning Code, Building Regulations, the Hayward General Plan, Specific & Neighborhood Plans, and the site-specific requirements of the Planning, Public Works, Fire, and Police Departments. The 8 condominium units proposed in the subdivision will fulfill several goals and objectives of the City's General Plan by providing in-fill development, increasing housing diversity, and including complete streets elements.

DISCUSSION

Final Map and Improvements Plans - After Vesting Tentative Map approval, the subdivider has submitted the Final Map and Improvement Plans. City Engineer's review has determined these documents to be in substantial compliance with the City approved Vesting Tentative map, applicable City Standards and addressing the City's conditions of the map approval.

Improvement Agreement and Securities - The subdivider has requested the City's approval of the Final Map before all required improvements are completed as provided for in the State Subdivision Map Act Section 66462. The subdivider has agreed to execute an agreement with the City to complete the improvements required for the subdivision in a timely manner as per the improvement plans approved by the City Engineer and as stipulated in Hayward Municipal Code Section 10-3.330 (a). Securities for the required improvements have been posted as per the Hayward Municipal Code Section 10-3.332(a).

New improvements will include: extension of the City's sewer and water service to each new unit and fire hydrants; a new private shared driveway, site lighting and stormwater treatment basins to be maintained by the Homeowners Association (HOA); removal of the existing median in Hayward Boulevard in front of the project; and restriping to accommodate turning movements and improve the safety of the roadway. All utilities within the subdivision will be underground.

ENVIRONMENTAL REVIEW

The environmental review was completed when the Vesting Tentative Map was approved in 2013. There is no substantial change proposed in the Project or in its environmental setting, nor is there any new information, which would require additional environmental review.

ECONOMIC AND FISCAL IMPACT

The Final Map, by itself, will not have a fiscal or economic impact. The development created by approval of the final map will improve commerce, provide needed housing, and employ construction workers. Property tax revenues received by the City and several other local agencies will increase once the homes are constructed and occupied. The Final Map approval is consistent with the approved project.

STRATEGIC ROADMAP

This action supports the Preserve, Protect, & Produce Housing priority in the City's Strategic Roadmap.

SUSTAINABILITY FEATURES

The development will provide rooftop solar panels on each home. The project is also required to meet CALGreen and 2016 California Energy Code standards for energy efficiency and will meet the City's requirements with respect to water efficient landscaping. Additionally, the project will comply with the City standards for recycling of waste during construction and operation and will comply with the Municipal Regional Stormwater requirements for storm water runoff prevention and treatment.

NEXT STEPS

If the Council approves the Final Map, the applicant will have the Final Map recorded after executing the Subdivision Improvement Agreement. The applicant will then be able to secure building permits for new units and develop for-sale condominiums. Occupancy permits for the new homes will be issued only after the required improvements are completed as per the plans approved by the City and a HOA is incorporated for the maintenance and repair of the new common use improvements within the subdivision.

Prepared by: Scott Wikstrom, Development Services Engineer

Recommended by: Jennifer Ott, Assistant City Manager / Development Services Director

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION APPROVING THE FINAL MAP OF TRACT 8523, ACCEPTING THE EASEMENTS DEDICATED THEREIN FOR PUBLIC USE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT AND RELATED OTHER DOCUMENTS

WHEREAS, Vesting Tentative Tract Map No. 8523 for Roof Garden Villas, was approved by the City Council of the City of Hayward on June 4, 2013; and

WHEREAS, the Final Map for Tract 8523 has been presented to the City Council of the City of Hayward for development of 8 condominium units located on one existing parcel (APN 081D-1640-016-00) at 26736 Hayward Boulevard; and

WHEREAS, the City Engineer has determined the map substantially complying with its Vesting Tentative Map and the City Surveyor has determined the map technically correct; and

WHEREAS, the City Engineer has also determined the Tract 8523 improvement plans acceptable and conforming to the City's Conditions of Approval of the Vesting Tentative Map for Tract 8523; and

WHEREAS, the Subdivider has requested the Council approval of Final Tract Map 8523 before its required improvements are completed and has agreed to complete the same within the time limits specified in an agreement with the city and post securities required therefor.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hayward does hereby find that the Final Map for Tract 8523 is in substantial compliance with its approved Vesting Tentative Tract Map and does hereby approve the said Final Map and accepts on behalf of the public all easements dedicated for public use thereon, subject to the subdivider entering into a subdivision agreement for the completion of improvements and other obligations, as required by the conditions of approval of the Vesting Tentative Tract Map for Tract 8523, and that the approval of the Final Map for Tract 8523 shall not be effective until and unless such agreement is entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to negotiate and execute, for and on behalf of the City of Hayward, a subdivision agreement in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

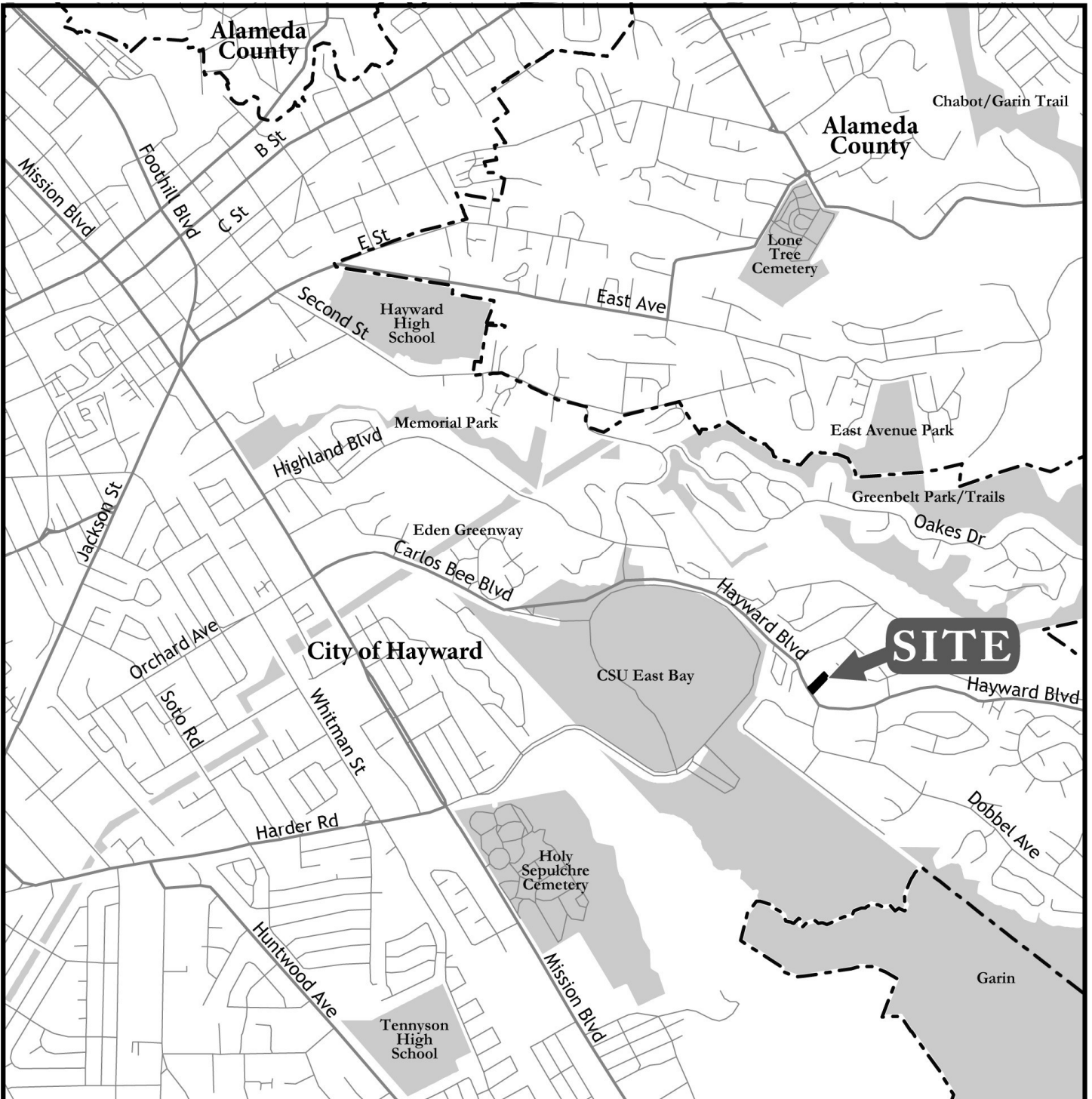
APPROVED AS TO FORM:

City Attorney of the City of Hayward

H Vicinity Map

HAYWARD

Attachment III - Tract 8523



Final Map 8523

Address:
26736 Hayward Boulevard

Applicant:
Wah Yat Holdings

FEET 2000 4000



OWNER'S STATEMENT

WE THE UNDERSIGNED, HEREINAFTER DO HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED "TRACT NO. 8523, ROOF GARDEN VILLAS", CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA, CONSISTING OF 2 SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF, THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED OCTOBER 20, 2017, AS INSTRUMENT NO. 2017232440, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, AND THAT SAID OWNER HAS CAUSED SAID MAP TO BE PREPARED FOR RECORD AND THAT SAID OWNER CONSENTS TO THE PREPARATION AND FILING OF THIS MAP.

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT) AS DELINEATED WITHIN THE EXTERIOR BOUNDARY OF THIS MAP; AND SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES, DRAINAGE FACILITIES, SEWER FACILITIES, WATER FACILITIES, IRRIGATION SYSTEMS, APPURTENANCES, AND LAWFUL FENCES.

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER SYSTEMS FACILITIES INCLUDING SEWER LINES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "SSE" (SANITARY SEWER EASEMENT). MAINTENANCE OF SAID SEWER SYSTEM FACILITIES, SEWER LINES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD.

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF WATER SYSTEMS FACILITIES INCLUDING WATER LINES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "WLE" (WATER LINE EASEMENT). MAINTENANCE OF SAID WATER SYSTEM FACILITIES, WATER LINES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD.

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS SOLELY FOR EMERGENCY VEHICLE ACCESS OVER, UPON AND ACROSS THOSE AREAS DESIGNATED AS "EVAE"(EMERGENCY VEHICLE ACCESS EASEMENT).

AND THE UNDERSIGNED DO HEREBY RESERVE THOSE AREAS DESCRIBED AS "PSDE" (PRIVATE STORM DRAINAGE EASEMENT), FOR STORM DRAINAGE PURPOSES INCLUDING THE INSTALLATION AND MAINTENANCE OF PRIVATE STORM FACILITIES. THIS EASEMENTS IS TO BE KEPT OPEN AND FREE FROM ALL BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS. THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF PRIVATE STORM DRAINAGE SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS BENEFITED, AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID EASEMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED, FOR DEDICATION BY THE CITY OF HAYWARD.

AND THE UNDERSIGNED DO HEREBY RESERVE THOSE AREAS DESCRIBED AS "PSDRE" (PRIVATE SURFACE DRAINAGE RELEASE EASEMENT), FOR SURFACE FLOW OF STORM WATER ON OR OVER THAT CERTAIN STRIP OF LAND WHICH LIES WITHIN PARCEL 1 FOR THE BENEFIT OF PROPERTY OWNERS BENEFITED, AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. THIS EASEMENT IS TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS. FURTHER, THE SURFACE ELEVATIONS OF SAID EASEMENT SHALL NOT BE ALTERED WITHOUT THE WRITTEN CONSENT OF PARCEL OWNER BENEFITED. THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE SURFACE DRAINAGE RELEASE FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE PARCEL OWNER BENEFITED, AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID EASEMENT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE CITY OF HAYWARD.

THIS MAP SHOWS OR NOTES ALL PLOTTABLE EASEMENTS, EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THIS STATEMENT AND THESE DEDICATIONS TO BE EXECUTED THIS _____ DAY OF _____, 20_____.

AS OWNERS: WAH YAT HOLDINGS (USA) CORPORATION, A CALIFORNIA CORPORATION

BY: _____ DATE: _____ ROBERT HON FAI CHANG, MANAGING MEMBER

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } SS COUNTY OF ALAMEDA }

ON _____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____

_____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES). AND THAT BY HIS /HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

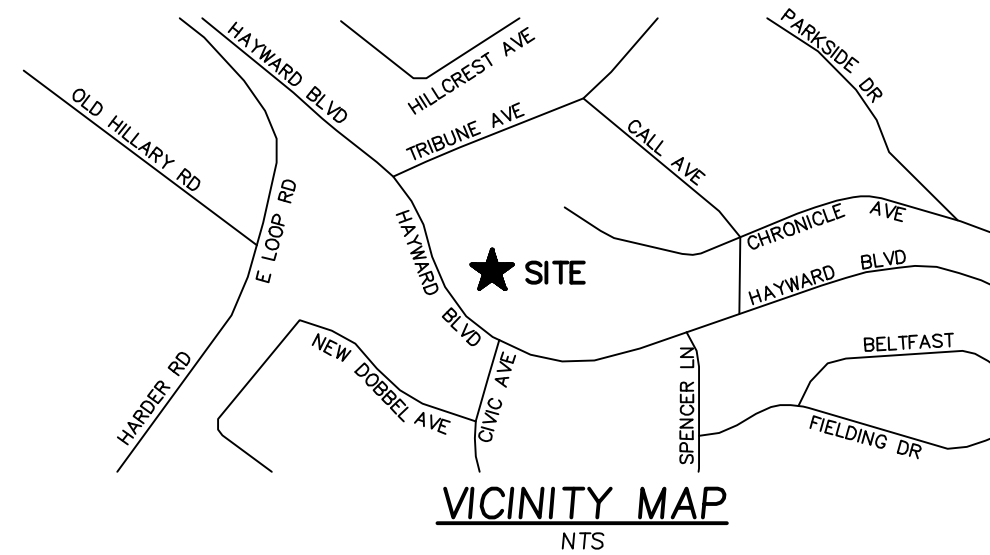
WITNESS MY HAND NOTARY'S SIGNATURE _____ PRINTED NOTARY'S NAME _____ NOTARY'S PRINCIPAL PLACE OF BUSINESS _____ NOTARY'S COMMISSION NUMBER _____ EXPIRATION OF NOTARY'S COMMISSION _____

TRACT NO. 8523 ROOF GARDEN VILLAS

FOR A MAXIMUM OF 8 RESIDENTIAL CONDOMINIUM UNITS CONSISTING OF TWO (2) SHEET BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED OCTOBER 20, 2017, AS DOCUMENT NO. 2017232440 OFFICIAL RECORDS OF ALAMEDA COUNTY AND LYING ENTIRELY WITHIN THE CITY OF HAYWARD COUNTY OF ALAMEDA, STATE OF CALIFORNIA DECEMBER 2020



598 E Santa Clara St, #270 San Jose, CA 95112 Phone: (408) 806-7187



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ROBERT HON FAI CHANG ON JUNE 2018. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2021, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

DATE: _____ TOM H. MILO, PLS 6438



CITY ENGINEER'S STATEMENT

I, ALEX AMERI, CITY ENGINEER OF THE CITY OF HAYWARD, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT NO. 8523, ROOF GARDEN VILLAS", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF 2 SHEETS, THIS STATEMENT BEING ON SHEET 1 THEREOF; HAS BEEN EXAMINED AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP, IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND ANY APPROVED AMENDMENTS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND AMENDMENTS THERETO, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

ALEX AMERI, RCE 40155 CITY ENGINEER, CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

VACATION NOTE:

PURSUANT TO ARTICLE 2 SECTION 66434(g) OF THE SUBDIVISION MAP ACT, THIS MAP SHALL CONSTITUTE THE VACATION IN ITS ENTIRETY WITHIN THE BOUNDARIES OF THIS MAP:

20-FOOT STREET EASEMENT FOR COUNTY ROAD 7436, RECORDED IN BOOK 28 OF MAP, AT PAGE 99, ALAMEDA COUNTY RECORDS.

SOILS / GEOLOGICAL REPORT NOTE:

A SOILS REPORT AND/OR GEOLOGICAL REPORT ON THIS PROPERTY HAS BEEN PREPARED BY PETERS & ROSS GEOTECHNICAL & GEOENVIRONMENTAL CONSULTANTS, PROJECT NO. 10109.001 DATED 04/19/2010, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

CITY SURVEYOR'S STATEMENT

I, DAN S. SCOTT III, CITY SURVEYOR, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT NO. 8523, ROOF GARDEN VILLAS", CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA;

I AM SATISFIED THAT THE SURVEY DATA SHOWN THEREON IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

DAN S. SCOTT III, PLS 7840 CITY SURVEYOR, CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT NO. 8523, ROOF GARDEN VILLAS", CONSISTING OF 2 SHEETS, THIS STATEMENT BEING ON SHEET 1 THEREOF, WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING HELD ON THIS _____ DAY OF _____, 20_____, AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER _____, PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC THE EASEMENTS OFFERED FOR DEDICATION AS "PUE" (PUBLIC UTILITY EASEMENT), "SSE" (SANITARY SEWER EASEMENT), "WLE" (WATER LINE EASEMENT) AND "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT).

I ALSO HEREBY CERTIFY THAT SAID RESOLUTION, THE CITY COUNCIL DID ALSO ACCEPT TO THE VACATION OF ALL EASEMENTS DESCRIBED ON THIS SUBDIVISION.

PURSUANT TO ARTICLE 2, SECTION 66434(g) IN THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, 20-FOOT STREET EASEMENT FOR COUNTY ROAD 7436, RECORDED IN BOOK 28 OF MAPS, AT PAGE 99, ALAMEDA COUNTY RECORDS, IS HEREBY VACATED.

IN WITNESS HEREOF, I HEREBY SET MY HAND THIS _____ DAY OF _____, 20_____.

MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA

CLERK OF THE BOARD OF SUPERVISOR'S STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY, AS CHECKED BELOW THAT:

[] AN APPROVED BOND HAS BEEN FILED WITH THE SUPERVISORS OF THE SAID COUNTY AND STATE IN THE AMOUNT OF \$ _____, CONDITIONED FOR PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE NOW A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

[] ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID. AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

ANIKA CAMPBELL-BELTON CLERK OF THE BOARD OF SUPERVISORS COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____ DEPUTY CLERK

COUNTY RECORDER'S STATEMENT

FILED FOR RECORD THIS _____ DAY OF _____, 20_____ AT _____ A.M./P.M., IN BOOK _____ OF MAPS AT PAGES _____ AT THE REQUEST OF CHICAGO TITLE COMPANY.

FEE: \$ _____ PD. SERIES NO. _____

MELISSA WILK COUNTY RECORDER IN AND FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____ DEPUTY CLERK

TRACT NO. 8523 ROOF GARDEN VILLAS

FOR A MAXIMUM OF 8 RESIDENTIAL CONDOMINIUM UNITS
CONSISTING OF TWO (2) SHEET
BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN
THAT CERTAIN GRANT DEED RECORDED OCTOBER 20, 2017, AS
DOCUMENT NO. 2017232440 OFFICIAL RECORDS OF ALAMEDA
COUNTY AND LYING ENTIRELY WITHIN THE CITY OF HAYWARD
COUNTY OF ALAMEDA, STATE OF CALIFORNIA
DECEMBER 2020



NOTES :

1. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER LINE IS 0.74 ACRES, MORE OR LESS.
3. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY OF THE SUBDIVISION.
4. ALL LINES SHOWN ARE EITHER PARALLEL OR AT RIGHT ANGLES TO ONE ANOTHER UNLESS OTHERWISE SHOWN.

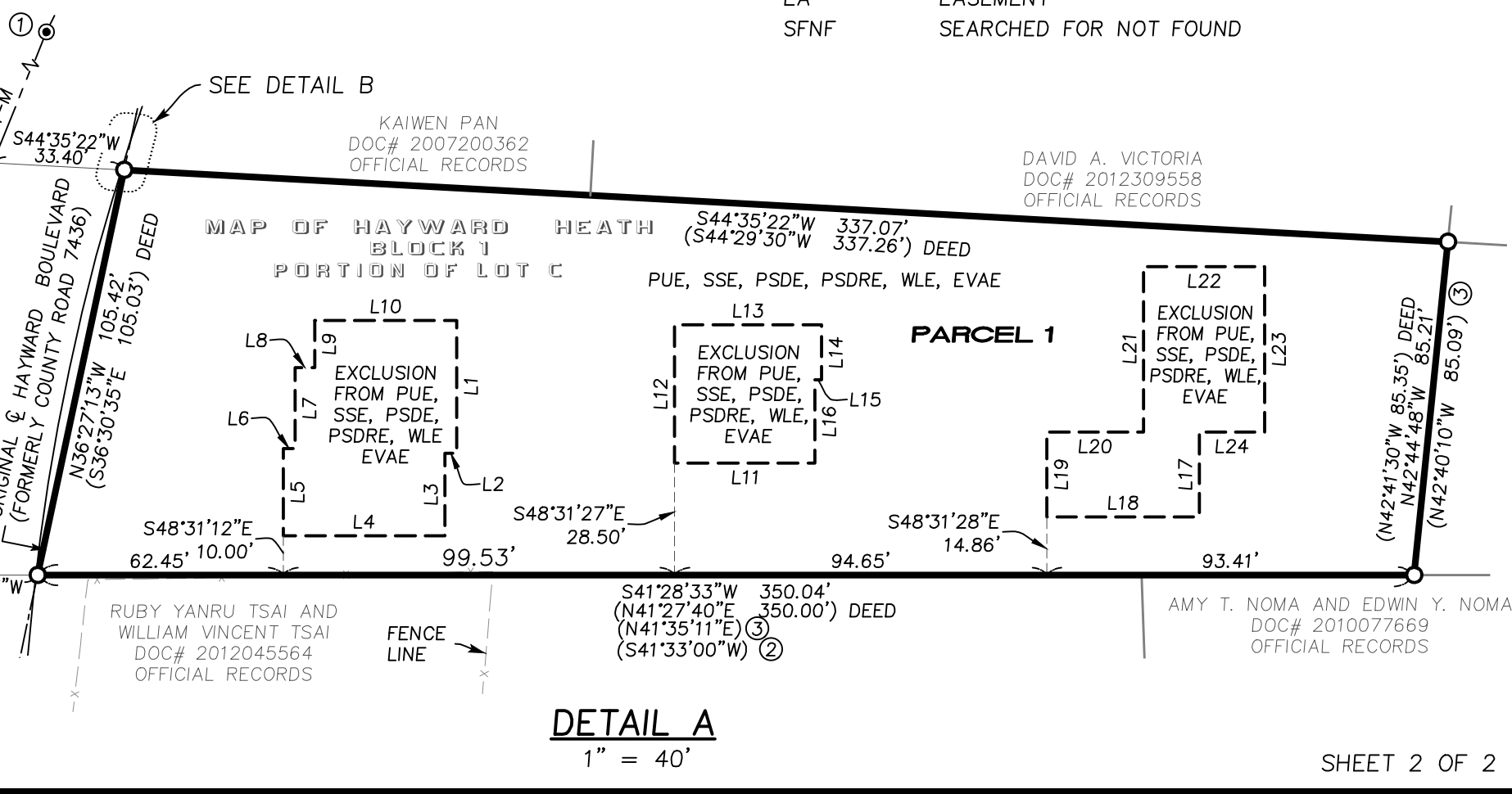
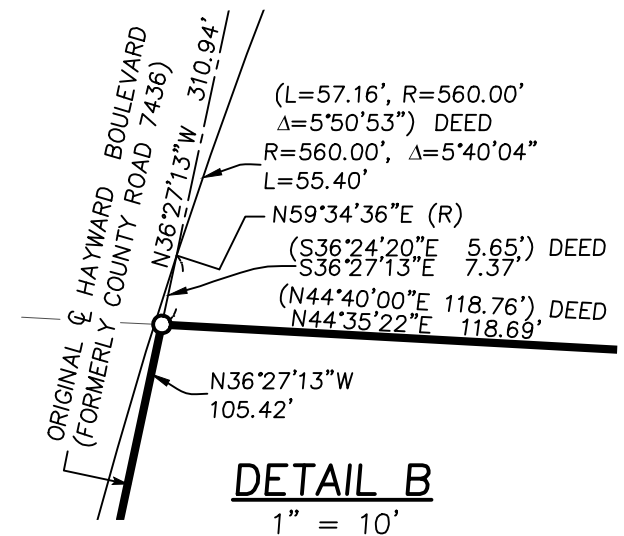
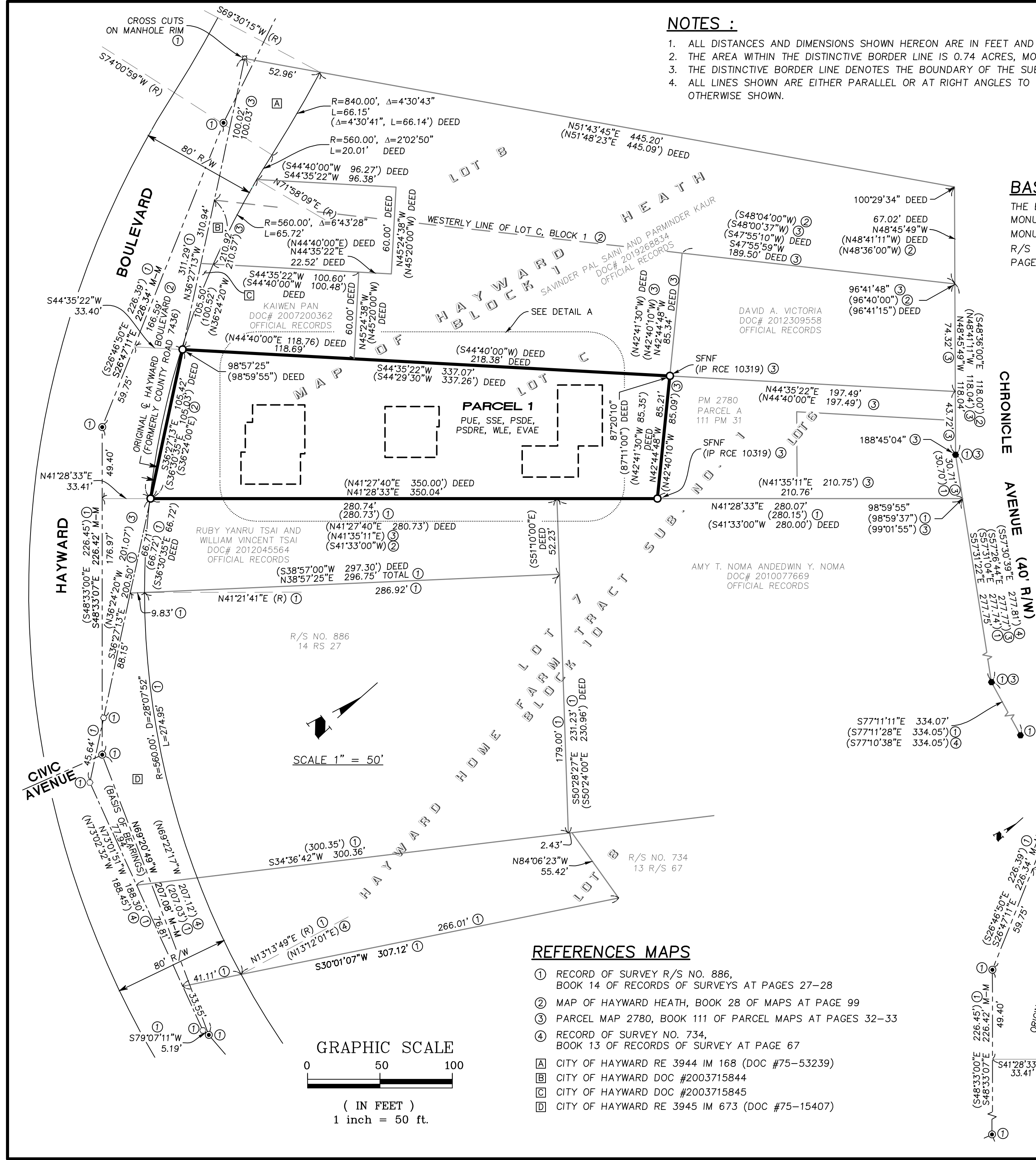
BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE MONUMENT LINE OF HAYWARD BOULEVARD, AS FOUND MONUMENTED AS N69°20'49"W SHOWN ON RECORD OF SURVEY R/S NO. 886, FILED IN BOOK 14 OF RECORDS OF SURVEY, AT PAGE 27, ALAMEDA COUNTY RECORDS.

| LINE TABLE | | | LINE TABLE | | |
|------------|--------|-------------|------------|--------|-------------|
| Line # | Length | Direction | Line # | Length | Direction |
| L1 | 33.82' | N48°31'12"W | L13 | 37.33' | S41°28'33"W |
| L2 | 3.00' | N41°28'48"E | L14 | 14.00' | N48°31'27"W |
| L3 | 21.00' | N48°31'12"W | L15 | 1.67' | N41°28'33"E |
| L4 | 41.17' | N41°28'48"E | L16 | 21.17' | N48°31'27"W |
| L5 | 22.17' | S48°31'12"E | L17 | 21.58' | N48°31'28"W |
| L6 | 3.00' | S41°28'48"W | L18 | 38.75' | N41°28'32"E |
| L7 | 20.67' | S48°31'12"E | L19 | 21.50' | S48°31'28"E |
| L8 | 5.00' | S41°28'48"W | L20 | 24.58' | S41°28'32"W |
| L9 | 11.98' | S48°31'12"E | L21 | 42.17' | S48°31'28"E |
| L10 | 36.17' | S41°28'48"W | L22 | 30.83' | S41°28'32"W |
| L11 | 35.67' | N41°28'33"E | L23 | 42.08' | N48°31'28"W |
| L12 | 35.17' | S48°31'27"E | L24 | 16.67' | N41°28'32"E |

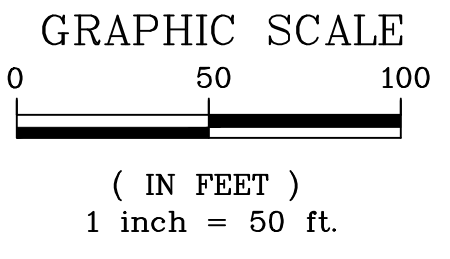
LEGEND

- EXISTING LOT LINE
- - - NEW EASEMENT LINE
- DISTINCTIVE BORDERLINE
- CENTER LINE
- - - MONUMENT LINE
- SET 3/4" IRON PIPE TAGGED LS 6438
- ⊙ FOUND 3" BRASS DISC IN MON BOX
- SEARCHED FOR NOT FOUND IRON BOLT
- FOUND IRON BOLT
- () RECORD DATA
- ⊕ CENTERLINE
- RCE REGISTERED CIVIL ENGINEER
- IP IRON PIPE
- MON MONUMENT
- M-M MONUMENT TO MONUMENT
- OR OFFICIAL RECORDS
- PM PARCEL MAP
- (R) RADIAL BEARING
- ROS RECORD OF SURVEY
- R/W RIGHT OF WAY
- SF SQUARE FEET
- PSDE PRIVATE STORM DRAIN EASEMENT
- PSDRE PRIVATE SURFACE DRAINAGE RELEASE EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- EA EASEMENT
- SFNF SEARCHED FOR NOT FOUND



REFERENCES MAPS

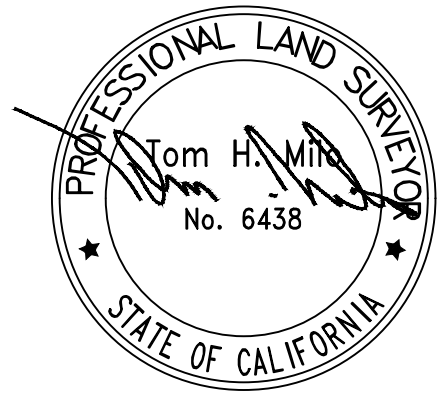
- 1 RECORD OF SURVEY R/S NO. 886, BOOK 14 OF RECORDS OF SURVEYS AT PAGES 27-28
 - 2 MAP OF HAYWARD HEATH, BOOK 28 OF MAPS AT PAGE 99
 - 3 PARCEL MAP 2780, BOOK 111 OF PARCEL MAPS AT PAGES 32-33
 - 4 RECORD OF SURVEY NO. 734, BOOK 13 OF RECORDS OF SURVEY AT PAGE 67
- A CITY OF HAYWARD RE 3944 IM 168 (DOC #75-53239)
 - B CITY OF HAYWARD DOC #2003715844
 - C CITY OF HAYWARD DOC #2003715845
 - D CITY OF HAYWARD RE 3945 IM 673 (DOC #75-15407)



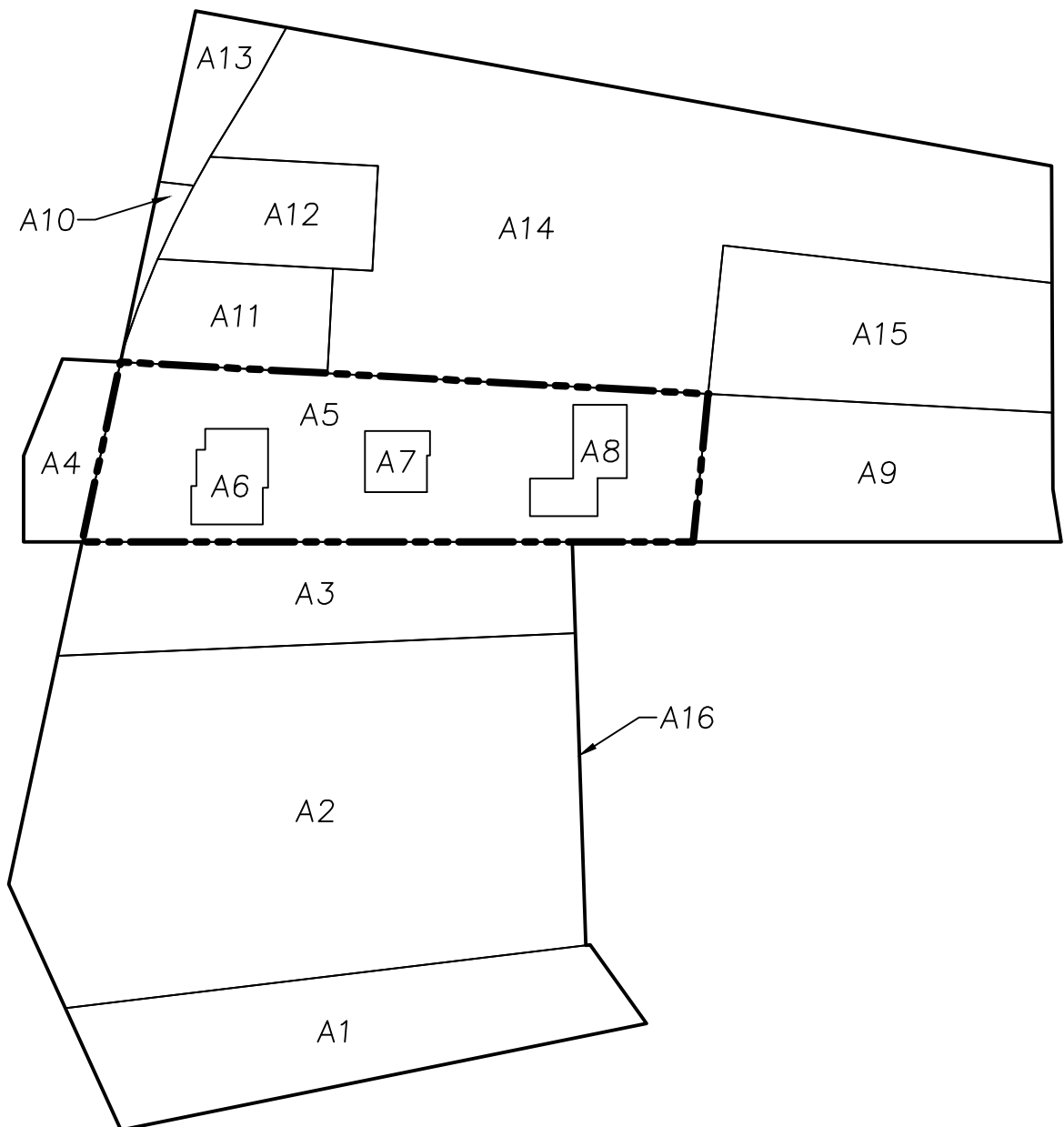
LC ENGINEERING

Surveying, Civil and Structural Engineering
598 E Santa Clara Street #270, San Jose, CA 95112

T(408) 806-7187 / F(408) 583-4006



MAP CHECK CLOSURE PROJECT: 26736 HAYWARD BLVD HAYWARD, CALIFORNIA





CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-170

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Plans and Specifications and Calling for Bids for the FY21 Sidewalk Rehabilitation Project No. 05302 and Wheelchair Ramp Projects 05221 and 05229

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the plans and specifications for the FY21 Sidewalk Rehabilitation and Wheelchair Ramps Project (Project) and calling for bids to be received on May 18, 2021.

SUMMARY

This project is a continuation of the City's Annual Sidewalk Repair Program (Program) that began in 2001. The City is currently divided into ten districts for the purpose of the Program, (Attachment V). Three districts, 1, 4, and 8, will be the focus of this year's program to address continuous repair and improvement needs. Portions of District 4, which were not completed as part of last year's program, are also included in this year's proposed Project. Attachment III depicts the repair locations in the districts covered in this year's project.

The project budget is \$853,000 and is included in the FY21 Capital Improvement Program (CIP). The Project includes 190 locations for sidewalk repair and installation of approximately 40 wheelchair ramps. The proposed improvements will repair damaged sections of sidewalks and increase pedestrian mobility.

ATTACHMENTS

- | | |
|----------------|-----------------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | Project Locations |
| Attachment IV | Wheelchair Locations |
| Attachment V | Sidewalk District Map |



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Public Works

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The project budget is \$853,000 and is included in the FY21 Capital Improvement Program (CIP). The Project includes 190 locations for sidewalk repair and installation of approximately 40 wheelchair ramps. The proposed improvements will repair damaged sections of sidewalks and increase pedestrian mobility.

BACKGROUND

When the Program was initiated, the City was divided into ten districts (Attachment V) to facilitate the selection of sidewalk areas for repairs during each year of a ten-year cycle. Although significant progress was made during that first cycle, funding was inadequate to complete all the necessary sidewalk repairs in any of the ten districts. Because there has been significant progress on addressing repair backlogs, recent projects have included two districts. This year, the work will be performed in three districts: 1, 4 and 8. Portions of

district 4 were added from last year's project that did not get repaired due to funding constraints.

The Program for the repair of damaged concrete sidewalks consists of two components, each performed under separate construction contracts. City staff conducted a sidewalk survey in these districts to identify the number and location of sidewalk repairs. The first contract, which is currently being processed under the City Manager's contract authority, will remove tripping hazards from sidewalk displacements or offsets up to 1¾ inches. These hazards will be removed by saw cutting or grinding each uplifted sidewalk panel across the width of the sidewalk to produce a smooth and uniform surface that meets the Americans with Disabilities Act (ADA) slope requirements. Grinding or saw cutting up to 1¾" from a short segment of the typical 4" sidewalk section is less expensive and more cost effective than the removal and replacement of an entire sidewalk section.

The second component of the Program, which is the subject of this report, removes and replaces, with new concrete, all sidewalk displacements exceeding 1¾ inches.

DISCUSSION

This year's Project will repair damaged sidewalks in the Downtown Area (District 1), the Sleepy Hollow Area (District 8) and the Schafer Park Area (District 4) (Attachment III). The project includes repair of approximately 16,500 square feet of damaged sidewalk and curb and gutters plus the installation of 40 new or upgraded wheelchair ramps in various locations, tree trimming, root pruning of existing trees and planting of new trees. As part of the project, the contractor will retain an arborist to examine the condition of existing trees and inspect all root-pruning work. Based on the preliminary inspection, staff anticipates removing 11 trees and planting 43 new trees in various locations. New trees will be planted where street trees are absent, where an existing tree must be removed because of disease or it is in danger of falling, where a need for extensive root pruning may kill the tree, or where a more suitable tree species will minimize future maintenance efforts. Forty new wheelchair ramps will also be installed or upgraded to bring wheelchair ramps into compliance with current ADA standards (Attachment IV).

Pursuant to Section 5610 of the California Street and Highway Code, property owners are responsible for repairing damaged sidewalks in front of their properties. Under the City's program, property owners with damaged sidewalk are given the choice of completing the work themselves or having the repairs undertaken by the City's contractor for a nominal fee of \$550 per property.

In order to repair all sidewalks within the City, commercial and investment property owners are given the option to fix damaged sidewalk fronting their property themselves or reimburse the City for repairs. Property owners of commercial and investment properties, who opt to have the City perform repairs, shall be charged for the exact square footage of the damaged sidewalk repair at the actual Construction Contract bid price.

This project is categorically exempt under the California Environmental Quality Act, Section 15301(c) that covers the operation, repair, maintenance, or minor alteration of existing streets, sidewalks, and gutters.

ECONOMIC IMPACT

The adopted FY21 CIP includes \$550,000 for the Project in the Street System Improvements Fund and \$303,000 in the Gas Tax Fund for the wheelchair ramps construction. The total appropriation from the two funds is \$853,000. Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$125,000.

FISCAL IMPACT

The estimated project costs are as follows:

| | |
|---|-----------|
| Contract Construction | \$620,000 |
| Trip Hazard Removal (under a separate contract) | 40,000 |
| Design and Administration | 70,000 |
| Contingency | 53,000 |
| Construction Survey, Inspection, and Testing | 70,000 |
| TOTAL | \$853,000 |

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.

SUSTAINABILITY FEATURES

This project requires that all material generated during construction and demolition be sent to designated facilities for recycling. Recycled Portland Cement Concrete will be required for use as aggregate base for the concrete curb, gutter, and sidewalk. The improvements made to the sidewalks will encourage the public to walk more as opposed to driving their vehicles. This reduces both carbon emissions and carbon footprints, which is beneficial for the environment.

PUBLIC CONTACT

Owners of the affected properties will receive certified letters regarding the program along with a response form to return to the City indicating their choice to complete the repairs themselves or pay the \$550 fee for a single-family home or actual repair cost for the commercial and investment properties to have the City complete the work. Property owners have the option of paying the fee in one lump sum or in twelve monthly payments. The response form also includes a list of trees that an owner can choose from for a replacement tree. Before construction commences, a second notice will be sent to all property owners who did not respond to the first notice to assure they are aware of the program.

NEXT STEPS

The estimated schedule for this project is as follows:

| | |
|-----------------------|------------------|
| Receive Bids | May 18, 2021 |
| Award Contract | June 15, 2021 |
| Begin Construction | July 20, 2021 |
| Complete Construction | October 06, 2021 |

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR FY21
SIDEWALK REHABILITATION AND WHEELCHAIR RAMP PROJECT, PROJECT
NOS. 5302, 5221, AND 5229, AND CALL FOR BIDS

WHEREAS, those certain plans and specifications for the FY21 Sidewalk Rehabilitation and Wheelchair Ramps Project, Project Nos. 5302, 5221, and 5229, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, May 18, 2021, and immediately thereafter publicly opened and declared by the City Clerk in the Rotunda, first Floor, at City Hall.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

BE IT FURTHER RESOLVED that the project is categorically exempt under section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

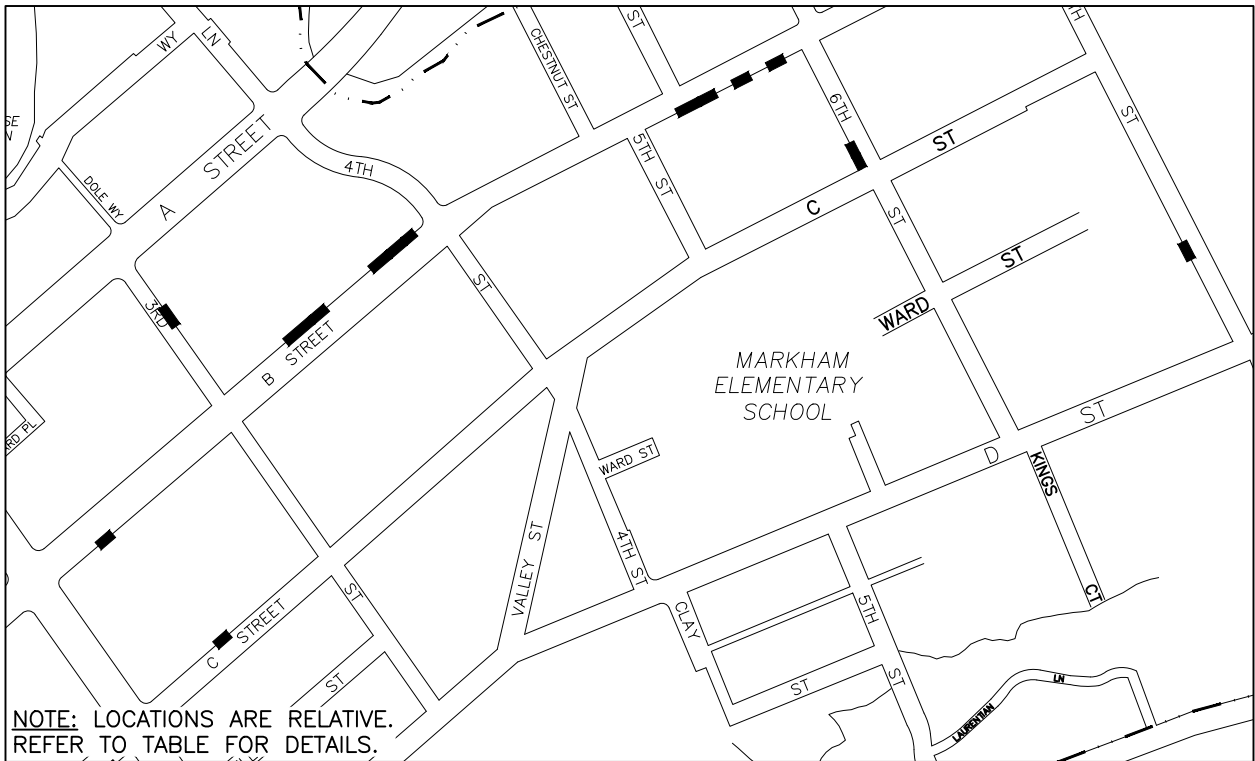
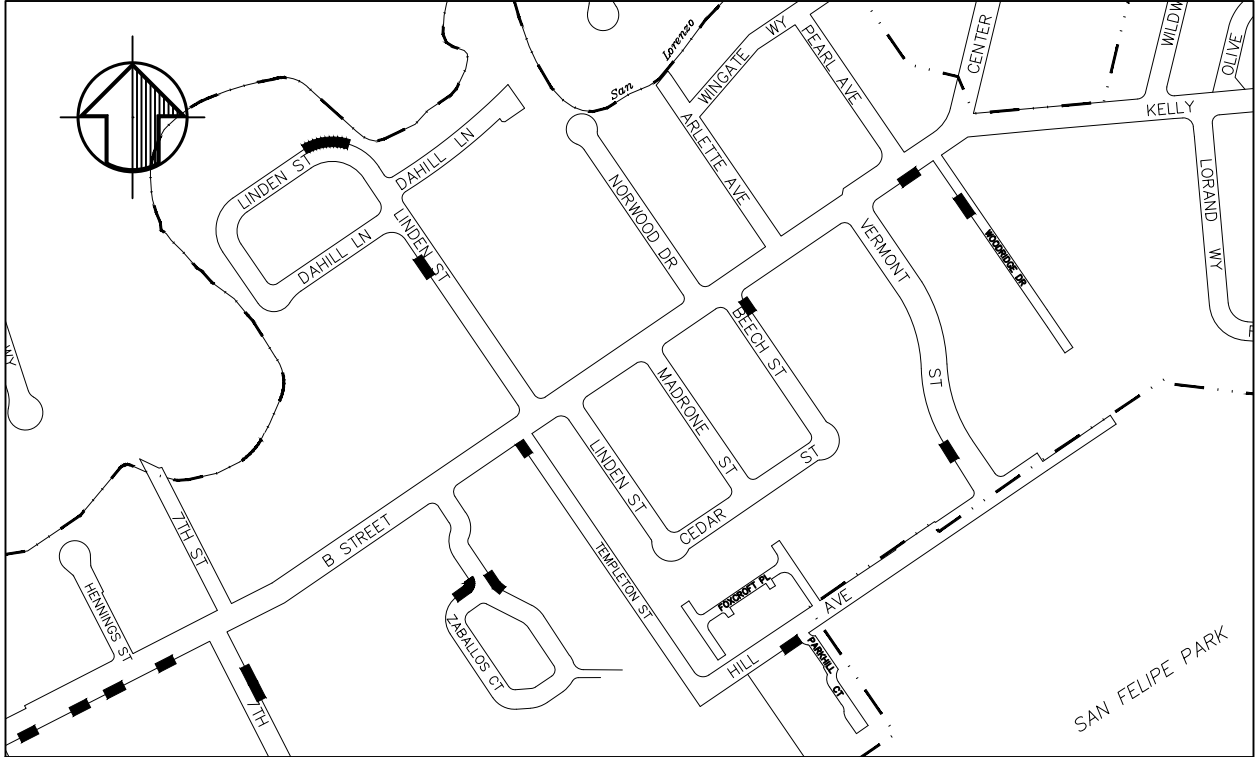
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

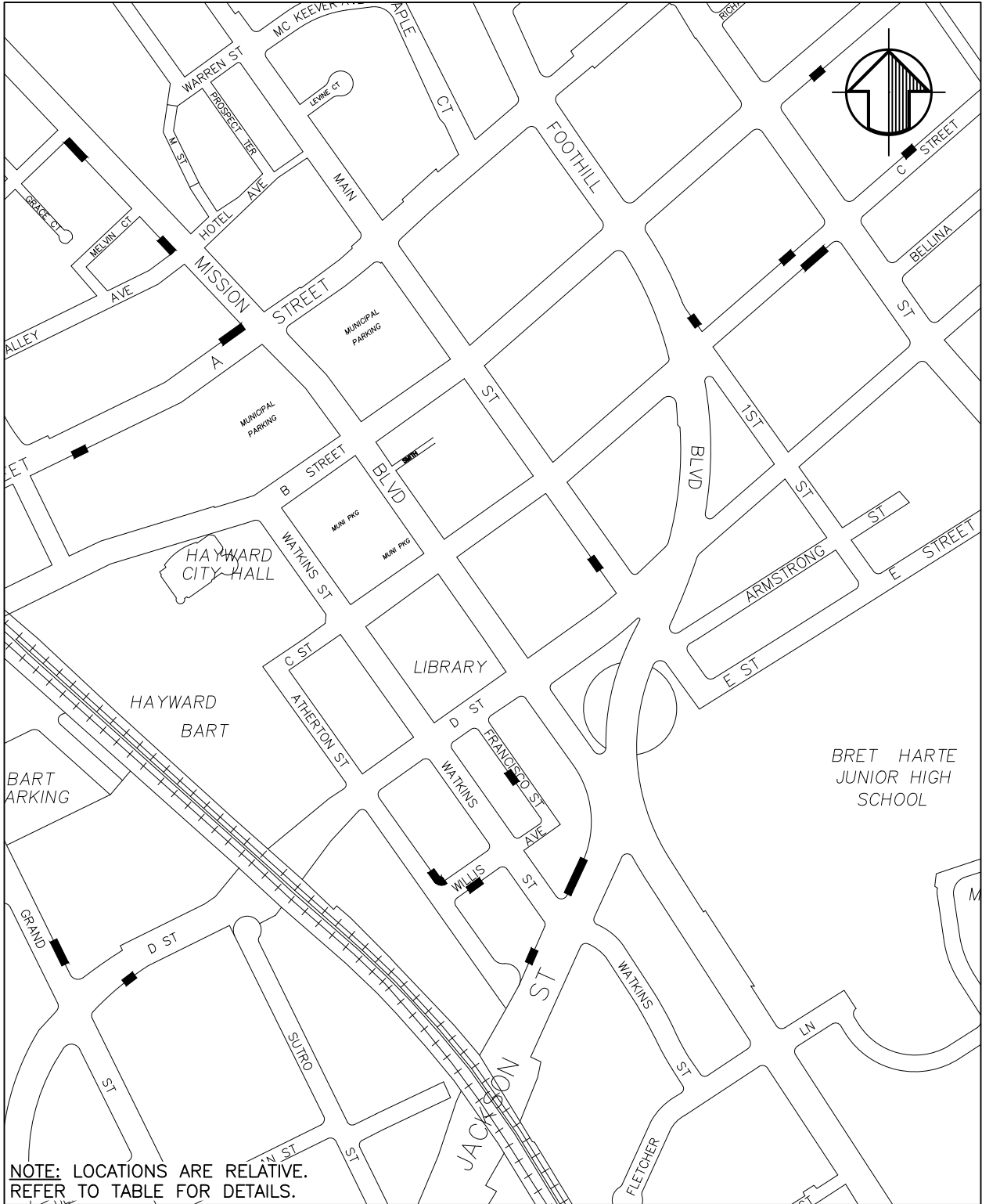


NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

LOCATION MAP

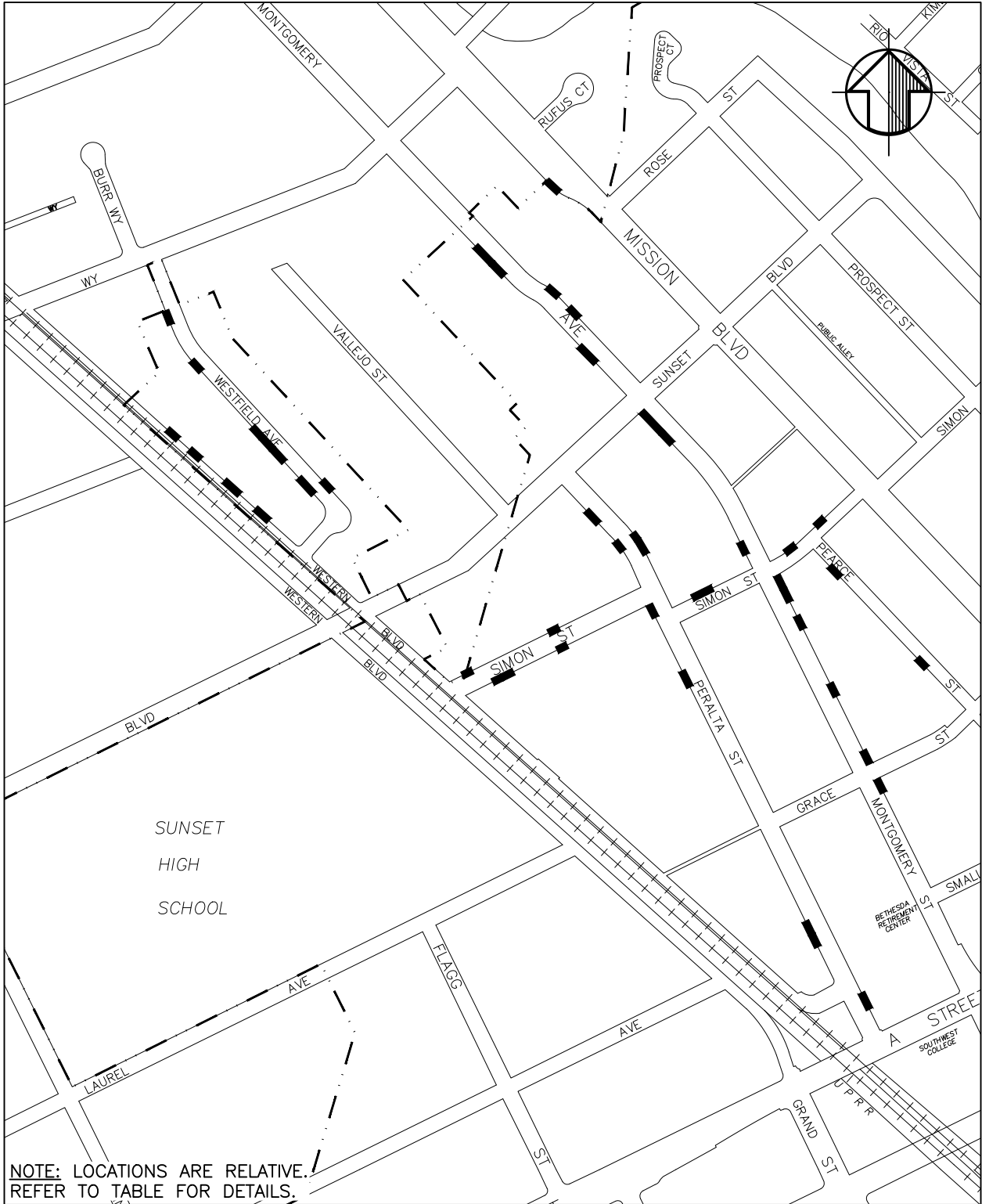
SIDEWALK REHABILITATION DISTRICT NO. 1

PROJECT NO. 05302

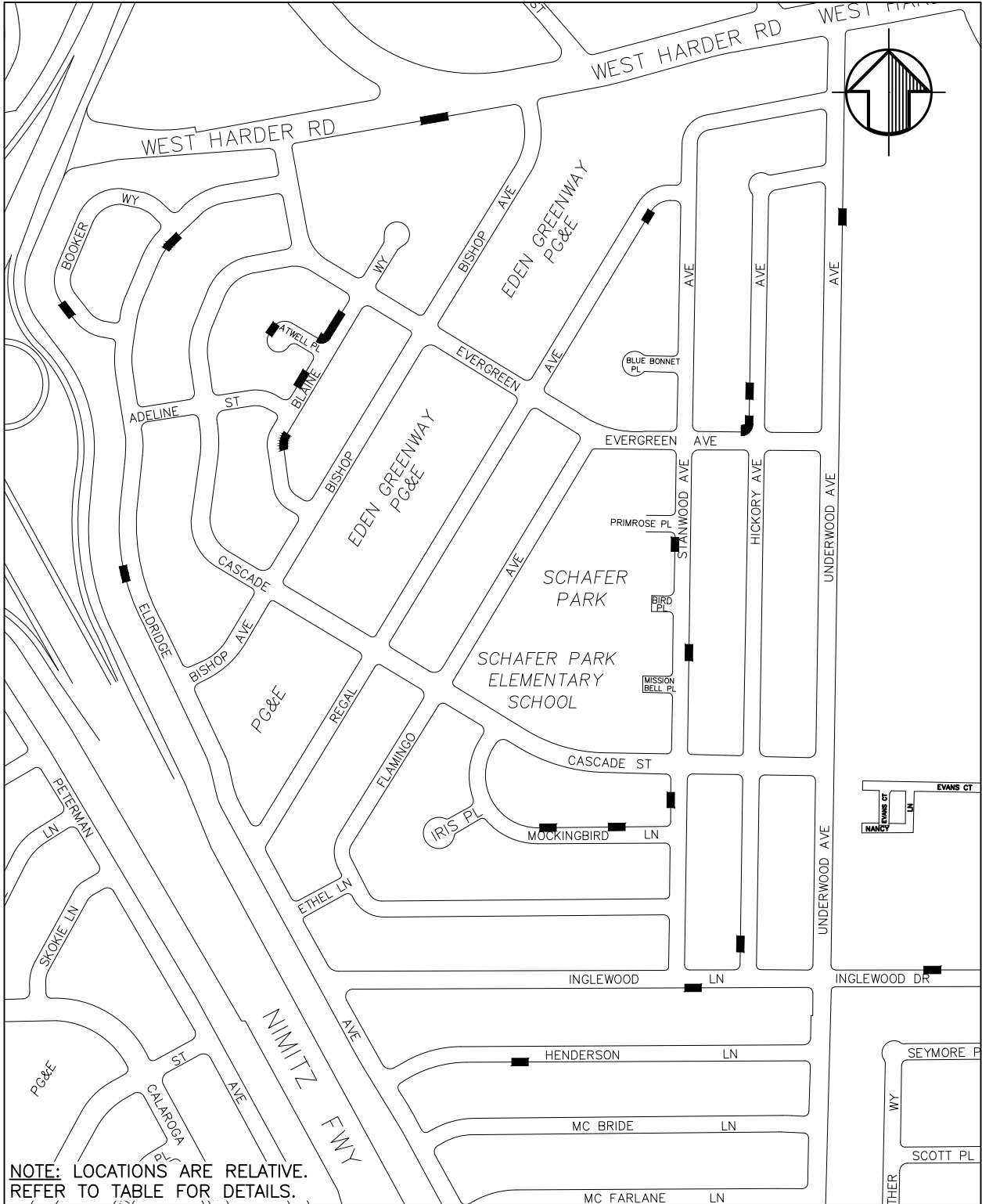


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REFER TO TABLE FOR DETAILS.

LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 1
PROJECT NO. 05302

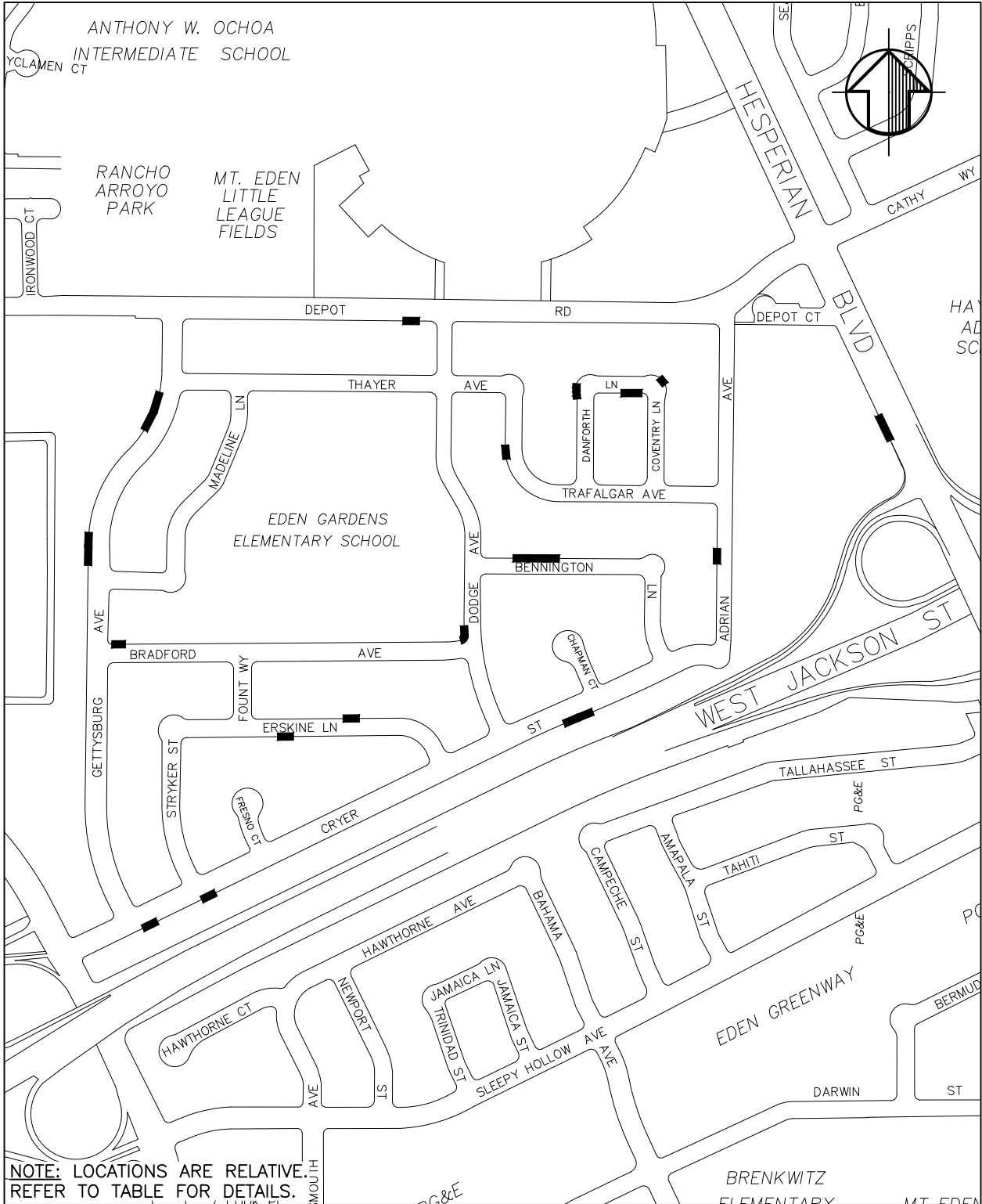


LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 1
PROJECT NO. 05302

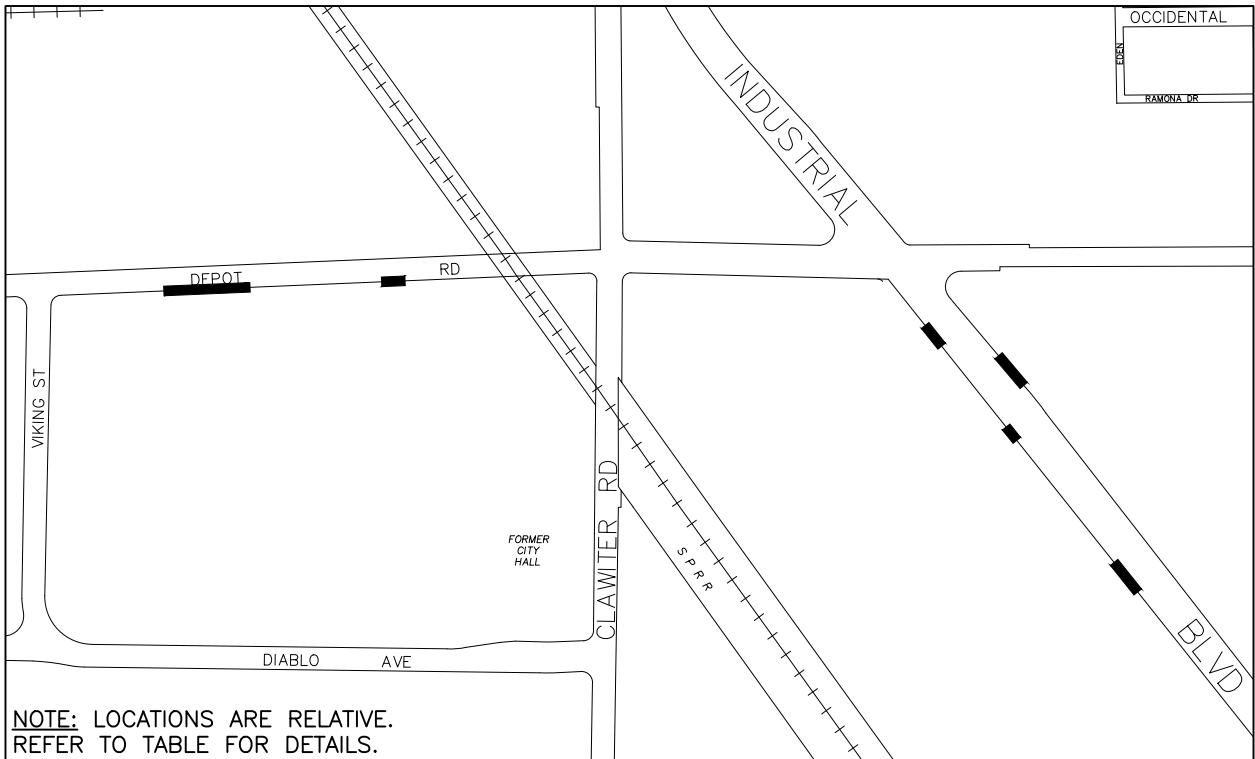
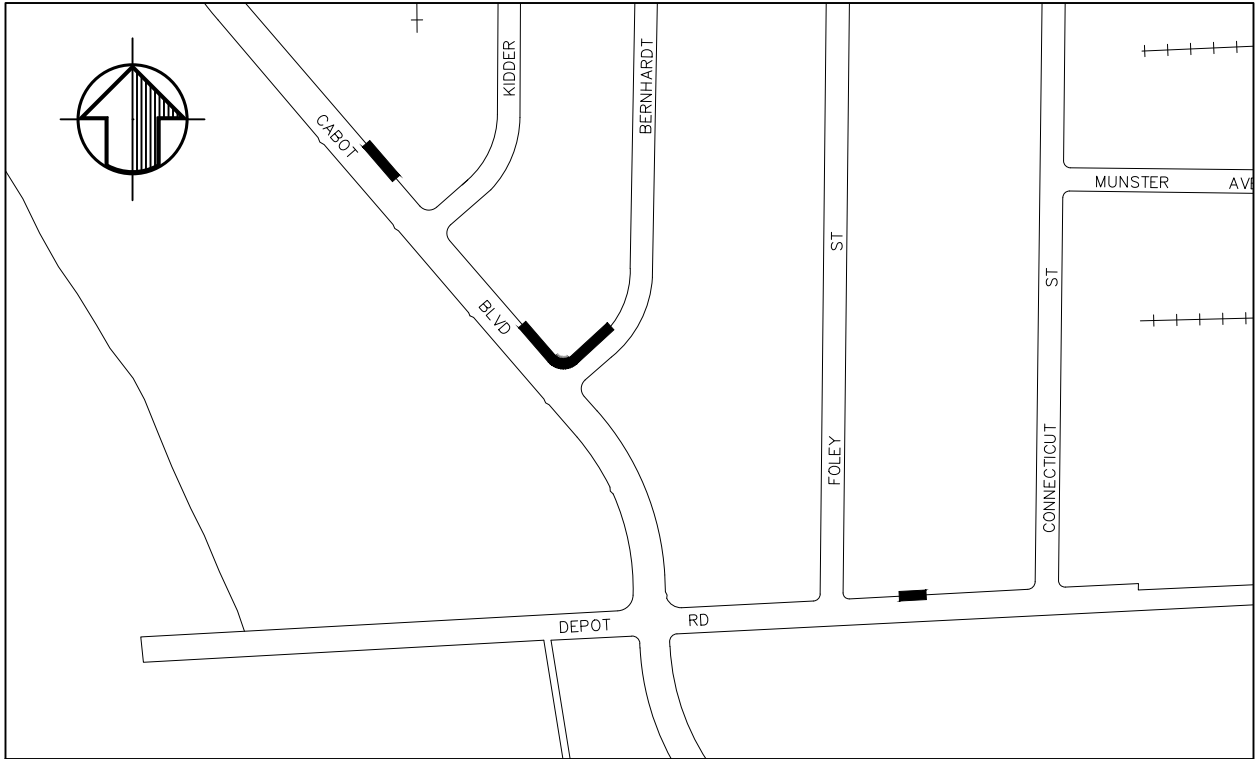


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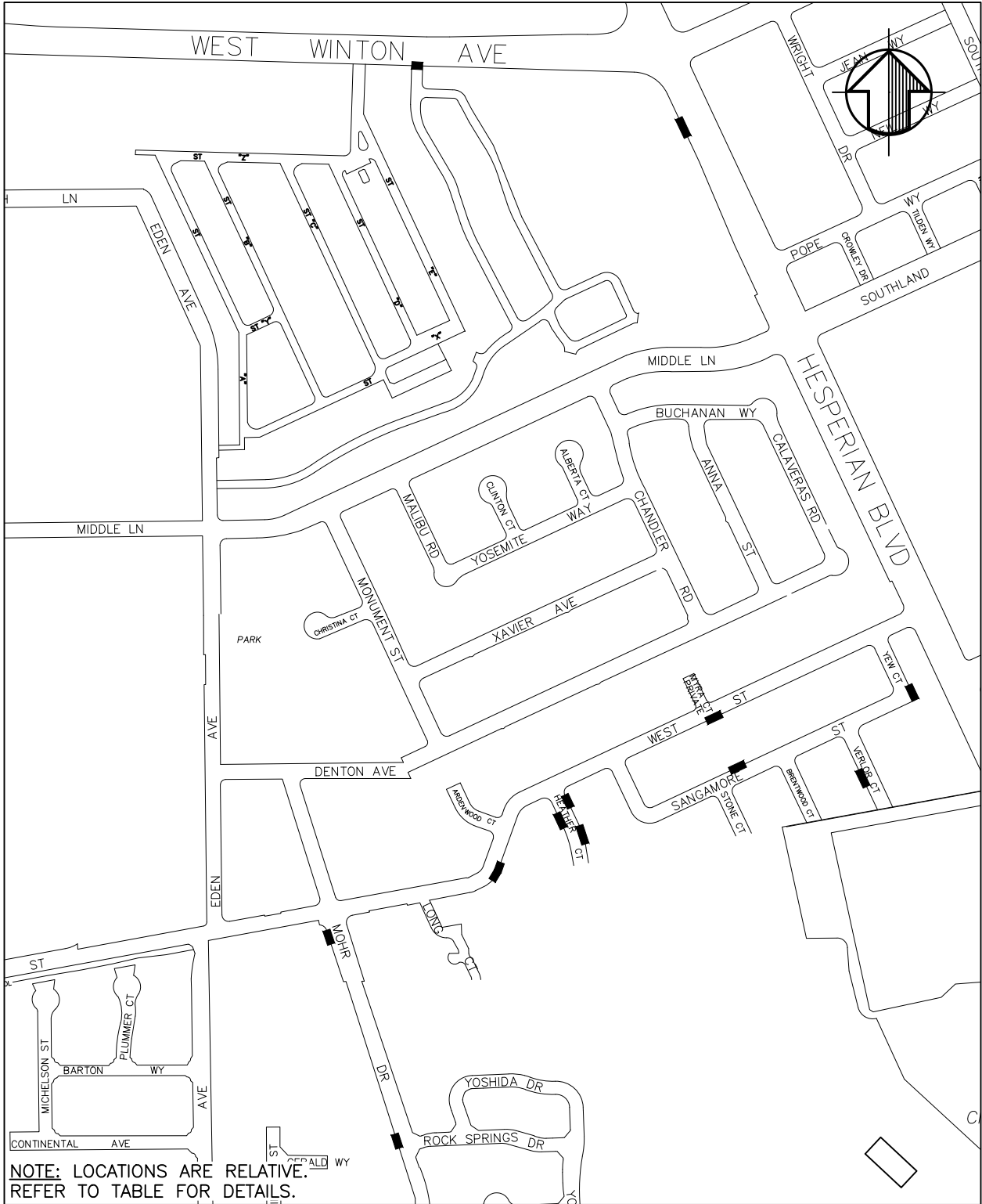
LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 4
PROJECT NO. 05302



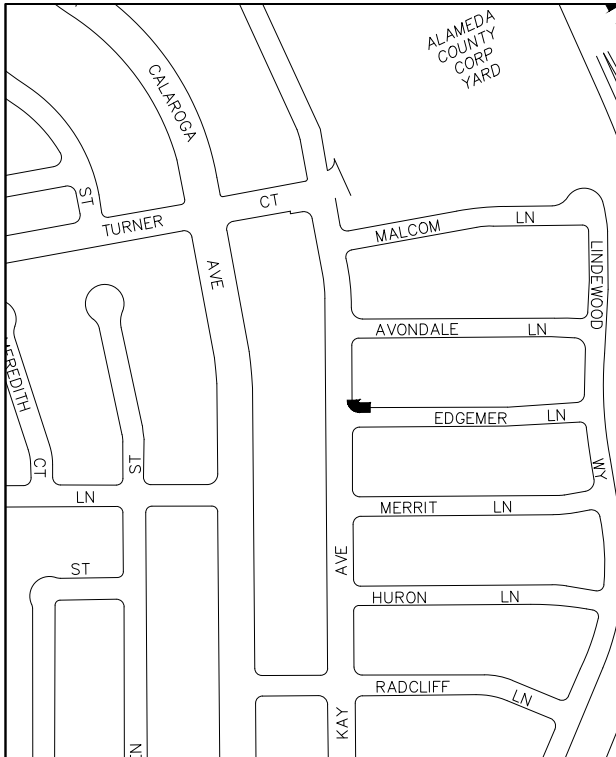
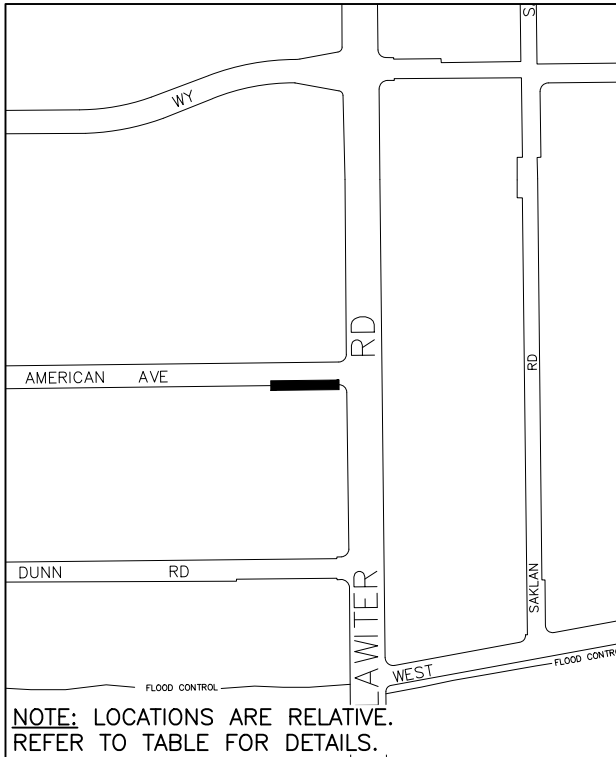
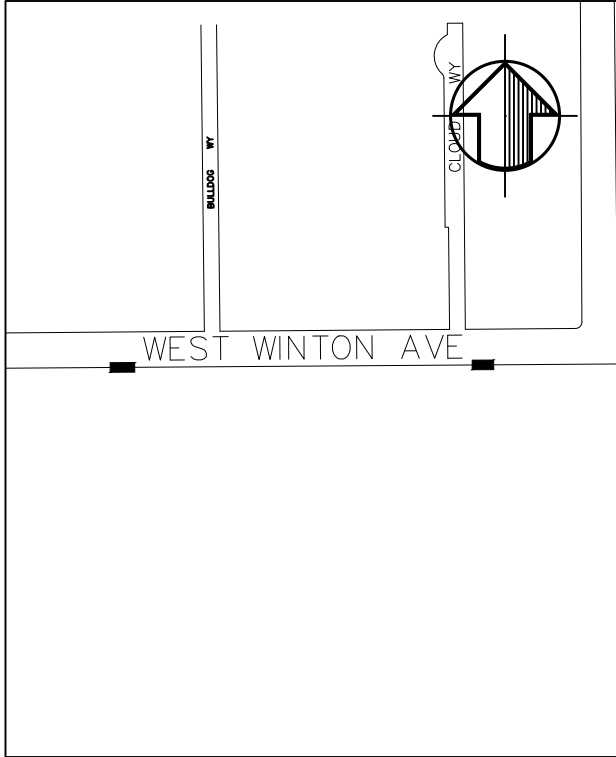
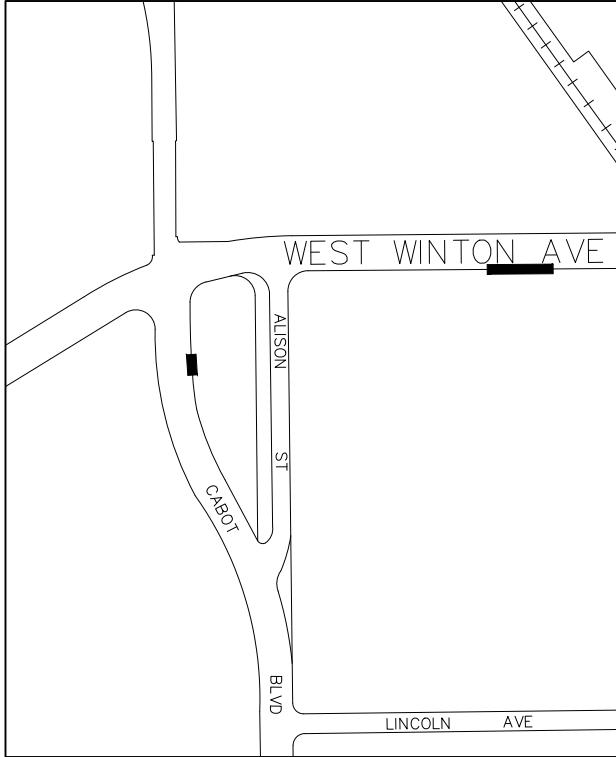
LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 8
PROJECT NO. 05302



LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 8
PROJECT NO. 05302

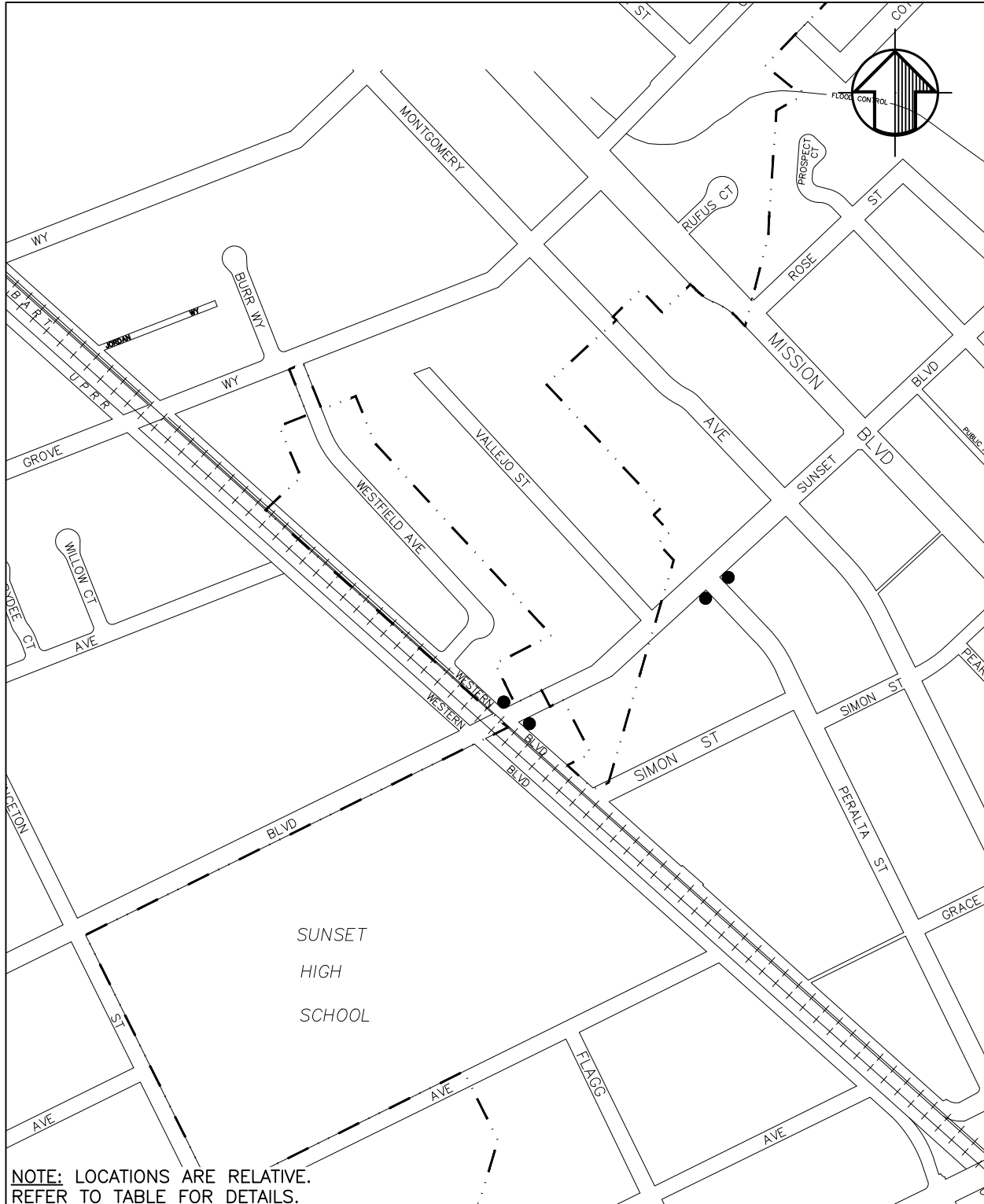


LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 8
PROJECT NO. 05302



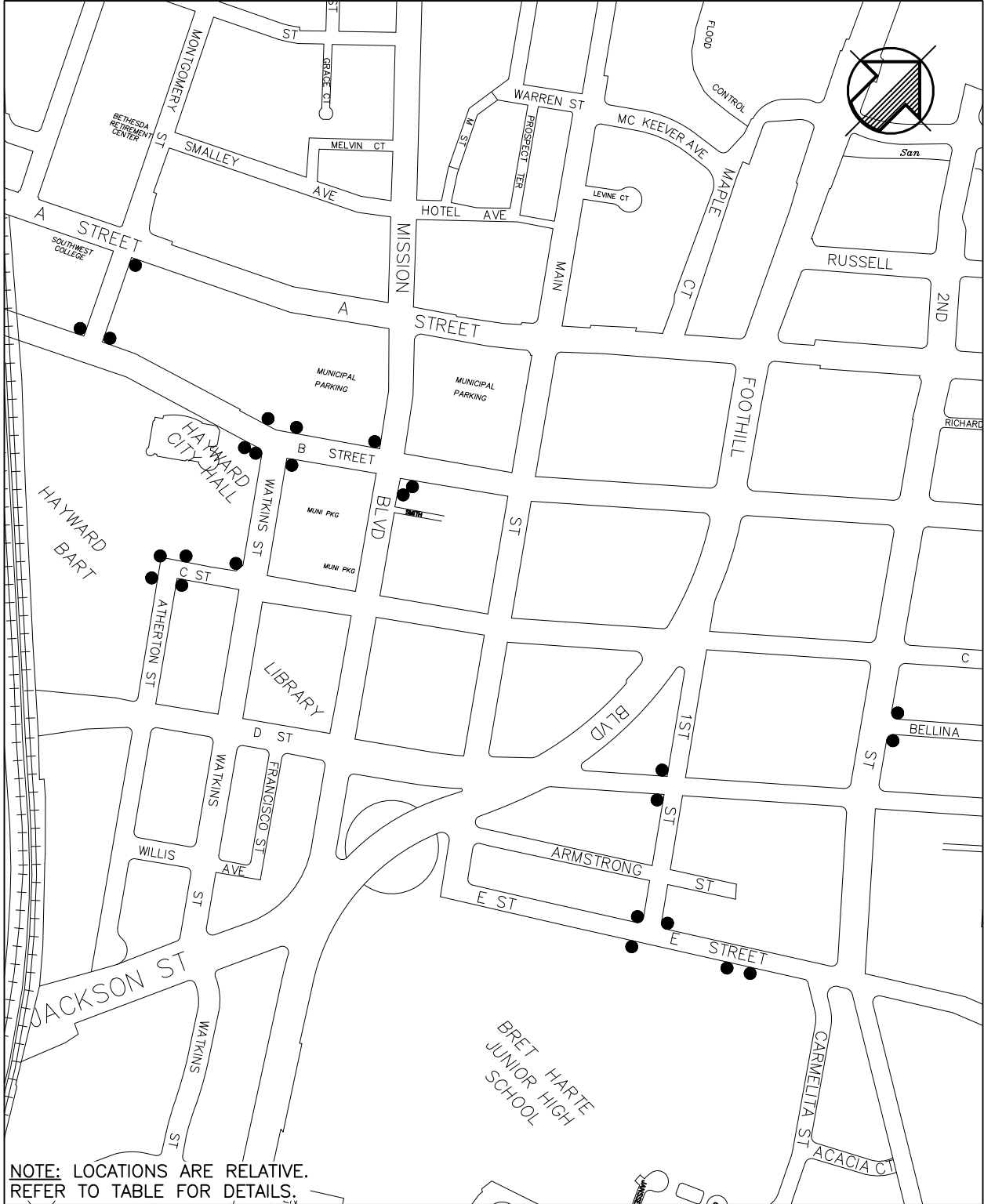
NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 8
PROJECT NO. 05302



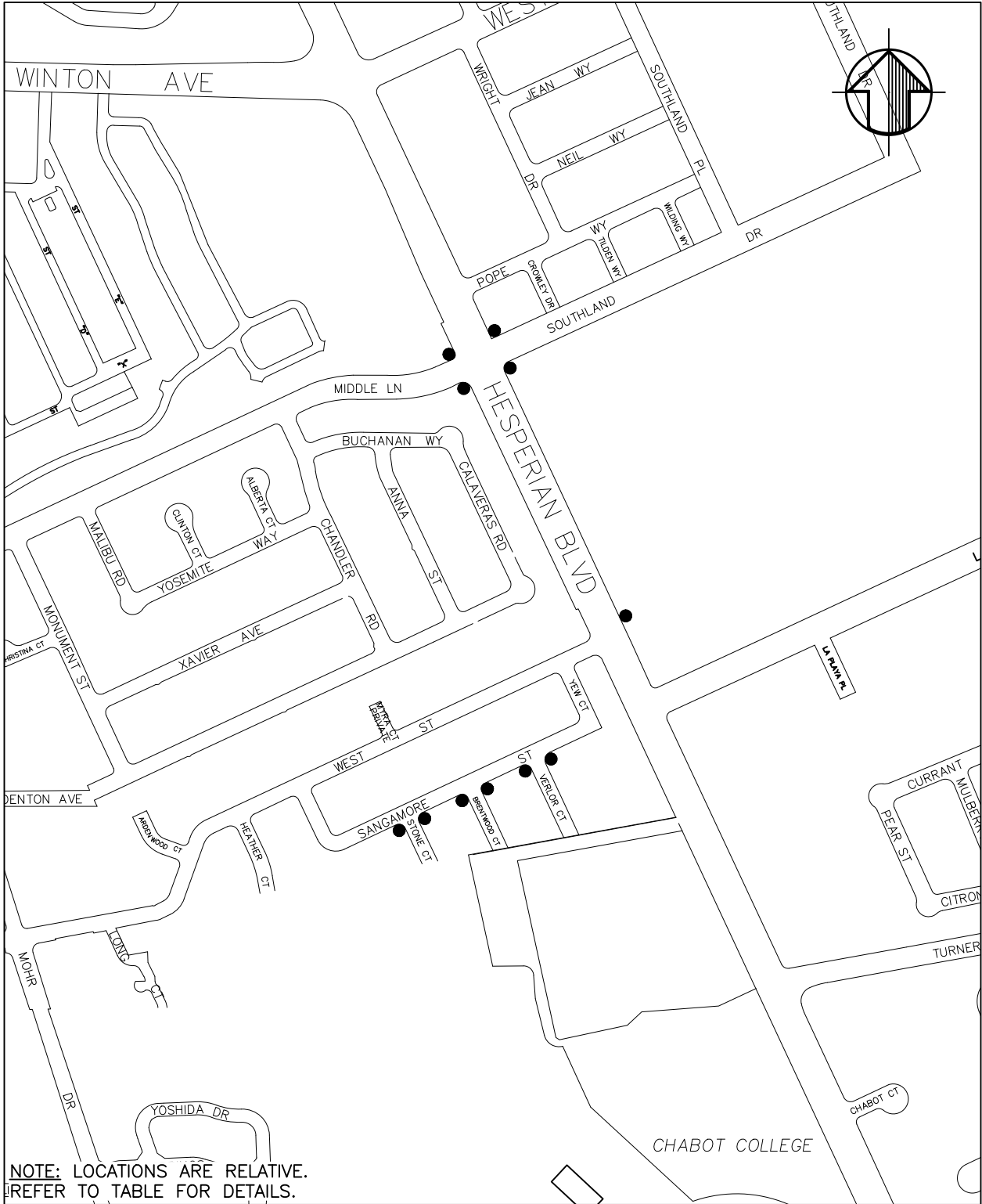
NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 1
PROJECT NO. 05221 AND 05229

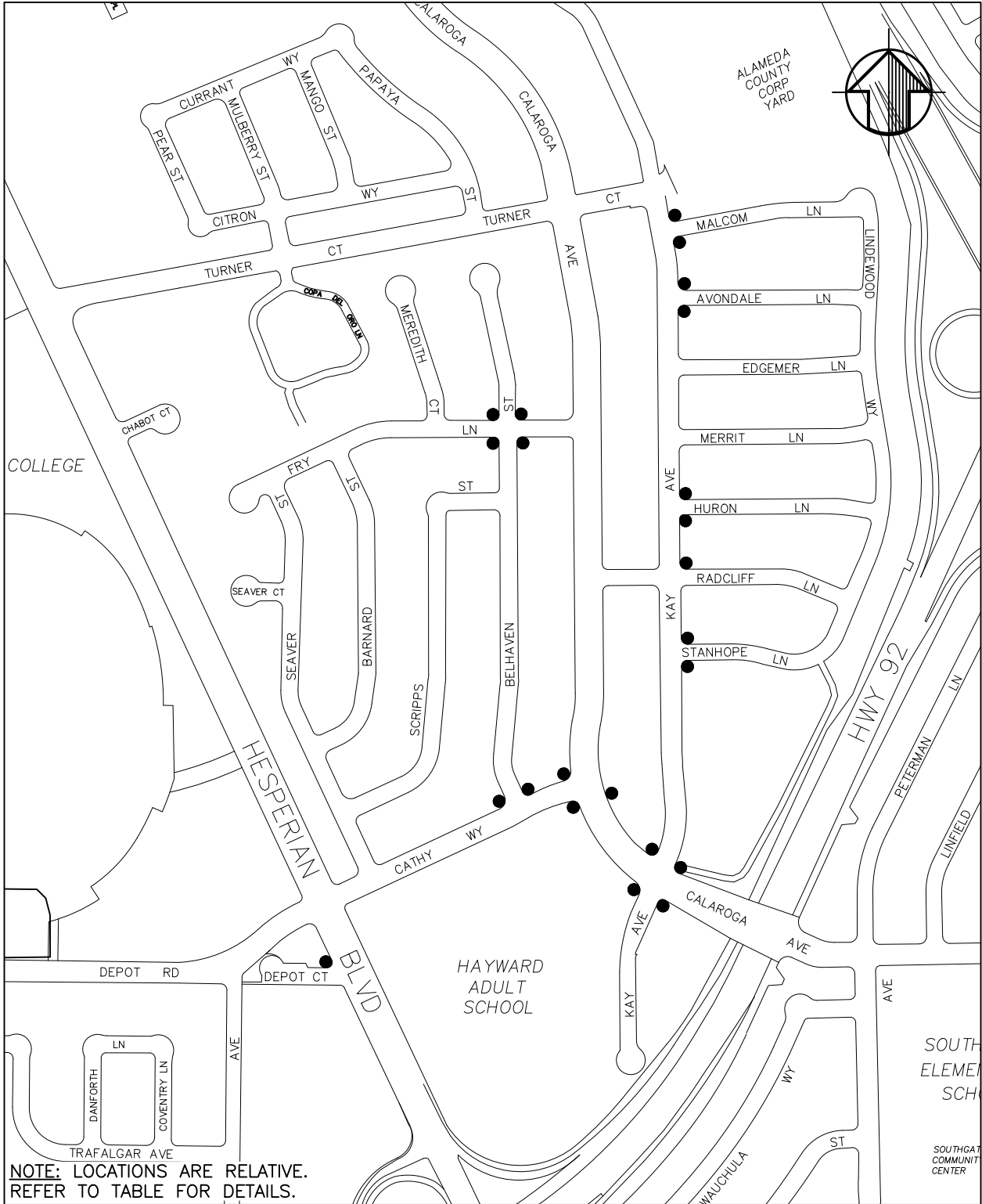


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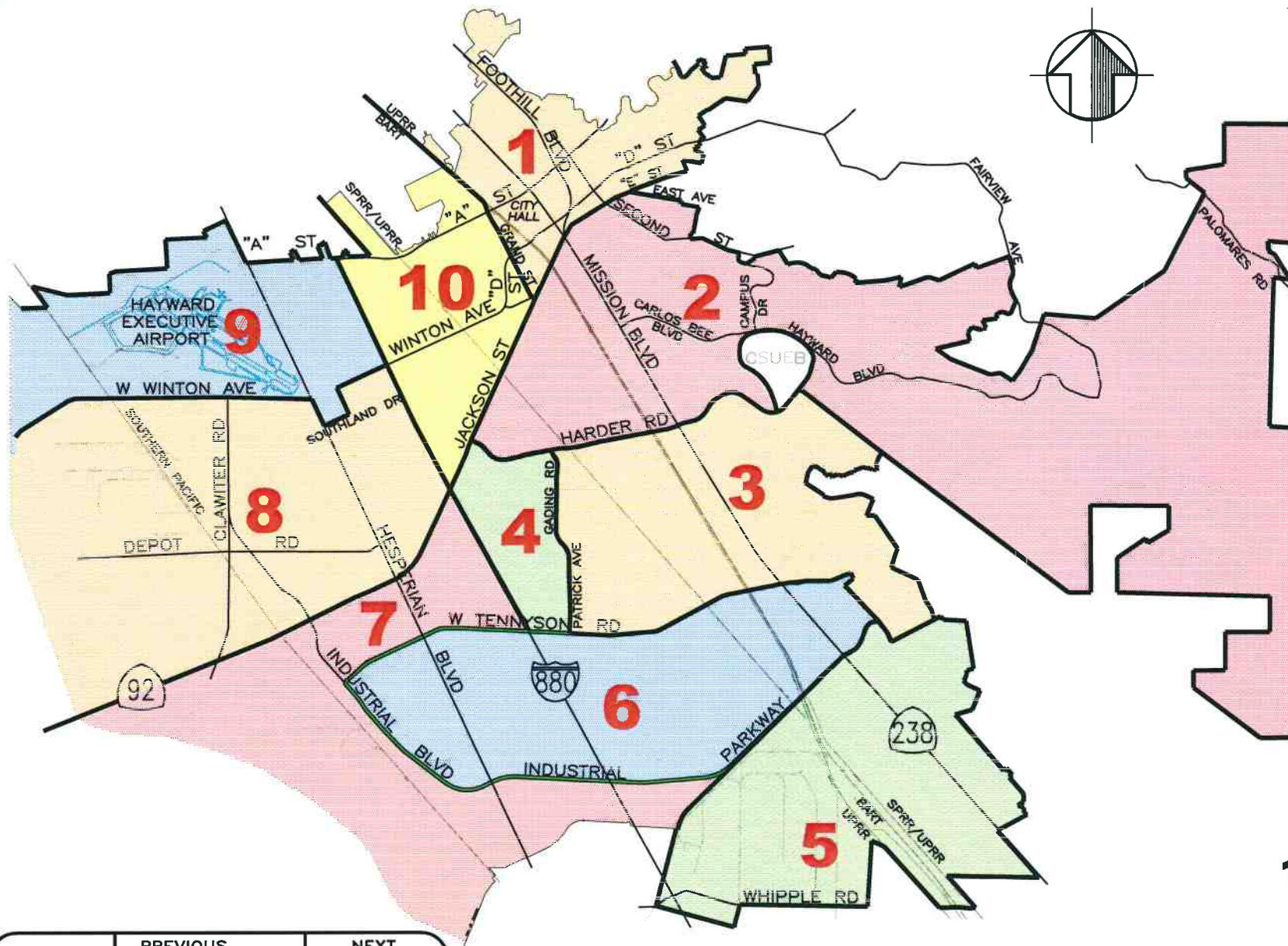
LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 1
PROJECT NO. 05221 AND 05229



LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 8
PROJECT NO. 05221 AND 05229



LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 8
PROJECT NO. 05221 AND 05229



DISTRICTS

- 1** DOWNTOWN
- 2** ORCHARD HAYWARD HILLS
- 3** HUNTWOOD TYRRELL
- 4** SCHAFER PARK
- 5** FAIRWAY PARK RANCHO VERDE
- 6** TENNYSON RD. S.
- 7** CALAROGA
- 8** SLEEPY HOLLOW DEPOT
- 9** WINTON GROVE THELMA
- 10** SANTA CLARA

| DISTRICTS | PREVIOUS REPAIRS | NEXT SCHEDULED |
|-----------|------------------|----------------|
| 2 AND 3 | 2001, 2006, 2011 | 2017, 2022 |
| 6 AND 9 | 2002, 2007, 2012 | 2018, 2023 |
| 4 AND 5 | 2003, 2008, 2013 | 2019, 2024 |
| 7 AND 10 | 2004, 2009, 2015 | 2020, 2025 |
| 1 AND 8 | 2005, 2010, 2016 | 2021, 2026 |



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-176

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Rejecting All Bids, Approving Revised Plans and Specifications, and Calling for Bids for the FY21 Pavement Improvement Project, Project Nos. 05227, 05236, 05238, 05295, 05297

RECOMMENDATION

That Council adopts a Resolution (Attachment II) rejecting all bids for the FY21 Pavement Improvement Project (PIP), Project Nos. 05227, 05236, 05238, 05295, 05297, approving the revised plans and specifications incorporating revised bidding requirements and Addendum Nos. 1, 2, and 3, and calling for construction bids to be received on May 11, 2021.

SUMMARY

The FY21 PIP calls for the rehabilitation of sixty-five street sections and preventive maintenance of twenty-two street sections for a total of eighty-seven street sections (Attachments III & IV). The proposed improvements will repair failed pavement sections and improve street surfaces.

Bids for the FY21 PIP were received on March 23, 2021. The City received five (5) bids. Granite Construction of Santa Clara submitted the lowest bid in the amount of \$11,132,333. The second lowest bid was from Ghilotti Construction of San Rafael at \$11,523,656. On March 30, 2021, the second lowest bidder, Ghilotti Construction, informed the City that the low bidder, Granite Construction, did not include Department of Industrial Relations (DIR) registration numbers with their listing of subcontractors. Upon review of Public Contract Code 4104, specifications must include the requirement for bidders to submit public works contractor DIR registration numbers with the bid. This requirement was unintentionally omitted in the specifications for this project. Staff is requesting Council reject all bids, approve the revised plans and specifications incorporating revised bidding requirements and Addendum nos. 1, 2, and 3, and authorize calling for construction bids to be received by May 11, 2021.

File #: CONS 21-176

ATTACHMENTS

| | |
|----------------|--------------------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | List of Selected Streets |
| Attachment IV | Location Map |



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Public Works

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BACKGROUND

The annual pavement improvement project consists of up to four types of treatments:

Pavement Rehabilitation:

- 1) Standard overlay of the existing street pavement with new Hot Mix Asphalt surfacing.
- 2) Cold-In-Place Recycling (CIR), which involves removing the top layer of asphalt, mixing the removed aggregates with a recycling agent and other additives on-site, replacing this pavement material onto the same roadway, then applying a Hot Mix Asphalt overlay.
- 3) Full Depth Reclamation (FDR), which consists of pulverizing and mixing distressed asphalt and underlying pavement materials with or without the addition of stabilizing agents; using the resulting material as a base for the renewed pavement structure and adding a new Hot Mix Asphalt cap.

Preventive Maintenance:

4) Varying combinations of crack sealing, 6" spot repair, and micro-surfacing. Street selection for the annual pavement improvement projects is based on staff's analysis using several criteria described below:

- **Technology** – The Pavement Management Program (PMP)¹ evaluates current and predicts future roadway conditions. It provides logical and efficient methods of identifying street rehabilitation needs. It also determines the most cost-effective allocation of funds to the street segments needing preventive maintenance, rehabilitation, or reconstruction. Staff utilized the PMP to compile an initial list of recommended streets. This list is then revised to consider other criteria and project budget allocation parameters.
- **Internal Reports** - Reports from the City's Maintenance Services staff on streets needing repair were considered.
- **Council Members Input** – Councilmember requests for selecting streets were considered.
- **Public Input** - Public requests for selecting streets were considered.
- **Geographic Location** – Selecting streets in close vicinity to help lower construction bids was considered.
- **Funding Availability** – Available funding and potential for obtaining outside grant funding was evaluated.

¹ The PMP is a Metropolitan Transportation Commission (MTC) recommended software program.

The Pavement Condition Index (PCI) is an overall rating of road conditions. The PCI of each arterial and collector street segment is evaluated by an independent third-party every other year, and each residential street segment is evaluated every five years.

| <u>PCI Rating</u> | <u>Description</u> |
|-------------------|--|
| 100 | This rating is given to newly constructed or rehabilitated roadways. |
| 85 - 99 | Highly functional roadway. No action required. |
| 70 - 85 | Roadway can be maintained ("preventive maintenance") with crack sealing, slurry seals, micro-surfacing, and some minor, localized pothole repairs. As the roadway pavement ages, preventive maintenance may not be effective after a few maintenance cycles. |
| 40 - 70 | Extensive "dig-outs," grinding, fabric, or asphalt overlays may be required to maintain (or "rehabilitate") roadway. |
| 0 - 40 | Roadway requires complete reconstruction using full depth reconstruction, cold in place recycling, or hot in-place recycling methods. If a street deteriorates beyond certain points, it becomes progressively more expensive to bring that street back to the desired standard. |

As part of the 2018 Capital Improvement Program (CIP) agenda item at the November 29, 2017 CIC meeting, the committee reviewed and agreed to the following budget allocations for annual pavement improvement projects:

- Minimum 20% for preventive maintenance (streets with PCI of 70-85).
- Minimum 15% for streets located in Industrial Hayward as recommended by the Economic Development Strategic Plan in 2014.
- Minimum 10% for deteriorated streets (streets with PCI of 0-30).

Based on prices from the lowest bidder using the criteria described above, the project parameters are as follows:

| Project Budget Allocation | Goal | Current Performance | Difference |
|---------------------------------------|-------------|----------------------------|-------------------|
| Preventive Maintenance Treatment | 20% minimum | 10% | - 10% |
| Streets Located in Industrial Hayward | 15% minimum | 22% | + 7% |
| Streets with PCI Less than 30 | 10% minimum | 39% | + 29% |

The project budget allocation is skewed towards streets in very poor condition (PCI less than 30) and less towards preventive maintenance due to various reasons:

- Including streets in very poor condition with high number of resident requests to improve and increase equity in distribution of City services (Roxanne Ave, Tulip Ave, Hermes Ct, Medinah St, & Arden Rd).
- Focus on selecting streets in neighborhoods adjacent to the Mission Blvd Corridor Phase 2 project. These streets have a high number of deteriorated streets and may have been further impacted by drivers using them as traffic detour routes for the Mission Blvd Corridor Phase 2 project.
- The establishment of the Old Highlands (OHHA) Assessment District requires the inclusion of streets from the area (Cotati St & Tribune Ave).

This selection requires both judgement and experience. Staff has engaged an experienced consultant, PEI to confirm the selection of streets sections, the approximate level of treatment for each and provide engineering support services. In addition, 7.2 miles of bike lane striping will be installed at the following locations:

- Arden Rd, from Eden Landing Rd to Baumberg Ave (2.4 miles)
- Arrowhead Wy, Industrial Pkwy to Mission Blvd (1.5 miles)
- Clawiter Rd, from Industrial Pkwy to Winton Ave (1.8 miles)
- Gresel St, Brae burn Ave to Mission Blvd (0.6 miles)
- Pulaski Dr, Revere Ave to City Limits (0.9 miles)

This project is categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

On May 26, 2020², staff recommended Council approve a project list for the SB1 FY21 PIP Funding. A resolution was required to submit an application to the California Transportation Commission (CTC) to receive \$2,750,000 in funding for pavement improvement.

On June 2, 2020³, staff recommended Council adopt a resolution authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI) for engineering services associated with the FY21 PIP. The scope of work for PEI is limited to engineering review, pavement evaluation, measurement of field quantities, curb ramp design, and construction support.

On October 20, 2020⁴, staff recommended Council adopt a resolution declaring the intention to establish the Old Highlands Benefit Assessment District and impose assessments for street improvements. City Staff, the Old Highlands Homeowners Association (OHHA) Board, and property owners have agreed to share costs to include one or two streets to the annual

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=4544075&GUID=F617FA6F-C198-474E-B133-26C761043039&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4548864&GUID=6506EE24-A2C3-455B-92E1-8A42B60887B1&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4669900&GUID=046E36BC-94D1-4EFE-AAE1-B62863ABCD44&Options=&Search=>

pavement improvement projects for a period of five to six years. Cotati Street & Tribune Avenue have been selected by OSHA to be included in the FY21 PIP.

At the October 28, 2020⁵ Council Infrastructure Committee (CIC) meeting, staff presented the FY21 PIP including street selection criteria, treatment types, and budget allocations.

On February 16, 2021, Council approved the plans and specifications for the FY21 PIP and called for bids to be received on March 23, 2021.

DISCUSSION

On March 23, 2021, five (5) bids were received for the FY21 PIP. Granite Construction, of Santa Clara, submitted the lowest bid in the amount of \$11,132,333, which is 5.0% higher than the Engineer's Estimate of \$10,600,000. The second lowest bid was from Ghilotti Construction of San Rafael at \$11,523,656.

On March 30, 2021, the City was informed by the second lowest bidder, Ghilotti Construction, that the low bidder, Granite Construction, did not list the Department of Industrial Relations (DIR) registration numbers for the listed subcontractors on the bid form. Upon review of Public Contract Code 4104, the City must require bidders include public works contractor registration numbers with the bid. Because the City's bidding instructions did not explicitly require the DIR registration numbers be listed on the bid form, three of the five contractors did not include the registration numbers for their subcontractors, including the lowest bidder. Therefore, staff is requesting Council's approval to reject all bids, approve revised plans and specifications incorporating revised bidding requirements and Addendums 1, 2, and 3, and authorize calling for bids to be received by May 11, 2021.

ECONOMIC IMPACT

The project is funded by City's Capital Improvement Program and State RRAA (SB1) funds.

FISCAL IMPACT

The estimated project funding sources are as follows:

| | |
|--|--------------------|
| 210 - Gas Tax | \$1,050,000 |
| 212 - Measure BB – Local Transportation | \$2,340,000 |
| 215 - Measure B – Local Transportation | \$3,050,000 |
| 218 – Vehicle Registration Fee | \$1,025,000 |
| 211 – RRAA (SB1) | \$2,750,000 |
| Cost Savings from Previous Year's Project (FY20 PIP) | <u>\$3,200,000</u> |
| Total: | \$13,415,000 |

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4677681&GUID=269B1B10-A818-456B-A7FC-26BD649B71EA&Options=&Search=>

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project(s):

- Project 5, Part 5.a: Maintain Pavement Condition Index (PCI) at 70.
- Project 5, Part 5.c: Construct Various OHHA Pavement Improvements.

SUSTAINABILITY FEATURES

The project requires the contractor to recycle all construction and demolition debris as a result of the project.

This project is consistent with City's Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians
- Use of recycled tires in RHMA pavement

The project satisfies the following General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

PUBLIC CONTACT

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

NEXT STEPS

| | |
|-----------------------|----------------|
| Advertise for Bids | April 21, 2021 |
| Bid Opening | May 11, 2021 |
| Award of Contract | June 2021 |
| Start of Construction | July 2021 |
| End of Construction | August 2021 |

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION REJECTING ALL BIDS FOR THE FY21 PAVEMENT IMPROVEMENT PROJECT, PROJECT NOS. 05227, 05236, 05238, 05295, AND 05297, APPROVING REVISED PLANS AND SPECIFICATIONS, AND CALLING FOR BIDS.

WHEREAS, by Resolution No. 21-021 on February 16, 2021, the City Council approved the plans and specifications for the FY21 Pavement Improvement Project, Project Nos. 05227, 05236, 05238, 05295, and 05297, and called for bids to be received on March 23, 2021; and

WHEREAS, on March 5, 2021, Addendum No. 1 was provided to revise the pre bid meeting date; and

WHEREAS, on March 17, 2021, Addendum No. 2 was provided to revise the plans; and

WHEREAS, on March 22, 2021, Addendum No. 3 was provided to revise the plans; and

WHEREAS, on March 23, 2021, five (5) bids were received, ranging from \$11,132,333 to \$12,289,693; Granite Construction, of Santa Clara, California submitted the low bid in the amount of \$11,132,333, which is 5.0% above the engineer's estimate of \$10,600,000; and

WHEREAS, the City's bidding instructions and bid form did not require bidders to list Department of Industrial Relations (DIR) registrations numbers which is required per Public Contract Code 4104.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the above listed bids, and all other bids for the Project are hereby rejected.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to return the bids and bid bonds submitted by all bidders.

BE IT FURTHER RESOLVED that Addendums Nos. 1, 2, and 3, revised instructions to bidders, and bid form is hereby approved and adopted as part of the plans and specifications for the project.

ATTACHMENT II

BE IT FURTHER RESOLVED, that those certain plans and specifications for the FY21 Pavement Improvement Project, Project Nos. 05227, 05236, 05238, 05295, and 05297, on file in the Office of the City Clerk, are hereby adopted as the plans and specifications for the Project.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law.

BE IT FURTHER RESOLVED, that sealed bids will therefore be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, May 11, 2021, and immediately thereafter publicly opened and declared by the City Clerk in the Hayward City Hall Rotunda.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

FY21 PAVEMENT IMPROVEMENT PROJECT - STREET LIST

ATTACHMENT III

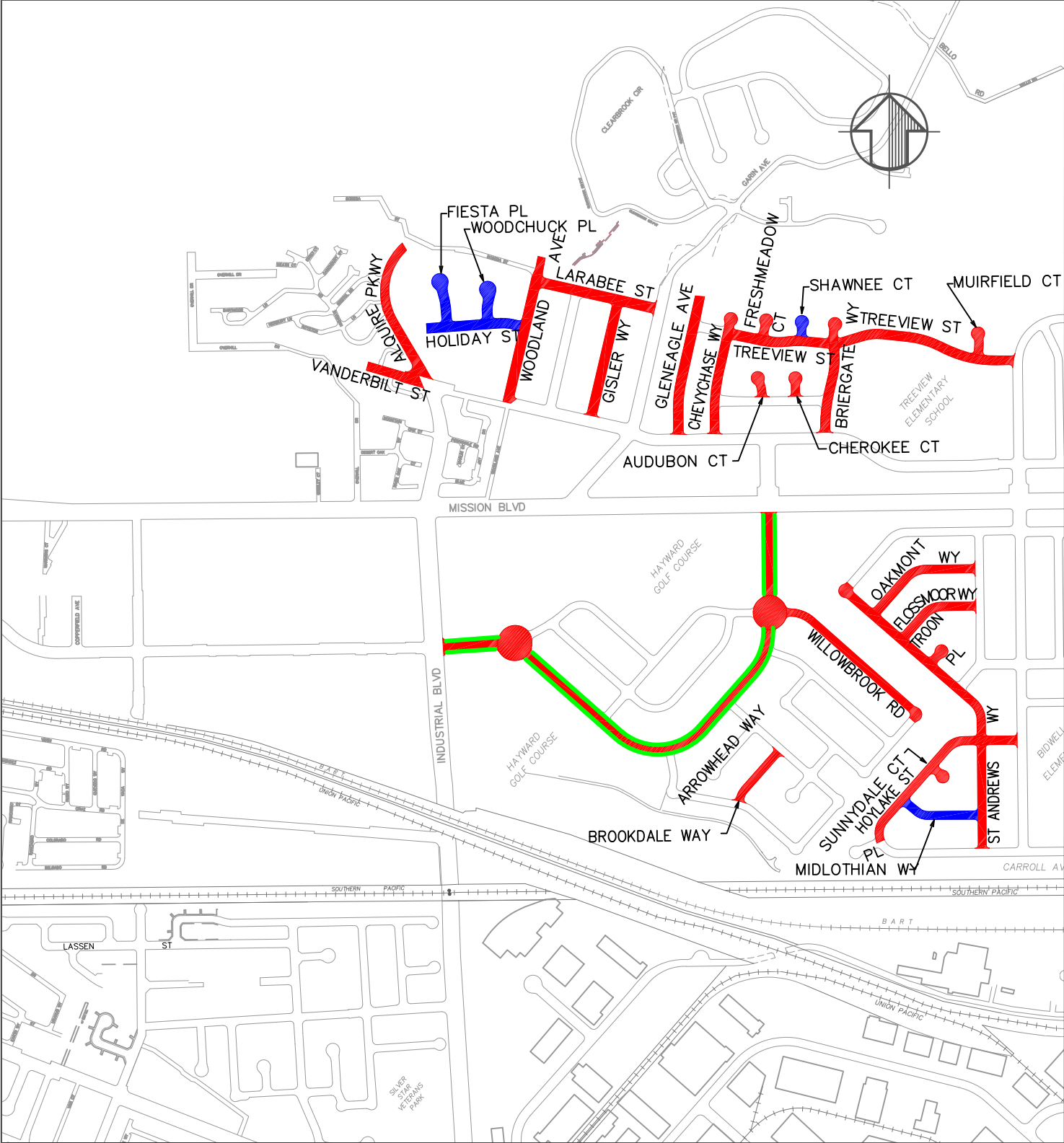
| PREVENTIVE MAINTENANCE | | | |
|------------------------|-----------------|----------------|---------------|
| # | Street Name | Begin Location | End Location |
| 1 | AMELIA AVE | BLANCHE ST | DEAD END |
| 2 | ARCHCLIFF CT | CHICOINE AVE | END |
| 3 | ARDEN RD | CORPORATE AVE | BAUMBERG AVE |
| 4 | CALEB PL | CHICOINE AVE | END |
| 5 | DEARBORN ST | ROME PL | LAFAYETTE AVE |
| 6 | FIESTA PL | HOLIDAY ST | CDS |
| 7 | GRESEL ST | MISSION BLVD | BRAE BURN AVE |
| 8 | HERSHEY WY | OAKHILL WY | ROUSSEA ST |
| 9 | HOLIDAY ST | WOODLAND DR | BARRICADE |
| 10 | JANICE AVE | ETHAN CT | FAIRCLIFF ST |
| 11 | LAFAYETTE AVE | MISSION BLVD | PULASKI DR |
| 12 | LEXINGTON AVE | MISSION BLVD | PULASKI DR |
| 13 | MACDONALD WY | CHICOINE AVE | DEAD END |
| 14 | MEDINAH CT | MEDINAH ST | END |
| 15 | MIDLOTHIAN WY | ST ANDREWS ST | HOYLAKE ST |
| 16 | MOHICAN ST | ROME PL | ONTARIO PL PL |
| 17 | ROUSSEA ST | CARROLL AVE | BRAE BURN AVE |
| 18 | SHAWNEE CT | TREEVIEW ST | CDS |
| 19 | TIPPICANOE AVE | CARLYLE ST | PULASKI DR |
| 20 | VALLEY FORGE ST | SCHYUKILL AVE | REVERE AVE |
| 21 | VERIL WY | CHICOINE AVE | DEAD END |
| 22 | WOODCHUCK PL | HOLIDAY ST | CDS |

| REHABILITATION TREATMENT | | | |
|--------------------------|----------------|-----------------|-----------------|
| # | Street Name | Begin Location | End Location |
| 23 | ALPINE WY | CLAWITER RD | AMERICAN AVE |
| 24 | ALQUIRE PKWY | VANDERBILT ST | BARRICADE |
| 25 | ARDEN RD | EDEN LANDING RD | CORPORATE AVE |
| 26 | ARROWHEAD WY | MISSION BLVD | INDUSTRIAL BLVD |
| 27 | ARVILLA LN | ORCHARD AVE | END |
| 28 | AUDUBON ST | AUDUBON ST | END |
| 29 | BECKER PL | CARROLL AVE | BIRKDALE WY |
| 30 | BERNICE WY | TREVOR AVE | CHICOINE AVE |
| 31 | BIRKDALE WY | GRESEL ST | ROUSSEA ST |
| 32 | BRIERGATE WY | VANDERBILT ST | DEADEND |
| 33 | BROOKDALE WY | BROOKSIDE LN | BROOKFIELD RD |
| 34 | CHAMPLAIN ST | TROY PL | GENEVA AVE |
| 35 | CHEROKEE CT | AUDUBON ST | END |
| 36 | CHEVY CHASE WY | VANDERBILT ST | DEAD END |
| 37 | CHICOINE AVE | JANICE AVE | CORRINE ST |
| 38 | CHICOINE AVE | CORRINE ST | END |
| 39 | CLAWITER RD | INDUSTRIAL BLVD | W WINTON AVE |
| 40 | COMMERCE PL | CLAWITER RD | END |
| 41 | COTATI ST | GRANDVIEW AVE | DOBBEL AVE |

FY21 PAVEMENT IMPROVEMENT PROJECT - STREET LIST

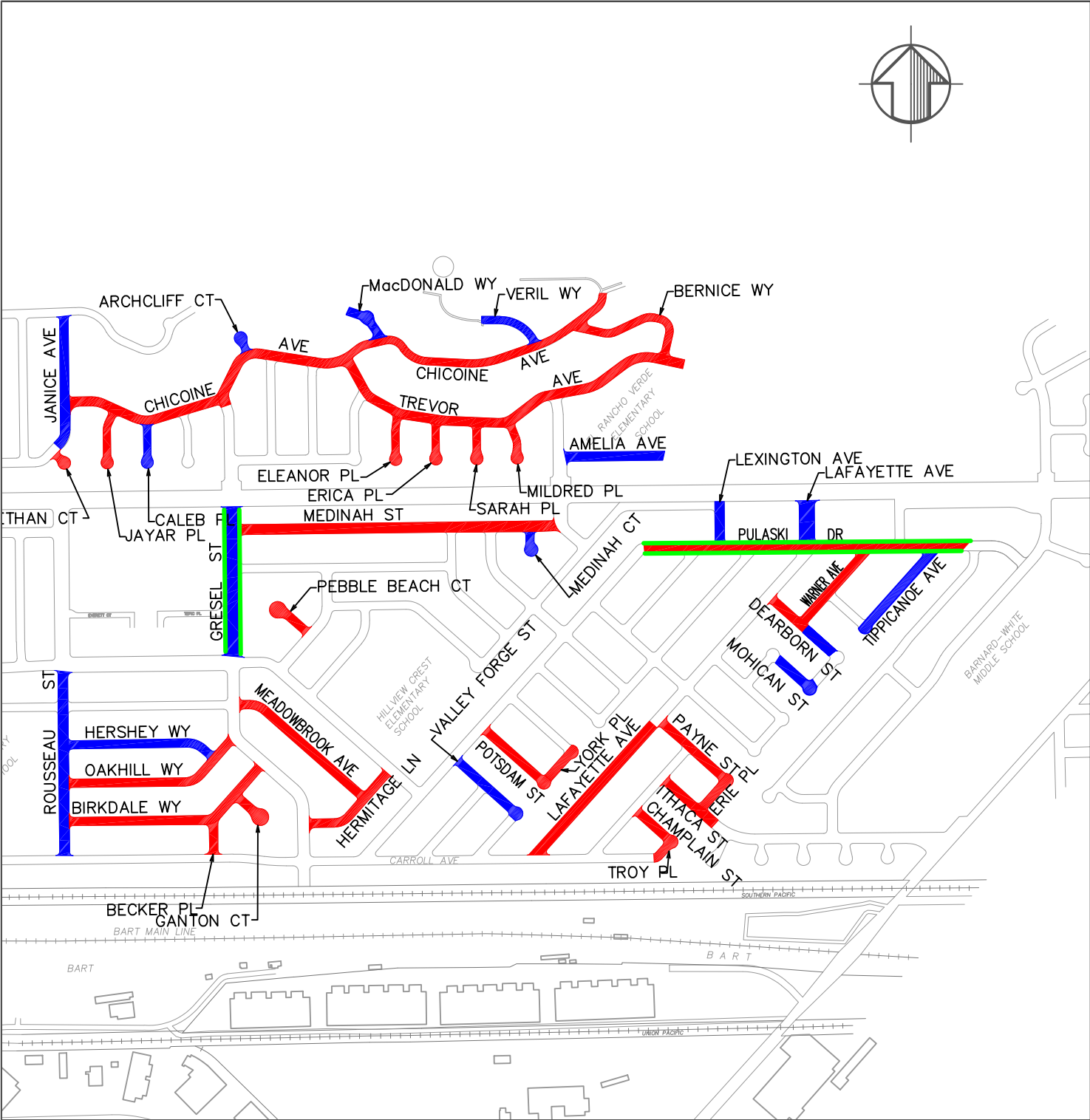
ATTACHMENT III

| REHABILITATION TREATMENT | | | |
|--------------------------|----------------------|----------------|---------------|
| # | Street Name | Begin Location | End Location |
| 42 | ELEANOR PL | TREVOR AVE | END |
| 43 | ERICA PL | TREVOR AVE | END |
| 44 | ERIE PL | ITHACA ST | PAYNE ST |
| 45 | ETHAN CT | JANICE AVE | END |
| 46 | FLOSSMOOR WY | ST ANDREWS | NASSAU LN |
| 47 | FRESHMEADOW CT | TREEVIEW ST | CDS |
| 48 | GANTON CT | BIRKDALE WY | CDS |
| 49 | GISLER WY | VANDERBILT ST | LARRABEE ST |
| 50 | GLENEAGLE AVE | VANDERBILT ST | DEAD END |
| 51 | HERMES CT | SOTO RD | END |
| 52 | HERMES CT | HERMES CT | END |
| 53 | HERMITAGE LN | GRESEL ST | WHEELON AVE |
| 54 | HOYLAKE ST | ST ANNES | FAIRWAY ST |
| 55 | INDUSTRIAL PKWY WEST | STRATFORD RD | RUUS RD |
| 56 | ITHACA ST | CITY LIMITS | GENEVA AVE |
| 57 | JAYAR PL | CHICOINE AVE | END |
| 58 | LAFAYETTE AVE | PAYNE ST | CARROLL AVE |
| 59 | LARRABEE ST | GARIN AVE | WOODLAND DR |
| 60 | MEADOWBROOKE AVE | HERMITAGE LN | GRESEL ST |
| 61 | MEDINAH ST | BLANCH ST | GRESEL ST |
| 62 | MILDRED CT | CORRINE ST | END |
| 63 | MUIRFIELD CT | TREEVIEW ST | END |
| 64 | OAKHILL WY | GRESEL ST | ROUSSEAU ST |
| 65 | OAKMONT WY | ST ANDREWS ST | NASSAU LN |
| 66 | PAYNE ST | ERIE PL | LAFAYETTE AVE |
| 67 | PEBBLE BEACH CT | LA MESA DR | END |
| 68 | POTSDAM ST | YORK PL | REVERE AVE |
| 69 | PULASKI DR | CITY LIMITS | REVERE AVE |
| 70 | ROXANNE AVE | TIEGEN DR | MARIE DR |
| 71 | SARAH PL | CORRINE ST | END |
| 72 | SMALLEY AVE | MONTGOMERY AVE | MISSION BLVD |
| 73 | ST ANDREWS ST | CARROLL AVE | PRESTWICK AVE |
| 74 | SUNNYDALE CT | HOYLAKE ST | CDS |
| 75 | TREEVIEW ST | FAIRWAY ST | BRIERGATE WY |
| 76 | TREEVIEW ST | BRIERGATE WY | GLENEAGLE AVE |
| 77 | TREVOR AVE | CHICOINE AVE | MILDRED CT |
| 78 | TREVOR AVE | MILDRED CT | END |
| 79 | TRIBUNE AVE | HAYWARD BLVD | PARKSIDE DR |
| 80 | TROON PL | ST ANDREWS ST | CDS |
| 81 | TROY PL | CARROLL AVE | CHAMPLAIN CT |
| 82 | TULIP AVE | BUNTING ST | EUGENIA AVE |
| 83 | VANDERBILT ST | ALQUIRE PKWY | NORTH END |
| 84 | WARNER AVE | DEARBORN ST | PULASKI DR |
| 85 | WEST ST | CLAWITER RD | SAKLAN RD |
| 86 | WILLOWBROOK RD | ARROWHEAD WY | ASHBROOK WY |
| 87 | WOODLAND DR | VANDERBILT ST | BARRICADE |
| 88 | YORK PL | POTSDAM ST | ALBANY ST |



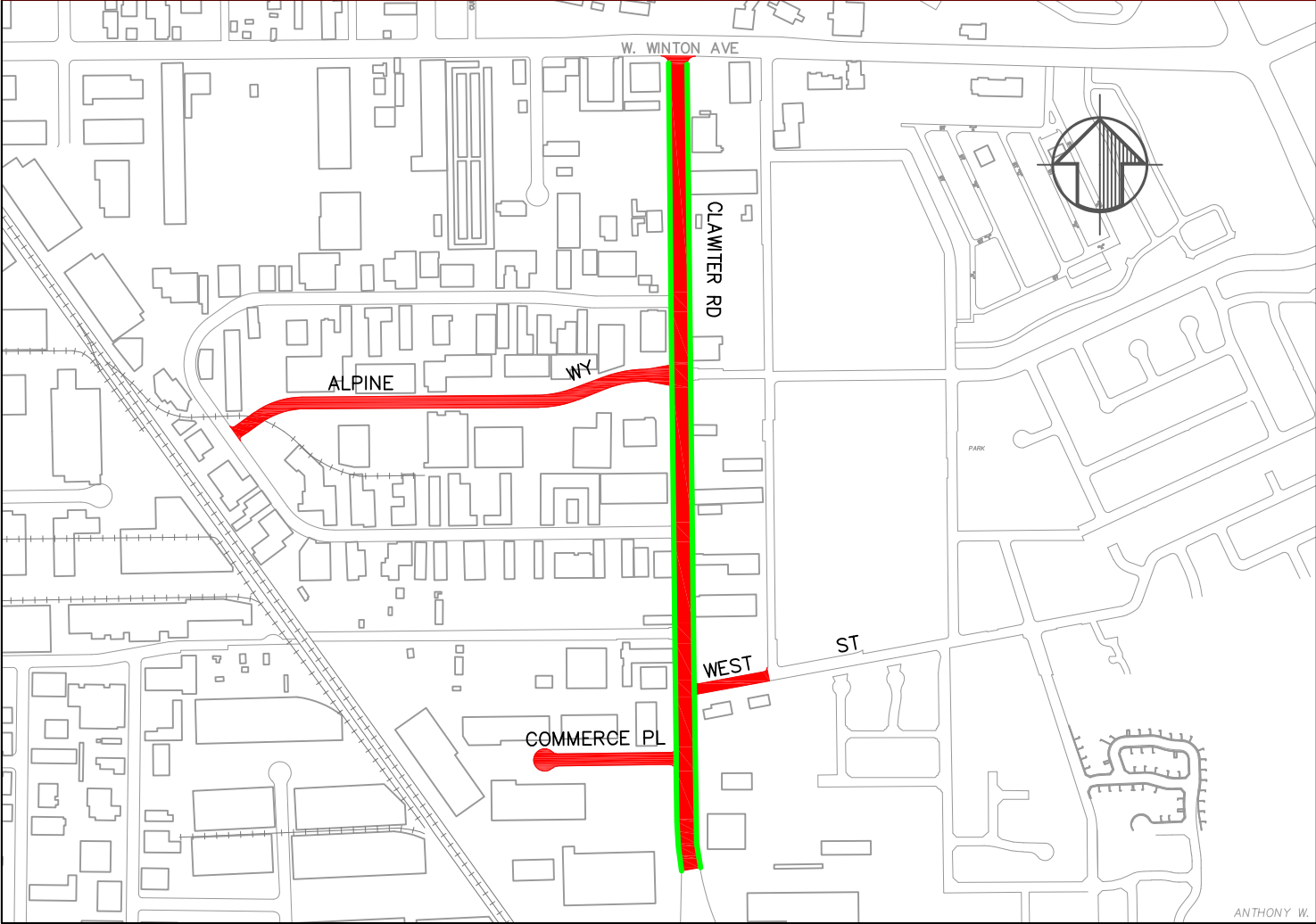
FY21 PAVEMENT IMPROVEMENT PROJECT
PROJECT NOS. 05227, 05236, 05238, 05295, 05297

- PAVEMENT REHABILITATION █
- PREVENTIVE MAINTENANCE █
- BIKE LANE █

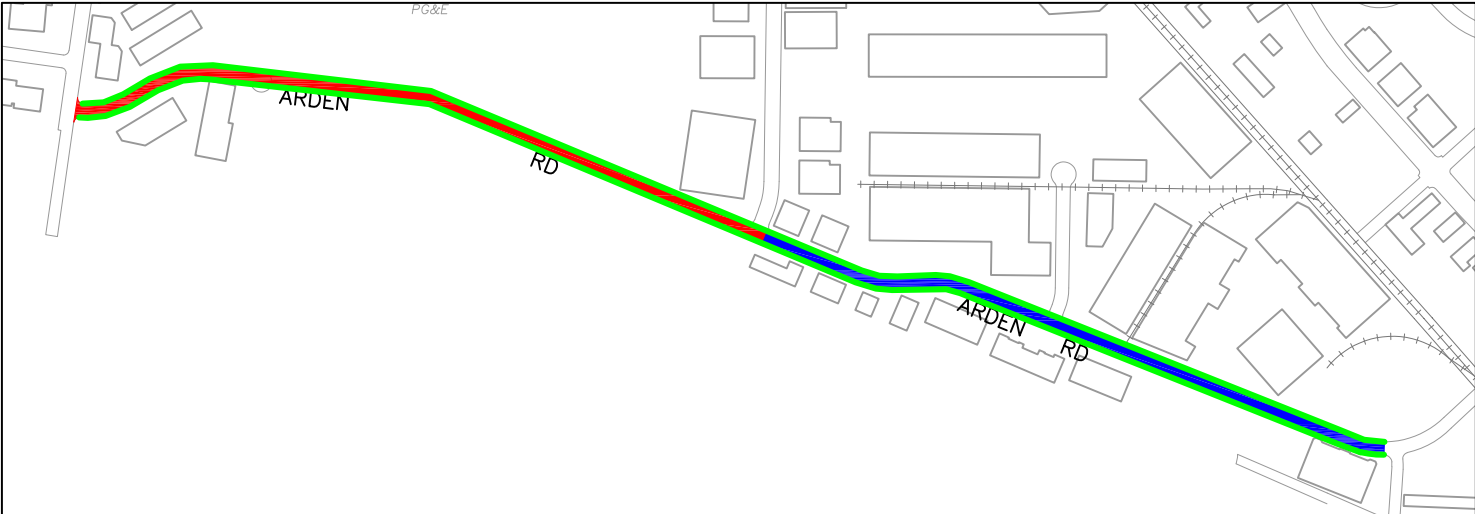


FY21 PAVEMENT IMPROVEMENT PROJECT
PROJECT NOS. 05227, 05236, 05238, 05295, 05297

- PAVEMENT REHABILITATION █
- PREVENTIVE MAINTENANCE █
- BIKE LANE █

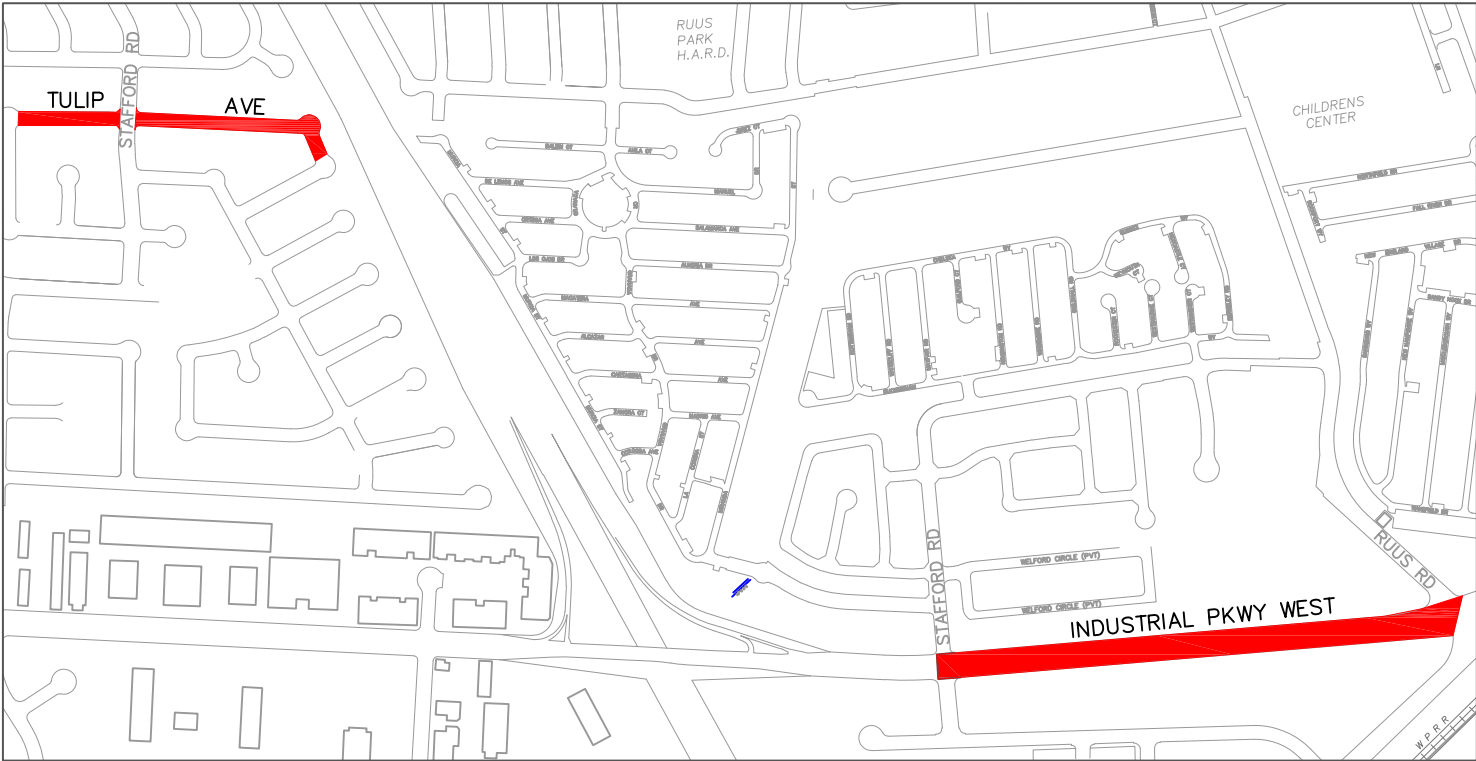
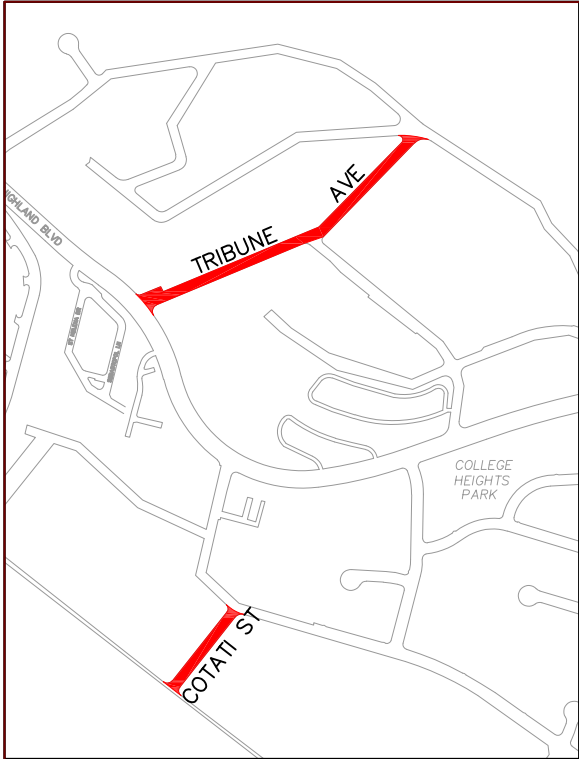
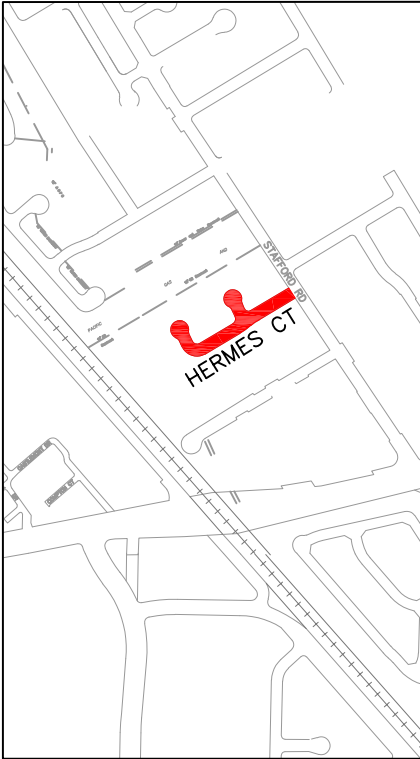
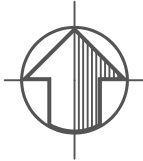


ANTHONY W.



FY21 PAVEMENT IMPROVEMENT PROJECT
PROJECT NOS. 05227, 05236, 05238, 05295, 05297

- PAVEMENT REHABILITATION
- PREVENTIVE MAINTENANCE
- BIKE LANE



FY21 PAVEMENT IMPROVEMENT PROJECT
PROJECT NOS. 05227, 05236, 05238, 05295, 05297

- PAVEMENT REHABILITATION
- PREVENTIVE MAINTENANCE
- BIKE LANE



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-177

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Security Integrations, Inc., for the Purchase of a Citywide Access Control System in an Amount Not-to-Exceed \$601,750.24

RECOMMENDATION

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with the successful bidder Security Integrations, Inc., to purchase a Citywide access control system, in an amount not-to-exceed \$601,750.24 for Phase 1, including the appropriation and transfer of \$295,000 from the General Fund to the Facilities Capital Improvement Fund.

SUMMARY

The security of City-owned buildings is vital to the safety of City customers, visitors, personnel, and assets. Currently, the City utilizes multiple types of building access control systems within various City facilities that do not communicate with one another. The City seeks to implement a single complete network access control system (ACS) for all existing city facilities specified in the request for proposal. Given the dire state of the current fragmented ACS, staff recommends approval of an agreement for the implementation of a new and consolidated ACS.

ATTACHMENTS

| | |
|---------------|--------------|
| Attachment I | Staff Report |
| Attachment II | Resolution |



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Security Integrations, Inc., for the Purchase of a Citywide Access Control System in an Amount Not-to-Exceed \$601,750.24

RECOMMENDATION

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and execute an agreement with the successful bidder Security Integrations, Inc., to purchase a Citywide access control system, in an amount not-to-exceed \$601,750.24 for Phase 1, including the appropriation and transfer of \$295,000 from the General Fund to the Facilities Capital Improvement Fund.

SUMMARY

The security of City-owned buildings is vital to the safety of City customers, visitors, personnel, and assets. Currently, the City utilizes multiple types of building access control systems within various City facilities that do not communicate with one another. The City seeks to implement a single complete network access control system (ACS) for all existing city facilities specified in the request for proposal. Given the dire state of the current fragmented ACS, staff recommends approval of an agreement for the implementation of a new and consolidated ACS.

BACKGROUND

The City's current multi-site ACS is disjointed, lacks integration, and the solution at most locations has reached or exceeded their respective end of useful life-cycle. To resolve the problem, staff determined a single complete network ACS would provide the best solution. Staff conducted research regarding technology changes in security access and created an inter-departmental working group to identify requirements of the ACS. Staff preferred one integrated security suite with web access to allow for a single view that allows each location to manage its own permissions.

An integrated ACS will help organize permissions across the City and provide a safe working environment through this managed access. The ACS will serve as the backbone of the City's

physical security. It will integrate with the current independent video monitoring system to allow for a “single dashboard” view for the security system and the visitor management system. The ACS can also integrate with a Building Management System, Intrusion Alarm System, Fire Alarm Systems, and a Panic Button system.

Staff conducted an assessment and analysis of all City-owned and staff-occupied facilities to determine an appropriate scope of work for replacing the current building access system and installing controlled access at all necessary facilities.

The project will be completed utilizing a phased approach by location, starting with City Hall/Parking Garage followed by the Hayward Police Department and the Hayward Executive Airport to complete the initial phase. The Facilities FY 2022 CIP includes a recommended \$350,000 expenditure to further expand ACS into other City-owned and staff-occupied facilities.

DISCUSSION

Staff conducted an assessment and analysis of all City-owned and staff-occupied facilities to determine an appropriate scope of work for replacing the current building access system and installing controlled access at all necessary facilities.

From this assessment, staff prepared a detailed request for proposals (RFP) to award a vendor an agreement to procure, design, install, and configure a complete network ACS for the City facilities for Phase I with the intention to include Phases II and III in an amendment at a future date. A mandatory pre-bidders meeting was conducted on July 14, 2020 and was attended by eighteen (18) companies. A total of eight (8) companies provided proposals.

A panel of staff members who were identified from various City facilities convened to review and evaluate the proposals and participate in virtual interviews with the applicants. To be considered for evaluation, the proposal for the ACS should allow departments to manage their own accessibility, and the hardware platform must be capable of connecting and managing remote electronic access readers at the various City department properties. Access authorization should be managed and controlled remotely through any City network via login by a designated user/administrator responsible for their respective controlled building locations. The ACS reader should activate on contact with fob or proximity card. Additionally, functionality and capability, such as smartphone app, non-touch proximity technology, and integration with our current video surveillance system were preferred.

STRATEGIC ROADMAP

This agenda item supports the strategic priority outlined in the Strategic Roadmap related to Improving Organizational Health through expanded and standardized physical security.

FISCAL IMPACT

| Project Cost | 601,750.24 | Current Allocated Budget | 306,750.24 |
|---------------------------|-------------------|--|----------------------|
| Facilities Management | 485,000.00 | Facilities Management FY21 CIP | 190,000.00 |
| Hayward Executive Airport | 116,750.24 | Hayward Executive Airport FY21 CIP | 116,750.24 |
| | | | |
| | | Additional General Funds Required | \$ 295,000.00 |
| | | | |

The proposed agreement for Phase I is not-to-exceed \$ 601,750.24. To complete Phase I, an appropriation of \$295,000 from General Fund is requested. Future phases 2 and 3 would be subject to appropriation of funds by the Council.

NEXT STEPS

If Council approves the attached resolution, staff will finalize the agreement with the recommended vendor and cause the agreement to be executed.

Prepared by: Liz Sanchez, Management Analyst II &
Sandi Wong, IT Solutions Analyst II

Recommended by: Todd Rullman, Director of Maintenance Services
Adam Kostrzak, IT Director

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SECURITY INTEGRATIONS, INC., FOR AN ACCESS CONTROL SYSTEM IN AN AMOUNT NOT-TO-EXCEED \$601,750.24; AND AMENDING THE FY 2021 BUDGET RESOLUTION IN ORDER TO APPROPRIATE AND TRANSFER \$295,000 FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT PROJECT FUND FOR SAID SYSTEM

WHEREAS, the security of City-owned buildings and facilities is vital to the safety of City customers, visitors, personnel, and assets; and

WHEREAS, the City seeks to implement a single network access control system for all existing City facilities; and

WHEREAS, the City received eight (8) qualified proposals in response to a competitive request for proposals to procure, design, install, and configure a complete network access control system for City facilities; and

WHEREAS, the FY 2021 budget includes \$190,000 in the Facilities Capital Fund to purchase and install an access control system in City facilities; and the FY 2021 budget includes \$116,750.24 in the Airport Capital Fund to purchase and install an access control system in the Hayward Executive Airport facilities; and

WHEREAS, an additional appropriation is the amount of \$295,000 is required to complete the purchase and installation of an access control system in City facilities in the total amount of \$601,750.24.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward as follows: a) the City Manager is authorized to negotiate and execute an agreement with Security Integrations, Inc., for a single network access control system for all existing facilities in an amount not-to-exceed \$601,750.24, as set forth in detail in the report dated April 20, 2021 and incorporated herein as part of the administrative record; and, b) the FY 2021 budget is amended to appropriate and transfer \$295,000 from the General Fund to the Capital Improvement Fund, for a total allocation of \$601,750.24 for the purchase and installation of said system.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-178

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt Two Resolutions Authorizing the City Manager to: 1) Execute a Cooperative Implementation Agreement with Caltrans for the Arf Avenue and Tennyson Road Trash Capture Devices Not-to-Exceed \$3 Million; and 2) Negotiate and Execute an Agreement with Schaaf & Wheeler for Engineering Design Services Not-to-Exceed \$200,000

RECOMMENDATION

That Council adopts the attached resolutions (Attachments II and III) authorizing the City Manager to:

1. Negotiate and execute a Cooperative Implementation Agreement with Caltrans to fund the design and construction of two large trash capture devices on Arf Avenue and Tennyson Road to remove trash from stormwater with a cost not-to-exceed \$3 million to be funded by Caltrans; and
2. After the Agreement with Caltrans is executed, negotiate, and execute a Professional Services Agreement with Schaaf & Wheeler for engineering services related to the installation of the two Trash Capture Devices not-to-exceed \$200,000 to be funded by Caltrans.

SUMMARY

To comply with the trash reduction requirements of the Municipal Regional Stormwater Permit (MRP), the City is collaborating with Caltrans to fund the design and construction of two large trash capture devices within the City's storm drain system to capture trash before the waters flow to the San Francisco Bay. One device will be located at Arf Avenue near Hesperian Blvd and one at Tennyson Road near I-880. The two projects mutually benefit the City and Caltrans as the area treated by the two large trash capture devices includes City and Caltrans right of way (ROW). The cooperative implementation agreement includes execution of the projects by City staff with the project budget paid by Caltrans. The agreement with Caltrans will be executed prior to spending funds for the design or construction of the projects to ensure Caltrans will reimburse the City for all costs.

File #: CONS 21-178

ATTACHMENTS

| | |
|----------------|---|
| Attachment I | Staff Report |
| Attachment II | Resolution Authorizing Cooperative Implementation Agreement |
| Attachment III | Resolution Authorizing the Professional Services Agreement for Engineering Services |



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt Two Resolutions Authorizing the City Manager to: 1) Execute a Cooperative Implementation Agreement with Caltrans for the Arf Avenue and Tennyson Road Trash Capture Devices Not-to-Exceed \$3 Million; and 2) Negotiate and Execute an Agreement with Schaaf & Wheeler for Engineering Design Services Not-to-Exceed \$200,000

RECOMMENDATION

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1. Negotiate and execute a Cooperative Implementation Agreement with Caltrans to fund the design and construction of two large trash capture devices on Arf Avenue and Tennyson Road to remove trash from stormwater with a cost not-to-exceed \$3 million to be funded by Caltrans; and
2. After the Agreement with Caltrans is executed, negotiate and execute a Professional Services Agreement with Schaaf & Wheeler for engineering services related to the installation of the two Trash Capture Devices not-to-exceed \$200,000 to be funded by Caltrans.

SUMMARY

To comply with the trash reduction requirements of the Municipal Regional Stormwater Permit (MRP), the City is collaborating with Caltrans to fund the design and construction of two large trash capture devices within the City's storm drain system to capture trash before the waters flow to the San Francisco Bay. One device will be located at Arf Avenue near Hesperian Blvd and one at Tennyson Road near I-880. The two projects mutually benefit the City and Caltrans as the area treated by the two large trash capture devices includes City and Caltrans right of way (ROW). The cooperative implementation agreement includes execution of the projects by City staff with the project budget paid by Caltrans. The agreement with Caltrans will be executed prior to spending funds for the design or construction of the projects to ensure Caltrans will reimburse the City for all costs.

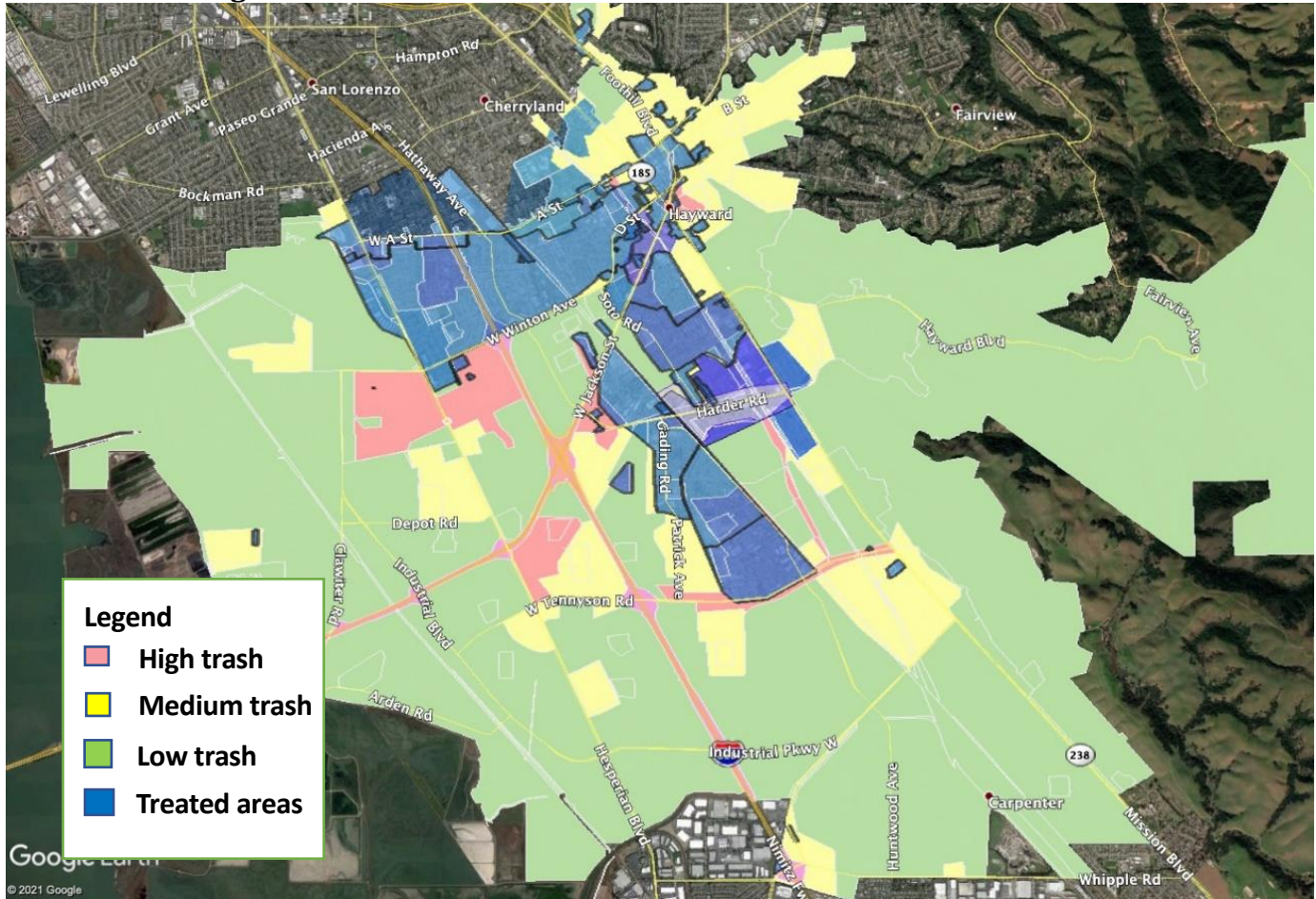
BACKGROUND

The National Pollution Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA). The NPDES program was amended in 1986 to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state. From 1990 to 2009 each municipality in the Bay Area was regulated under countywide stormwater permits with individual requirements specific to each county. On October 14, 2009 the first regional stormwater permit, the Municipal Regional Permit (MRP), was adopted by the San Francisco Bay Regional Water Quality Control Board. The MRP regulated municipalities within the counties of Alameda, Contra Costa, Santa Clara, San Mateo as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District. Municipalities and local agencies included in the MRP are referred to as 'Permittees'. The MRP is renewed about every five years and is currently on its second cycle (MRP 2.0).

Provision C.10 of the MRP includes the trash reduction requirements for Permittees to reduce all trash from stormwater systems to waters of the state by 100% by the year 2022. The City currently has 62% credit for trash reduction and is behind schedule for compliance. Included in the 62% are credits the City receives for trash reduction from trash capture devices in the storm drain infrastructure, for product bans such as the City's plastic bag and polystyrene bans, and for on-land pick up of trash in creeks and shorelines. Currently, the City owns more than 200 small trash capture devices installed in storm drain catch basins and two large underground trash capture devices installed in storm drainpipes located at Patrick Avenue and Tennyson Road.

Areas currently treated for trash using trash capture devices are highlighted in blue in Figure 1 below.

Figure 1. Areas of Trash Generation and Current Treatment



The yellow and pink highlighted areas are the remaining areas to treat for trash (yellow is medium generating trash areas and pink are high generating trash areas).

The MRP 3.0 draft is projected to be adopted July 1, 2022. As currently drafted, the trash reduction requirements are revised to extend the 100% trash reduction compliance to July 1, 2025, however, the draft also removes credit for product bans (plastic bag and polystyrene), which decreases the City's existing credit.

DISCUSSION

More trash capture devices will need to be installed in the City's storm drain system to make up credit lost from the product ban credit received in the past and to comply with the 100% trash reduction mandate by 2025. The two projects funded by Caltrans are scheduled to be installed in the next three years and will give the City approximately 10% credit toward our trash reduction goal. Table 1 below shows staff's plan to meet the mandate by 2025.

Table 1. Plan to Meet 100% Trash Reduction Requirement by 2025.

| Year | Compliance Action | Credit |
|-------------|---|---------------|
| 2020 | 200 small devices in catch basins, 2 large trash capture devices, 4 large screens in creeks | 62% |
| 2021 | If MRP 3.0 is approved as drafted, credit for product bans will be removed. | -10% |
| 2021-2023 | Large Trash Capture Projects at Arf Avenue and Tennyson Road (Collaboration with Caltrans) | +10% |
| 2021 | Small trash capture devices throughout City | +30% |
| 2022 | Large Trash Capture Project at Industrial Blvd. near Pacific | +5% |
| 2023-2024 | Additional Large Trash Capture projects | +2-5% |
| | Total | 100% |

Like the City, Caltrans also has a mandate to eliminate trash from stormwater from rights-of-way. Similar to the City, Caltrans has a trash reduction plan, which includes installing trash capture devices to remove trash from stormwater flowing on their ROW. Throughout Caltrans ROW, there are very few opportunities to install large trash capture devices due to space needed for installation and the direction of stormwater flow along freeways. Caltrans and several cities have looked to collaborative projects to install trash capture devices downstream of Caltrans ROW, within city jurisdictions, to capture trash in areas required to be treated for trash. A collaborative trash capture project between Hayward and Caltrans would help achieve stormwater compliance for both agencies and would include funding from Caltrans to help carry out Hayward’s plan for compliance.

After review of Hayward’s remaining areas to treat for trash and Caltrans ROW that overlaps with those areas, staff proposed and Caltrans agreed to fund two projects that will benefit both agencies. Figure 2 below shows the two project areas.

Figure 2. Arf Avenue and Tennyson Road Trash Capture Project Areas with Caltrans

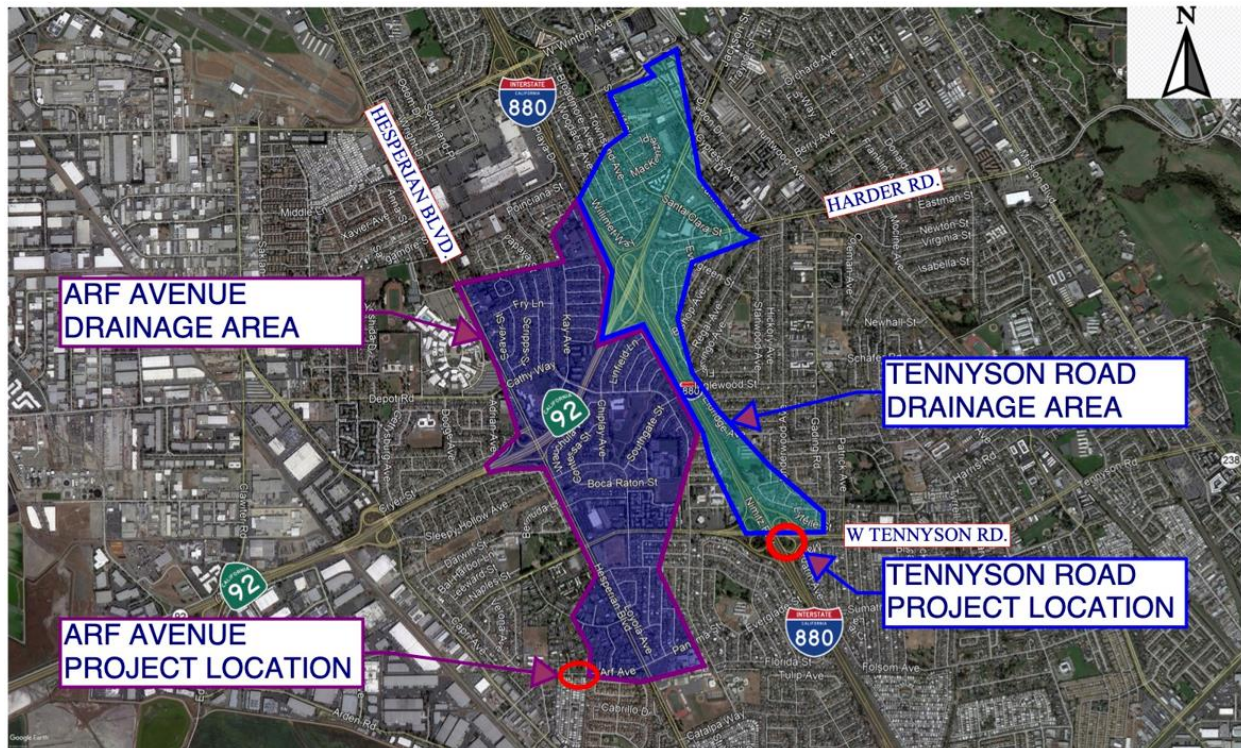
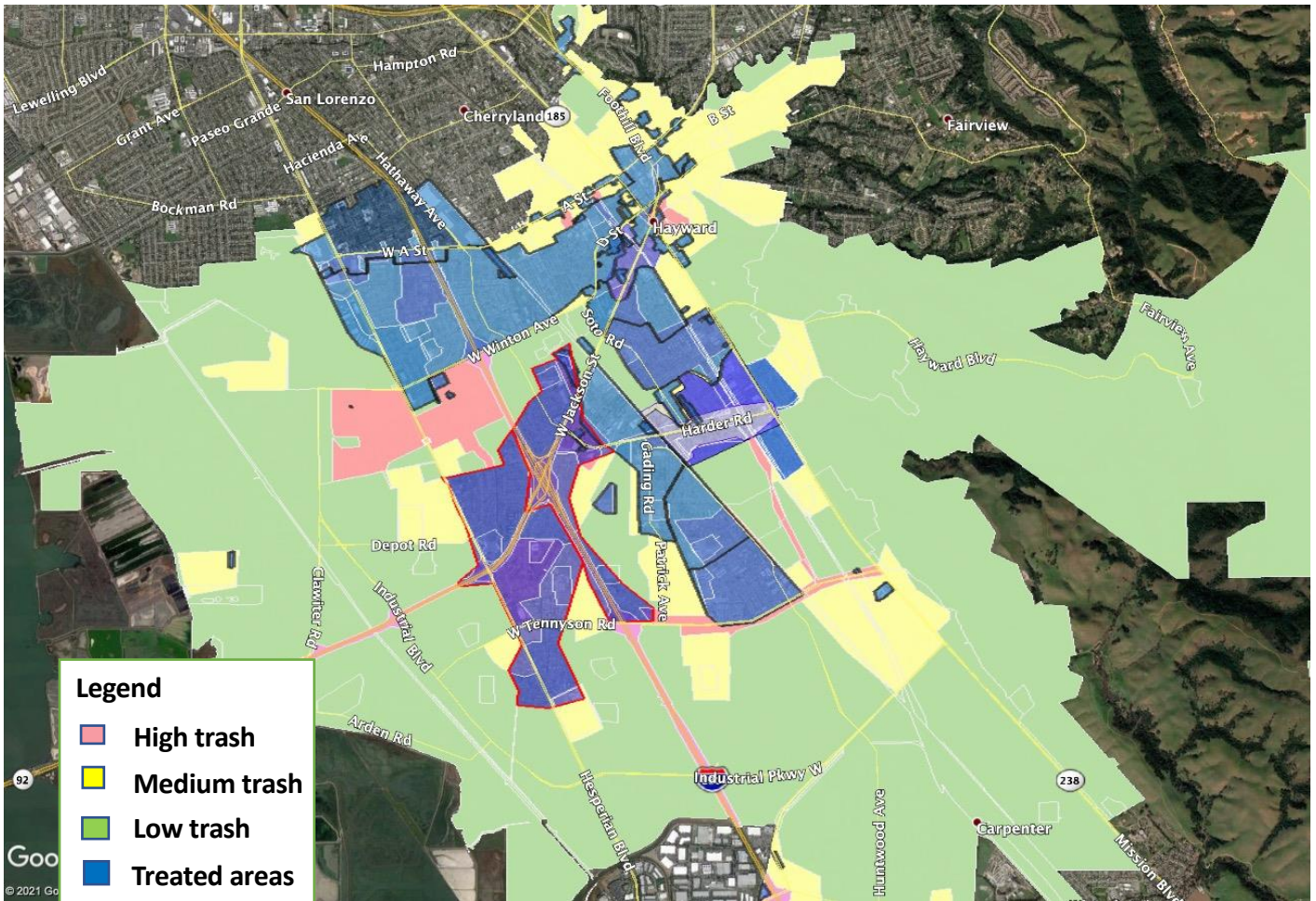


Figure 3. Increased Area Treated for Trash with Two Caltrans Projects



The approximate areas treated and the budget for each project is provided in the Table 2 below.

Table 2. Budget and Area Treated for Arf Avenue and Tennyson Road Projects

| Project | Total Area (acres) | Total Caltrans Area (acres) | Credit for MRP Trash Reduction | Estimated Cost for device and installation |
|---------------------|--------------------|-----------------------------|--------------------------------|--|
| Arf Avenue | 446 | 35 | 5% | \$1,400,000 |
| Tennyson Road | 436 | 84 | 5% | \$1,400,000 |
| Consultant Services | | | | \$200,000 |
| Total Cost | | | | \$3,000,000 |

Staff worked with Caltrans to develop the project budget, which is included in the Scope of Work and the draft Cooperative Implementation Agreement. The draft Agreement states that Caltrans will fund the design and construction of the two trash capture projects with a cost not-to-exceed \$3 million. The draft Agreement also states that both projects must be completed by 2023.

Staff solicited proposals for design services and four firms responded. Staff recommends Schaaf & Wheeler for their experience with Caltrans and large trash capture projects. The design services budget for the selected firm shall not exceed \$200,000. Council adoption of the attached resolution (Attachment III) would authorize the City Manager to negotiate and execute a professional services agreement with Schaaf & Wheeler.

ENVIRONMENTAL REVIEW

The proposed projects are categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities) of the CEQA Guidelines.

ECONOMIC IMPACT

There will be some benefit to the local economy as installation of the projects will create short-duration construction jobs. While the project cost exceeds \$1 million, this project will not be subject to the City's Community Workforce Agreement because the project is being funded by another agency (Caltrans).

FISCAL IMPACT

The project will not impact the City's funds. The cooperative agreement states that Caltrans will fund the design and construction of the two trash capture projects. The cost of the contract with Schaaf & Wheeler is part of the \$3 million budget referenced in the cooperative agreement. The agreement with Schaaf & Wheeler will be executed after the Cooperative Implementation Agreement is executed with Caltrans to ensure all costs are reimbursed by Caltrans.

The City will be responsible for maintaining the two devices, including cleaning them as with the other trash capture devices the City owns. The annual cost to maintain each device is approximately \$2,000. Maintenance of the devices will be paid for from the Stormwater Fund and will not impact the General Fund. In addition to the maintenance, the City's financial contribution will include staff time associated with management of the design and installation of the devices.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project(s):

Project 17: Meet regulatory requirements for zero trash in stormwater by installing trash capture devices

Project 17a: Install trash capture devices

SUSTAINABILITY FEATURES

Preventing pollution including trash from entering the waters of the state will benefit aquatic ecosystems and the health of the San Francisco Bay.

PUBLIC CONTACT

No public contact has been made regarding this agenda item. Prior to construction, notices will be provided to residents and businesses surrounding the project areas. Public notices will address any transportation and other relevant information needed during construction.

NEXT STEPS

If approved, staff will complete negotiations with Caltrans to execute the cooperative agreement and finalize the documents. Upon Council approval, staff will also award Schaaf & Wheeler with the consulting contract and begin design of the projects. In the next six months staff will work the consultant to survey the two project locations, finalize the device design, and acquire all permits and approvals for the projects. Staff expects to break ground in spring of 2022 to install the devices.

Prepared by: Elisa Wilfong, Water Pollution Control Administrator
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE IMPLEMENTATION AGREEMENT WITH CALTRANS TO RECEIVE GRANT FUNDS TO CONSTRUCT THE HAYWARD TRASH CAPTURE PROJECT AT A COST NOT-TO-EXCEED \$3,000,000

WHEREAS, the Municipal Regional Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board) on November 19, 2015, requires 100% removal of trash from the stormwater system by the year 2022; and

WHEREAS, the City of Hayward (City) has achieved 62% removal of trash and submitted to the Water Board a plan for compliance with the current MRP trash mandate; and

WHEREAS, the City has identified two sites on Arf Avenue and Tennyson Road for the Hayward Trash Capture Project (Project); and

WHEREAS, the Project is consistent with the City's plan for compliance with the current MRP trash mandate; and

WHEREAS, the Project will result in the installation of two large trash capture devices to filter trash and debris from two watersheds at the two separate locations; and

WHEREAS, the State of California Department of Transportation (Caltrans) owns and maintains property that is in each of the two watersheds; and

WHEREAS, Caltrans and the City, pursuant to California Streets and Highways Code (SHC) Sections 114 and 130, have expressed willingness to enter into a Cooperative Implementation Agreement for improvements to the State Highway System (SHS) as a watershed stakeholder within the City's jurisdiction; and

WHEREAS, Caltrans has expressed intent to contribute an amount not-to-exceed \$3,000,000 dollars to the City to construct the Project, within the regional area under the jurisdiction of the City to comply with the MRP; and

WHEREAS, the Project is eligible for a categorical exemption under the California Environmental Quality Act (CEQA) because the Project consists of the minor alteration of existing publicly owned facilities used for the conveyance of storm water.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward finds the Project is categorically exempt from environmental review in accordance with CEQA pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) of the CEQA Guidelines.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to negotiate and execute a Cooperative Implementation Agreement with Caltrans, in a form approved by the City Attorney, to receive grant funds from Caltrans in an amount not-to-exceed three million dollars (\$3,000,000) to construct the Hayward Trash Capture Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SCHAAF & WHEELER FOR ENGINEERING SERVICES FOR THE HAYWARD TRASH CAPTURE PROJECT IN AN AMOUNT NOT-TO-EXCEED \$200,000

WHEREAS, the Municipal Regional Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board) on November 19, 2015, requires 100% removal of trash from the stormwater system by the year 2022; and

WHEREAS, the City of Hayward (City) has achieved 62% removal of trash and submitted to the Water Board a plan for compliance with the current MRP trash mandate; and

WHEREAS, the City has identified two sites on Arf Avenue and Tennyson Road for the Hayward Trash Capture Project (Project); and

WHEREAS, the Project is consistent with the City's plan for compliance with the current MRP trash mandate; and

WHEREAS, the Project will result in the installation of two large trash capture devices to filter trash and debris from two watersheds at the two separate locations; and

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WHEREAS, Caltrans and the City, pursuant to California Streets and Highways Code (SHC) Sections 114 and 130, have expressed willingness to enter into a Cooperative Implementation Agreement for improvements to the State Highway System (SHS) as a watershed stakeholder within the City's jurisdiction; and

WHEREAS, Caltrans has expressed intent to contribute an amount not-to-exceed \$3,000,000 dollars to the City to construct the Project, within the regional area under the jurisdiction of the City to comply with the MRP; and

WHEREAS, Schaaf & Wheeler and the City will enter into a Professional Services Agreement for engineering services to design and manage the installation of the Project with a cost not-to-exceed \$200,000; and

WHEREAS, before the City executes the Professional Services Agreement for engineering services, the City will execute a Cooperative Implementation Agreement where in Caltrans will agree to reimburse the City for all consultant contract fees to complete the Project; and

WHEREAS, the Project will be completed by July 1, 2023 to satisfy Caltrans funding schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute an agreement with Schaaf & Wheeler, for engineering services for the Hayward Trash Capture Project, in an amount not-to-exceed \$200,000, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



File #: WS 21-018

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Let's House Hayward! Strategic Plan: Review Update on Planning Process, Vision, Goals, and Priority Projects for the Let's House Hayward Homelessness Reduction Strategic Plan

RECOMMENDATION

That Council reviews this report and provides feedback on the vision, goals, and priority projects identified in the Let's House Hayward! (LHH) Strategic Plan.

SUMMARY

The Council has long identified homelessness, housing affordability, and eviction prevention as key community concerns. Most recently, Council included Preserve, Protect, and Produce Housing as a priority in the City's Strategic Roadmap, and listed "Create a Homelessness Reduction Strategic Plan modeled on an empowerment approach and best practices, as well as after Alameda County's EveryOne Home Plan," as a key project for achieving the goals of that priority area.

In November 2020, staff partnered with Homebase to develop the Let's House Hayward! Strategic Plan. Over the past five months, Homebase has engaged a diverse set of community stakeholders, including individuals with lived experience of homelessness, to produce a set of community-informed goals and strategies for reducing and preventing homelessness in Hayward. Stakeholders expressed consensus that acting now on homelessness response is imperative for preventing an even greater expansion of homelessness that may result from the economic, social, and public health impacts of COVID-19. Further, many have called out the important context that, as with homelessness in Hayward, the negative impacts of COVID-19 have disproportionately impacted Black, indigenous, and people of color.

Once approved by Council, the LHH Plan will guide funding and policy decisions over the next five years as Hayward continues to take a leadership role in reducing and preventing homelessness. This report provides an overview of the draft vision, goals, and priority projects identified in the planning process. The vision and goals were drafted using community input and were further vetted with the LHH Steering Committee, a group of community experts and leaders. The priority projects are categorized into two

File #: WS 21-018

separate tiers based on their implementation readiness. Staff requests that Council provide their input and feedback on the draft vision, goals, and priority projects.

Staff will work with Homebase to integrate Council feedback. In June, staff will present the completed five-year plan to the Homelessness-Housing Task Force, then return to Council later in the summer for final approval.

ATTACHMENTS

| | |
|---------------|--------------|
| Attachment I | Staff Report |
| Attachment II | Presentation |



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Let's House Hayward! Strategic Plan: Review Update on Planning Process, Vision, Goals, and Priority Projects for the Let's House Hayward Homelessness Reduction Strategic Plan

RECOMMENDATION

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Once approved by Council, the LHH Plan will guide funding and policy decisions over the next five years as Hayward continues to take a leadership role in reducing and preventing

¹ Centers for Disease Control and Prevention (December 2020). *COVID-19 Racial and Ethnic Health Disparities*. Retrieved from: <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/index.html>

homelessness. This report provides an overview of the draft vision, goals, and priority projects identified in the planning process. The vision and goals were drafted using community input and were further vetted with the LHH Steering Committee, a group of community experts and leaders. The priority projects are categorized into two separate tiers based on their implementation readiness. Staff requests that Council provide their input and feedback on the draft vision, goals, and priority projects.

Staff will work with Homebase to integrate Council feedback. In June, staff will present the completed five-year plan to the Homelessness-Housing Task Force, then return to Council later in the summer for final approval.

BACKGROUND

As of January 2019, approximately 487 people experience homelessness in Hayward each night, with three out of four of those individuals sleeping outside. This represents a 23% increase in the number of homeless people in Hayward since 2017 and it is likely an underrepresentation of the actual number of people experiencing homelessness in Hayward. While more recent local data are not available due to COVID-19-related delays in the 2021 point-in-time count, state-level data showed a 7% increase in homelessness from 2019 to 2020.² Further, national data indicates increases in risk factors that lead to homelessness, including increased food insecurity and the inability to pay rent or mortgage.³ Despite data limitations, it is widely recognized that homelessness is a rapidly growing issue regionally and across the state.

On January 28, 2020,⁴ the Council approved the City's Strategic Roadmap, which includes the priority area to Protect, Preserve, and Produce Housing. That priority area includes the project to create and implement a homelessness reduction strategic plan. Developing a strategic plan to address homelessness enables the City to proactively position and prioritize the City's work toward helping to resolve this regional issue and prepare for accessing additional resources as they become available (e.g., one-time funds, grants). To begin this project, Council authorized an agreement with Homebase to prepare the five-year Let's House Hayward! (LHH) Strategic Plan.⁵ As authorized by Council, the plan uses a racial equity analysis, aligns with regional plans, includes people with lived experiences of homelessness in the outreach process, and addresses

² Department of Housing and Urban Development. 2020 CoC Homeless Populations and Subpopulations Report – California. Retrieved from <https://www.hudexchange.info/programs/coc/coc-homeless-populations-and-subpopulations-reports/?filter Year=2020&filter Scope=State&filter State=CA&filter CoC=&program=CoC&group=PopSub>

³ Center on Budget and Policy Priorities (March 2021). *Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships*. Retrieved from <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>

⁴ January 28, 2020, City Council Meeting Agenda and Materials: <https://hayward.legistar.com/LegislationDetail.aspx?ID=4315589&GUID=1F328D58-C3FC-41E5-8BF7-A17E4E09DDCB&Options=&Search=>

⁵ September 22, 2020, City Council Meeting Agenda and Materials: <https://hayward.legistar.com/LegislationDetail.aspx?ID=4646746&GUID=5852A012-464E-410B-85F2-2C8F1CDB0400&Options=&Search=>

the unique issues of Hayward within the broader regional response to homelessness. Grounded in community feedback, the LHH plan is intended to guide policy and funding decisions related to reducing and preventing homelessness in Hayward over the next five years.

The LHH plan also aligns with the City's broader public safety community outreach project and corresponding Policy Innovation Workshop on Community Safety.⁶ Findings from the Citywide community conversations on public safety identified that homelessness was a top concern among Hayward residents, with some noting their concerns about homeless individuals' safety and others expressing concerns about the public health risks of homelessness.⁷ Given these findings, the LHH plan draws explicit connections to the ongoing Policy Innovation Workshops in order to leverage the opportunity to pilot test outreach and engagement alternatives.

DISCUSSION

The City is at a key moment in the development of the LHH plan. As discussed below, Homebase has collected a substantial amount of research and community input, which has been integrated to create a guiding vision statement for the plan as well as three community-informed goals to help make that vision a reality. Concurrent to this work, the City is embarking on significant financial decisions regarding not only its FY 2022 budget, but also the allocation of federal stimulus funds from the American Rescue Plan.⁸

Staff are bringing this item to Council for two main purposes:

- 1) To solicit input and feedback on the draft vision and goals for the plan, and
- 2) To update Council on the emerging priority projects identified through the planning process to help inform discussions of the use of federal stimulus and other funding opportunities.

Staff will work with Homebase to integrate Council feedback. In June, staff will present the completed five-year plan to the Homelessness-Housing Task Force, then return to Council later in the summer for final approval.

Engaging the Community in the Planning Process

Homebase, City staff, and partners throughout the Hayward community have worked together to engage a diverse set of stakeholders. Since the project launch in October 2020, Homebase has collected a wide range of data and input from City stakeholders, including:

- Interviews with individuals with lived experience of homelessness

⁶ <https://www.hayward-ca.gov/your-government/departments/city-managers-office/public-safety-community-outreach>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4677304&GUID=52E170E7-7C7A-4B62-AEA8-32BB683AC71D&Options=&Search=>

⁸ April 6, 2021, City Council Meeting Agenda and Materials:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4900849&GUID=ADD8C542-EA4A-4321-9FA9-ED43530240FC&Options=&Search=>

- Focus groups and interviews with City staff from the City Manager’s Office, Maintenance Services Division, Code Enforcement, Fire Department, and Police Department
- Focus group and interviews with community-based organizations, including non-profit service providers and housing developers
- Focus group with Downtown Hayward Improvement Association
- Focus group with education partners from Hayward Promise Neighborhood and HUSD Child Welfare and Attendance
- Four virtual community forums attended by between 55 and 80 individuals, including those listed above and other non-affiliated members of the community
- Guided discussion at the Homelessness-Housing Task Force meeting on December 3, 2020
- Guided discussion at the Community Services Commission meeting on December 16, 2020

Additionally, throughout the planning process, the Homebase team has gathered feedback and input from the Steering Committee, which is a group of individuals with lived experience, service providers, housing developers, business leaders, and City staff from the City Manager’s Office, Hayward Police Department, and Library. The Steering Committee functions as a panel of experts who provide overarching guidance and input on the plan.

Setting the Let’s House Hayward! Vision and Goals

A vision statement is an important component of a strategic plan, as it sets forth the City’s meaning and purpose for addressing and preventing homelessness in Hayward. Through the engagement work described above, the Homebase team drafted multiple versions of a vision statement for the Let’s House Hayward! Strategic Plan Steering Committee to review and discuss. Through that process, the following vision statement was identified:

Our vision is for the City of Hayward to be a leader in ensuring an end to homelessness through accessible, dignified treatment and services.

As with the vision statement, community feedback and input informed the development of three goals, which are intended to guide the City’s response to homelessness over the next five years. These goals encompass a wide span of work, including internal and external communication and coordination, increasing service availability and capacity, and increasing prevention efforts to reduce homelessness upstream. The three goals for the LHH plan are:

- 1. Goal 1: Formalize a Coordinated and Compassionate Citywide Response to Homelessness and Develop Wider Community Understanding and Engagement**
 - To achieve this, the City will continue its innovative approach to internal collaboration across divisions, increase communication with providers and individuals with lived experience, and work to educate the community about the issues of homelessness to reduce stigma.

2. Goal 2: Increase Availability of and Reduce Barriers to Homeless Crisis Response Services

- To achieve this, the City will expand its capacity to provide shelter that leads to permanent housing and test new ways to improve outreach and engagement.

3. Goal 3: Ensure Access to and Retention of Affordable Permanent Housing

- To achieve this, the City will continue investing in eviction prevention and anti-displacement resources and will prioritize developing housing for those experiencing and most at-risk of experiencing homelessness.

Establishing the Let’s House Hayward! Priority Projects

The approved Let’s House Hayward! Strategic Plan will contain a detailed breakdown of projects and activities necessary to achieve the goals listed above. The plan will scaffold activities and projects that build on each other over time and will articulate the assumptions built into implementing them, such as the staffing, funding, and partner resources required for success.

Existing Projects

There are several existing, ongoing projects to address homelessness that were identified in the planning process as priority projects that already have funding and staffing resources identified. These projects are listed below in Table 1.

Table 1. Existing Let’s House Hayward! Projects

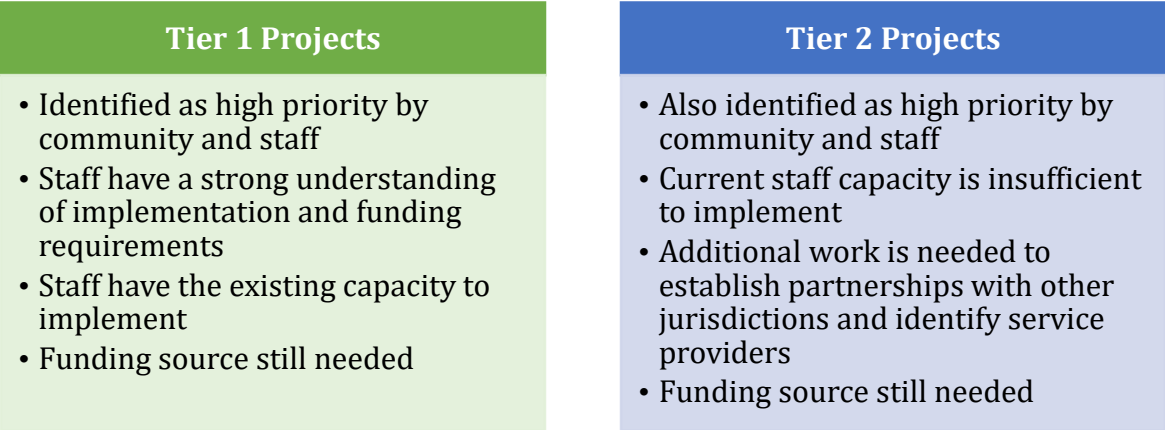
| Supporting Goal | Project |
|------------------------|---|
| Goal 1 | Continue to leverage the City’s cross-departmental collaboration around encampment response |
| | Provide trauma informed racial equity training for City staff |
| | Continue refining clear community agency funding application, award and oversight processes , including integrating racial equity and program evaluation metrics. |
| Goal 2 | Continue oversight and management of the Navigation Center , which includes the Annex . |
| | Continue current shelter programming (i.e., General Fund social services agreements with local non-profit shelters). |
| | Develop funding for and increase availability of non-congregate shelters through motel/hotel conversion or underutilized property with formalized exit plans to decrease returns to homelessness |
| | Leverage policy innovation workshops to explore alternative outreach programs/ outreach services expansion and implementation of recommendations |
| | Provide resources for home repair to prevent displacement of very low-income households. |

| | |
|--------|---|
| | Identify opportunities to align workforce development activities from the Strategic Roadmap with employment needs for individuals currently experiencing or at risk of experiencing homelessness. |
| Goal 3 | Continue existing eviction prevention programs. |
| | Provide non-emergency mediation services to resolve rent delinquency for eligible rental housing |
| | Continue streamlining development processes for building affordable housing units |
| | Identify zoning barriers to implementing innovative shelter and housing models , such as tiny homes, safe parking, safe camping, and multi-unit development in city planning codes and ordinances |
| | Continue public/private partnerships to create a "shovel ready" hotel conversion project to be ready for any State funding to support property acquisition and rehabilitation, and program operations for long-term permanent supportive housing |

New Priority Projects

In addition to the existing projects listed above, through the community planning process, several projects have been identified by community participants and the Steering Committee as high priority with the likelihood of having a significant impact on reducing or preventing homelessness in Hayward. Staff have categorized these projects into two groups, based on readiness for implementation (see Figure 1).

Figure 1. Categorizing Let’s House Hayward! Projects



Importantly, projects in both categories have been identified as high priority. Each project would be designed using a racial equity lens, with consideration of the significant racial disparities seen in homelessness and displacement throughout the region. Further, projects in both categories are innovative options for use of federal stimulus funds, though Tier 2 projects would need additional start-up time before implementation could begin.

The key distinction between the two categories of projects is their current readiness. **Tier 1 projects** are those that, were funds currently available, staff could act almost immediately to begin development and implementation. **Tier 2 projects** are those that require additional staff capacity (in the form of additional staff or part-time consultants), as well as additional funding. They also may require additional feasibility work to bring in appropriate partners and conduct outreach to educate the community in advance of implementation.

Tier 1 Projects

As listed in Table 2, Tier 1 projects are extensions of existing work. While each project would require additional funding, the internal City staffing infrastructure is in place to continue managing the projects beyond their current timelines. Two of the three projects address Goal 2 of the LHH plan by increasing temporary shelter in conjunction with services that will help with housing problem solving and linking individuals and families to permanent housing. The third project addresses Goal 3 by reducing the likelihood of displacement and homelessness through rent assistance for extremely low-income households. Importantly, the shallow subsidy program is distinct from the City’s emergency rent relief program that was enacted in response to COVID-19 and has now ended. Shallow subsidies provide a small stipend (e.g., \$400) each month to extremely low-income households to reduce their housing cost burden and prevent displacement.

Table 2. Tier 1 Projects

| Project | Annual Cost/Individuals served | Supporting Goal |
|--|--|-----------------|
| Extend the Hayward Navigation Annex beyond current six-month contract to increase temporary shelter capacity | \$2M annually/ 70 individuals given temporary shelter and services to connect to permanent housing | Goal 2 |
| Extend the Winter Warming Shelter to year-round operations to increase temporary shelter capacity | \$1M annually/ 100 individuals given temporary shelter | Goal 2 |
| Develop a shallow subsidy rental assistance pilot program for extremely low-income households to receive monthly subsidy to reduce housing cost burden | \$400,000 annually /55 households given monthly assistance | Goal 3 |

Tier 2 Projects

Tier 2 projects are all new programs and would require additional development work prior to implementation (see Table 3). In some instances, realistic cost estimates are still not available, as development work includes establishing collaboration with other jurisdictions, which would impact cost estimates. Tier 2 projects primarily address Goal 2 of the plan by increasing the availability of temporary shelter resources, with a focus on housing problem solving to connect individuals and families to permanent housing. Importantly, Steering Committee members and other stakeholders highlighted the importance of ensuring that all shelter programs include plans for linking individuals and families to long-term housing, beyond temporary shelter

solutions. Individuals served estimates are unknown at this time and would be determined through the additional planned feasibility work (e.g., identifying a site would impact the number of individuals who could be served in a safe parking or sanctioned encampment site).

Table 3. Tier 2 Projects

| Project | Annual Cost | Supporting Goal |
|--|-----------------|-----------------|
| Safe Parking site, with spots for RV parking, to create a space for individuals and families living in their cars to park with access to resources and services to support transition to permanent housing | \$500K annually | Goal 2 |
| Sanctioned encampment to create a space for individuals to camp safely and access resources and services to support transition to permanent housing | Cost TBD | Goal 2 |
| 24-hour drop-in center for individuals seeking resources or shelter | \$500K annually | Goal 2 |
| Student-specific housing collaboration with local colleges and/or expansion of existing transition age youth rent subsidy program to support vulnerable 18-25 year old youth | Cost TBD | Goal 2 |
| Tiny home village to provide temporary shelter for individuals experiencing homelessness | Cost TBD | Goals 2 and 3 |

ECONOMIC IMPACT

There is a positive economic impact from reducing homelessness and severe housing cost burden.

FISCAL IMPACT

A sustainable reduction in homelessness in Hayward requires an ongoing funding source. Currently, staff have identified several potential funding sources for supporting the Tier 1 and Tier 2 projects listed in this report:

- General Fund (reserves or if increased over projections)
- Federal stimulus funds, available in FYs 2022- 2025
- Increase to RRSO fee, requires Council action
- Parcel Group 6 sale proceeds, would require Council action under one-time funds policy
- Lobbying for local or state tax measure for homeless services, would require a 50%+1 affirmative vote

- Measure C revenue beginning in FY 2023, assuming funds are available
- Parcel Group 7 sales tax revenue, previously considered for other services
- Measure W (Alameda County) once current litigation resolved
- Allocation of funds resulting from Policy Innovation Workshops

Some of the ideas outlined above would provide one-time funds and would not be sustainable over time. This is an important consideration when determining which projects to pursue and how to fund them. Staff continue to seek external grant funding to offset expenditures for homeless services.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect & Produce Housing. Specifically, this item relates to the implementation of the following projects:

- 2a. Create a Homelessness Reduction Strategic Plan modeled on an empowerment approach and best practices, as well as after Alameda County’s EveryOne Home Plan
- 2b. Implement the Homelessness Reduction Strategic Plan

PUBLIC CONTACT

As described in the “Engaging the Community in the Planning Process” section of this report, community outreach and engagement efforts directly informed the formation of the vision, goals, and priority projects reviewed in this report.

NEXT STEPS

Over the next two months, Homebase will continue developing the remainder of the Let’s House Hayward! Strategic Plan. This work will include several work sessions with Steering Committee members and other community partners to build out the resource and timeline details of the plan, with the goal of having a completed plan in May 2021. Staff will present the completed plan to the Homelessness-Housing Task Force in June, then return to full Council for final authorization.

The LHH planning process is also closely integrated with other important Citywide efforts, including the allocation of federal stimulus funds and pilot projects funds as part of the Policy Innovation Workshop process. Potential pilot solutions identified in the Policy Innovation Workshop related to homelessness will be presented at the Council Budget and Finance Committee meeting on Monday, April 26, 2021.

Prepared by: Amy Cole-Bloom, Management Analyst
Jessica Lobedan, Management Analyst

Recommended by: Monica Davis, Community Services Manager
Jennifer Ott, Assistant City Manager

Approved by:

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

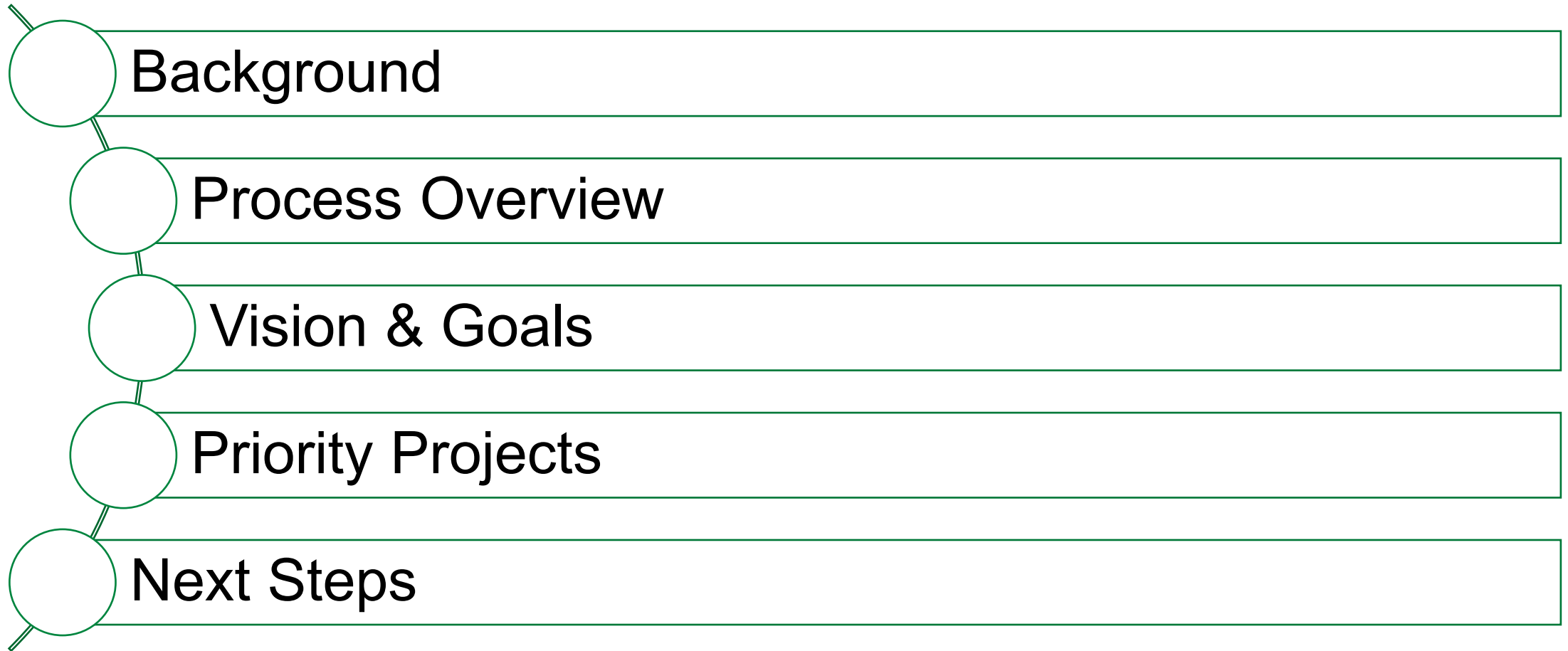
Kelly McAdoo, City Manager

Let's House Hayward! Strategic Plan Update

City Council
April 20, 2021

Amy Cole-Bloom, Management Analyst

Overview



Recommendation

- Review and provide feedback on the vision, goals, and priority projects identified in the Let's House Hayward! Strategic Plan

Background

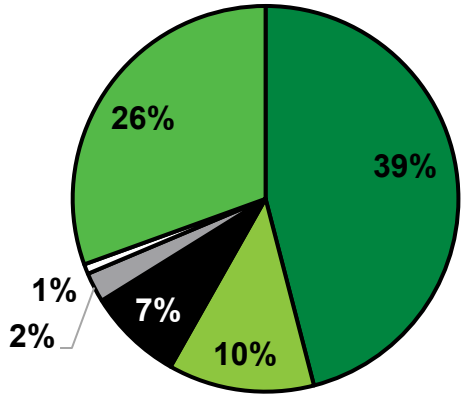
Homelessness in Hayward

- 23% increase in homeless population from 2017 to 2019
- 76% of individuals who are homeless in Hayward are unsheltered
- 2020 public safety survey showed Hayward residents are 2x more likely to experience homelessness than national average
- National data show increase in risk factors for homelessness
 - Increases in food insecurity
 - Increases in inability to pay rent or mortgage



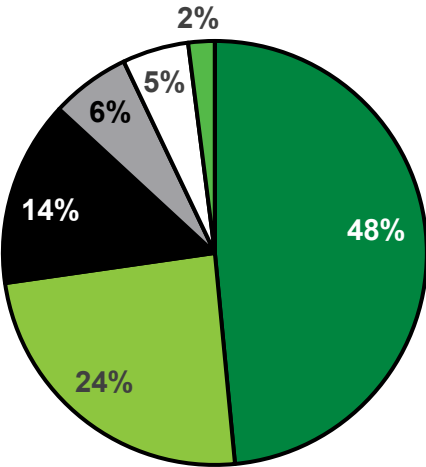
HNC Lifetime Population Race & Ethnicity (n=91) compared to Hayward PIT Race (2019)

Hayward General Population (2019)



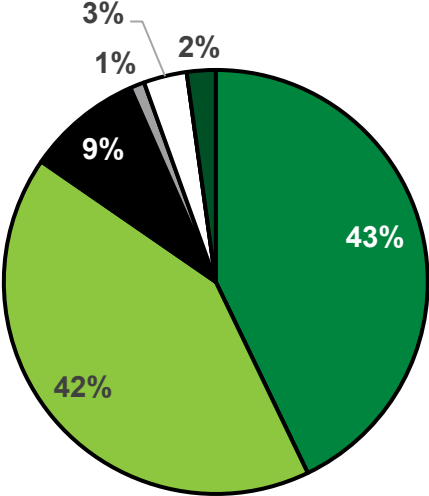
- White
- Multi-racial
- American Indian/ Alaskan Native
- No response

Hayward PIT (2019)

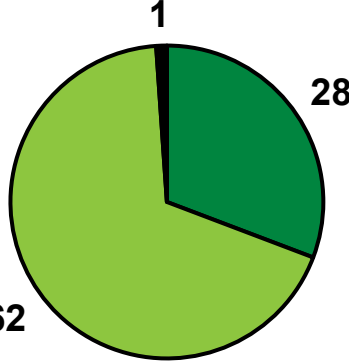


- Black or AA
- Native Hawaiian/PI
- Asian

HNC Overall



Ethnicity of HNC Clients



- Hispanic/Latino
- Not Hispanic/Latino
- No response

The Need for a Plan

A Hayward-specific plan will...

- Use a racial equity analysis
- Align with existing regional plans from the County and EveryOne Home
- Center individuals with lived experience
- Leverage Hayward's strengths
- Address Hayward's unique needs
- Establish a pipeline of projects and programs that are community-driven

Ongoing City Efforts Related to Homelessness

● **6 April 2021**

Stimulus Funding Expenditure Plan
City Council Work Session

● **26 April 2021**

Policy Innovation Workshop Update
Council Finance and Budget Committee

● **Summer 2021**

Let's House Hayward! Final Plan
City Council Work Session

● **20 April 2021**

Let's House Hayward! Strategic Plan Update
City Council Work Session

● **3 June 2021**

Let's House Hayward! Strategic Plan Update
Homelessness-Housing Task Force Work Session

The Planning Process

Let's House Hayward! Timeline

**28 January
2020**

- Council approves Strategic Roadmap, which includes Homelessness Reduction Strategic Plan in Year 1

**17 November
2020**

- Steering Committee Kick-Off Meeting

**16 December
2020**

- Listening session with Community Services Commission

**April 20,
2021**

- City Council Work Session for feedback

**22 September
2020**

- Council approves contract with Homebase to develop Let's House Hayward! Strategic Plan

**3 December
2020**

- Listening session with Homelessness-Housing Task Force

**19 & 20
January
2021**

- Community Planning Summit and Work Sessions

Ongoing Steering Committee Meetings and Additional Data Collection Activities

Data Collection

- Community Engagement
 - Interviews with individuals with lived experience
 - Focus groups and interviews with:
 - Community-based service provider organizations
 - Downtown business owners
 - Education partners from HUSD and Hayward Promise Neighborhood
 - Virtual community forums
 - Listening session with Community Services Commission
- City Staff & Council Engagement
 - Focus groups and interviews with:
 - City Manager's Office
 - Maintenance Services Division
 - Code Enforcement
 - City Attorney's Office
 - Hayward Police Department
 - Hayward Fire Department
 - Listening session with Homelessness-Housing Task Force

Let's House Hayward Steering Committee

- Jessica Blakemore, All In Alameda County
- Kara Carnahan, Abode Services
- Denise Del Rio, Downtown Streets Team
- Kevin Hart, Hayward Area Recreation District
- Courtney Welch, EveryoneHome
- Sara Lamnin, City of Hayward Councilmember
- Dominic LiMandri, Downtown Hayward Improvement District
- Faye Maloney, Hayward Police Department
- Jake Medcalf, First Presbyterian
- Ellen Morris, Eden Housing
- Melesha Owen, Hayward Library
- Jonathan Russell, Bay Area Community Services
- Tiana-Joy Smith, Downtown Streets Team
- Elizabeth Torkington & Melissa Moore, Tiburcio Vasquez Health Center

Vision & Goals

Let's House Hayward! Vision Statement

Our vision is for the City of Hayward to be a leader in ensuring an end to homelessness through accessible, dignified treatment and services.

Let's House Hayward! Goals

- **Goal 1:** Formalize a Coordinated and Compassionate Citywide Response to Homelessness and Develop Wider Community Understanding and Engagement
 - The City will continue its innovative approach to internal collaboration across divisions, increase communication with providers and individuals with lived experience, and work to educate the community about the issues of homelessness to reduce stigma.
- **Goal 2:** Increase Availability of and Reduce Barriers to Homeless Crisis Response Services
 - The City will expand its capacity to provide shelter that leads to permanent housing and test new ways to improve outreach and engagement.
- **Goal 3:** Ensure Access to and Retention of Affordable Permanent Housing
 - The City will continue investing in eviction prevention and anti-displacement resources and will prioritize developing housing for those experiencing and most at-risk of experiencing homelessness.

Priority Projects

Existing Projects

- Goal 1 Projects
 - Continue ongoing internal collaboration and staff training efforts
 - Implement community agency funding process
- Goal 2 Projects
 - Continue current City-operated and City-funded shelter programs
 - Explore funding options for hotel/motel or other underutilized property conversions for additional shelter
 - Leverage Policy Innovation Workshop efforts to explore alternative outreach and engagement strategies
- Goal 3 Projects
 - Continue existing anti-displacement and eviction prevention programs
 - Continue work to streamline development process and identify zoning barriers to innovative housing and shelter solutions

New Projects

Tier 1 Projects

- Identified as high priority by community and staff
- Staff have a strong understanding of implementation and funding requirements
- Staff have the existing capacity to implement
- Funding source still needed

Tier 2 Projects

- Also identified as high priority by community and staff
- Current staff capacity is insufficient to implement
- Additional work is needed to establish partnerships with other jurisdictions and identify service providers
- Funding source still needed

Tier One Projects

| Project | Annual Cost/ Individuals served | Supporting Goal |
|--|---|-----------------|
| Extend the Hayward Navigation Annex beyond current six-month contract to increase temporary shelter capacity | \$2M annually/70 individuals provided temporary shelter with links to permanent housing | Goal 2 |
| Extend the Winter Warming Shelter to year-round operations to increase temporary shelter capacity | \$1M annually/100 individuals provided temporary shelter | Goal 2 |
| Develop a shallow subsidy rental assistance pilot program for extremely low-income households to receive monthly subsidy to reduce housing cost burden | \$400,000 annually/55 households provided with monthly stipends | Goal 3 |

Tier Two Projects

| Project | Annual Cost | Supporting Goal |
|--|-----------------|-----------------|
| Safe Parking site, with spots for RV parking, to create a space for individuals and families living in their cars to park with access to resources and services to support transition to permanent housing | \$500K annually | Goal 2 |
| Sanctioned encampment to create a space for individuals to camp safely and access resources and services to support transition to permanent housing | Cost TBD | Goal 2 |
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| Student-specific housing collaboration with local colleges and/or expansion of existing transition age youth rent subsidy program to support vulnerable 18–25-year-old youth | Cost TBD | Goal 2 |
| Tiny home village to provide temporary shelter for individuals experiencing homelessness | Cost TBD | Goals 2 and 3 |

Funding

Potential Funding Sources

- General Fund (reserves or if increased over projections)
- Federal stimulus funds, available FYs 2022-2025
- Increase to RRSO fee, requires Council action
- Measure C revenue beginning in FY 2023, assuming funds are available
- Parcel Group 7 sales tax revenue, previously considered for other services
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- Lobbying for state or local tax measure for homeless services, which would require a 50%+1 affirmative vote
- Measure W (Alameda County) once current litigation resolved
- Allocation of funds from Policy Innovation Workshops

Next Steps

Next Steps

Let's House Hayward! Strategic Plan Development

- Steering Committee Work Sessions
- Draft plan to HHTF on June 3, 2021
- Council authorization summer 2021

Policy Innovation Workshops

- Council Finance and Budget Committee on April 26, 2021
- City Council Work Session on May 15, 2021

City Budget Development

- City Council American Rescue Plan Stimulus Update on April 27, 2021
- City Council Budget Work Session on May 15, 2021
- City Council Budget Public Hearing on June 1, 2021

Discussion and Council Process

- Question 1: What are your thoughts on the draft vision and goals?
- Question 2: What are your thoughts on the priority projects?

Work Session Format:

- 1) Public Comments, then
- 2) Council Questions and Comments



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: WS 21-020

DATE: April 20, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Strategic Roadmap Update: Review Updates to the FY21-23 Strategic Roadmap

RECOMMENDATION

That the Council provides feedback on the proposed updates to the Hayward FY21-23 Strategic Roadmap prior to adopting a revised plan in May.

SUMMARY

Council adopted the City's Strategic Roadmap for FY 2021-23 on January 28, 2020. In the fall of 2020, staff teams met to discuss progress on first year projects and the impact of COVID-19 response and other 2020 events on the Roadmap. On February 13, 2021, Council had a retreat to review staff's recommended revisions to the Roadmap to reflect timelines that were extended or delayed, as well as new projects that were added, due to COVID-19. As part of that retreat, Council Members voted on their priority projects for each of the six priority areas. This report provides a summary of the retreat discussion and staff's comments and edits to respond to Council's discussion at the retreat. Staff is seeking final feedback from Council before bringing the updated Strategic Roadmap to Council for adoption in May.

ATTACHMENTS

- | | |
|----------------|--|
| Attachment I | Staff Report |
| Attachment II | Summary Report - Council 2/13/21 Retreat |
| Attachment III | Priority Projects Ranked by 2/13/21 Dot Voting |
| Attachment IV | Staff Edits and Comments Based on 2/13/21 Discussion |
| Attachment V | General Plan Implementation Cross Reference |



DATE: April 20, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Strategic Roadmap Update: Review Updates to the FY21-23 Strategic Roadmap

RECOMMENDATION

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SUMMARY

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BACKGROUND

On December 17, 2019, staff presented a draft three-year strategic roadmap to City Council. The draft roadmap incorporated feedback from two Council work sessions (May 11, 2019 and October 7, 2019) and staff and community feedback gathered from May through December of 2019. Staff returned to Council on January 14, 2020 to present an updated roadmap responsive to and inclusive of Council's feedback. Council adopted the FY 2021-23 Strategic Roadmap on January 28, 2020.

Due to COVID-19 and other unforeseen circumstances in 2020, staff made rapid modifications and adjustments to workplans as well as significantly reduced budgets. In the fall of 2020, staff teams for each of the six priority areas met to discuss the year one projects and the impact on staff's work of the COVID-19 response and other 2020 events. Staff prepared recommended revisions to the adopted Strategic Roadmap to reflect timelines that were extended or delayed due to COVID-19, as well as the new projects that were added. Staff presented these recommendations to Council at a Saturday retreat on February 13, 2021.

DISCUSSION

At the February Council retreat, staff presented their recommended changes to the adopted Strategic Roadmap project schedule. Council Members then dot voted on their top priority projects in each of the priority areas and provided feedback based on the vote tallies. In addition, Council was asked to complete a survey on the recommended changes prior to the retreat. Attachment II is a summary report that includes findings from the pre-meeting survey, dot voting, and Council discussion. Attachment III is a spreadsheet with the ranked vote tallies for each project.¹

The purpose of the dot voting exercise was to give staff general insight into Council's collective priorities. It was not intended to be a definitive vote. With that in mind, staff reviewed the vote tallies to see how well they aligned with the implementation timeframes in the proposed revised Roadmap.

In general, the dot votes were well-aligned with the proposed revised Roadmap. Staff is recommending some minor edits to the timeframe of several projects, which can be seen in Attachment IV. In addition, staff is requesting feedback from Council on whether or not to continue the temporary permit programs that were established in response to COVID-19 after the pandemic. These include the outdoor dining permit, outdoor gathering permit, and temporary outdoor business activities permit.

Timeframes for the Top Voted Projects

There are 57 projects that received three or more Council dot votes. Of those, 49 projects are already being implemented in Year 1 (FY 20/21) or are planned to begin in the next twelve months (FY 21/22).

However, there are six projects that received three or more dot votes that staff has kept for implementation in Year 3 or after Year 3. These are listed in the table on the next page. Staff is proposing to keep these longer timeframes due to limited staff working to advance multiple priorities, or because additional steps are needed before the project can commence. If Council would like to move any of these projects to Year 2, staff is requesting that another project for the same staff team be shifted to a later implementation date.

The Community Assessment & Transport Teams (CATT) project does not currently have a timeline or staffing model. This project will be raised as part of the Council Budget and Finance Committee discussion on the Policy Innovation Workshop on April 26, with recommendations for Council to consider.

¹ When Council Members voted for a project umbrella instead of individual projects, staff split these votes among the projects that fall under that umbrella. That is why there are decimals in the vote tallies.

| Council Votes | Project Number | Project Description | Proposed Timeframe | | | | Notes |
|---------------|-----------------------|--|--------------------|---------------|---------------|-----|--|
| | | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | |
| 5 | Quality of Life - 12b | Construct La Vista Park | | | | x | Due to unforeseen environmental and permitting issues, the construction of La Vista Park was delayed |
| 4 | Housing - 4e | Explore program to convert tax-defaulted properties to affordable housing | | | x | x | Due to competing priorities post-COVID, this project will be initiated in Y3 or Y3+ |
| 4 | Quality of Life - 3b | Roll out permanent CATT program (outside of County) | | | | | To be discussed as part of Policy Innovation Workshop |
| 3 | Climate Change - 2 | Work with EBCE to transition citywide electricity use to 100% carbon free (1)(2) | | | x | x | As of December 31, 2021, EBCE will discontinue the 100% carbon free electricity product, Brilliant 100. Staff recommends postponing this project until EBCE can offer a carbon free product that is competitive with PG&E rates. |
| 3 | Economy - 11 | Explore a public art program and prioritize gateway locations | | | x | | Due to competing priorities post-COVID and staff turnover, this project was pushed out to Year 3 |
| 3 | Org Health - 17b | Upgrade City network connections and speeds | | | x | x | This project is budgeted for FY23 in the City's CIP. It includes refreshing core networking equipment throughout city facilities, like switches, routers, and firewalls |

Department Head Equity Analyses

At the February Retreat, staff presented proposed equity and inclusion work tasks for the next twelve months. One of the tasks is for each Department Head to select a project from the Strategic Roadmap to specifically implement using a racial equity lens. The goal of this work is to begin to institutionalize and operationalize racial equity work in the City's day to day operations and projects. Below is a list of the selected projects by Department. Staff members who have been through the GARE training are working with Department Heads to conduct internal analyses on each of these projects through October 2021.

- HARD Master Lease Agreement Renewal (City Manager's Office - Administration)

- This project applies a racial equity lens to the renewal of the City's Master Lease Agreement with the Hayward Area Recreation and Parks District.
- Equitable Resource Allocation (Finance)
 - This project applies a racial equity lens to the allocation of resources within the City and ensuring actual expenditures align with community needs.
- Book Mobile Project (Library)
 - This project gathers and analyzes community data and experiences to determine where to deploy the new Book Mobile.
- Boards & Commissions Outreach and Recruitment (City Clerk)
 - This project develops a racially equitable communications/outreach plan during Boards & Commissions recruitment building on the Measure OO Charter amendment.
- Equitable Capital Improvements Approach (Public Works)
 - This project creates structures/processes for equitably allocating resources in the Capital Improvements planning process and other aspects of Public Works' department functions.
- Microenterprise Grant Assistance Program (City Manager's Office – Economic Development)
 - This project will integrate a racial equity lens into the City's Microenterprise Grant Assistance Program with the goal of investing in communities of color that have been traditionally marginalized and/or underserved.
- General Plan Housing Element Update (Development Services)
 - This project will design and define a general strategy framework for a community process that engages all stakeholders and begins to tackle some of the underlying issues of systemic racism in land use and housing in the City's history.
- Data Infrastructure/Accountability for Police Stops (Police)
 - This project will implement a software system to collect data on police stops with the goal of providing more targeted training on implicit bias and making policy changes using that data.
- Bar Association Panel Presentation (City Attorney's Office)
 - This project will refine the messaging for a Bar Association panel on the topic of the impact of policing on Black men.
- Racial Equity Listening & Normalization Work in the Fire Department (Fire)
 - This project will begin racial equity normalization work in the Fire Department, including establishing an internal task force focused on equity and inclusion work.
- Illegal Dumping/Bulk Waste Disposal (Maintenance Services)
 - This project will identify alternatives for accessible and affordable bulk waste disposal to reduce illegal dumping in communities of color/minoritized communities and appropriately allocate resources to these communities.

- IT/Internal Service Delivery Equity (Technology Services)
 - This project will identify racial inequities in internal technology service provision and how to address these disparities.
- Internal Communications Improvements (City Manager’s Office – Community and Media Relations)
 - This project will relaunch the “In the Loop” internal staff newsletter with a racial equity lens and a focus on sharing ownership/agency of the newsletter.

Connection with the General Plan Implementation Programs

Staff presented the 2040 General Plan annual progress report to Council on March 16, 2021. At that meeting, Council Members expressed a desire to connect the General Plan and Strategic Roadmap documents. In response, staff prepared Attachment V, which provides a cross-reference between the projects in both plans.

FISCAL IMPACT

Most projects in the Strategic Roadmap have identified capital funding or will be absorbed into annual departmental operating budgets. Projects that are not fully funded have an asterisk (*) next to them in Attachment III. Staff is working on funding strategies for these projects and will bring them to Council as the projects proceed. Staff is continuously seeking outside sources of funding. However, in most cases, asterisked projects will be contingent on future budget appropriations.

NEXT STEPS

Based on Council’s feedback, staff will prepare any needed revisions to the Strategic Roadmap and will return to Council on May 25 for adoption. Once adopted, the revised document will be included in the FY21/22 budget and reviewed and updated, if necessary, as part of the mid-year and annual budget processes.

Prepared by: Mary Thomas, Management Analyst
Laurel James, Management Analyst

Recommended by: Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

Summary Report

Hayward City Council

Strategic Roadmap Retreat 2021

February 13, 2021 @ 8:30am - 2:00pm
Zoom Meeting



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Overview

It has been one year since Council adopted the City's three-year Strategic Roadmap, and six months since the City began implementation. On February 13, 2021, Hayward City Council and Executive Team held a retreat to revise the Strategic Roadmap. During the meeting, staff provided a progress update and shared their reflections and lessons learned. City Council reviewed each priority area and communicated their priorities for the coming year.

Primary Objectives of the Retreat

- **Prioritize Projects:** There are too many projects in the current strategic roadmap, especially with the additions of COVID-related projects. Council must reprioritize what's important, delay or drop some projects and not add additional ones unless others are complete.
- **Align Resources:** Staff, money, time, and other resources must follow the projects. In the next budget, Council and the E-Team are being asked to better align these resources to roadmap priorities.
- **Incorporate Diversity, equity, and inclusion (DEI):** DEI needs to be an integral part of the roadmap. Staff is recommending that each department pick one project that will be reviewed by the GARE team.
- **Address Burnout:** Staff is exhausted from trying to fulfill the demands of COVID in addition to the roadmap projects and regular operational duties. They want Council to reduce the amount of roadmap projects and add additional resources where needed.

High-Level Themes from the Retreat

- City Council Members repeatedly expressed appreciation for staff's hard work.
- Many City Council Members were understanding of staff burnout due to the COVID-19 response.
- On the whole, City Council Members did not object to the need to reduce Strategic Roadmap projects to better align with available staff resources and budgets.
- At several points in the meeting, City Council Members shared their confidence in staff's ability to make the right decisions.
- During the prioritization exercises, many City Council Members actively expressed an interest in coming to consensus with their peers, such as by changing their project votes or noting when they would be happy to accept a popular outcome.

Specific direction on each Strategic Roadmap Priority is detailed below.

Pre-Meeting Survey

In advance of the retreat, we conducted a pre-meeting survey of the City Council and the Executive Team. The intent of the survey was to identify areas of agreement and disagreement so as to better inform and focus the discussion during the retreat.

All seven City Council members completed the survey.

Only 7 out of 15 Executive Team members started or completed the survey.

Themes of the survey include:

- Except for one 'neutral' vote, Council / E-Team said that they strongly agree or agree with the statements that both the vision and the six strategic priorities are still appropriate now.
- The majority of Council / E-Team members agree that the projects within each priority are the right ones. However, there was some variance, from strongly agree to strongly disagree.
- Council / E-Team members thought the City had made slight to significant progress on the strategic projects over the last year, with the bell curve hovering over 'good progress'.
- E-Team members were neutral to negative about whether they had the time, money, and resources to accomplish their strategic projects.

Priority area specific results are included below.

Preserve, Protect & Produce Housing

Housing - Pre-Meeting Survey Summary

- Council and the Executive Team were generally supportive of the staff's revised project list, agreeing that these projects are still the best ones to achieve the priority.
- Priorities
 - Homelessness
 - Affordable housing
 - Keeping people housed through COVID
- Delay Suggestions
 - Changing RS zoning (though another person said don't delay RS zoning)
 - Add a section to Housing & Housing Development staff reports to track accomplishments of Housing Element goals and programs.
 - Analyze alternative rent increase thresholds
- Drop Suggestions
 - Projects with additional costs
 - Nonprofits should get their own funding
 - May not need a NOFA process to allocate dollars
- Additional Project Suggestions (with staff's assessment of which current projects or council work sessions they relate to in parenthesis)
 - Amend inclusionary housing ordinance to require housing be built in most cases (Project 5b)
 - Explore opportunities for Workforce development housing (Council Work Session)
 - Consider more density, including the # stories for MF housing near transit (Project 4b and Project 9)
 - AHO - live/work space in light industrial for artists in residents (Project 5b)
 - Work with other jurisdictions to create similar fund to LAIF (Council Work Session)
 - Leverage county research regarding CLTs to identify regional funding mechanisms to facilitate TOP/COPA (Council Work Session)
 - Help homeownership (down payment) for both residents and employees (Project 8a and 8b and Council Work Session)
 - More flexible zoning (Projects 4d, 4g, and 9)

Housing - Key Themes and Projects from the Retreat

General Themes

- In general, City Council Members are supportive of reducing the overall number of projects under this priority area to make space for important COVID-19 initiatives.
- Many Council members agreed with pausing work on certain projects, especially those that are being actively worked on by the State or other agencies.
- Overall, City Council Members agreed that housing is still very much a priority.
- Many City Council Members thanked staff for all of their hard work in this area.

Dot Voting - Top Projects That Received Three Votes or More

These projects should be prioritized in the current Strategic Roadmap.

| # | Project | Dot Votes |
|-----|--|-----------|
| 5b | Hold work sessions to revise the affordable housing ordinance | 5 |
| 1a | Sustainable funding for the navigation center | 4 |
| 8b | Apply for state housing funding | 4 |
| 11a | Implement and monitor eviction moratorium | 4 |
| 11b | Implement COVID-19 rent relief program | 4 |
| 2a | Create homelessness reduction strategic plan | 3 |
| 3b | Partner with Alameda County on winter shelters | 3 |
| 6a | Hold a work session on priorities for the Affordable Housing Trust | 3 |

Discussion - Top Project Discussion Points

| Top Projects (in order of dots) | Key Discussion Points |
|---|--|
| 5b: Hold work sessions to revise the affordable housing ordinance (5 dots) | <p>Mayor Halliday: Want to make building housing onsite not just discretionary funds, not just raising percentage.</p> <p>CM Marquez: Want to have a work session on evaluating changes with inclusionary housing ordinance. Want to incentivize that developers build on site rather than in lieu fees. Still need those fees.</p> <p>CM Andrews: Agree that we should incentivize</p> |

| | |
|--|---|
| | development along with keeping some in lieu fees |
| 1a: sustainable funding for navigation center (4 dots) | <p>CM Halliday: Personally working on the navigation center, this is important to me.</p> <p>CM Andrews: Concur on regional support and finding sustainable solutions for the navigation center.</p> <p>CM Wahab: Want the Navigation Center to be self-sustaining as we move into other aspects. Our focus should be policy.</p> <p>CM Marquez: Very pleased that we have the navigation center. Staff has been nimble adapting during covid. Important to secure funding to keep it open and to leverage funding partners. Don't have to do it alone.</p> |
| 8b: Apply for state housing funding (4 dots) | <p>CM Zermeño: Looking for outside funding is important! County, etc... Need to make sure we're not funding this alone. And I want us to look for regional solutions.</p> <p>CM Salinas: Regarding COVID-19 and Housing Programs, work with the State and keep finding funding.</p> |
| 11a: Implement and monitor eviction moratorium (4 dots) | <p>CM Salinas: Need to find a way to enhance rent relief programs and rent protections so folks that are in housing can stay in housing.</p> <p>CM Andrews: Concerned about moratoriums and about landlords being able to keep their homes in order to rent out to tenants.</p> |
| 11b: implement COVID-19 rent relief program (4 dots) | <p>Mayor Halliday: People will continue to struggle to pay rents; need to focus on this.</p> <p>CM Marquez: Want us to continue to obtain those dollars and make it as flexible as possible to make sure people having trouble with rent can access those dollars. Don't want to see more people displaced in Hayward.</p> <p>CM Lamnin: Share concerns about ongoing covid response.</p> |
| 3b: Partner with Alameda County to implement winter shelters (3 dots) | <p>CM Marquez: Prefer winter shelters vs. warming. People need to be housed throughout the year, not just in the winter. Expand opportunities in Hayward.</p> |

Areas of Disagreement / Outliers - Housing

- Two members are split on whether to delay RS zoning.
- Councilmember Wahab wants to see the ADU percentage go up; 6% is not enough.

Housing - Raw Data

Dot Voting

| On track to meet original deadline: 61% | | | | Timeline Extended/ Shifted: 28% | Added: 18% | | | |
|---|---------|-----------|----------|---|---|-----------|-----------|-----------|
| Navigation Center to Housing & Support the Homeless: 1a: Identify Sustainability funding source for the navigation center ● ♥ ● ✘ 1b: Oversee operations of the Navigation Center ✓ | | | | Housing Incentives & Production Work Plan: 4d: Develop an Overlay Zoning District to allow RS zoned properties to develop into a variety of housing types at densities permitted under the applicable General Plan designation ● 4e: Explore program to convert tax-defaulted properties to affordable housing ● ✓ 4f: Create marketing materials for incentivizing housing production ● 4g: Expand emergency shelter sites in Hayward ✘ 9: Update the Housing Element Plan ✓ ♥ 10: Implement a Soft Story Ordinance | COVID-19 Response: 11a: Implement and monitor eviction moratorium ✘ ♥ 11b: Implement COVID-19 rent relief program ● ♥ ✘ 11c: Analyze alternative rent increase thresholds ● ♥ ✘ 11d: Expand mediation services to tenants and landlords to support repayment plans ♥ 11e: Allocate and administer CDBG-CV funding for homelessness and housing services ● ♥ ★ | | | |
| Homelessness Reduction Strategic Plan: 2a: Create plan modeled after an empowerment approach and best practices ● ✓ ★ 2b: Implement plan. ✓ | | | | | | | | |
| Temporary Winter Shelters: ♥ 3a: Partner with Alameda County to transition from Winter Warming Shelters to Winter Shelters* ● 3b: Continue partnership with Alameda County to implement Winter Shelters* ✓ ✘ | | | | | | | | |
| Housing Incentives & Production Work Plan: 4a: Explore moderate-income financing model ● ★ 4b: Amend Density Bonus Ordinance** ★ 4c: Update Accessory Dwelling Unit (ADU) ordinance** ★ | | | | | | | | |
| Evaluate the Affordable Housing Ordinance 5a: Add a section to Housing & Housing Development staff reports to track accomplishments of Housing Element goals and programs. 5b: Hold work session for potential revisions ● ♥ ● ★ ✘ | | | | | | | | |
| Expand the Affordable Housing Trust funds 6a: Hold a work session on establishing funding priorities for Affordable Housing Trust ● 6b: Issue Notice of Funding Availability (NOFA) or establish programs consistent with Council funding priorities ● | | | | | | | | |
| Recommend Updates to the Rent Stabilization Ordinance 7a: Provide 6-month update on the implementation of Rent Stabilization Ordinance & recommend amendments ● 7b: Monitor implementation of Rent Stabilization Ordinance & prepare a statistical report ● | | | | | | | | |
| Pursue state housing funding opportunities 8a: Identify & respond to regulations to ensure Hayward & Hayward-supported projects qualify for state housing funding ● 8b: Apply for state housing funding to support strategic partnerships & Council priorities ✘ ● ♥ | | | | | | | | |
| Halliday ♥ | Wahab ★ | Andrews ✘ | Lampin ✓ | | | Márquez ● | Salinas ● | Zermeño ♥ |

Discussion - Housing

- Halliday
 - 11 - people will continue to struggle to pay rents, need to focus on this
 - 1 - Personally working on the navigation center, this is important to me.
 - 3 - need to look at our way of sheltering people in the streets
 - 9 - something we have to do, but I would like to have an open, robust discussion and not just meet the requirements, it's an opportunity to really look at that program
 - 5b - Want to make building housing onsite not just discretionary funds, not just raising percentage
- Wahab
 - Housing is my priority overall

- Some of this is already done or in place
- ADU percentage has to go up. 6% not enough
- Need a downpayment assistance program for the whole city.
- Homelessness is and should be a focus, but we are focusing on this. We're already good at working on this.
- Navigation center - want them to be self-sustaining as we move into other aspects. Our focus should be policy.
- Marquez
 - Thank you for all of your hard work! Its remarkable
 - 5b - Very pleased that we have the navigation center. Staff has been nimble adapting during covid. Important to secure funding to keep it open and to leverage funding partners. Don't have to do it alone.
 - 2a - plan is imperative! We have too many
 - Prefer winter shelters vs. warming. People need to be housed throughout the year, not just in the winter. Expand opps in Hayward
 - 5b - open and want to have a work session on evaluating changes with inclusionary housing ordinance. Want to incentivize that developers build on site rather than in lieu fees. Still need those fees... Many years ago I pushed for the RHNA numbers
 - CDBG funding - need to have our funding wishlist already ready to go.
 - 4d - happy to revisit this in 2024
 - Lamnin - re: 4d - I think that the State may be doing this for us anyway.
 - Wahab - Yes, agree.
 - 11 - want us to continue to obtain those dollars and make it as flexible as possible to make sure people having trouble with rent can access those dollars. Don't want to see more people displaced in Hayward
- Lamnin
 - Thank you to staff
 - 1a - center and strategic plan - need to implement!
 - 2b - Because there has been significant progress on funding, didn't prioritize this. Instead I prioritized the operations piece. If we don't talk about how we are funding it won't work. We do a tremendous amount, but it is downstream. It doesn't change the number of people on the streets. This will require reallocating resources.
 - 9 - would also like this to be a more robust discussion. I am concerned about single family housing.
 - 4a,b,c - some are grant funded so we'll have to do it. Didn't add a dot there, but do think they're important.
 - 4f. Maybe we want to use those funds otherwise. Revisit whether we want to put a RFP out. That's why I didn't vote on this.
 - 11 - Share concerns about ongoing covid responses.

- Zermeño
 - Agree that pausing some of these projects due to COVID, state/fed regulations is a good way to go, especially if they'll be controlled by someone else.
 - Looking for outside funding is important! County, etc... Need to make sure we're not funding this alone. And I want us to look for regional solutions. Otherwise everyone is going to duplicate efforts.
- Andrews:
 - Concur on regional support. Finding sustainable solutions for the navigation center. However, for emergency shelter sites, I want to see if there are more opportunities. Growing encampments indicate that we need another shelter.
 - Concerned about moratoriums and about landlords being able to keep their homes in order to rent out to tenants.
 - also agree that we should incentivize development along with keeping some in lieu fees
- Salinas
 - Thank you to staff
 - We need to slow our roll. Before the pandemic, we put everything on the table with the expectation that staff would magically do it.
 - The survey results about limited resources are definitely on my mind.
 - Now that I look at this, there are probably some things I could move around. I generally agree with my colleagues.
 - My only suggestion to my colleagues is that we need to be focused. Whatever we put on the table, we have to be committed to making sure it gets done.
 - Comments about my picks
 - Homeless encampments have increased all over the city, agree with CM Andrews - we need more shelters. Neighbors are compassionate but also frustrated. Unhoused people are not just there, also destroying the places around them. Catching buildings on fire, destroying water lines... These are the complaints I'm getting. So for me that is a major issue.
 - Need to find a way to enhance rent relief programs and rent protections so folks that are in housing can stay in housing.
 - COVID-19 and Housing Programs - work with state and keep finding funding.

Grow the Economy

Economy - Pre-Meeting Survey Summary

- City Council and the Executive Team were generally supportive of the staff's revised project list, agreeing that these projects are still the best ones to achieve the priority.
- Priorities
 - Negative impacts of COVID
 - Attract and retain employers
- Delay Suggestions
 - Public art
 - Marketing and opportunity zone plan and campaign
 - Gateways
 - CEDC
 - Community preservation ordinance
 - Construction
 - Business incubator
- Drop Suggestions
 - None
- Additional Project Suggestions (with staff's assessment of which current projects or council work sessions they relate to in parenthesis)
 - Look for funding opportunities (Project 13, 14a, 14b, 15a, and 15b)
 - Develop tools for property owners to activate vacant properties (Project 2)
 - Public art program (Project 11)
 - Business partnerships: grocery, retail, cannabis, technology, new concepts (Project 13)

Economy - Key Themes and Projects from the Retreat

General Themes

- All Council members strongly support helping local small businesses recover from COVID. This appears to be one of their strongest and most aligned goals citywide. This is consistent with another top goal which is to support businesses through concierge service, incentives/grants, and collaborations with SBA and the Chamber.
- Blight also ranks high on Council members priorities.
- A few members specifically mentioned that they want to see the department fully staffed.

Dot Voting - Top Projects That Received Three Votes or More

These projects should be prioritized in the current Strategic Roadmap.

| # | Project | Dot Votes |
|-----|--|-----------|
| 15a | COVID small business recovery and equity program | 6 |
| 13 | Support businesses through concierge service, incentives/grants, collaborations with SBA and chamber | 5 |
| 10 | Revamp community preservation ordinance | 4 |
| 8 | Revise alcohol use regulations | 4 |
| 1 | Marketing plan and opportunity zone campaign | 3 |
| 2b | Engage owners and encourage activation of vacant sites | 3 |
| 3b | Re-establish the Business Engagement Program and referral process | 3 |
| 6 | Update and implement a revised cannabis ordinance | 3 |
| 12 | Explore the concept of a business incubator | 3 |
| 11 | Explore a public art program | 3 |
| 14a | COVID business sector reopening assistance | 3 |
| 15b | COVID retail recovery program | 3 |

Discussion - Top Project Discussion Points

| Projects (in order of dots) | Related Discussion Points |
|---|--|
| 15a: COVID small business recovery and equity program (6 dots) | <p>Mayor Halliday: This is number one!</p> <p>CM Salinas: COVID recovery! Do everything we can do to bring back economic sector</p> <p>CM Wahab: COVID projects have to be done in parallel to the other housing projects</p> <p>CM Marquez: Want to have a work session on evaluating changes with inclusionary housing ordinance. Want to incentivize that developers build on site rather than in lieu fees. Still need those fees.</p> |

| | |
|---|--|
| | <p>CM Andrews: Need support for biz impacted as COVID</p> <p>CM Zermeño: City not friendly to people wanting to open up new biz because city hall is closed</p> |
| <p>13: Support businesses through concierge service, incentives/grants, collaborations with SBA and chamber (5 dots)</p> | <p>CM Halliday: Personally working on the navigation center, this is important to me.</p> <p>CM Andrews: Like biz concierge service; lots of resources out there; let's consolidate that information; we are going to other cities for amenities - let's focus on that.</p> <p>CM Wahab: Want the Navigation Center to be self-sustaining as we move into other aspects. Our focus should be policy.</p> <p>CM Marquez: Very pleased that we have the navigation center. Staff has been nimble adapting during covid. Important to secure funding to keep it open and to leverage funding partners. Don't have to do it alone.</p> |
| <p>10: Revamp community preservation ordinance (4 dots)</p> | <p>CM Wahab: Number 10 is blight - need to combat blight and cleanliness of the city.</p> |
| <p>1: Marketing plan and opportunity zone campaign (3 dots)</p> | <p>CM Wahab: Marketing is vital; other cities will be competing for new businesses.</p> |
| <p>2b: Engage owners and encourage activation of vacant sites (3 dots)</p> | <p>CM Salinas: Give flexibility to the Economic Development Committee.</p> |
| <p>3b: Re-establish the Business Engagement Program and referral process (3 dots)</p> | <p>CM Wahab: Entire project 3 is important.</p> <p>CM Marquez: Beef up 3B - biz referral program.</p> |
| <p>6: Update and implement a revised cannabis ordinance (3 dots)</p> | <p>CM Wahab: Cannabis creates a lot of funds and revenue.</p> <p>CM Andrews: Revisit ordinance. There are issues there we need to tackle.</p> <p>CM Salinas: We need to focus on amenities to families - cannabis doesn't do that.</p> |

| | |
|--|--|
| <p>12: Explore the concept of a business incubator (3 dots)</p> | <p>CM Wahab: Shouldn't create a biz incubator; need to partner with those who have it in place. CM Lamnin: Want to support all business partnerships. Consider a summer jobs program. CM Marquez: Look through the lens of equity - how to incentivize how biz can hire locally. Also support summer employment programs; invest in our young people. CM Zermeño: Partnerships yes! City not friendly to people wanting to open up a new biz because city hall is closed.</p> |
| <p>11: Explore a public art program (3 dots)</p> | <p>CM Andrews: Public art - appearance of city, deters graffiti; contributes to culture. Mayor Halliday: Public art is a personal passion for her, but also affects how people think of the city.</p> |
| <p>14a: COVID business sector reopening assistance (3 dots)</p> | <p>CM Wahab: COVID projects have to be done in parallel. CM Andrews: Need support for biz impacted as COVID.</p> |
| <p>15b: COVID retail recovery program (3 dots)</p> | <p>CM Zermeño: Help small biz; local hires, teen hires, elder hires.</p> |

Areas of Disagreement / Outliers - Economy

- **Public Art** received some dot votes and support in the survey. However, two people specially mentioned that we should deprioritize it.
- **Marketing:** Marketing received some dot votes but also received a mention in the survey that we should deprioritize it.
- **Cannabis:** There is debate over the number and location of cannabis dispensaries to allow. Some feel they fulfill a vital need and bring in revenue, while others are worried that they will scare away family friendly businesses.

Economy - Raw Data

Dot Voting

| On track to meet original deadline: 50% | Extended/Shifted: 22% | Added: 28% | | | | |
|---|---|---|-----------|-----------|-----------|-----------|
| <p>Marketing Plan & Opportunity Zone Campaign ❤️ 🟡 ⭐</p> <p>1a: Update the marketing plan</p> <p>1b: Implement the marketing plan</p> <p>Vacant Building Property Ordinance ❤️ 🟡</p> <p>2a: Enforce ordinance* 🟡 ❌</p> <p>2b: Engage owners and encourage activation of vacant sites 🟢 🟡 ❌</p> <p>Strengthen workforce development pipelines ❤️ 🟡</p> <p>3b: Re-establish the Business Engagement Program and referral process 🟢 🟡 ⭐</p> <p>3c: Collaborate with workforce development partners to organize, host and sponsor job fairs & awareness events ⭐</p> <p>Former City Center Building</p> <p>4a: Complete deconstruction</p> <p>4b: Commence discussions on property redevelopment</p> <p>4d: Implement disposition & development agreement</p> <p>6: Update and implement a revised cannabis ordinance to incorporate best practices to better support cannabis businesses ❌ ⭐ 🟡 🟢</p> <p>7: Develop and implement a local minimum wage ordinance*</p> <p>9: Update form-based zoning codes along Mission Boulevard to streamline new development, focus commercial development where appropriate, and create a cohesively designed corridor 🟡 🟢</p> <p>10: Revamp community preservation ordinance to combat blight and enhance neighborhood livability ❤️ ❌ 🟡 ⭐</p> <p>12: Explore the concept of a business incubator with CEDC, CSUEB, Chabot College and the Chamber 🟡 ⭐ 🟡 🟢</p> <p>13: Continue supporting business development through concierge service, incentives/grants/loans, collaborations with the chamber and SBA, and the newly updated events grants ❤️ 🟡 ❌ ⭐ 🟢</p> | <p>Strengthen workforce development pipelines</p> <p>3a: Devise plan to maximize workforce development pipelines 🟢 🟡</p> <p>Former City Center Building</p> <p>4c: Finalize disposition & development agreement 🟢</p> <p>Disposition & Development of Route 238 Corridor Lands**</p> <p>5a: Finalize planning on redevelopment of 6 remaining parcel groups** 🟡</p> <p>5b: Finalize disposition & development agreements for all parcels** 🟢</p> <p>5c: Implement disposition & development agreements for all parcels**</p> <p>8: Revise alcohol use regulations to support existing and encourage more full-service restaurants ❤️ ⭐ 🟡 🟢</p> <p>11: Explore a public art program and prioritize gateway locations ❤️ ❌ 🟡</p> | <p>COVID-19 Pandemic Response</p> <p>14a: COVID-19 Business Sector Reopening Assistance ❌ 🟡 ⭐</p> <p>14b: COVID-19 Restaurant Assistance</p> <p>14c: COVID-19 Policy Development 🟡</p> <p>14d: Sidewalk Vendor Ordinance</p> <p>COVID-19 Pandemic Recovery Business Assistance ⭐</p> <p>15a: COVID-19 Small Business Recovery & Equity Programs 🟢 🟡 🟢 🟢</p> <p>15b: COVID-19 Retail Recovery Program ⭐ ❤️ 🟡</p> <p>15c: Outdoor Gathering Permit established</p> <p>15d: Outdoor Dining Permit established</p> <p>15e: Temporary Outdoor Business Activities Permit</p> | | | | |
| Halliday ❤️ | Wahab ⭐ | Andrews ❌ | Laminin 🟢 | Márquez 🟡 | Salinas 🟡 | Zermeño 🟡 |

Discussion - Economy

- Wahab
 - Marketing is vital; other cities will be competing for new businesses
 - Entire section of 3 is important
 - Number 6 Cannabis creates a lot of funds and revenue
 - Number 10 is blight - need to combat blight and cleanliness of city
 - #12 - shouldn't create a biz incubator; need to partner with those who have it in place
 - #COVID projects have to be done in parallel
- Andrews
 - Public art - appearance of city, deters graffiti; contributes to culture
 - Cannabis - revisit ordinance; issues there we need to tackle
 - Like biz concierge service; lots of resources out there; let's consolidate that information; we are going to other cities for amenities - let's focus on that.
 - Need support for biz impacted as COVID
- Laminin
 - Partnerships - all for them
 - In support of workforce development
 - Support 3A and support incubator, maybe a summer jobs program;

- Marquez
 - Beef up 3B - biz referral program
 - Get division fully staffed
 - Look through lens of equity - how to incentivize how biz can hire locally
 - Summer employment program; invest in our young people
 - Only cast 7 votes to focus our priorities
- Salinas
 - COVID recovery! Do everything we can do to bring back economic sector
 - Marketing plan, opportunity zone - yes
 - Flexibility to Economic development committee
 - Give them the reigns to do that
 - Amenities to families - cannabis doesn't do it; let's change our focus
- Zermeño
 - Partnerships
 - Help small biz; local hires, teen hires, elder hires
 - COVID recovery
 - City not friendly to people wanting to open up new biz because city hall is closed
 - 9th dot would go to public art
 - Chat comment: " Art & Culture Task Force"
- Halliday
 - Public art - personally thing for her, but also how people think of city
 - Number 15 is number 1!
 - COVID recovery is the prime thing we all should do
 - Marketing plan
 - Blight
 - #4 - no one put anything on #4 - might be a good idea to hold off for the economy to recover
- Discussion
 - Wahab - List is not clear what we're working on; stuff that are done should be removed from these lists
 - Jen Ott: No more funds on deconstruction of parking garage, but tower is down
 - Salinas:
 - Not letting go of Mission blvd; don't want to overdevelop housing on Mission blvd; will push back on more housing on Mission
 - Need to stay committed to business and family amenities - such as family restaurants, retail; we're not going to get family retail because they won't open next to a dispensary; property owners are holding back from showing to family friendly biz because they're waiting for the 'eagle to land', a more profitable dispensary. What we're creating will block family friendly biz potential

- Wahab: Minimum wage focus should be cleared because its done
- Andrews: Misconception about who is using cannabis; won't bring down a whole community if we have dispensaries; if we're going to single out cannabis, then should be single out bars? Cannabis brings in revenue.
- Zermeño: We need a diverse economy; cannabis - will vote against any more than three in the downtown
- Halladay: We should continue on the work on the cannabis committee??
- Salinas: agree with Andrews about the amount of bars; medical issues are non issues; it's more of a planning of the downtown
- Halliday: Cleary we need to have more discussion on the downtown plan
- Wahab: Cannabis should not be all downtown, more industrial areas; use income to free up funds to reinvest in businesses

Combat Climate Change

Climate - Pre-Meeting Survey Summary

- Council and the Executive Team were supportive of the staff's revised project list, agreeing that these projects are still the best ones to achieve the priority. There was no vote below 'neutral'.
- Priorities
 - GHG plan
 - Transition citywide electric use to be 100% carbon free
 - Transition electric use by city operations to be 100% renewable
- Delay Suggestions
 - Tree preservation ordinance
 - Adding new restrictions to restaurants right after COVID
 - Analyze alternative rent increase thresholds
- Drop Suggestions
 - None
- Additional Project Suggestions (with staff's assessment of which current projects or council work sessions they relate to in parenthesis)
 - Increase community outreach on how to properly discard recyclable items (Project 5a)
 - Install more EV charging stations for the public (Infrastructure - Council Work Session)
 - Collaborate with All In Eats regarding the Circular Food Economy, especially as related to SB1383 implementation, increasing food access (Support quality of life) and supporting local entrepreneurship and job opportunities (Grow the economy - Project 3c)
 - Explore city dumping site for illegal dumping (Support Quality of Life – Council Work Session)

Climate - Key Themes and Projects from the Retreat

General Themes

- Councilmembers seemed to agree that this is a very important priority area and that staff has been working hard and making progress.
 - Wahab: "Staff has worked incredibly hard on this. Despite that we are a little spread out in our dots, really we all want to support sustainability goals and in the future, better infrastructure."

- Two Councilmembers (Salinas and Zermeño) noted that they trust staff to determine the highest priority projects and to allocate resources according to their staff and budget.

Dot Voting - Top Projects That Received Three Votes or More

These projects should be prioritized in the current Strategic Roadmap.

| # | Project | Dot Votes |
|----|---|-----------|
| 1b | Require EV charging infrastructure in new construction | 5 |
| 4 | Adopt and implement 2030 GHG goals and roadmap | 4 |
| 6 | Plant 1,000 trees annually | 4 |
| 2 | Work with ECBC to transition citywide electricity use to 100% carbon free | 3 |
| 5 | Work with StopWaste to promote a Circular Economy and Explore Regulation of Single Use Products | 3 |

Discussion - Top Project Discussion Points

| Projects (in order of dots) | Related Discussion Points |
|--|--|
| 1b: Require EV charging infrastructure in new construction (5 dots) | <p>CM Andrews: EV charging stations for the public, not just the City. Brings more eyes to the street and amenities to residents.</p> <p>CM Salinas: Agree with Andrews around bringing EV charging to more public spaces. Seeing more EVs out there.</p> <p>Mayor Halliday: I chose 1 (a, b, c & d). We should continue working on implementing our CAP, which is all of these things.</p> <p>CM Wahab: EV charging is great.</p> |
| 4: Adopt and implement 2030 GHG goals and roadmap (4 dots) | <p>CM Salinas: Didn't put anything on number 4. Would probably move my 5b vote to #4.</p> <p>CM Wahab: Also need to look at the GHG reduction targets.</p> |

| | |
|---|--|
| | <p>CM Lamnin: Need financial and regulatory support to get us to the carbon free energy place that we want to be.</p> <p>CM Marquez: Move my 1c to 4.</p> |
| <p>6: Plant 1,000 trees annually (4 dots)</p> | <p>CM Andrews: Plant more trees. Important for community character as well as climate.</p> <p>CM Salinas: I'm pro tree.</p> <p>Mayor Halliday: Everyone has votes for 6, so I'll go with that, tho I originally put my dot on 10.</p> <p>CM Wahab: Would like to plant 1000 trees annually, but also really want to focus on the infrastructure.</p> <p>CM Zermeño: Plant trees!</p> <p>CM Marquez: With regard to the trees, reminder that it is a collective effort with USD, County and Chabot.</p> |
| <p>2: Work with EBCE to transition citywide electricity use to 100% carbon free (3 dots)</p> | <p>CM Wahab: I would like to transition every operation we have 100%.</p> <p>CM Marquez: Lamnin EBCE policy and nuclear issues should be front and center.</p> |
| <p>5: Work with StopWaste to promote a Circular Economy and Explore Regulation of Single Use Products (3 dots)</p> | <p>CM Andrews: Reduce single use, provide more education.</p> <p>CM Salinas: I know we already have an ordinance around styrofoam, so probably move my vote on singles uses to #2...</p> <p>Mayor Halliday: Waste management contract is coming up, so that should continue to be a focus.</p> <p>CM Zermeño: Measure D funding from StopWaste should be looked into. And we need to do something about illegal dumping. Maybe we can offer a dumpster on a monthly basis somewhere out of the way, maybe near the maintenance yard, to help reduce illegal dumping.</p> <p>CM Lamnin: Agree with the Mayor about focusing on the waste stream, but don't agree that eliminating single use plastics is where we start. Eliminating organics from our waste stream (re SB 1383) might be a better place to focus. We should look into upstream reuse of products (need a facility for this); could be very impactful.</p> |

- 8 - Need to be up do date in codes to ensure safety
- Salinas
 - I know we already have an ordinance around styrofoam, so probably move my vote on singles uses to 2...
 - Didn't put anything on number 4. Would probably move my 5b vote to #4.
 - Agree with Andrews around bringing EV charging to more public spaces. Seeing more EVs out there.
 - I'm pro tree.
- Halliday
 - I chose 1 (not level of details). We should continue working on implementing our CAP, which is all of these things.
 - 9 - Shoreline master plan, we need to keep our attention on this.
 - 5 - Waste management contract is coming up, so that should continue to be a focus.
 - Everyone has votes for 6, so I'll go with that, tho I originally put my dot on 10.
- Wahab
 - Would like to plant 1000 trees annually, but also really want to focus on the infrastructure
 - EV charging is great
 - Also need to look at the GHG reduction targets
 - 9 - Shoreline master plan already in place, so didn't pick this
 - 2 - like to transition every operation we have 100%
- Zermeño
 - Thank you staff for including this particular priority - very important
 - Measure D funding from StopWaste should be looked into
 - We need to do something about illegal dumping
 - I trust staff to allocate their staff and funds themselves.
 - 6 & 10 - plant trees and update the ordinance!
- Lamnin
 - Need financial and regulatory support to get us to the carbon free energy place that we want to be
 - Agree with the Mayor about focusing on the waste stream, but don't agree that eliminating single use plastics is where we start. Eliminating organics from our waste stream (re SB 1383) might be a better place to focus.
 - Upstream reuse of products (facility for this) could be very impactful
 - Need to keep a focus on the shoreline
- Marquez
 - This discussion is helpful. It has shifted my thinking. Agree with the mayor on continuing to focus on the shoreline as well as GHG reduction.
 - Lamnin EBCE policy and nuclear issues should be front and center
 - Move my 1c to 4

- With regard to the trees, reminder that it is a collective effort with USD, County and Chabot
- General discussion
 - Wahab - staff has worked incredibly hard on this. Despite that we are a little spread out in our dots, really we all want support sustainability goals and in the future, better infrastructure
 - Salinas - Want to echo what Zermeño said - trust staff in moving resources up and down according to their resources (staff/budget). I am confident in staff in their work on this.
 - Halliday - We need to be cognizant of our partners (EBCE, StopWaste, HASPA, bigger agencies) on shoreline and sea level rise. Need to also be aware of and take advantage of funding opportunities that come our way. I know staff is always considering these things too.
 - Zermeño - Maybe we can offer a dumpster on a monthly basis somewhere out of the way, maybe near the maintenance yard, to help reduce illegal dumping.

Improve Infrastructure

Infrastructure - Pre-Meeting Survey Summary

- Council and the Executive Team were generally supportive of the staff's revised project list except for one person who strongly disagreed with it.
- Priorities
 - Finish the library and library plaza in year 1
 - A new corp yard should be decoupled from the building of a new police station, and the corp yard should not be delayed
 - Keeping people housed through COVID
- Delay Suggestions
 - Evaluation of a new police station
 - Micro-mobility policy
 - All capital road projects
 - EMAS at the airport
 - Solar PV Phase 2b
- Drop Suggestions
 - None
- Additional Project Suggestions (with staff's assessment of which current projects or council work sessions they relate to in parenthesis)
 - Evaluate new speed control measures (Projects 2a-2f)
 - Infrastructure improvements on A Street (Project 8a-8f)
 - Rehabilitation on Stratford Stormwater Pump Station (underway)
 - Public safety response call center infrastructure (Council work session)

Infrastructure - Key Themes and Projects from the Retreat

General Themes

- Council is very impressed with all the work staff has done.

Dot Voting - Top Projects That Received Three Votes or More

These projects should be prioritized in the current Strategic Roadmap.

| # | Project | Dot Votes |
|-----|---|-----------|
| 5a | Maintain pavement condition index at 70 percent | 5 |
| 13b | Replace an average of 3 miles of water pipelines annually | 4 |
| 8b | Complete installation of dark fiber | 4 |
| 4a | Work with AC Transit to make buses more convenient and reliable | 3 |

| | | |
|-----|--|---|
| 4c | Work with ACTC to provide bus rapid transit along Mission Blvd | 3 |
| 4e | With with BART to encourage transit oriented development | 3 |
| 17b | Perform related trash reduction activities | 3 |
| 10b | Conduct a needs assessment of upgrading the Corp Yard | 3 |

Discussion - Top Project Discussion Points

| Projects (in order of dots) | Related Discussion Points |
|---|--|
| 5a: Maintain pavement condition index at 70 percent (5 dots) | CM Zermeño: Kudos to Alex that our streets are in good shape Zermeño |
| 13b: Replace an average of 3 miles of water pipelines annually (4 dots) | <p>CM Wahab: Water, sewage, and infrastructure is the priority for her. Need access to good clean water Older buildings need to invest in better infrastructure; pipes are bad.</p> <p>CM Andrews: Water infrastructure - really care about the pipes, both water and sewer</p> |
| 19c: Complete installation of dark fiber (4 dots) | <p>CM Salinas: Technology!!!! Get the fiber!</p> <p>CM Wahab: Fiber is important - wants city manager to provide lower cost services to the public; people need high speed internet - important for economic development - lots of disparity on broadband</p> <p>Mayor Halliday: Not sure what fiber thing is, but broadband is important, especially after pandemic and disparity, need for broadband for schools and home learning.</p> <p>CM Andrews: Fiber! Pandemic has highlighted the inequities of broadband</p> |
| 4a: Work with AC Transit to make bus transit more convenient and reliable (3 dots) | CM Salinas: Lets get people to take public transit. |

| | |
|--|--|
| 4c: Work with ACTC to provide bus rapid transit along Mission Blvd (3 dots) | |
| 4e: With with BART to encourage transit oriented development (3 dots) | CM Zermeño: Likes to work with transit agencies. Mayor Halliday: BART TOD - need to try to work with them. |
| 17b: Perform related trash reduction activities (3 dots) | CM Andrews: Trash reduction important! |
| 10b: Conduct a needs assessment of upgrading the Corp Yard (3 dots) | CM Zermeño: Wants to do a feasibility study on Corp yard, not as expensive as police. CM Andrews: Corp yard is outdated and we should start needs assessment. |

Areas of Disagreement / Outliers - Infrastructure

- No major disagreements. Instead, votes spread out over a large number of projects.

Infrastructure - Raw Data

Dot Voting

| On track to meet original deadline: 76% | | Extended/Shifted: 24% | |
|---|---|--|--|
| Transportation | Improve access and mobility in downtown Hayward 1a: Implement downtown parking plan 1b: Prepare Downtown Specific Plan - Implementation Plan ✗ Implement major corridor traffic calming initiatives ♥ ★ 2a: Complete Hayward Boulevard feasibility study 2b: Implement Hayward Boulevard traffic calming plan ✓ ● 2c: Complete Tennyson Road feasibility study ● ✗ 2d: Implement Tennyson Boulevard traffic calming plan ● ✓ 2e: D Street Traffic Calming Plan Feasibility Study 2f: Implement D Street Traffic Calming Plan ✓ 3: Develop and submit a Traffic Impact Fee ● ★ | Maintain and improve pavement ● ● 5a: Maintain Pavement Condition Index (PCI) at 70* ✓ ♥ ✗ 5b: Prepare OHHA pavement improvement program design and financing structure 5c: Construct various OHHA pavement improvements 6: Develop a micro-mobility policy (eBikes, eScooters) ● Improve Mission Boulevard as a key 'Gateway to the City' 7a: Complete construction of Mission Boulevard Phase 2 ● 7b: Explore funding of Mission Boulevard Phase 2 and Linear Park ● 7c: Complete design of Mission Boulevard Phase 3 and construction* ✓ ● | Increase transit options and ridership 4b: Work with Alameda County Transportation Commission (ACTC) to develop a rapid bus project along Mission Blvd. Implement the Bike & Ped Master Plan 8c: Assess Safe Routes to School ● 8e: Assess Safe Route for Seniors in the downtown area |
| | Increase transit options and ridership ● 4a: Work with AC Transit Interagency Liaison Committee to make bus transit more convenient and reliable ♥ ● ● 4c: Work with Alameda County Transportation Commission (ACTC) to implement a rapid bus project along Mission Blvd. ✓ ♥ ● 4d: Continue to require new development adopt transportation demand management strategies to reduce the use of single occupancy vehicles and encourage the use of alternative modes of travel ● ● 4e: Continue to work with BART to encourage transit-oriented development on BART owned property in Hayward ✓ ♥ ✗ | Implement the Bike & Ped Master Plan ♥ ★ 8a: Add 2 miles of sidewalks per year* ✗ 8b: Add 10 lane miles of bike lanes per year ● 8d: Implement Safe Routes School* ✓ 8f: Implement Safe Route for Seniors in the downtown area ✓ 8g: Conduct a feasibility study of Jackson Street Improvements* ✓ Expand EV charging infrastructure for city fleet and employees* 9a: Conduct analysis of future demand 9b: Construct additional EV charging facilities ● ● | |
| | Halliday ♥ Wahab ★ Andrews ✗ Lamnin ✓ Márquez ● Salinas ● Zermeñ ● | | |

| | On track to meet original deadline: 76% | Timeline Extended/Shifted: 24% | | | | | |
|-------------------|---|--|-----------|-----------|-----------|-----------|-----------|
| Facilities | <p>Investigate major municipal building upgrade needs ★</p> <p>10a: Conduct a site and cost analysis of a new Police building ●</p> <p>10c: Investigate funding options for new Police building and Corp Yard ●</p> <p>Upgrade and maintain Airport infrastructure and facilities ●</p> <p>11a: Rehabilitate the pavement in phases</p> <p>11c: Design and construct Engineered Materials Arresting System (EMAS) at the departure end of Runway 28L</p> <p>11d: Design and construct capital improvements to Airport hangars</p> | <p>Investigate major municipal building upgrade needs</p> <p>10b: Conduct a needs assessment of upgrading the Corp Yard ✓ ✗ ●</p> <p>Upgrade and maintain Airport infrastructure and facilities</p> <p>11b: Design, enclose, and construct open sections of Sulphur Creek adjacent to runways</p> | | | | | |
| Utilities | <p>Upgrade water system infrastructure</p> <p>13a: Develop and launch Advanced Metering Infrastructure (AMI) customer port...★♥</p> <p>Meet regulatory requirements for zero trash in stormwater by installing trash capture devices ♥</p> <p>17a: Install trash capture devices ✗</p> <p>17b: Perform related trash reduction activities ● ● ✗</p> <p>Expand recycled water facilities ♥</p> <p>18a: Complete RW project construction (initial phase) ✗ ●</p> | <p>Upgrade water system infrastructure</p> <p>13b: Replace an average of 3 miles of water pipelines annually ♥ ● ★ ✗</p> <p>Update Water Pollution Control Facility Phase II Plan</p> <p>14a: Design the upgrade ★</p> <p>14b: Construct the upgrade ★</p> <p>15: Upgrade sewer collection system by replacing an average of 3 miles of sewer lines annually ★ ✗</p> <p>16: Implement phase 2 of solar project and investigate interim usages of additional energy</p> <p>Expand recycled water facilities</p> <p>18b: Develop a Recycled Water Master Plan ●</p> | | | | | |
| Technology | <p>Improve broadband network ♥ ★</p> <p>19a: Investigate the use of dark fiber</p> <p>19b: Finalize implementation of fiber grant ● ●</p> <p>19c: Complete installation of dark fiber ✓ ● ✗ ●</p> | | | | | | |
| | Halliday ♥ | Wahab ★ | Andrews ✗ | Laminin ✓ | Márquez ● | Salinas ● | Zermeño ● |

Discussion - Infrastructure

- Lamin:
 - Really impressed with all the work staff has done
 - What are the tradeoff questions? If we can only do one of these three things, not sure what they are?
- Marquez:
 - Really impressed with all the work staff has done
 - Really need to prioritize #3 (traffic impact fee); keep an eye on grant funding; will take off 4b and move it to the corp yard.
- Salinas:
 - Technology!!!! Get the fiber!
 - Transportation - traffic calming, what can we do from a streetscape standpoint like Hayward blvd?
 - AC Transit - lets get people to take public transit
 - Need to remain committed to public safety, let's seek funding for new facilities, reimagine protection services and how we build a facility that will house a new type of PD
- Zermeño
 - Likes that it emphasizes public safety
 - Likes to work with transit agencies

- I Want to do a feasibility study on Corp yard, not as expensive as the police.
- Missing on list is solar paneling on municipal parking lots
- Kudos to Alex that our streets are in good shape
- Also missing is customs in our airport so we can have international flights
- Halliday
 - Number 2 - traffic calming!!
 - BART TOD - need to try to work with them
 - 4B is important; recycled water
 - Not sure what fiber thing is, but broadband is important, especially after pandemic and disparity, need for broadband for schools and home learning.
 - Where is the library? Getting it and the plaza completed are important!
 - Police HQ can be postponed, we're in a study about reimagining police and facilities can wait
 - Didn't include anything about the airport, but it has its own funding and staff - do what we need to do there?
 - Sky West should be on the list - we need to deal with that
- Wahab:
 - Water, sewage, and infrastructure is the priority for her
 - Need access to good clean water
 - Older buildings need to invest in better infrastructure; pipes are bad.
 - Our buildings need to be renovated with earthquake resistant codes
 - Fiber is important - wants city manager to provide lower cost services to the public; people need high speed internet - important for economic development - lots of disparity on broadband
 - Health and safety should be the focus of infrastructure
- Andrews:
 - Water infrastructure - really care about the pipes, both water and sewer
 - Fiber! Pandemic has highlighted the inequities of broadband
 - Trash reduction
 - Corp yard is outdated and we should start needs assessment

Improve Organizational Health

Org Health - Pre-Meeting Survey Summary

- Council and the Executive Team were generally supportive of the staff's revised project list, agreeing that these projects are still the best ones to achieve the priority.
- Priorities
 - Develop, implement, and support remote technology (2)
 - Permanently address social distancing in office spaces
 - Develop talent acquisition plan
 - Want to understand more about the changes made to items 11 and 12
 - Address PERS and Healthcare costs; OPEB
- Delay Suggestions
 - Employee engagement will have to be modified
 - Marketing the Loop
 - Business License Tax
 - Training policy
- Drop
 - Skip one community satisfaction survey
- Additional Project Suggestions (with staff's assessment of which current projects or council work sessions they relate to in parenthesis)
 - Make website user friendly
 - Keep an equity lens for professional development opportunities
 - How to retain talent
 - Technology and data transparency improvements for public safety

Organizational Health - Key Themes and Projects from the Retreat

General Themes

- Many Council Members indicated that they trust staff to decide which projects are most important in this area.
 - Mayor Halliday: City Manager and her executive team have a better handle on some of this, what the real needs are, so I really defer to her recommendations on a lot of this.
 - CM Wahab: Agree with the Mayor, this is an internal process, at the purview of the City Manager's. Our focus should be on policy.
- Several Council Members agreed with holding off on certain tax increases (like those mentioned in 1a and 1c) until after COVID recovery.
 - CM: Salinas: Not time to impose the TOT yet while we're still recovering. Wait to increase taxes to the hotels.

- CM Marquez: 1c is also important, but in light of COVID not ready to move forward

Dot Voting - Top Projects That Received Three Votes or More

These projects should be prioritized in the current Strategic Roadmap.

| # | Project | Dot Votes |
|-----|--|-----------|
| 1b | Investigate cost reduction strategies for PERS, OPEB & health care costs | 6 |
| 3 | Work across roadmap priorities to include an equity lens | 5 |
| 4 | Continue the city's participation in GARE | 4 |
| 6a | Develop talent acquisition plan | 4 |
| 11n | Develop talent development plan | 4 |
| 22b | Seek reimbursement for COVID expenses | 4 |
| 5 | 5: Continue to support & build capacity for lean innovation | 3 |
| 19j | Work with local partners to promote and recognize Hayward events & accomplishments | 3 |

Discussion - Top Project Discussion Points

| Projects (in order of dots) | Related Discussion Points |
|--|---|
| 1b: Investigate cost reduction strategies for PERS, OPEB & health care costs (6 dots) | CM Marquez: Critical that everyone can maintain their benefits. |
| 3: Work across roadmap priorities to include an equity lens (5 dots) | <p>CM Marquez: Glad to see the racial equity plan as a priority moving forward.</p> <p>CM Marquez: Importance of diversity within the entire org.</p> <p>CM Zermeño: Racial equity across the board.</p> <p>Mayor Halliday: Definitely agree with all of the equity items. We want to and need to continue to work on this.</p> |

| | |
|---|---|
| | <p>CM Lamnin: Racial equity lens on strategic roadmap - definitely!</p> |
| <p>4: Continue the city's participation in GARE (4 dots)</p> | <p>CM Wahab: Leadership, staffing and equity in staffing across the city.</p> <p>CM Lamnin: Also need to continue to expand capacity in the org - two cohorts of GARE are phenomenal, but are still a small % of our employee population.</p> |
| <p>6a: Develop talent acquisition plan (4 dots)</p> | <p>CM Marquez: Supporting staff with budget resources. 6 is very important!</p> <p>CM Zermeño: Make sure we have the right personnel.</p> <p>CM Wahab: I actually want us to increase our qualifications to be hired at the City. Need to and should keep our standards high.</p> <p>CM Lamnin: Agree on employee recruitment and retention.</p> |
| <p>11n: Develop talent development plan (4 dots)</p> | <p>CM Marquez: Want to emphasise the need to focus on succession planning as we have staff turnover in PD and other depts</p> <p>CM Salinas: Concerned about retention. Succession planning is important, but retention is more important. Focus on attracting diverse and talented people. How to recruit diverse people - you have to recruit them, invest in training and mentoring, and then actually hire them.</p> <p>Mayor Halliday: Employee Development program - now more than ever would be nice to implement</p> |
| <p>22b: Seek reimbursement for COVID expenses (4 dots)</p> | <p>CM Zermeño: Seek budget reimbursements.</p> |
| <p>5: Continue to support & build capacity for lean innovation (3 dots)</p> | <p>Mayor Halliday: Lean innovation is important - helped us do what we did during COVID emergency.</p> |
| <p>19j: Work with local partners to promote and recognize Hayward events & accomplishments (3 dots)</p> | <p>CM Zermeño: We sell ourselves short. We do not tell all the good stuff about Hayward to the rest of the community. Talk more about what we do well.</p> |

| | |
|--|--|
| | CM Andrews: Also important to highlight local events. News outlets don't highlight the good things about Hayward. |
|--|--|

Areas of Disagreement / Outliers - Organizational Health

- CM Marquez:** Also want to point out that we do a great job of engaging our community, but want to have more continuity. Sometimes there is mixed messaging between PD and City Hall, for example
- CM Lamnin** and the **Mayor** both mentioned redistricting:
 - Mayor Halliday: "Redistricting efforts at the County - need to pay attention... See CM Lamnin's petition.
- CM Wahab:** Need a staffing level analysis, which is not included here. We need to do this citywide.
- CM Lamnin:** Not done with Census work yet

Organizational Health - Raw Data

Dot Voting

| | | On track to meet original deadline: 60% | Extended/Shifted: 21% | Added: 19% |
|--|---|--|---|------------|
| Finance Equity Human Resources IT | Maintain and expand fiscal sustainability 1a: Evaluate an increase to the Transient Occupancy Tax 1b: Continue to investigate funding tools and cost reduction strategies for PERS, other <u>post employment</u> benefits (OPEB) liability, and other health care costs 1c: Redo the Business License Tax | 6: Perform staff resource allocation and workforce and prioritization analysis to support annual budget process and explore succession planning efforts* | 6b: Develop and Implement a Recruitment and Re-engineering Plan Talent development initiatives and training platform | |
| | Racial Equity Plan 2a: Create a language accessibility policy 2b: Create a training policy | 8: Re-engineer performance management process to align with organizational values | 11b: Develop training calendar to expand and share resources citywide | |
| | 3: Work across Strategic Roadmap priorities to include racial equity lens 4: Continue city participation in the Government Alliance for Racial Equity | 9: Continue employee engagement initiatives and develop employee recognition program(s) | Employee Wellness during Covid-19 | |
| | 5: Continue to support and build capacity for lean innovation throughout the organization 6a: Develop talent acquisition plan for citywide and critical positions 7: Increase employee homeownership by rolling out a down payment assistance program for City Staff | Talent development initiatives and training platform 11n: Develop an <u>employee initiated</u> talent development plan involving interdepartmental representation 11a: Develop training academy to cultivate leadership skills 11c: Explore a path to higher education for employees (i.e: working scholar's) | 20a: Develop and Implement COVID-19 Contract Tracking and Tracing Protocol 20b: Develop and Implement a COVID-19 Testing Protocol 20c: Develop and Implement a Citywide Safe Return to Work Strategy/Plan 20d: Enhance and Implement a more rigorous Employee Wellness Program | |
| | Onboarding Program & New Employee Experience 10a: Create an interdepartmental team to develop standards for creation of citywide operating protocols and desk manuals in preparation for loss of institutional knowledge 10b: Develop a template/checklist departments can use to standardize and ease on-boarding 10c: Continue the one-on-one coaching program including speed coaching events and establish a "buddy" System for new employees; explore new coaching and mentoring opportunities 10d: Use technology to create efficiencies | | | |
| | Increase security footprint and reduce system outages 14a: Establish an Information security awareness training and outreach program 14b: Upgrade water utility technology | | | |
| | Halliday Wahab Andrews Lamnin Márquez Salinas Zerneño | | | |

| | On track to meet original deadline: 60% | Extended/Shifted: 21% | Added: 19% |
|--|---|---|--|
| Information Technology | Public Data-Driven Decision-Making ★ 15a: Explore additional modules in OpenGov to assist with visibility and awareness of current spending and future projections ● ✓ 15b: Implement new online planning and permitting solution ✗ ✓ Deliver products and services that facilitate access to the city's technology-based tools beyond the office ★ 16a: Improve IT asset management program ● 16b: Establish new mobile device management solution ✓ Modernize Technology & Systems ★ 17a: Replace aging fiber optic lines between City facilities ● ✗ 17b: Upgrade City network connections and speeds ✗ ✓ | Develop a managerial course to cultivate leadership skills 12.a: Identify training areas 12.b: Roll out pilot course 12.c: Integrate with performance evaluations 13: Centralize training platforms to reap greater use and efficiencies 19d: Reconstitute the Citywide Communications Committee ● | Remote work updates due to Covid-19 ♥ 21a: Develop and implement a Virtual Training/Resource Communication Strategy ✓ 21b: Develop, implement, and support remote technology and tools to transition the workforce to a WFH environment ✓ Budget changes due to Covid-19 22a: Amend Budget to account for economic loss due to pandemic ♥ 22b: Seek federal, state, and local reimbursement ● ♥ ● ✗ |
| | Communications | Cloud-first Transition 18a: Assess current ERP solution, investigate new offerings available and implement appropriate solutions. Maintain and expand communications efforts to better inform and gather input from the community 19a: Conduct a website audit and update ● ● 19b: Conduct a public opinion survey on the Transient Occupancy Tax 19c: Inform the public about the 2020 Census 19e: Relaunch In the Loop ● ♥ ● 19f: Issue an RFP for translation services ✗ 19g: Explore using additional social media channels to broadcast City Council Meetings 19h: Create a CRM operations desk manual 19i: Conduct the Biennial Resident Satisfaction Survey 19j: Continue working with local partners to promote and recognize hayward events and accomplishments, as appropriate ● ● ✗ | |
| Halliday ♥ Wahab ★ Andrews ✗ Lammn ✓ Márquez ● Salinas ● Zermefo ● | | | |

Discussion - Organizational Health

- Marquez
 - 1b - critical that everyone can maintain their benefits
 - 1c is also important, but in light of COVID not ready to move forward
 - Racial equity plan - Glad to see this as a priority moving forward
 - Supporting staff with budget resources. 6 is very important!
 - Want to emphasise the need to focus on succession planning as we have staff turnover in PD and other depts
 - Also want to point out that we do a great job of engaging our community, but want to have more continuity. Sometimes there is mixed messaging between PD and City Hall, for example.
 - Whatever we can do to increase employee morale. It doesn't cost a lot but really important for better work-life balance.
 - Importance of diversity within the entire org
- Salinas
 - Not time to impose the TOT yet while we're still recovering. Wait to increase taxes to the hotels.
 - Concerned about retention. Succession planning is important, but retention is more important. Focus on attracting diverse and talented people. How to

- recruit diverse people - you have to recruit them, invest in training and mentoring, and then actually hire them.
- Continue to communicate with residents in multiple languages - surveys, etc...
- Zermeño
 - Employee morale wellness, satisfaction and job security
 - Racial equity across the board
 - Make sure we have the right personnel
 - Budget reimbursements
 - We sell ourselves short. We do not tell all the good stuff about Hayward to the rest of the community. Talk more about what we do well.
- Halliday
 - The City Manager and her executive team have a better handle on some of this, what the real needs are, so I really defer to her recommendations on a lot of this.
 - Definitely agree with all of the equity items. We want to and need to continue to work on this.
 - Lean innovation is important - helped us do what we did during COVID emergency
 - Employee Development program - now more than ever would be nice to implement
 - Returning to work - need to define policies. Wfh is fine, and does a good job, but need to make sure the work is getting done.
 - Redistricting efforts at the County - need to pay attention... See CM Lamnin's petition.
- Wahab
 - Agree with the Mayor, this is an internal process, at the purview of the City Manager's. Our focus should be on policy.
 - Need a staffing level analysis, not included here. Need to do this citywide. Also need to assess given all the new housing projects we are approving.
 - Leadership, staffing and equity (in staffing across the city) - want to increase our qualifications to be hired at the City. Need to and should keep our standards high.
 - Work-life-balance - definitely want flexibility for people.
- Andrews
 - Only one to highlight - upgrade water quality and security. City of Baltimore just had a cyber attack on their water purification.
 - Employee benefits
 - Fiber
 - Also important to highlight local events. News outlets don't highlight the good things about Hayward
 - Make sure we get FEMA requirements

- Lamnin
 - Not done with Census work yet
 - Agree on employee recruitment and retention
 - Racial equity lens on strategic roadmap - definitely!
 - 4 - Also need to continue to expand capacity in the org - two cohorts of GARE are phenomenal, but are still a small % of our employee population
 - Look at technology needed to support new ways of working
 - System security for sure, happy to reprioritize if that's not reflected

Support Quality of Life

Quality of Life - Pre-Meeting Survey Summary

- Council and the Executive Team were supportive to neutral of the staff's revised project list with a few believing that these projects will not achieve the priority.
- Priorities
 - #9 deals with youth and family services; need to determine changes needed in light of HUSD eliminating the SRO program
 - More emphasis on policing and improved community relations
 - Finish Tennyson Corridor
 - Prioritize the Stack
 - Review what smoke stores can sell
 - Item 3 is now about exploring, testing, and implementing alternate response teams
 - Updated emergency services plan
 - Need more info on CDEQA update re: La Vista Park
 - Have Encampment Task Force transition into single City-Community working group
 - Changes to YFSB should be on the back burner
 - The library should be a priority
 - Fire Plan a stronger priority
 - Maintenance must be a priority
- Delay Suggestions
 - LaVista Park
 - SHYFC
- Drop Suggestions
 - Library assessment or strategic plan
 - Fire plan
 - Accreditation goal
- Additional Project Suggestions (with staff's assessment of which current projects or council work sessions they relate to in parenthesis)
 - Implement pilot projects based on policy and innovation workshop (Project 16b)
 - A plan to respond to community concerns with respect to policing (Project 16b)
 - CAT to be part of a patrol team (Project 3a, 3b, 16b)
 - Evaluate role and scope of HPD CAP (Project 8, 16b)
 - To put in bike rack - explore development of buffer fund for specific businesses and services to provide immediate relief for another one-month shutdown (Grow the Economy – Projects 15a and 15b)

- Explore forming Art and Culture Task Force (Council Work Session)
- Public safety and cleanliness are missing (Projects 7a, 7b, and 17c; and these are strategic priority projects above and beyond operational functions)

Quality of Life - Key Themes and Projects from the Retreat

General Themes

- Most councilmembers emphasized the importance of having a clean city to reduce crime, improve safety, and improve the aesthetic.
- Some council members thought that projects that address homeless encampments should be under the Housing priority.
- A majority of council members expressed support for finishing LaVista Park, noting that it is an equity issue.

Dot Voting - Top Projects That Received Three Votes or More

These projects should be prioritized in the current Strategic Roadmap.

| # | Project | Dot Votes |
|-----|---|-----------|
| 3b | Rollout permanent CAT program | 4 |
| 7a | Pilot illegal dumping programs | 4 |
| 10 | Compel Union Pacific to clean up their properties | 4 |
| 12b | Construct LaVista Park | 4 |
| 13 | Evaluate options to adding bathrooms to Heritage Park | 3 |
| 6a | Conduct survey of library hours need and analyze use | 3 |
| 15 | Create and implement Homeless Encampment Taskforce | 3 |
| 21 | Launch bookmobile program | 3 |

Discussion - Top Project Discussion Points

| Projects (in order of dots) | Related Discussion Points |
|---|---|
| 3b: Rollout permanent CAT program (4 dots) | <p>CM Wahab: We're working on it</p> <p>CM Lamnin: Focus on mental health services and alternative response - that's a ton of work and I want to prioritize it; let's be data driven.</p> <p>CM Marquez: Let's roll out CAT</p> |
| 7a: Pilot illegal dumping programs (4 dots) | <p>CM Salinas: Cleanliness is important. Need to stop illegal dumping.</p> <p>Mayor Halliday: Cleanliness and landscaping to reduce impression that we're a dumping ground</p> <p>CM Marquez: Illegal dumping is a big deal.</p> |
| 10: Compel Union Pacific to clean up their properties (4 dots) | <p>CM Marquez: Lots of activity around the railboard; need to be clean and safe.</p> |
| 12b: Construct LaVista Park (4 dots) | <p>Mayor Halliday: LaVista Park - partnership with HARD, nice amenity</p> <p>CM Andrews: Supports the Park</p> <p>CM Marquez: Don't delay LaVista Park; its an equity issue; same with SWYFC</p> |
| 13: Evaluate options to adding bathrooms to Heritage Park (3 dots) | <p>CM Marquez: Add bathrooms to Heritage plaza.</p> |
| 6a: Conduct survey of library hours need and analyze use (3 dots) | <p>Mayor Halliday: Library is important, and we need to reopen it.</p> <p>CM Marquez: Expand library hours - adding Sunday or Monday.</p> |
| 15: Create and implement Homeless Encampment Taskforce (3 dots) | <p>CM Salinas: Need to focus on this.</p> <p>CM Zermeño: This should be under the Housing priority.</p> <p>CM Lamnin: Hope is that we're moving from response to a really proactive way to address the issue.</p> |

| | |
|---|--|
| 21: Launch bookmobile program (3 dots) | |
|---|--|

Areas of Disagreement / Outliers - Quality of Life

- **LaVista Park** received a mention in the survey to delay it, but it also received four priority dot votes.
- **SHYFC** received a mention in the survey to delay it, but it also received support in our retreat discussion to pursue it.
- **The fire plan** received a mention in the survey to both prioritize it and deprioritize it

Quality of Life - Raw Data

Dot Voting

| Fire | Police | Library | Maintenance Services |
|---|--|------------|--|
| On track to meet original deadline: 24% | Timeline Extended/Shifted due to Covid: 21% | | Added: 45% |
| <p>Update comprehensive emergency services plan for community and staff ★</p> <p>4b: Implement updated plan</p> <p>4c: Conduct a 'risk & resilience' assessment of water system and update emergency response plan**</p> <p>8: Implement Hayward Police Department Community Advisory Panel</p> <p>9: Expand existing support services offered by the Hayward Police Department Youth and Family Services Bureau to include life skills, education and restorative justice</p> <p>10: Implement a strategy to compel Union Pacific to clean up their unsafe and blighted properties, mitigate public safety risk, and reduce inefficient use of staff resources</p> <p>11: Implement a vaping ban</p> <p>13: Evaluate options for adding bathrooms to Heritage Plaza for Council consideration</p> | <p>Oversee the rebuilding of the South Hayward Youth and Family Center (the Stack)* ♥ ★</p> <p>1a: Finalize financing</p> <p>1b: Design and construct center ✓ ✗</p> <p>1c: Continue working with service providers to ensure a mix of services and opportunities that best address the needs of the corridor. ●</p> <p>Complete gateway and corridor landscape beautification* ♥</p> <p>2a: Complete Tennyson corridor landscape beautification ● ✗</p> <p>2b: Complete Jackson corridor landscape beautification</p> <p>Implement mental health comprehensive assessment teams (CAT) to provide targeted mental health services and avoid inefficient use of public safety resources</p> <p>3a: Assess findings from pilot</p> <p>3b: Roll out permanent CAT program (outside of County) ✓ ✗ ♥ ●</p> <p>Update comprehensive emergency services plan for community and staff</p> <p>4a: Update and approve community emergency plan ✓ ✗</p> <p>Update fire strategic plan ★</p> <p>5a: Update and adopt strategic plan</p> <p>5b: Implement strategic plan ✗</p> <p>Plan library operations and hours to leverage the new facility</p> <p>6a: Conduct survey of library hours need and analysis of use ♥ ●</p> <p>6b: Conduct strategic planning and implementation</p> <p>Implement targeted illegal dumping prevention program ★</p> <p>7a: Pilot programs and analysis* ● ♥</p> <p>7b: Roll out permanent program* ♥</p> <p>Complete La Vista Park</p> <p>12a: Design La Vista Park ●</p> <p>12b: Construct La Vista Park ✓ ♥ ● ✗</p> | | <p>Implement targeted illegal dumping prevention program</p> <p>17c: Operation Clean Sweep*</p> <p>COVID-19 Response</p> <p>14a: Establish Graffiti Relief Program ✗</p> <p>14b: Launch and run Food Distribution Operation</p> <p>14c: Launch and run Covid-19 Testing Site and Vaccination Operations ●</p> <p>14d: Operate Long-term Partial Activation of EOC, including rapid rollout of Veoci</p> <p>15: Create and implement Homeless Encampment Task Force ● ♥ ✗</p> <p>Community Engagement Around Public Safety</p> <p>16a: Conduct community engagement and public polling to understand community concerns ●</p> <p>16b: Implement Policy Innovation Workshop to design potential policy solutions ●</p> <p>17: Implement Census 2020 Community Engagement</p> <p>18: Online Library Programming ★</p> <p>19: Library Curbside Service</p> <p>20: Tech Lending Library ● ✓</p> <p>21: Launch Bookmobile Program ● ● ● ✓</p> |
| Halliday ♥ Wahab ★ | Andrews ✗ | Lamoin ✓ ✓ | Márquez ● Salinas ● Zermefio ● |

Discussion - Quality of Life

- Salinas:
 - Cleanliness - illegal dumping
 - Homeless encampments - also want this to be a focus
 - Regarding safety - we need to collect good accurate data, let's be informed by data

- Zermeño
 - #15 homeless encampment task force, should be in housing and task for in housing
 - Graffiti left alone because we have this going
 - #9 should be by advisory committee on police
 - What does vaping ban mean in regards to state regulation?
- Halliday
 - South Hayward Youth and Family Center - been years in making; we have a design; now looking for funding
 - #2 and #7 and #15 - cleanliness, landscaping, reduce impression that we're a dumping ground
 - Library important, need to reopen
 - LaVista Park - partnership with HARD, nice amenity
- Wahab
 - #17 - we have a resolution regarding census data; would like to remove it
 - CAT teams - we're working on it
 - #4 is incredibly important - community emergency response plan and need to be equitable in our response; COVID should be a learning lesson.
 - #8 and 9 are under discussion so she didn't vote on it
 - I would like for us to move in a more tech oriented services
 - Everything is mobile, remote, online; no one should have to walk into city hall to get something done
- Andrews
 - Graffiti relief; couple it with public art
 - Emergency response planning
 - CAT program
 - SHYFC and Park
 - Fire strategic plan - important part of emergency response plan
 - Tennyson - finish the corridor!
- Lamnin
 - Amazing work happening in this area
 - #9 and #3b around mental health services and alternative response - that's a ton of work and I want to prioritize it; let's be data driven
 - LaVista Park
 - Didn't mark gateways but hope we are continuing that work
 - Encampments - hope is that we're moving from response to a really proactive way to address the issue
 - #16 - placeholder around BLM
 - Emergency plan - some pieces that need to be updated; drone corp; 3d printing corp - take advantage of these volunteers
- Marquez
 - Risk around water system - need to be proactive

- #10 - lots of activity around railboard; need to be clean and safe
- Add bathrooms to Heritage plaza
- Want to make sure we're opening Plaza and Library
- Want to roll out the CAT program
- Expand library hours - adding Sunday or Monday
- Illegal dumping big deal
- Don't delay LaVista Park; its an equity issue; same with SWYFC
- Want to hear how the vaccination rollout is going
- Public Safety - clear timeline to policy discussions

Attachment III: Strategic Roadmap Priority Projects - Ranked by 2-13-21 Council Retreat Dot Voting

| | *Needs Funding **Statutory Requirement | Proposed Timeframe | | | | Council Dot Votes on 2-13-21 | | | | | | |
|--|--|--------------------|---------------|---------------|-----|------------------------------|----|----|----|----|----|----|
| | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | Total | BH | AA | AW | EM | FZ | MS |

x = adding year to timeframe, * = removing year from timeframe (explanations are in Attachment IV of this report)

Combat Climate Change

| | | | | | | | | | | | | | |
|----|--|---|---|---|---|------|---|---|---|---|---|---|---|
| 1b | Require EV charging infrastructure in new construction | x | | | | 5.25 | 1 | 1 | 1 | 1 | 0 | 1 | |
| 4 | Adopt & implement 2030 GHG Goal & Roadmap* | x | x | x | x | 4 | | | 1 | 1 | | 1 | 1 |
| 6 | Plant 1,000 trees annually (500 trees per year by City staff, 500 additional trees by other partners (HARD, HUSD, CSU, Chabot, and private developers) | x | x | x | x | 4 | | 1 | | 1 | 1 | 1 | |
| 2 | Work with EBCE to transition citywide electricity use to 100% carbon free (1)(2) | | | x | x | 3 | | | | 1 | 1 | | 1 |
| 5a | Circular Economy: conduct outreach regarding single-use disposables | | | x | x | 2 | 1 | 1 | | | 1 | | |
| 8 | Adopt and implement the 2019 Building Code & Fire Code | x | | | | 2 | | 1 | 1 | | | | |
| 9 | Complete Shoreline Master Plan | x | | | | 2 | 1 | | | | | 1 | |
| 3 | Transition electricity use in city operations to 100% renewable energy | | x | | | 1 | | | 1 | | | | |
| 5b | Circular Economy: Develop ordinance regulating single-use food ware in restaurants and coordinate with county-wide efforts | | | x | x | 1 | 1 | | | | 1 | | |
| 7 | Reduce Carbon Emissions - transition 15% of total city fleet to EV/hybrid models* | x | x | x | | 1 | | | | | | | 1 |
| 10 | Update Tree Preservation Ordinance | | x | x | | 1 | 1 | | | | | | |
| 1a | Ban natural gas in new residential buildings | x | | | | 0.25 | | | | | 0 | | |
| 1c | Explore feasibility of banning natural gas in non-residential (commercial) buildings (for next code update) | | | | x | 0.25 | | | | | 0 | | |
| 1d | Prepare a plan to facilitate transition of natural gas appliances to electric in City Facilities | x | x | x | x | 0.25 | | | | | 0 | | |

Grow the Economy

| | | | | | | | | | | | | | |
|-----|---|---|---|---|---|-----|---|---|---|---|---|---|---|
| 13 | Continue supporting business development through concierge service, incentives/grants/loans, collaborations with the chamber and SBA, and the newly updated events grants | x | x | x | x | 6 | 1 | 1 | 1 | | 1 | 1 | 1 |
| 15a | COVID-19 Small Business Recovery & Equity Programs including exploration and establishment of grant program targeted to for a black and other minority-owned business. This may includes providing enhanced technical assistance to comply with State and County reopening guidelines and grant funding to invest in required infrastructure. | x | x | | | 6 | 1 | 1 | | 1 | 1 | 1 | 1 |
| 2b | Vacant Building Property Ordinance: Engage owners and encourage activation of vacant sites | x | x | x | x | 4 | 1 | 1 | | | 1 | 1 | 1 |
| 8 | Revise alcohol use regulations to support existing and encourage more full-service restaurants | | x | | | 4 | 1 | | 1 | | 1 | | 1 |
| 10 | Revamp community preservation ordinance to combat blight and enhance neighborhood livability | | x | | | 4 | 1 | 1 | 1 | 1 | | | |
| 3b | Re-establish the Business Engagement Program and referral process to Alameda County Workforce Development Department to address businesses' immediate workforce needs | | x | x | x | 3.5 | 0 | | 1 | 1 | 0 | | 1 |
| 2a | Enforce Vacant Building Property Ordinance | x | x | x | x | 3 | 1 | 1 | | | 1 | 1 | |
| 6 | Update and implement a revised cannabis ordinance to incorporate best practices to better support cannabis businesses | x | x | x | x | 3 | | 1 | 1 | | 1 | | |
| 11 | Explore a public art program and prioritize gateway locations* | | | x | | 3 | 1 | 1 | | 1 | | | |
| 12 | Explore the concept of a business incubator with CEDC, CSUEB, Chabot College and the Chamber | | x | | | 3 | | | 1 | | 1 | 1 | |
| 14a | COVID-19 Business Sector Reopening Assistance including providing consultations with businesses, information dissemination and new permit/process requirements to be consistent with evolving public health orders | x | x | | | 3 | | 1 | 1 | 1 | | | |
| 3a | Devise plan to maximize workforce development pipelines | | x | | | 2.5 | 0 | | 1 | | 0 | | 1 |
| 4c | City Center: Finalize disposition & development agreement | | x | x | | 2 | | | | 1 | | | 1 |
| 9 | Update form-based zoning codes along Mission Boulevard to streamline new development, focus commercial development where appropriate, and create a cohesively designed corridor | x | | | | 2 | | | | | 1 | 1 | |

Attachment III: Strategic Roadmap Priority Projects - Ranked by 2-13-21 Council Retreat Dot Voting

| | *Needs Funding **Statutory Requirement | Proposed Timeframe | | | | Council Dot Votes on 2-13-21 | | | | | | | |
|-----|--|--------------------|---------------|---------------|-----|------------------------------|----|----|----|----|----|----|----|
| | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | Total | BH | AA | AW | EM | FZ | MS | SL |
| 15b | COVID-19 Retail Recovery Program including exploration and development of "Shop Local Gift Card Program" to promote small businesses, induce immediate cash flow and encourage small business adoption of e-commerce platforms | | x | | | 2 | 1 | | | | | 1 | |
| 1a | Update the marketing plan, including Opportunity Zone campaign | x | | | | 1.5 | 1 | | 1 | 1 | | | |
| 1b | Implement the marketing plan, including Opportunity Zone campaign | | x | x | x | 1.5 | 1 | | 1 | 1 | | | |
| 3c | East Bay, Chabot College, Life Chiropractic, the YSFB, and local nonprofits to assist in connecting their training, internship, and placement programs with local businesses | | x | x | x | 1.5 | 0 | | 1 | 0 | | | |
| 5a | Route 238 Corridor lands: Finalize planning on redevelopment of 6 remaining parcel groups** | | x | | | 1 | | | | 1 | | | |
| 5b | Route 238 Corridor lands: Finalize disposition & development agreements for all parcels** | | | x | | 1 | | | | | | | 1 |
| 14C | COVID-19 Policy Development including a commercial eviction moratorium and cap on third-party delivery service provider fees assessed to restaurant and food establishments | x | | | | 1 | | | | | | 1 | |
| 3d | Collaborate with workforce development partners to organize, host and sponsor job fairs, manufacturing/STEM career awareness events to support a local workforce pipeline | | x | x | x | 0.5 | 0 | | | 0 | | | |
| 4a | City Center: Complete deconstruction | x | | | | 0 | | | | | | | |
| 4b | City Center: Commence discussions on property redevelopment | x | | | | 0 | | | | | | | |
| 4d | City Center: Implement disposition & development agreement | | | x | x | 0 | | | | | | | |
| 5c | Route 238 Corridor lands: Implement disposition & development agreements for all parcels* | | | | x | 0 | | | | | | | |
| 7 | Develop and implement a local minimum wage ordinance* | x | x | x | x | 0 | | | | | | | |
| 14b | COVID-19 Restaurant Assistance including facilitating outdoor dining programs including the Together for Downtown Hayward program | x | x | | | 0 | | | | | | | |
| 14d | COVID-19 Response: Sidewalk Vendor Ordinance | x | | | x | 0 | | | | | | | |
| 15c | COVID-19 Response: Outdoor Gathering Permit established | x | | | | 0 | | | | | | | |
| 15d | COVID-19 Response: Outdoor Dining Permit established | x | | | | 0 | | | | | | | |
| 15e | COVID-19 Response: Temporary Outdoor Business Activities Permit | x | | | | 0 | | | | | | | |

| Improve Infrastructure | | | | | | | | | | | | | |
|------------------------|---|---|---|---|---|------|---|---|---|---|---|---|---|
| 5a | Maintain Pavement Condition Index (PCI) at 70* | x | x | x | x | 5 | 1 | 1 | | 1 | | 1 | 1 |
| 13b | Replace an average of 3 miles of water pipelines annually | x | x | x | x | 4 | 1 | 1 | 1 | 1 | | | |
| 19c | Complete installation of dark fiber | | x | x | x | 3.66 | 0 | 1 | 0 | | 1 | 1 | |
| 17b | Perform trash reduction activities related to regulatory requirements for zero trash in stormwater | x | x | x | x | 3.5 | 1 | 1 | | 1 | | 1 | |
| 10b | Conduct a needs assessment of upgrading the Corp Yard | | x | | | 3.33 | | 1 | 0 | | 1 | | 1 |
| 4a | Work with AC Transit Interagency Liaison Committee to make bus transit more convenient and reliable | x | x | x | x | 3.2 | 1 | | | 1 | 0 | 1 | |
| 4c | Work with Alameda County Transportation Commission (ACTC) to implement a rapid bus project along Mission Blvd. | | x | x | x | 3.2 | 1 | | | | 0 | 1 | 1 |
| 4e | Continue to work with BART to encourage transit-oriented development on BART owned property in Hayward | | x | x | x | 3.2 | 1 | 1 | | | 0 | | 1 |
| 1b | Prepare Downtown Specific Plan - Implementation Plan | | x | x | | 3 | 1 | 1 | | | 1 | | |
| 9b | Construct additional EV charging facilities for city fleet and employees | | x | x | x | 3 | | | | 1 | 1 | 1 | |
| 19b | Finalize implementation of fiber grant | x | x | | | 2.66 | 0 | | 0 | 1 | | 1 | |
| 2b | Implement Hayward Boulevard traffic calming plan | | x | x | x | 2.51 | 0 | | 0 | | | 1 | 1 |
| 2c | Complete Tennyson Road feasibility study | | x | | | 2.51 | 0 | 1 | 0 | 1 | | | |
| 2d | Implement Tennyson Boulevard traffic calming plan | | | x | x | 2.51 | 0 | | 0 | | 1 | | 1 |
| 18a | Complete recycled water project construction (initial phase) | x | | | | 2.5 | 1 | 1 | | | 1 | | |
| 10c | Investigate funding options for new Police building and Corp Yard | | | | x | 2.33 | | | 0 | 1 | | 1 | |
| 4d | Continue to require new development adopt transportation demand management strategies to reduce the use of single occupancy vehicles and encourage the use of alternative modes of travel | | x | x | x | 2.2 | | | | 1 | 0 | 1 | |
| 3 | Develop and submit a Traffic Impact Fee | x | x | | | 2 | | | 1 | 1 | | | |
| 7c | Complete design of Mission Boulevard Phase 3 and construction* | x | x | x | | 2 | | | | | | 1 | 1 |
| 13a | Develop and launch Advanced Metering Infrastructure (AMI) customer portal | x | | | | 2 | 1 | | 1 | | | | |

Attachment III: Strategic Roadmap Priority Projects - Ranked by 2-13-21 Council Retreat Dot Voting

| | *Needs Funding **Statutory Requirement | Proposed Timeframe | | | | Council Dot Votes on 2-13-21 | | | | | | | |
|-----|---|--------------------|---------------|---------------|-----|------------------------------|----|----|----|----|----|----|----|
| | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | Total | BH | AA | AW | EM | FZ | MS | SL |
| 15 | Upgrade sewer collection system by replacing an average of 3 miles of sewer lines annually | x | x | x | x | 2 | | 1 | 1 | | | | |
| 8a | Bike & Ped Master Plan: Add 2 miles of sidewalks per year* | x | x | x | x | 1.6 | 0 | 1 | 0 | | | | |
| 8b | Bike & Ped Master Plan: Add 10 lane miles of bike lanes per year | x | x | x | x | 1.6 | 0 | | 0 | 1 | | | |
| 8d | Bike & Ped Master Plan: Implement Safe Routes School* | | x | x | x | 1.6 | 0 | | 0 | | | | 1 |
| 8f | Bike & Ped Master Plan: Implement Safe Route for Seniors in the downtown area* | | x | x | x | 1.6 | 0 | | 0 | | | | 1 |
| 8g | Bike & Ped Master Plan: Conduct a feasibility study of Jackson Street Improvements* | | | x | | 1.6 | 0 | | 0 | | | | 1 |
| 17a | Install trash capture devices to meet regulatory requirements for zero trash | x | x | x | | 1.5 | 1 | 1 | | | | | |
| 18b | Develop a Recycled Water Master Plan | | | | x | 1.5 | 1 | | | 1 | | | |
| 2f | Implement D Street Traffic Calming Plan | | | x | x | 1.48 | 0 | | 0 | | | | 1 |
| 10a | Conduct a site and cost analysis of a new Police building | | | | x | 1.34 | | | 0 | 1 | | | |
| 6 | Develop a micro-mobility policy (eBikes, eScooters) | | x | x | | 1 | | | | | 1 | | |
| 7a | Complete construction of Mission Boulevard Phase 2 | x | | | | 1 | | | | | | | 1 |
| 7b | Explore funding of Mission Boulevard Phase 2 and Linear Park | | x | x | | 1 | | | | | | | 1 |
| 8c | Meet regulatory requirements for zero trash: Assess Safe Routes to School | x | x | x | x | 1 | | | | 1 | | | |
| 14a | Water Pollution Control Facility Phase II Plan: Design the upgrade | | | x | x | 1 | | | 1 | | | | |
| 14b | Water Pollution Control Facility Phase II Plan: Construct the upgrade | | | | x | 1 | | | 1 | | | | |
| 19a | Investigate the use of dark fiber | x | x | | | 0.68 | 0 | | 0 | | | | |
| 2a | Complete Hayward Boulevard feasibility study | x | | | | 0.51 | 0 | | 0 | | | | |
| 2e | D Street Traffic Calming Plan Feasibility Study | | x | | | 0.48 | 0 | | 0 | | | | |
| 11a | Airport infrastructure and facilities: Rehabilitate the pavement in phases | x | x | x | x | 0.34 | | | | | 0 | | |
| 11c | Airport infrastructure and facilities: Design and construct Engineered Materials Arresting System (EMAS) at the departure end of Runway 28L | | | x | x | 0.33 | | | | | 0 | | |
| 11d | Airport infrastructure and facilities: Design and construct capital improvements to Airport hangars | x | x | x | x | 0.33 | | | | | 0 | | |
| 4b | Work with Alameda County Transportation Commission (ACTC) to develop a rapid bus project along Mission Blvd. | x | x | | | 0.2 | | | | 0 | | | |
| 1a | Implement downtown parking plan | x | | | | 0 | | | | | | | |
| 5b | Prepare OHHA pavement improvement program design and financing structure | x | | | | 0 | | | | | | | |
| 5c | Construct various OHHA pavement improvements | | x | x | x | 0 | | | | | | | |
| 8e | Assess Safe Route for Seniors in the downtown area | x | x | | | 0 | | | | | | | |
| 9a | Conduct analysis of future demand for EV charging infrastructure for city fleet and employees* | x | | | | 0 | | | | | | | |
| 11b | Airport infrastructure and facilities: Design, enclose, and construct open sections of Sulphur Creek adjacent to runways | | x | x | | 0 | | | | | | | |
| 12 | Construct the fire station and Fire Training Center | x | x | x | | 0 | | | | | | | |
| 16 | Implement phase 2 of solar project and investigate interim usages of additional energy | | | | x | 0 | | | | | | | |

Improve Organizational Health

| | | | | | | | | | | | | | |
|-----|--|---|---|---|---|-----|---|---|---|---|---|---|---|
| 1b | Continue to investigate funding tools and cost reduction strategies for PERS, other post employment benefits (OPEB) liability, and other health care costs | x | x | x | x | 6 | 1 | 1 | 1 | 1 | 1 | | 1 |
| 3 | Work across Strategic Roadmap priorities to include racial equity lens | x | x | x | x | 5 | 1 | 1 | | 1 | 1 | 1 | |
| 6a | Develop talent acquisition plan for citywide and critical positions | | x | x | | 4.5 | | 1 | | 1 | 1 | 1 | 1 |
| 4 | Continue city participation in the Government Alliance for Racial Equity | x | x | x | x | 4 | 1 | | | | 1 | 1 | 1 |
| 11d | Develop an employee initiated talent development plan involving interdepartmental representation | | x | x | x | 4 | | | | 1 | 1 | 1 | 1 |
| 22b | Budget changes due to Covid-19: Apply for FEMA reimbursement | x | x | | | 4 | 1 | 1 | | 1 | 1 | | |
| 5 | Continue to support and build capacity for lean innovation throughout the organization | x | x | x | | 3 | 1 | 1 | | | | 1 | |
| 15b | Implement new online planning and permitting solution | | x | x | | 3 | | 1 | 1 | | | | 1 |
| 17a | Replace aging fiber optic lines between City facilities | x | x | x | x | 3 | | 1 | 1 | 1 | | | |
| 17b | Upgrade City network connections and speeds | | | | x | 3 | | 1 | 1 | | | | 1 |
| 19j | Continue working with local partners to promote and recognize Hayward events and accomplishments, as appropriate | x | x | x | x | 3 | | 1 | | | 1 | 1 | |

Attachment III: Strategic Roadmap Priority Projects - Ranked by 2-13-21 Council Retreat Dot Voting

| | *Needs Funding **Statutory Requirement | Proposed Timeframe | | | | Council Dot Votes on 2-13-21 | | | | | | | |
|-----|---|--------------------|---------------|---------------|-----|------------------------------|----|----|----|----|----|----|----|
| | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | Total | BH | AA | AW | EM | FZ | MS | SL |
| 20c | Employee Wellness during Covid-19: Develop and Implement a Citywide Safe Return to Work Strategy/Plan | x | x | | | 2.5 | 1 | | 1 | | | | 1 |
| 20d | Employee Wellness during Covid-19: Enhance and Implement a more rigorous Employee Wellness Program | x | x | | | 2.5 | | | 1 | 1 | | | 1 |
| 7 | Increase employee homeownership by rolling out a down payment assistance program for City Staff | x | | | | 2 | 1 | | 1 | | | | |
| 9 | Continue employee engagement initiatives and develop employee recognition program(s) | | x | x | | 2 | | | | | 1 | 1 | |
| 10d | formalize, expand and promote the onboarding program to improve new employee experience: Use technology to create efficiencies | x | x | x | | 2 | | 1 | | | | | 1 |
| 14b | Increase security footprint and reduce system outages: Upgrade water utility technology | | | x | x | 2 | | 1 | 1 | | | | |
| 15a | Explore additional modules in Opengov to assist with visibility and awareness of current spending and future projections | | x | x | | 2 | | | 1 | 1 | | | |
| 16a | Improve IT asset management program | x | x | x | x | 2 | | | 1 | | | 1 | |
| 16b | Establish new mobile device management solution | | x | x | | 2 | | | 1 | | | | 1 |
| 19a | Conduct a website audit and update | | x | | | 2 | | | | 1 | | 1 | |
| 19e | Relaunch In the Loop | | x | | | 2 | 1 | | | | 1 | | |
| 20a | Employee Wellness during Covid-19: Develop and Implement COVID-19 Contract Tracking and Tracing Protocol | x | x | | | 1.5 | | 1 | 1 | | | | |
| 21a | Remote work updates due to Covid-19: Develop and Implement a Virtual Training/Resource Communication Strategy | x | x | | | 1.5 | 1 | | | | | | 1 |
| 21b | Remote work updates due to Covid-19: Develop, implement, and support remote technology and tools to transition the workforce to a WFH environment | x | x | | | 1.5 | 1 | | | | | | 1 |
| 1c | Redo the Business License Tax | | x | x | | 1 | 1 | | | | | | |
| 10c | Continue the one-on-one coaching program including speed coaching events and establish a "buddy" System for new employees; explore new coaching and mentoring opportunities | x | x | x | | 1 | | | | | | 1 | |
| 11a | Develop training academy to cultivate leadership skills | | | x | x | 1 | | | | | 1 | | |
| 11b | Develop training calendar to expand and share resources citywide | x | x | x | | 1 | | | | | 1 | | |
| 14a | Increase security footprint and reduce system outages: Establish an Information security awareness training and outreach program | x | x | | | 1 | | | 1 | | | | |
| 19d | Reconstitute the Citywide Communications Committee | | | | | 1 | | | | 1 | | | |
| 19f | Issue an RFP for translation services | | x | | | 1 | | 1 | | | | | |
| 22a | Budget changes due to Covid-19: Amend Budget to account for economic loss due to pandemic | x | x | | | 1 | 1 | | | | | | |
| 2a | Create a language accessibility policy | x | x | x | x | 0.5 | 1 | | | | | | |
| 2b | Create a racial equity training policy | x | x | x | x | 0.5 | 1 | | | | | | |
| 6b | Develop and Implement a Recruitment and Re-engineering Plan | x | x | | | 0.5 | | | | 1 | | | |
| 20b | Employee Wellness during Covid-19: Develop and Implement a COVID-19 Testing Protocol | x | x | | | 0.5 | | | 1 | | | | |
| 1a | Evaluate an increase to the Transient Occupancy Tax | x | | | | 0 | | | | | | | |
| 8 | Re-engineer performance management process to align with organizational values | | x | x | x | 0 | | | | | | | |
| 10a | Create an interdepartmental team to develop standards for creation of citywide operating protocols and desk manuals in preparation for loss of institutional knowledge | x | x | x | | 0 | | | | | | | |
| 10b | Develop a template/checklist departments can use to standardize and ease on-boarding | x | x | x | | 0 | | | | | | | |
| 11c | Talent development initiatives: Explore a path to higher education for employees (i.e.: working scholar's) | | | x | | 0 | | | | | | | |
| 12a | Develop a managerial course to cultivate leadership skills: Identify training areas | | x | | | 0 | | | | | | | |
| 12b | Develop a managerial course to cultivate leadership skills: Roll out pilot course | | | x | | 0 | | | | | | | |
| 12c | Develop a managerial course to cultivate leadership skills: Integrate with performance evaluations | | | x | x | 0 | | | | | | | |
| 13 | Centralize training platforms to reap greater use and efficiencies | | | x | | 0 | | | | | | | |

Attachment III: Strategic Roadmap Priority Projects - Ranked by 2-13-21 Council Retreat Dot Voting

| | *Needs Funding **Statutory Requirement | Proposed Timeframe | | | | Council Dot Votes on 2-13-21 | | | | | | | |
|-----|---|--------------------|---------------|---------------|-----|------------------------------|----|----|----|----|----|----|----|
| | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | Total | BH | AA | AW | EM | FZ | MS | SL |
| 18a | Assess current ERP solution, investigate new offerings available and implement appropriate solutions. | | x | x | x | 0 | | | | | | | |
| 19b | Conduct a public opinion survey on the Transient Occupancy Tax | x | | | | 0 | | | | | | | |
| 19c | Inform the public about the 2020 Census | x | | | | 0 | | | | | | | |
| 19g | Explore using additional social media channels to broadcast City Council Meetings | x | x | | | 0 | | | | | | | |
| 19h | Create a Community and Media Relations operations desk manual | | x | | | 0 | | | | | | | |
| 19i | Conduct the Biennial Resident Satisfaction Survey | | x | | | 0 | | | | | | | |

Preserve, Protect, and Produce Housing

| | | | | | | | | | | | | | |
|-----|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5b | Evaluate the Affordable Housing Ordinance: Hold work session for potential revisions | x | | | * | 5 | | 1 | 1 | 1 | | 1 | 1 |
| 1a | Identify Sustainability funding source for the navigation center | x | x | x | x | 4 | 1 | 1 | | 1 | 1 | | |
| 2a | Create a Homelessness Reduction Strategic Plan modeled after an empowerment approach and best practices, as well as after Alameda County's EveryOne Home Plan | x | | | | 4 | 1 | | 1 | 1 | | | 1 |
| 4e | Explore program to convert tax-defaulted properties to affordable housing | | | x | | 4 | | | 1 | | 1 | 1 | 1 |
| 8b | Apply for state housing funding to support strategic partnerships and Council priorities | x | x | x | | 4 | 1 | 1 | | 1 | | 1 | |
| 11a | Covid-19 Response: Implement and monitor eviction moratorium | x | | | | 4 | 1 | 1 | | 1 | 1 | | |
| 3b | Continue partnership with Alameda County to implement Winter Shelters* | x | x | x | x | 3 | | 1 | | | 1 | | 1 |
| 6a | Hold a work session on establishing funding priorities for Affordable Housing Trust including the potential for affordable rental housing, homeownership, co-ops, and shelter opportunities | x | | | | 3 | | | 1 | | 1 | 1 | |
| 11b | Implement CV-19 rent relief program | x | | | | 3 | 1 | 1 | | | | 1 | |
| 4a | Explore moderate-income financing model | x | | | | 2 | | | 1 | | | 1 | |
| 4g | Expand emergency shelter sites in Hayward | | x | x | x | 2 | | 1 | | 1 | | | |
| 9 | Update the Housing Element Plan | | x | x | x | 2 | 1 | | | | | | 1 |
| 1b | Oversee operations of the Navigation Center (i.e. funding administration, contract management, data collection, and performance monitoring) | x | x | x | x | 1 | | | | | | | 1 |
| 2b | Implement the Homelessness Reduction Strategic Plan | | x | x | x | 1 | | | | | | | 1 |
| 4b | Amend Density Bonus Ordinance** | * | x | x | | 1 | | | 1 | | | | |
| 4c | Update Accessory Dwelling Unit (ADU) ordinance** | * | x | x | | 1 | | | 1 | | | | |
| 4d | Develop an Overlay Zoning District to allow RS zoned properties (single family residential) to develop into a variety of housing types at densities permitted under the applicable General Plan designation | x | x | | | 1 | | | | 1 | | | |
| 6b | Issue Notice of Funding Availability (NOFA) or establish programs consistent with Council funding priorities | | x | | | 1 | | | | | | | 1 |
| 8a | Identify and respond to regulations to ensure that Hayward or Hayward-supported projects qualify for state housing funding | x | x | x | | 1 | | | | | 1 | | |
| 11d | Covid-19 Response: Expand mediation services to tenants and landlords who need support developing a repayment plan for unpaid rent due to COVID | x | | | | 1 | 1 | | | | | | |
| 11e | Covid-19 Response: Allocate and administer CDBG-CV funding for homelessness and housing services | x | x | | | 1 | | | | | 1 | | |
| 3a | Partner with Alameda County to transition from Winter Warming Shelters to Winter Shelters (open nightly, regardless of temperature)* | x | x | x | x | 0 | | | | | | | |
| 4f | Create marketing materials for incentivizing housing production | | x | x | | 0 | | | | | | | |
| 5a | Add a section to Housing and Housing Development staff reports to track accomplishments of Housing Element goals and programs including progress toward meeting RHNA goals | x | | | | 0 | | | | | | | |
| 7a | Provide 6-month update on the implementation of Rent Stabilization Ordinance and recommend amendments | x | | | | 0 | | | | | | | |
| 7b | Monitor the implementation of the Rent Stabilization Ordinance and prepare a statistical report | | * | x | | 0 | | | | | | | |
| 10 | Implement a Soft Story Ordinance | | x | x | x | 0 | | | | | | | |
| 11c | Covid-19 Response: Analyze alternative rent increase thresholds | x | | | | 0 | | | | | | | |

Support Quality of Life

| | | | | | | | | | | | | | |
|----|--|--|---|--|--|---|---|--|---|---|---|---|---|
| 7a | Targeted illegal dumping prevention program: Pilot programs and analysis | | x | | | 5 | 1 | | 1 | 1 | 1 | 1 | 1 |
|----|--|--|---|--|--|---|---|--|---|---|---|---|---|

Attachment III: Strategic Roadmap Priority Projects - Ranked by 2-13-21 Council Retreat Dot Voting

| | *Needs Funding **Statutory Requirement | Proposed Timeframe | | | | Council Dot Votes on 2-13-21 | | | | | | | |
|-----|---|--------------------|---------------|---------------|-----|------------------------------|----|----|----|----|----|----|----|
| | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | Total | BH | AA | AW | EM | FZ | MS | SL |
| 12b | Construct La Vista Park | | | | x | 5 | 1 | 1 | | 1 | 1 | | 1 |
| 1b | South Hayward Youth and Family Center (Stack Center): Design and construct center* | x | x | x | | 4 | 1 | 1 | 1 | | | | 1 |
| 3b | Roll out permanent CAT program (outside of County)* | | | | | 4 | 1 | 1 | | 1 | | | 1 |
| 10 | Implement a strategy to compel Union Pacific to clean up their unsafe and blighted properties, mitigate public safety risk, and reduce inefficient use of staff resources | x | x | | | 4 | | 1 | | 1 | 1 | 1 | |
| 4a | Update and approve comprehensive community emergency plan | x | x | | | 3 | | 1 | 1 | | | | 1 |
| 6a | Conduct survey of library hours need and analysis of use | | x | x | | 3 | 1 | | | 1 | 1 | | |
| 7b | Targeted illegal dumping prevention program: Roll out permanent program* | | | x | x | 3 | 1 | | 1 | | | 1 | |
| 13 | Evaluate options for adding bathrooms to Heritage Plaza for Council consideration | | x | | | 3 | | | | 1 | 1 | | 1 |
| 15 | Create and implement Homeless Encampment Task Force | x | x | x | x | 3 | 1 | 1 | | | | 1 | |
| 16b | Implement Policy Innovation Workshop to design potential policy solutions* | x | | | | 3 | | | | 1 | | 1 | 1 |
| 21 | Launch Bookmobile Program* | | x | x | x | 3 | | | | | 1 | 1 | 1 |
| 2a | Complete Tennyson corridor landscape beautification | x | x | | | 2.5 | 1 | 1 | | | 1 | | |
| 1c | South Hayward Youth and Family Center (Stack Center): Continue working with service providers to ensure a mix of services and opportunities that best address the needs of the corridor | x | x | x | | 2 | | | 1 | | 1 | | |
| 5b | Implement fire strategic plan | | | x | x | 2 | | 1 | 1 | | | | |
| 8 | Implement Hayward Police Department Community Advisory Panel | x | x | x | x | 2 | | | | | 1 | 1 | |
| 9 | Expand existing support services offered by the Hayward Police Department Youth and Family Services Bureau to include life skills, education and restorative justice | x | x | x | x | 2 | | | | | | 1 | 1 |
| 20 | Covid-19 Response: Tech Lending Library | x | x | x | x | 2 | | | | | | 1 | 1 |
| 1a | South Hayward Youth and Family Center (Stack Center): Finalize financing | x | x | | | 1 | | | 1 | | | | |
| 4c | Conduct a 'risk & resilience' assessment of water system and update emergency response plan** | x | | | | 1 | | | | 1 | | | |
| 5a | Update and adopt fire strategic plan | | x | | | 1 | | | 1 | | | | |
| 6b | Conduct library strategic planning and implementation to leverage new facility | | | x | x | 1 | 1 | | | | | | |
| 14a | Covid-19 Response: Establish Graffiti Relief Program | x | | | | 1 | | 1 | | | | | |
| 14c | Launch and run Covid-19 Testing Site Operation | x | | | | 1 | | | | 1 | | | |
| 18 | Covid-19 Response: Online Library Programming | x | x | x | x | 1 | | | 1 | | | | |
| 2b | Complete Jackson corridor landscape beautification | | | x | x | 0.5 | 1 | | | | | | |
| 3a | Assess findings from County CAT pilot | x | | | | 0 | | | | | | | |
| 4b | Implement updated comprehensive emergency services plan | | x | x | x | 0 | | | | | | | |
| 7c | Covid-19 Response: Implement Operation Clean Sweep | x | | | | 0 | | | | | | | |
| 11 | Implement a vaping ban | x | | | | 0 | | | | | | | |
| 12a | Design La Vista Park | | | x | | 0 | | | | | | | |
| 14b | Covid-19 Response: Launch and run Food Distribution Operation | x | | | | 0 | | | | | | | |
| 14d | Covid-19 Response: Operate Long-term Partial Activation of EOC, including rapid rollout of Veoci | x | | | | 0 | | | | | | | |
| 16a | Community Engagement around Public Safety: Conduct community engagement and public polling to understand community concerns | | | | | 0 | | | | | | | |
| 17 | Implement Census 2020 Community Engagement | x | | | | 0 | | | | | | | |
| 19 | Covid-19 Response: Library Curbside Service | x | x | x | x | 0 | | | | | | | |

Attachment IV - Staff Edits and Comments Based on 2/13/22 Council Retreat

x = adding year to timeframe, * = removing year from timeframe

| | | | Proposed Timeframe | | | | Council Dot Votes on 2-13- | | | | | | | | | | Staff Comments | | | |
|---|--|--|---|--|------------|-----|----------------------------|----|----|----|----|----|----|----|---|--|----------------|---|---|--|
| | | | Y1 (20/21) | Y2 (21/22) | Y3 (22/23) | Y3+ | Total | BH | AA | AW | EM | FZ | MS | SL | | | | | | |
| Combat Climate Change | | | *Needs Funding **Statutory Requirement | | | | | | | | | | | | | | | | | |
| | 10 | Update Tree Preservation Ordinance | | X | X | | 1 | 1 | | | | | | | | | | | Y2 and Y3, would like to start near the end of Y2 and will roll into Y3 | |
| Grow the Economy | 8 | Revise alcohol use regulations to support existing and encourage more full-service restaurants | | X | X | | 4 | 1 | | 1 | 1 | | | | | | | 1 | Move to Y2 and Y3, would like to start near end of Y2 and will roll into Y3 due to other competing Housing priorities | |
| | 10 | Revamp community preservation ordinance to combat blight and enhance neighborhood livability | | X | X | | 4 | 1 | 1 | 1 | 1 | | | | | | | | Should also include Y3 for this, delays due to COVID and other priorities | |
| | 11 | Explore a public art program and prioritize gateway locations* | | | | X | X | 3 | 1 | 1 | | 1 | | | | | | | Move to Y3 or Y3+ as we do not have staff or capacity to do this in Y2 | |
| | COVID-19 Pandemic Response | 14b | COVID-19 Restaurant Assistance including facilitating outdoor dining programs including the Together for Downtown Hayward program | X | X | | | 0 | | | | | | | | | | | | This is an added program in COVID - Any interest to retain? |
| | | 14d | Sidewalk Vendor Ordinance | X | | | | 0 | | | | | | | | | | | | If we complete instead of deferring to State, add to Y3+ due to competing priorities |
| | | 15c | Outdoor Gathering Permit established | X | | | | 0 | | | | | | | | | | | | This is an added program in COVID - Any interest to retain? |
| | | 15d | Outdoor Dining Permit established | X | | | | 0 | | | | | | | | | | | | This is an added program in COVID - Any interest to retain? |
| | | 15e | Temporary Outdoor Business Activities Permit | X | | | | 0 | | | | | | | | | | | | This is an added program in COVID - Any interest to retain? |
| | Preserve, Protect, and Produce Housing | Sustain the Navigation Center to House and Support the Homeless | 1a | Identify Sustainability funding source for the navigation center | X | X | X | X | 4 | 1 | 1 | | | 1 | 1 | | | | | Extended into following FYs to continue working on this |
| | | Provide winter temporary shelters | 3a | Partner with Alameda County to transition from Winter Warming Shelters to Winter Shelters (open nightly, regardless of temperature)* | X | X | X | X | 0 | | | | | | | | | | | This is something we do on an annual basis |
| Provide winter temporary shelters | | 3b | Continue partnership with Alameda County to implement Winter Shelters* | X | X | X | X | 3 | | 1 | | | 1 | | | | | 1 | This is something we do on an annual basis | |
| Implement housing incentives and production work plan in accordance to state housing limits | | 4b | Amend Density Bonus Ordinance** | X | X | X | | 1 | | | 1 | | | | | | | | | Nothing occurred in Y1, but Y2 and Y3 still accurate |
| | | 4c | Update Accessory Dwelling Unit (ADU) ordinance** | X | X | X | | 1 | | | 1 | | | | | | | | | Nothing occurred in Y1, but Y2 and Y3 still accurate |
| | | 4d | Develop an Overlay Zoning District to allow RS zoned properties (single family residential) to develop into a variety of housing types at densities permitted under the applicable General Plan designation | X | X | X | | 1 | | | | | 1 | | | | | | | This will be starting in Y2 and continue into Y3 |
| | | 4f | Create marketing materials for incentivizing housing production | | X | X | | 0 | | | | | | | | | | | | We have applied for grant funds for this. If we receive the funds, we will likely have to complete the project sooner. |
| Evaluate the Affordable Housing Ordinance | | 5b | Hold work session for potential revisions | | X | | X | 5 | | 1 | 1 | 1 | 1 | 1 | 1 | | | | 1 | Staff will hold initial session on potential revisions to AHO with HHTF by end of FY. |
| Expand the Affordable Housing Trust funds | | 6a | Hold a work session on establishing funding priorities for Affordable Housing Trust including the potential for affordable rental housing, homeownership, co-ops, and shelter opportunities | X | | | | 3 | | | 1 | | 1 | 1 | | | | | | This is likely to be completed this fiscal year. |
| | | 6b | Issue Notice of Funding Availability (NOFA) or establish programs consistent with Council funding priorities | | X | | | 1 | | | | | | | | | | | | Likely to be completed next fiscal year (FY21/22) |
| Recommend updates to the Rent Stabilization Ordinance | | 7b | Monitor the implementation of the Rent Stabilization Ordinance and prepare a statistical report | | X | X | | 0 | | | | | | | | | | | | This is ongoing program maintenance. Do we want to provide regular reports and stay ahead of potential issues or do we only look at issues if there are complaints? I might suggest that since this is a low-priority, turn it into biennial report. |
| Pursue state housing funding opportunities | | 8a | Identify and respond to regulations to ensure that Hayward or Hayward-supported projects qualify for state housing funding | X | X | X | | 1 | | | | | | 1 | | | | | | This is ongoing work and staff is not in control of the timing. Deprioritizing means if state regulations for funding are changed, staff will not evaluate and may miss the opportunity to provide input. |
| | | 8b | Apply for state housing funding to support strategic partnerships and Council priorities | X | X | X | | 4 | 1 | 1 | | 1 | 1 | | | | | | | This is ongoing work and staff is not in control of the timing. It is dependent on availability of opportunities and eligible projects. |
| Covid-19 Response | 9 | Update the Housing Element Plan | | X | X | X | 2 | 1 | | | | | | | | | | | This will be starting in Y2 but continue to Y3, adoption required by 12/22 | |
| | 11e | Allocate and administer CDBG-CV funding for homelessness and housing services | X | X | | | 1 | | | | | | 1 | | | | | | Extending timeframe to continue to work on this | |
| Support Quality of Life | Plan library operations and hours to leverage the new facility | 6a | Conduct survey of library hours need and analysis of use | | X | X | | 3 | 1 | | | 1 | 1 | | | | | | Moving this item up a year based on Council's dot voting at the retreat | |
| | 13 | Evaluate options for adding bathrooms to Heritage Plaza for Council consideration | | X | | | 3 | | | | | 1 | 1 | | | | | | Staff is developing an interim plan for implementation to bring to Council in FY22 | |

Attachment V - General Plan Implementation Cross Reference

| Implementation Program | Timeframe | Status | Related Strategic Roadmap Project |
|---|--------------------|-------------|--|
| CS-13 Energy Assurance Plan | 2020-2040 | Not Started | Not in Roadmap |
| CS-9 Police and Fire Impact Fees | 2014-2016 | Not Started | Not in Roadmap |
| ED-7 Local Hire Incentives | 2014-2016 | Not Started | Not in Roadmap |
| EDL-3 Cradle-to-Career Strategic Plan and Annual Report | 2017-2019, Annual | Not Started | Not in Roadmap - Related to Economy 3. Strengthen workforce development pipelines |
| EDL-6 Library Strategic Plan and Annual Report | 2017-2019, Annual | Not Started | Quality of Life 6. Plan Library operations and hours to leverage the new facility |
| EDL-8 Library Fee Ordinance | 2017-2019 | Not Started | Not in Roadmap |
| H-14 Child Care Services and Facilities | 2015-2017 | Not Started | Not in Roadmap |
| H-16 Universal Design Principles | 2015-2017 | Not Started | Not in Roadmap |
| H-5 Foreclosure Prevention and Counseling | Ongoing | Not Started | Not in Roadmap |
| H-9 Density Bonus | 2015-2017, Ongoing | Not Started | Not in Roadmap |
| HAZ-2 Seismic Retrofit Feasibility Study for City Facilities | 2020-2040 | Not Started | Not in Roadmap - Related to Infrastructure 10. Investigate major municipal building upgrade needs |
| HAZ-5 Flood Plain Management Ordinance Comprehensive Update | 2017-2019 | Not Started | Not in Roadmap |
| HQL-1 Healthy Community Program | 2020-2040 | Not Started | Not in Roadmap |
| HQL-10 Park Surveillance Program | 2020-2040, Ongoing | Not Started | Not in Roadmap |
| HQL-2 Healthy Development Checklist | 2020-2040 | Not Started | Not in Roadmap |
| HQL-3 Food Policy Task Force | 2017-2019, Ongoing | Not Started | Not in Roadmap |
| HQL-5 Urban Forest Management Plan | 2017-2019 | Not Started | Not in Roadmap - Related to Climate Change 6. Plant 1,000 trees annually (500 trees per year by City staff, 500 additional trees by other partners) |
| HQL-7 Parks and Recreation Guidelines | 2020-2040 | Not Started | Not in Roadmap |
| HQL-9 Park Dedication Incentives Program | 2017-2019 | Not Started | Not in Roadmap |
| LU-1 Comprehensive Zoning Ordinance Update | 2014-2016 | Not Started | Not in Roadmap - Related to Housing 4d. Develop an Overlay Zoning District to allow RS zoned properties (single family residential) to develop |
| LU-12 Grading and Clearing Ordinance Update | 2017-2019 | Not Started | Not in Roadmap |
| LU-13 Certified Local Government Program | 2020-2040 | Not Started | Not in Roadmap |
| LU-14 Historic Districts Strategy | 2020-2040 | Not Started | Not in Roadmap |
| LU-18 Alameda County Government Center Area Plan Feasibility Report | 2020-2040 | Not Started | Not in Roadmap |
| LU-2 Comprehensive Subdivision Ordinance Update | 2014-2016 | Not Started | Not in Roadmap |
| LU-3 Comprehensive Design Guidelines Update | 2017-2019 | Not Started | Not in Roadmap - Related to Economy 9. Update form-based zoning codes along Mission Boulevard to streamline new development, focus commercial development where appropriate, and create a cohesively designed corridor |
| LU-5 Priority Development Area Marketing Strategy | 2017-2019, Ongoing | Not Started | Not in Roadmap - Related to Economy - 1a. and 1b. Update and implement a marketing plan, including an Opportunity Zone campaign |
| LU-6 Complete Neighborhood Strategy | 2020-2040 | Not Started | Not in Roadmap |
| LU-7 "A" Street and Redwood Road Corridor Plan Feasibility Report | 2020-2040 | Not Started | Not in Roadmap |
| LU-8 Hesperian Boulevard College Corridor Plan | 2020-2040 | Not Started | Not in Roadmap |
| LU-9 Corridor Beautification Plan | 2020-2040 | Not Started | Not in Roadmap - Related to Quality of Life 2. Complete gateway and corridor landscape beautification |

| Implementation Program | Timeframe | Status | Related Strategic Roadmap Project |
|--|----------------------|-------------|--|
| M-13 Private Transportation Companies | 2020-2040 | Not Started | Not in Roadmap |
| M-14 Transit Rider Information Study | 2020-2040 | Not Started | Not in Roadmap - Related to Infrastructure 4a. Work with AC Transit Interagency Liaison Committee to make bus transit more convenient and reliable |
| M-16 Citywide TDM Plan | 2017-2019 | Not Started | Not in Roadmap - Related to Infrastructure 1b. Improve access and mobility in downtown Hayward |
| M-19 TDM Amendments | 2017-2019 | Not Started | Not in Roadmap |
| M-20 Off-Street Parking Regulations Comprehensive Update | 2017-2019 | Not Started | Not in Roadmap |
| M-22 Truck Routes Study | 2020-2040 | Not Started | Not in Roadmap |
| M-3 Survey Transportation and Transit Gaps and Barriers | 2020-2040 | Not Started | Not in Roadmap |
| M-4 Regional Connection Improvements | 2020-2040 | Not Started | Infrastructure 4. Increase transit options and ridership |
| M-7 Underused Rights-of-Way | 2020-2040 | Not Started | Not in Roadmap |
| M-8 Complete Streets Evaluation | Ongoing | Not Started | Not in Roadmap - Related to Infrastructure 2. Implement major corridor traffic calming initiatives |
| NR-1 Habitat Conservation Plan | 2017-2019, Ongoing | Not Started | Not in Roadmap |
| NR-11 City Building Audits and Reports | 2020-2040 | Not Started | Not in Roadmap - Related to Climate Change 3. Transition electricity use in city operations to 100% renewable energy |
| NR-15 Carbon Management Activities Program | 2017-2019, Ongoing | Not Started | Not in Roadmap |
| NR-2 Creek Daylighting and Restoration Study | 2020-2040 | Not Started | Not in Roadmap |
| NR-6 Commercial Energy Performance Assessment and Disclosure Ordinance | 2017-2019, 2020-2040 | Not Started | Not in Roadmap |
| NR-8 Home Energy Monitors and Annual Report | 2017-2019, Annual | Not Started | Not in Roadmap |
| PFS-3 Public Use Telecommunications Systems and Services Plan | 2017-2019 | Not Started | Not in Roadmap - Related to Infrastructure 19. Improve broadband network, Organizational Health 17a. Replace aging fiber optic lines between City facilities, and Organizational Health 17b. Upgrade City network connections and speeds |
| PFS-7 Underground Utility Ordinance | 2020-2040 | Not started | Not in Roadmap |
| CS-1 Grant Funding | Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| CS-10 Disaster Awareness and Emergency Preparedness Program | 2014-2016 | In Progress | Ongoing operational work - Related to Quality of Life 4. Update comprehensive emergency services plan for community and staff |
| CS-11 Disaster Drills | Annual | In Progress | Not in Roadmap - Ongoing operational work |
| CS-12 Community Emergency Response Reserves Program | 2020-2040 | In Progress | Not in Roadmap - Ongoing operational work |
| CS-14 Mass Communication System Update | Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| CS-2 Police Department Strategic Plan Annual Report | Annual | In Progress | Not in Roadmap - Ongoing operational work |
| CS-4 Homeless Services Partnership | 2014-2016 | In Progress | Not in Roadmap - Ongoing operational work |
| CS-5 Park Security Program | 2017-2019 | In Progress | Not in Roadmap |
| CS-6 Comprehensive Safe School Plans | Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| CS-7 Fire Department Strategic Plan and Annual Report | 2017-2019, Annual | In Progress | Quality of Life 5. Update Fire Strategic Plan |
| CS-8 Center for Public Safety Excellence Program | 2014-2016 | In Progress | Not in Roadmap - Related to Quality of Life 5. Update Fire Strategic Plan |
| ED-1 Economic Development Strategic Plan Annual Report | Annual | In Progress | Not in Roadmap - Ongoing operational work |
| ED-10 Town-Gown Economic Partnership | 2014-2016 | In Progress | Not in Roadmap |
| ED-11 Town-Gown Economic Strategic Plan and Annual Report | 2017-2019, Ongoing | In Progress | Not in Roadmap |

| Implementation Program | Timeframe | Status | Related Strategic Roadmap Project |
|--|--------------------|-------------|---|
| ED-12 Customer Service Survey | 2014-2016, Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| ED-13 Permit Processing Software | 2014-2016, Ongoing | In Progress | Organizational Health 15b. Implement new online planning and permitting solution |
| ED-15 Cultural Commission | 2020-2040 | In Progress | Not in Roadmap - Related to Economy 11. Explore a public art program and prioritize gateway locations |
| ED-2 Branding and Marketing Program | 2014-2016, Ongoing | In Progress | Not in Roadmap - Related to Economy - 1a. and 1b. Update and implement a marketing plan, including an Opportunity Zone campaign |
| ED-4 Business Resource Center and Website | 2014-2016, Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| ED-5 International Business Program | 2020-2040, Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| ED-6 Industrial Technology and Innovation Corridor Marketing Strategy | 2020-2040, Ongoing | In Progress | Not in Roadmap - Related to Economy - 1a. and 1b. Update and implement a marketing plan, including an Opportunity Zone campaign |
| ED-8 Business Incubator Study | 2017-2019 | In Progress | Economy 12. Explore the concept of a business incubator with CEDC, CSUEB, Chabot College and the Chamber |
| ED-9 Business Attraction, Expansion, and Retention Program | 2014-2016, Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| EDL-1 Education and Lifelong Learning Resource Center | 2017-2019, Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| EDL-2 Education Partnership | 2014-2016 | In Progress | Economy 3. Strengthen workforce development pipelines |
| EDL-4 Education Awards Program | Annual | In Progress | Not in Roadmap - Ongoing operational work |
| EDL-5 Public School Marketing Campaign | 2014-2016, Ongoing | In Progress | Not in Roadmap - Ongoing operational work |
| GPA-1 General Plan Annual Report | Annual | In Progress | Not in Roadmap - Ongoing operational work |
| GPA-2 General Plan Update | 2020-2040 | In Progress | Not in Roadmap - Ongoing operational work |
| GPA-3 Master Plans, Strategies, and Programs Updates | 2014-2016, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-1 Housing Rehabilitation Loan Program (HRLP) | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-10 Provision of Adequate Sites | Annual | In Progress | Ongoing operational work (Not in Roadmap) |
| H-11 Affordable Housing on Large Sites | 2015-2017, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-12 Inclusionary Housing Ordinance | 2015-2017, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-13 Funding for Emergency Shelters and Transitional Housing. | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-15 Fair Housing Services | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-17 Small Lot Consolidation | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-18 Boomerang Funds | 2015-2017 | In Progress | Ongoing operational work (Not in Roadmap) |
| H-19 Exemptions of Transit Priority Projects from Environmental Review | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-2 Minor Home Repair Grant (MHRP) | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-20 Housing Choice Vouchers | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-21 Outreach to Developmentally Disabled | 2015-2017, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-3 Residential Rental Inspection Program | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-4 Preservation of At-Risk Housing | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-6 Mortgage Credit Certificate Program | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| H-7 Tenant-Based Rental Assistance for Emancipated Youth | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |

| Implementation Program | Timeframe | Status | Related Strategic Roadmap Project |
|--|----------------------|-------------|---|
| H-8 Affordable Housing Development | 2015-2017, Annual | In Progress | Ongoing operational work (Not in Roadmap) |
| HAZ-1 Seismic and Geologic Safety Standards | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| HAZ-3 Seismic Retrofit Program | 2017-2019 | In Progress | Housing 10. Implement a Soft Story Ordinance |
| HAZ-4 Tsunami Warning System | 2020-2040 | In Progress | Not in Roadmap |
| HAZ-6 Airport Noise Monitoring and Reporting | Annual | In Progress | Ongoing operational work (Not in Roadmap) |
| HQL-4 Senior Assistance Program | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| HQL-6 Climate Change Vulnerability Assessment Strategy and Annual Report | 2020-2040, Annual | In Progress | Not in Roadmap - Related to Climate Change 9. Complete the Shoreline Master Plan |
| LU-16 Mills Act Program | 2017-2019, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| LU-17 Historic Preservation Resource Center | 2020-2040, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| M-17 City Employee Car/Bike Share Programs | 2020-2040 | In Progress | Not in Roadmap |
| M-18 City Commuter Benefits | Ongoing | In progress | Ongoing operational work (Not in Roadmap) |
| M-23 Transportation Impact Fees | 2017-2019 | In Progress | Infrastructure 3. Develop and submit a Traffic Impact Fee |
| M-5 Collision Data Reporting | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| M-9 Improved Traffic Flow Program | 2017-2019 | In Progress | Infrastructure 4. Increase transit options and ridership |
| NR-10 Financing Program for Commercial Energy Efficiency Retrofits | 2017-2019, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-12 Financing Program for the Installation of Residential Renewable Energy Systems | 2017-2019, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-13 Financing Program for the Installation of Commercial Renewable Energy Systems | 2017-2019, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-14 Renewable Energy Generation Potential | 2017-2019 | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-16 Green Portal | 2014-2016, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-17 Business Engagement in Climate Programs | Annual | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-18 Environmental Education Programs | 2017-2019 | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-3 Recycled Water Program | 2020-2040 | In Progress | Infrastructure 18. Expand recycled water facilities |
| NR-5 Residential Energy Performance Assessment and Disclosure Ordinance | 2017-2019, 2020-2040 | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-7 Energy Reduction Initiative and Annual Report | 2014-2016, Annual | In Progress | Ongoing operational work (Not in Roadmap) |
| NR-9 Financing Program for Residential Energy Efficiency Retrofits | 2017-2019, Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| PFS-1 Capital Improvement Program | Annual | In Progress | Ongoing operational work (Not in Roadmap) |
| PFS-2 Water Conservation Programs | Ongoing | In Progress | Ongoing operational work (Not in Roadmap) |
| PFS-4 Requirements for Telecommunication Technologies in New Planned Development | 2017-2019 | In Progress | Not in Roadmap - Related to Infrastructure 19. Improve broadband network |
| CS-3 Crime Prevention Through Environmental Design Checklist | 2017-2019 | Complete | Complete - Not in Roadmap |
| ED-14 Ombudsperson Service | 2014-2016 | Complete | Complete - Related to Economy 13. Continue supporting business development through concierge service, incentives/grants/loans, collaborations with the chamber and SBA, and the newly updated events grants |
| ED-3 Energy and Sustainability Businesses Program | 2017-2019 | Complete | Complete - Not in Roadmap |
| EDL-7 Library Facility Revenue Measure | 2014-2016 | Complete | Complete - Not in Roadmap |
| HQL-8 Park Dedication Requirements and In-Lieu Fees | 2014-2016 | Complete | Complete - Not in Roadmap |
| LU-10 Sign Ordinance Update | 2014-2016 | Complete | Complete - Not in Roadmap |

| Implementation Program | Timeframe | Status | Related Strategic Roadmap Project |
|--|------------------|---------------|---|
| LU-11 Industrial Technology and Innovation Corridor Plan | 2017-2019 | Complete | Complete - Not in Roadmap |
| LU-15 State Historic Building Code | 2014-2016 | Complete | Complete - Not in Roadmap |
| LU-4 Downtown City Center Specific Plan | 2014-2016 | Complete | Complete - Related to Infrastructure 1. Improve access and mobility in downtown Hayward |
| M-1 Multimodal LOS and Design Standards | 2017-2019 | Complete | Complete - Not in Roadmap |
| M-10 Traffic Calming Measures | 2020-2040 | Complete | Complete - Infrastructure 2. Implement major corridor traffic calming initiatives |
| M-11 Pedestrian Master Plan | 2017-2019 | Complete | Complete - Infrastructure 8. Implement the Bike & Ped Master Plan |
| M-12 Shuttle Service Study | 2017-2019 | Complete | Complete - Not in Roadmap |
| M-15 Pedestrian Design Standard for Transit Stop | 2017-2019 | Complete | Complete - Not in Roadmap |
| M-2 Multimodal LOS Guidelines | 2017-2019 | Complete | Complete - Not in Roadmap |
| M-21 Downtown Parking Management Plan | 2017-2019 | Complete | Complete - Infrastructure 1a. Implement downtown parking plan |
| M-6 Complete Streets Assessment | 2020-2040 | Complete | Complete - Not in Roadmap - Related to Infrastructure 2. Implement major corridor traffic calming initiatives |
| NR-4 Water Conservation Standards | 2017-2019 | Complete | Complete - Not in Roadmap |
| PFS-5 Construction and Demolition Debris Recycling Ordinance | 2017-2019 | Complete | Complete - Not in Roadmap |
| PFS-6 Rainwater Harvesting and Greywater Systems | 2017-2019 | Complete | Complete - Not in Roadmap |



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: WS 21-021

DATE: April 20, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

City Council Retreat Follow Up: Further Discussion Regarding Council Referrals and Other Sections of the City Council Handbook

RECOMMENDATION

That the Council discusses and provides final direction to staff on changes to the City Council Handbook (Attachment II).

SUMMARY

The Council Member Handbook was initially adopted in July 1983 and provides procedural rules for how the Council will operate. The Council typically reviews the handbook after a Municipal Election or as needed and adopts changes to processes and procedures as necessary. The Council held a retreat on March 30, 2021 and discussed numerous proposed changes to the handbook. One of the major topics of discussion was the Council Referral Memorandum. Councilmembers provided a wide range of feedback. As a follow up to that discussion, staff has prepared this report that provides information on Council referral processes in other cities as well as the results of an informal survey of Council on this topic. Following the discussion and Council direction this evening, staff will return with an action for Council to adopt any revisions to the handbook.

ATTACHMENTS

| | |
|----------------|---|
| Attachment I | Staff Report |
| Attachment II | City Council Handbook |
| Attachment III | March 30 Retreat PowerPoint with Notes |
| Attachment IV | Annotated City Council Handbook |
| Attachment V | Survey Results from Other California Cities |
| Attachment VI | Council Survey Questionnaire |
| Attachment VII | Survey Results from Hayward Council Members |



DATE: April 20, 2021

TO: Mayor and Council

FROM: City Manager

SUBJECT: City Council Retreat Follow Up: Further Discussion Regarding Council Referrals and Other Sections of the City Council Handbook

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SUMMARY

The Council Member Handbook was initially adopted in July 1983 and provides procedural rules for how the Council will operate. The Council typically reviews the handbook after a Municipal Election or as needed and adopts changes to processes and procedures as necessary. The Council held a retreat on March 30, 2021 and discussed numerous proposed changes to the handbook. One of the major topics of discussion was the Council Referral Memorandum. Councilmembers provided a wide range of feedback. As a follow up to that discussion, staff has prepared this report that provides information on Council referral processes in other cities as well as the results of an informal survey of Council on this topic. Following the discussion and Council direction this evening, staff will return with an action for Council to adopt any revisions to the handbook.

BACKGROUND

The Council Member Handbook (Handbook) provides procedural rules for how the City Council will operate as a body. The Handbook was adopted in July 1983 and since then, has gone through various revisions over the years as needed. The last revision was completed in 2019.

At the March 30, 2021 Council Governance Retreat, the Council reviewed the Handbook and discussed various modifications. The notes and a preliminary redline version of the Council Handbook from that retreat are included as Attachments III and IV to this report. Staff will be incorporating changes recommended to the Handbook during the retreat based on these notes as well as other changes that may not yet be reflected in the redline

version attached. If the Council has any further comments on these changes, these should also be raised this evening.

A lengthy discussion of the Council referral process ensued at the retreat and Council asked staff to return with further information about procedures from other cities. The Council referral process was last modified in March 2019¹ and this process remained in place until the start of the pandemic in March 2020. The outline of the current referral process can be found on pages 26-28 of the Council Handbook. In March 2020, the Mayor temporarily suspended Council referrals to allow staff time to focus on the priorities related to pandemic response and the added workload this has brought. Also, since the adoption of the 2019 revisions to the referral process, the Council has adopted the City's Strategic Roadmap² and there should be some discussion of the prioritization of staff efforts when Council referrals are brought forward in light of the projects in the Roadmap.

DISCUSSION

In 2019, a total of eighteen (18) municipalities in California were surveyed regarding their current process for Council Members to refer items to the Council for consideration and ultimately to staff for further research and work. Attachment V provides detailed responses from each city. Clarification of this process is crucial to ensure an appropriate balance of staff workloads and existing Council priorities and to ensure compliance with the City Charter Section 705, which describes the roles of the City Council and City Manager as they relate to the administrative service of the City:

...Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The City Manager shall take his orders and instructions from the City Council only when it is sitting in a lawfully held meeting³.

Of the eighteen (18) municipalities surveyed:

- a) Eight (8) have a process similar to Hayward's former process that allows members of the Council to verbally raise and then consider items not on the agenda during a section of the Council agenda for Council comments. Items raised by individual Council Members require the consensus of the majority of the Council before directing staff to provide information, perform studies, or add items to an upcoming Council or Committee agenda;
- b) One (1) municipality allows individual Council Members to refer items to staff, provided there is a consensus of the majority of the Council. If the item is referred to staff, the item is placed on a future Council meeting;

¹ [CITY OF HAYWARD - Meeting of City Council on 3/19/2019 at 7:00 PM \(legistar.com\)](#)

² Strategic Roadmap: [Hayward Strategic Roadmap | City of Hayward - Official website \(hayward-ca.gov\)](#)

³ https://library.municode.com/ca/hayward/codes/charter?nodeId=CIHACH_ARTVIICIMA_S705NTEADSE

- c) Six (6) municipalities have a process by which Council Members wishing to bring forward a topic for Council consideration are required to write a brief memo/report that is added to the agenda. There are a variety of guidelines for these memos that vary by city and include requirements as to how many Councilmembers must co-sign a referral before it is placed on the agenda, length of the memo, topics to include in the memo, and other requirements. The Council does not take action on the night that a Council memo/report is introduced unless the title and recommendation satisfy the Brown Act and there are no resource or staff implications;
- d) One (1) municipality has a process by which agenda items and requests are submitted to the Rules and Legislative Committee, consisting of four Council Members, City Attorney, City Administrator, and City Clerk's designee, for review and referral to staff, City Council, or subject-matter committee;
- e) One (1) municipality has a process by which agenda items, including those submitted by any Council Member, are subject to review by an Agenda Committee consisting of the Mayor and two members of the Council, where the Agenda Committee has the authority to place items on the agenda according to a process in place; and
- f) One (1) municipality has a process by which individual Council Members contact the City Manager's office directly with any requests.

The review of the eighteen (18) municipalities' sections on agenda titles varied and include titles such as: "Items Referred by Council"; "Council Member Comments"; "Council Referrals"; "Matters Initiated by Council Members"; "Future Agenda Item Requests from Council Members"; "Council Requests to Schedule Agenda Items"; "Procedures for Bringing Matters Before City Council"; "Agenda Items Originated by Councilmembers"; "Matters Initiated by Council"; "Items Referred by Council"; "Council Referrals"; "Council Matters"; "Matters of Council Interest/Clarification"; and "Council and Mayor Statements."

Following the March 30 Council retreat, staff conducted an informal survey of Council on the topic of referrals. The full survey is included as Attachment VI. The results of the survey are included as Attachment VII and are broken into two parts: graphs that show responses to questions 2, 4, 6, 8, and 10 and then a table that shows the text responses to questions 3, 5, 7, 9, 11, and 12. The survey responses generally indicated majority consensus around the following:

- There should be a brief written memo included with the agenda that is formally voted on and the vote should be recorded in the meeting minutes. There was discussion in some responses about the importance of referring the subject matter to the appropriate Council Committee for further vetting.
- Five Councilmembers indicated that two to three Councilmembers should be required to co-sign a memo before it is added to the agenda (depending on Brown Act requirements). In the survey of other cities, it appears that Palo Alto has a process similar to this. Further research on this topic could be conducted, if necessary.
- There should be an analysis of impacts of the referral on the projects within the Strategic Roadmap as well as any staffing or fiscal impacts.

However the Council ultimately chooses to modify the referral process, staff recommends that there is time allocated in the process for a staff analysis of the proposed referral and any impacts the referral might have on projects and timelines in the Council's adopted Strategic Roadmap as well as a fiscal impact analysis.

ECONOMIC AND FISCAL IMPACT

There is no anticipated economic or fiscal impact with the discussion of this report. Future referrals may have fiscal and economic impacts and this should be included and evaluated as part of the process.

STRATEGIC ROADMAP

The agenda item is a routine operational item and does not specifically relate to a project in the Council's Strategic Roadmap. However, any modifications to the referral process should include an analysis of the referral and any impacts to the timelines of projects within the Roadmap.

NEXT STEPS

Following direction from Council this evening, staff will draft proposed changes to the referral process and other edits to the Council Handbook and return to Council with an action to adopt the revised Handbook.

Prepared and Recommended by: Kelly McAdoo, City Manager
Miriam Lens, City Clerk
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Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

Council Member Handbook



July 2019

Council Member Handbook

Adopted July 1983

Revised March 1987

Revised January 1993

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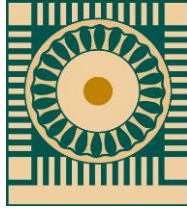


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CITY COUNCIL

The elective officers of the City of Hayward shall consist of a Council of seven members, to be composed of six Council Members and a Mayor, all to be elected by the qualified voters of the City at large. ([Sec. 500, City Charter](#))

VACANCY

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of the incumbent's official duties, or ceases to be a resident of the City, or neglects to qualify within ten days following election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which the incumbent is a member for a like period without being excused by said body.

A vacancy in an elective office shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next General Municipal Election and until their successor is elected and qualified. At the next General Municipal Election following any such appointment, any person so elected shall serve for the remainder of any unexpired term.

No appointment to fill a vacancy in an elective office shall be made during such time prior to a General Municipal Election that nomination papers may be filed for candidates seeking office at said election.

In the event that Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy. ([Sec. 501, City Charter](#))

If a vacancy is not filled by appointment within thirty days, the Charter mandates a special election. There are expenses incurred for special elections called to fill vacancies of elected offices. The election cost per voter differs according to the type of election (countywide consolidated, standalone or standalone by mail) and the number of registered voters. A cost analysis should be completed before proceeding with a special election.

ELECTIVE OFFICERS

Except as otherwise provided in Section 501 of the Charter, Elective Officers shall hold office for a term of four years from and after the first Tuesday following their election and shall continue in office until their respective successors qualify.

When the general municipal election for the election of officers is consolidated with a California State General Election held earlier in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term of office shall be shortened to the first Tuesday following the consolidated election or until a successor qualifies. When the general municipal election for the election of officers is consolidated with a California State General Election held later in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term in office shall be lengthened to the first Tuesday following the consolidated election or until a successor qualifies. [\(Sec. 2-1.15, Hayward Municipal Code\)](#)

Ties among candidates for any office shall be settled by the drawing of lots. [\(Sec. 600, City Charter\)](#)

All members of the Council are encouraged to conduct themselves according to the Code of Fair Campaign Practices, California Elections Code, 20400, Chapter 5. Fair Campaign Practices, Article 1. General Intent.

ELIGIBILITY

No person shall be eligible to be nominated for or hold office as a member of the Council unless the person is a resident and qualified elector of the City or of territory annexed thereto. [\(Sec. 601, City Charter\)](#)

COUNCIL MEMBER TO HOLD NO OTHER OFFICE

No member of the Council shall hold any other city office or city employment, the compensation of which is paid out of municipal funds, nor be elected or appointed to any office created or the compensation of which is increased by the Council, while the Council is a member thereof, until one year after the expiration of the term for which the Council member was elected. [\(Sec. 602, City Charter\)](#)

TRAINING REQUIREMENTS

AB 1234, now [California Government Code Section 53234](#), was signed into law on October 7, 2005. This law requires, among other things, that all local agencies that provide compensation, salary, or a stipend to, or reimburses the expenses, of members of a legislative body must provide Ethics Training to local agency officials by January 1, 2007, and every two years thereafter.

AB 1825, now [California Government Code Section 12950.1](#), requires immediate and continual Sexual Harassment Prevention Training for supervisors. This law increases the training obligations of all employers, that have employees within the State of California, and extends their obligations beyond the training requirements discussed by the U.S. Supreme Court, the Equal Employment Opportunity Commission ("EEOC"), and other

federal and state courts and legislative bodies. While AB 1825 does not specifically define "supervisor," the definition contained in the California Fair Employment and Housing Act ("FEHA") will presumably apply. Under the FEHA, a supervisor is any individual having the authority "to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action be taken if the exercise of that authority is not merely routine or clerical in nature, but requires the use of independent judgment. Training is mandatory for all employees who become supervisors after January 1, 2006 within six months of assumption of a supervisory position and a once every two years thereafter.

Members of boards, commissions, task forces and committees established by Council are also required to obtain the above described training.

On October 12, 2010, the City Council adopted [Resolution 10-159](#), which updated the City's Harassment Policy by extending the policy against harassment and retaliation to City Council and all appointees.

Assembly Bill 1661, now [California Government Code Section 53237](#), was signed into law on September 29, 2016. This law requires local agency officials to receive sexual harassment prevention training and education if the local agency provides any type of compensation to those officials. The law also requires an entity that develops curricula to satisfy this requirement to consult with the city attorney regarding its sufficiency and accuracy.

Council Members are encouraged to complete at least five (5) hours per year of ongoing professional development. The League of California Cities and other resources provide training programs, conferences, and other resources to help elected officials stay engaged and informed on matters affecting cities.

Effective 2018, City staff will provide an orientation to members of the City Council upon taking office related to the structure and the operation of City government and legal and ethical duties and responsibilities.

COMPENSATION FOR MEMBERS OF THE CITY COUNCIL

Any compensation to be paid to members of the Council shall be established by ordinance and shall apply to all incumbent members of the Council. The Council may likewise change such compensation; however, such change shall not be effective until one or more members of Council becomes eligible for such change in compensation by virtue of beginning a new term of office. [\(Sec. 603, City Charter\)](#) Ordinance 01-12 will be updated in 2019.

Compensation for Members of the City Council- reads as follows:

- (a) Each Council Member shall receive compensation for services rendered in an official capacity.
- (b) From and after the fiscal year beginning July 1, 2003 and for each fiscal year thereafter, the compensation for the Mayor and each Council Member may be increased by an amount equivalent to the percent increase in the "Consumer Price Index San Francisco-Oakland Metropolitan Area – All Items," published by the Bureau of Labor Statistics, United States Department of Labor, for the twelve-month period ending June of each fiscal year. However, in no event shall any such increase be greater than 5%.
- (c) In addition, the Mayor and members of Council shall receive reimbursement for Council authorized travel and expenses while on official City duty.
- (d) Each Council Member and the Mayor may make voluntary contribution to deferred compensation benefits under the City of Hayward's Deferred Compensation Plan for employees. The rate of compensation received under this plan by the Mayor and each Council Member shall be the same as that received by Unrepresented Management employees, as amended from time to time.

[\(Section 2-1.10, Hayward Municipal Code\)](#)

BENEFITS

In accordance with the Public Employees' Medical and Hospital Care Act, medical coverage and a dental plan are provided to members of the City Council. ([Resolution 86-310](#) and [97-107](#))

The benefits offered to the City Council are: Medical, Dental, Vision, Life Insurance, and retirement through the California Public Employees Retirement System (PERS). These benefits are optional (with the exception of PERS and life insurance) and are chosen at the discretion of each Council Member. Cost sharing with the City for these benefits occurs in accordance with [Resolutions 94-045, 11-089, and 14-104](#).

HARASSMENT AND RETALIATION POLICY

On October 12, 2010, the City Council adopted [Resolution 10-159](#), which updated the City's Harassment Policy, by extending the policy against harassment and retaliation to City Council and all Appointees.

POLICY IN SUPPORT OF A HARASSMENT-FREE, DISCRIMINATION-FREE, AND RETALIATION-FREE WORKPLACE

The Hayward City Council is committed to prohibiting all forms of harassment and discrimination in the workplace that are based upon protected classifications as defined in this policy. In addition, the City Council prohibits retaliation against those who complain of harassment or discrimination. This policy applies to all City Council Members as well as to all Appointees.

Any City Council Member found to be in violation of this policy may be subject to censure by the City Council. Any Appointee found to be in violation of this policy may be subject to dismissal from the appointment.

I. Definitions.

- A. **Appointee.** This refers to any individual appointed as a member of one or more of the City's various boards, commissions, committees and task forces or any City official directly appointed by the City Council (i.e., the City Manager, the City Attorney, or the City Clerk).
- B. **Protected Classifications.** This policy prohibits harassment or discrimination because of an individual's actual or perceived protected classification. "Protected classification" includes sex (including gender, gender identity, gender expression, pregnancy, childbirth, and breastfeeding), race, religious creed, color, national origin, ancestry physical or mental disability, medical condition, marital status, age, military and veteran status, genetic information, or sexual orientation (including heterosexuality, homosexuality, and bisexuality).
- C. **Policy Coverage.** This policy prohibits City Council Members and Appointees from harassing or discriminating against applicants, officers, officials, employees, volunteers, persons providing services to the City pursuant to a contract, or clients because of: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.
- D. **Discrimination.** This policy prohibits treating an individual differently because of the individual's protected classification.
- E. **Harassment.** Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy.

1. Verbal Harassment: Includes, but is not limited to, epithets, jokes, comments, or slurs that identify a person on the basis of protected classification, intimate or other nicknames, and comments on appearance or stories that tend to disparage those with a protected classification.
2. Visual Forms of Harassment: Includes, but is not limited to, gestures, posters, notices, bulletins, cartoons, emails, photography, or drawings that tend to disparage those with a protected classification.
3. Physical Harassment: Includes, but is not limited to, the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking or taunting.
4. Sexual Harassment: Is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature which occurs under any one of four circumstances:
 - a. Submission is made either explicitly or implicitly a term or condition of employment, or of a contractual business relationship with the City.
 - b. Submission or rejection by an individual is used as a basis for employment decisions affecting that individual.
 - c. Such conduct has the potential to affect an employee's work performance negatively and/or to create an intimidating, hostile, or otherwise offensive working environment.
 - d. Submission or rejection by a client or vendor is used as a basis for making a business decision by the employee or creates an intimidating, hostile, or otherwise offensive working environment.

F. Guidelines for Identifying Harassment.

1. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

2. It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
 3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
 4. Even visual, verbal, and/or physical conduct between two Council Members or two Appointees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, contractor or appointee who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
 5. Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at or implicates a protected classification, and if an individual of the recipient’s same protected classification would find it offensive (e.g., gifts, over-attention, endearing nicknames).
 6. The conduct of an individual other than a City Council Member or an Appointee, with respect to harassment of employees, applicants or persons providing services pursuant to a contract in the workplace, may violate this policy if the City, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
 7. A single act can violate this policy and provide grounds for appropriate sanctions. Therefore, if in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct and seek guidance from the City Manager’s Office or the City’s Human Resources Department.
- G. Retaliation. Any adverse conduct taken against an individual by a City Council member or Appointee because the individual has reported harassment or discrimination, or has participated in the Complaint Procedure described below, is prohibited. “Adverse conduct” includes taking

sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Any individual who makes a good faith report about harassment or discrimination, who associates with an individual who is involved in reporting harassment or discrimination, or who participates in the complaint and investigation procedure is protected from retaliation.

- II. **Complaint Procedure.** An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee in violation of this policy should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. The City Council encourages prompt reporting of harassment, discrimination, or retaliation so that an investigation can be commenced and if necessary immediate and effective remedial action taken to stop such conduct.
 - A. **Reporting to the Mayor.** An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee, should immediately report the conduct orally or in writing to the Mayor; in the event of a complaint against the Mayor, such conduct should be reported to the Mayor Pro Tempore.
 - B. **Confidentiality.** The City Council recognizes that confidentiality is important to all parties involved in a harassment, discrimination, and/or retaliation investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.
 - C. **Duty to Maintain Confidentiality of Interview.** An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except for discussing it with a representative. Any individual who discusses the content of an investigative interview in breach of this duty will be subject to appropriate remedial action, including censure and/or removal from appointment.
- III. **Response to Complaint.**
 - A. **Interim Relief.** Upon receipt of a harassment, discrimination, or retaliation complaint, the Mayor (or if the complaint is against the Mayor then the Mayor Pro Tempore), with the assistance of the City Manager, may take immediate and appropriate remedial action to stop the conduct at issue and/or to diffuse any volatile circumstances associated with the conduct.

B. Investigation.

1. Complaint Against a City Council Member or the Mayor: Under this policy, the City Council designates the Mayor to be the investigator of a harassment, discrimination, and/or retaliation complaint against a City Council Member; in the event of a complaint against the Mayor, the Mayor Pro Tempore is the person so designated. The Mayor, at the Mayor's discretion and with the assistance of the City Manager, may retain an experienced private attorney, consultant, investigator, or other specialist who is not an official or employee of the City to conduct the investigation. The investigation shall be commenced as soon as practicable, and the specialist shall be responsible for completing a report on the investigation, to include findings. The investigation will normally include interviews of the reporting individual, the accused and any other individuals who are believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of their interviews and admonish them that retaliation against those who report alleged harassment or discrimination or who participate in the complaint procedure is prohibited. The investigation shall also include, but not be limited to, the retrieval and review of documents or evidence such as work schedules, letters, computer records, telephone messages, personnel files, gifts, or cards.
2. Complaint Against an Appointee: Upon receipt of a complaint against an Appointee, the Mayor shall refer the complaint to the City Manager for investigation. The City Manager shall have the discretion to use city staff or an outside investigator to conduct the investigation. Such investigation shall be conducted consistent with the guidelines set forth in Section III(B)(1) above.

C. Investigation of Unreported Potential Violations. The City Council takes a proactive approach to the problem of harassment, discrimination, and retaliation, and the Mayor (or the Mayor Pro Tempore) will initiate an investigation consistent with this policy if the Mayor becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or a third party reports a potential violation.

D. Action.

1. City Council Member or Mayor: If the specialist's report concludes that harassment, discrimination, or retaliation in violation of the City Council policy prohibiting harassment, discrimination, and retaliation has occurred, the Mayor (or Mayor Pro Tempore) shall present the

report to the City Council for further action, if any, consistent with its legal obligations. Such action for a City Council Member may include, but not be limited to, censure.

2. Appointee: Upon completion of the report, the City Manager shall forward it and a recommendation to the Mayor and the City Council. Possible action for an Appointee includes, but is not limited to, dismissal from appointment.

E. Option to Report to Outside Administrative Agencies. Individuals also have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book.

F. This policy is not to be construed nor is it intended to prohibit mutually welcome, social relationships freely entered into between people and which have no impact on the workplace.

IV. Individual Responsibilities.

A. Individual City Council Member or Appointee. A City Council Member or an Appointee is required to:

1. Conduct him or herself consistently with the anti-harassment, anti-discrimination, and anti-retaliation policy as set forth herein; and
2. Report any act which he or she believes in good faith constitutes harassment, discrimination, or retaliation, as defined herein, to the Mayor (or the Mayor Pro Tempore); and
3. Maintain the confidentiality of any investigation conducted pursuant to this policy by not disclosing the substance of any investigatory interview, except for discussing it with a representative; and
4. Cooperate fully with such investigation into alleged violations of this policy by responding fully and truthfully to all questions posed during the investigation; and
5. Be familiar with this policy and modeling behavior that is consistent with it; and

6. Report any potential violations of this policy of which he or she becomes aware.

COUNCIL OFFICE BUDGET AND EXPENDITURE GUIDELINES

The City Council adopts an annual City budget for all services. The Council holds budget work sessions in May and June, which are open to the public. The draft budget is also scheduled for a public hearing in June at a City Council meeting and adopted at the following City Council meeting.

As part of the annual budget adoption, the City Council may appropriate budgets for each Councilmember and the Mayor to utilize in the execution of the duties of their respective offices.

The use of these funds must always be in compliance with the City's purchasing policies, the Employee Expense Reimbursement Policy, and other applicable City policies and procedures. In addition, the Council has established the following additional policies to govern the use of these funds:

- 1) Councilmembers and the Mayor can be reimbursed for actual and necessary expenses incurred in the performance of official duties, subject to budget, applicable laws, ethical standards, and procedures established by Council. An expense will not be reimbursable if it is paid for or reimbursed by another entity or person.
- 2) Expenses may be incurred for the following activities:
 - a) Attending educational seminars or seminars designed to improve elected officials' skill and/or information level;
 - b) Purchase of books or educational materials that will be returned to the City at the end of the term of office;
 - c) Participating in regional, state, and national organizations whose activities affect the City's interests or where the Councilmember serves as the appointed voting delegate (or alternate) or where the Councilmember serves on a Committee or is asked to share the City's expertise;
 - d) Attending City-sponsored events or functions where payment shall be made for the Councilmember only to participate;
 - e) Communicating with representatives of regional, state and national government on City-adopted policy positions when such trips have been preapproved and authorized by the whole Council; and
 - f) Other expenses approved by the City Council in advance of their incurrence.

- 3) Reimbursable expenses may include (and in compliance with the City's Employee Expense Reimbursement Policy): registration fees; transportation; lodging; meals (excluding alcohol); and long-distance phone calls/internet connectivity (used for City business).

Administrative Rule 2.51 – Employee Expense Reimbursement Policy

MAYOR

POWERS AND DUTIES

The Mayor shall be the Mayor at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of the Mayor and the Mayor Pro Tempore, the Council shall elect a temporary presiding officer to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

The elected Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Courts for the purpose of serving civil processes. The Mayor shall be the presiding officer of the Council and shall preside at the meetings of the Council for the purpose of determining the presence of a quorum. The Mayor shall be entitled to a vote on all matters coming before the Council but shall possess no veto power. The Mayor may use the title of Mayor in all cases, but the same shall not be construed as conferring upon him/her administrative or judicial functions or other powers or functions of a Mayor under the general laws of the State. ([Sec. 604, City Charter](#))

SIGNING OF DOCUMENTS

The Mayor, or Mayor Pro Tempore in the absence of the Mayor, shall sign ordinances adopted by the City Council.

MAYOR PRO TEMPORE

In even number years, the Council shall elect the Mayor Pro Tempore following the installation of those newly elected Council Members. In odd years, the Council shall elect the Mayor Pro Tempore at the end of the calendar year.

The Mayor Pro Tempore shall serve at the pleasure of the Council for the term of one year and shall be elected and removed by the affirmative votes of at least five (5) members of Council.

The Council shall elect a Council Member with the most seniority as a Council Member and who has not previously served as Mayor Pro Tempore. In the event two Council Members begin service in the same year, the Council Member with the highest number of votes will serve as Mayor Pro Tempore. (See [City Council Minutes, 4/28/92](#))

Prior to being elected as Mayor Pro Tempore, a Council Member shall have served at least two years on the Council. The term of the Mayor Pro Tempore shall be based on the calendar year January 1st to December 31st. ([Resolution 98-120](#) and [Council Minutes, 6/26/01](#))

The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. ([Sec. 605, City Charter](#))

PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and Council Members shall not be deprived of any of the rights and privileges of a Council Member by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the Council, the Presiding Officer should consider turning the Chair over to another member.

QUESTION TO BE STATED

The Presiding Officer shall orally restate each question immediately prior to calling for the vote. Following the vote, the Mayor or City Clerk shall announce whether the question carried or was defeated for the benefit of the cable television audience.

MAINTENANCE OF ORDER

The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No Council person, staff or member of the audience is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

POWERS OF COUNCIL

All powers of the City shall be vested in the Council, subject to the provisions of this Charter and to the Constitution of the State of California. The Council may establish the method by which any of such powers may be exercised. ([Sec. 606, City Charter](#))

MEETINGS OF COUNCIL

The Council shall, by ordinance or resolution, provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All meetings of the Council, whether regular or special, shall be open to the public. ([Sec. 607, City Charter](#))

PARTICIPATION BY MEMBERS OF THE PUBLIC

No public member shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak on the subject of any special meetings. ([Sec. 609, City Charter](#))

ADMINISTERING OATHS - SUBPOENAS

Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel

the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of the State. [\(Sec. 610, City Charter\)](#)

RULES OF PROCEEDING

The Council shall determine its own rules of procedure and may punish its members for disorderly conduct and compel their attendance at Council meetings. [\(Sec. 611, City Charter\)](#)

NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE

Neither the Council nor any of its members shall interfere with the execution by the City Manager of the City Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or removal there from. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The City Manager shall take orders and instructions from the City Council only when it is sitting in a lawfully held meeting. [\(Sec. 705, City Charter\)](#)

Inquiry is defined as a request for information readily available, without need for extensive research or study by subordinates of the City Manager.

All other requests are to go directly to or through the City Manager.

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

Whereas, from time to time the City Council is requested to make an official statement with regard to State, Federal and International issues, some of which have no effect upon the administration of local affairs of the City of Hayward, or which the City Council, as a legislative body, cannot exercise jurisdiction over same; and

Whereas, it would appear that statements to be made with regard to such State, Federal and International issues should be made only as an expression of individual opinion and not as an official statement of this City Council.

Now, Therefore, Be it Resolved by the City Council of the City of Hayward that said Council does hereby adopt as a policy that official City Council expression should not be given on State, Federal, and International issues which have no direct effect upon the administration of the local affairs of the City of Hayward or which the City of Hayward, as a municipal corporation, cannot exercise any jurisdiction over such matters.

Be it further resolved that the aforesaid statement of policy is not intended to foreclose the rights of any person to make a public presentation to the City Council on such issues nor to impinge upon the right of any individual Council Member to give personal views on such matters. ([Res. 77-209, May 24, 1977](#))

HAYWARD LEGISLATIVE PROGRAM

On a semi-regular basis, the City Council adopts a Hayward Legislative Program which outlines the legislative priorities of the City of Hayward. The Legislative Program can be accessed on the link below.

<https://www.hayward-ca.gov/your-government/programs/legislative-program>

The City's legislative program helps provide direction to staff and the City's legislative advocates in Sacramento and Washington D.C. The program informs interested parties of the City's stances on legislation, state-wide referenda, grant funding opportunity, or local/regional ballot measures. Additionally, this program serves as a basis for action regarding any piece of federal or state legislation or funding opportunity.

MEETINGS

MEETINGS - OFFICIAL ACTIONS

Except as hereinafter provided, all meetings of the Council shall be held in the Council Chamber, City Hall, 777 B Street, Hayward, California. In the event any meeting is held elsewhere, a notice setting forth the time and place thereof shall be conspicuously posted on the entrance door to the Council Chamber during the time such meeting is in progress. ([Sec. 2-1.00, Municipal Code](#))

TIME OF REGULAR MEETINGS

The time of regular meetings of the Council shall be as specified from time to time by resolution of the City Council. ([Sec. 2-1.00, Municipal Code](#))

On December 15, 2009, the City Council adopted [Resolution 09-189](#), which changed the hour of Council meetings to seven (7) o'clock p.m. Council also incorporated Work Session meetings within the regular meetings. Normally, meetings of the City Council are held the first, third, and fourth Tuesdays of each month at the hour of seven (7) o'clock p.m. Meetings may be cancelled on these days or added on the second and fifth Tuesdays by the Mayor or City Manager as determined by workload.

It shall be the policy of the Council that, if at all possible, agenda items shall not be considered past the hour of midnight.

SPECIAL MEETINGS/ CALLING/ NOTICE

A special meeting may be called at any time by the Presiding Officer of the Council, or by a majority of the members, by delivering written notice to each member of the Council, and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site and any distribution via digital communications. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice, in accordance with the Ralph M. Brown Act ([G.C. Section 54956](#)).

An emergency meeting may be called at any time if emergency circumstances exist, or dire emergency circumstances exist, with notice at least one hour prior to such meeting, or with no advance notice if circumstances warrant and telephone communications are unavailable, in accordance with the Ralph M. Brown Act (G.C. Section 54956.5).

As the Council, as a whole, also serves as the Redevelopment Successor Agency, the Hayward Public Finance Authority, the Geologic Hazard Abatement District Board, and the Housing Authority for the City of Hayward. Special joint meetings may be conducted in order to conduct business relative to each agency. The Hayward Redevelopment Agency

was dissolved on February 1, 2012. The City of Hayward chose to become the Successor Agency to the Redevelopment Agency.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at said meeting.

The City Council shall strive to hold a meeting outside of City Hall and in another part of the community at least once a year.

RULES OF ORDER

The proceedings of the Council shall be governed under "[Robert's Rules of Order](#)" on all matters pertaining to parliamentary law; however, no action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow said rules. ([Sec. 2-1.03, Municipal Code](#))

QUORUM

A majority of the City Council (4) shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business. ([Sec. 608, City Charter](#))

No ordinance of resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. ([Sec. 614, City Charter](#))

CALL TO ORDER

The meeting of the Council shall be called to order by the Mayor or in the Mayor's absence by the Mayor Pro Tempore. In the absence of both the Mayor and the Mayor Pro Tempore, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

AGENDA

When scheduling items for City Council meetings, staff should consider the number of items being placed on each agenda and the estimated time that each item requires. Staff should strive to provide well-balanced agendas for all City Council meetings throughout the year. Although there might be rare occasions where a long meeting is necessary, a series of long meetings should be avoided by balancing the content of each agenda.

ORDER OF BUSINESS

The following shall constitute the order of business to be followed in conducting regular meetings of the Council:

- Call to Order
- Salute to Flag
- Roll Call
- Closed Session Announcement
- Presentation/Proclamation
- Public Comments * (for matters not otherwise listed on the agenda or informational staff presentation items)
- Consent
- Work Session
- Hearing
- Legislative Business
- Information Items
- City Manager's Comments
- Council Reports and Announcements
- Council Referrals
- Adjournment

**The printed agenda for each regular meeting shall include the following statement:*

Public Comments for Council Meeting Agendas shall read:

The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation 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. ([Res. 02-058, May 7, 2002](#))

(Agenda Revisions: [City Manager's Weekly Report - November 25, 2009](#))

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, determine that the need to take action on an item arose after the agenda was posted. If fewer than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented. Other exceptions are provided for emergencies, as defined, and certain continued hearings. Upon amending a work session agenda, no action would be taken on the underlying issue.

POSTING OF AGENDA

The City Clerk is directed to post a copy of the agenda in the lobby of City Hall, the bulletin board outside City Hall and at the Main Library not less than 72 hours prior to each regular meeting, and not less than 24 hours prior to each special meeting to be held by the City Council. The City Clerk is further directed to maintain a log of the date and time each agenda is posted.

DELIVERY OF AGENDA

If practicable, the agenda and agenda item reports will be available for Council Members each Thursday afternoon, or Friday if the preceding Monday was a holiday.

The agenda shall also be available to the general public, via posting to the City's website and electronic mail, at the time it is delivered to the City Council.

SUSPENDING ORDER OF BUSINESS

The regular order of business may be suspended by a majority vote of the members present for the accommodation of persons present, or for any other purpose. ([Sec. 2-1.06, Municipal Code](#))

CLOSED SESSIONS

Council meets from time to time in closed sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to the public and news media. Matters discussed in closed sessions are considered **confidential**. If an action is taken, a public announcement will be made. These are:

(1) Labor Relations

Closed sessions held at such times where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.

As a matter of policy, Council acknowledges that the City and its taxpayers are best served if positions authorized during such sessions are represented as those of the Council as a whole. Members of the City Council agree that positions and agreements shall not be divulged.

(2) Security or Emergencies

Arrangements made to address threats to the City or its property must be kept confidential;

(3) Personnel Sessions

Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

(4) Litigation

Closed sessions to consider potential or pending litigation in which the city or an officer or employee is or could be a party;

Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position;

(5) Real Property Negotiations

Closed sessions to meet with negotiators over specific real state sites;

Prior to the closed session, the negotiator, the site, and the properties' representatives must be identified.

Confidential Communications in Closed Session

To address a long-standing problem associated with confidential communications in closed session and how to maintain the confidentiality of such discussions, in 2003, the Legislature passed Assembly Bill 1945 ("AB 1945"), which states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council, or upon advice of the legal counsel or negotiator handling the matter. In

the event someone violates this provision, the statute gives the legislative body three options to address the violation: (1) The body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) If the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; or (3) If the person disclosing the information is a member of the legislative body, the public entity may refer that person to the grand jury.

CLOSED SESSION ANNOUNCEMENT

Following a closed session, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce whether there is or is not reportable action. If there is reportable action, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce such action, including a report of how each member of the Council voted on the item.

PRESENTATION

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline. The City Clerk shall coordinate the scheduling of presentations with the Mayor.

PROCLAMATION

From time to time, the Mayor will recognize extraordinary Hayward residents and community members through letters, certificates, proclamations, and adjournments. Proclamations are legal documents that declare a day, week, or month in honor of a cause, individual, or occasion significant to the City of Hayward and its residents.

The guidelines for proclamation submittals can be found on the City's website at this link:

<https://www.hayward-ca.gov/content/guidelines-mayorcouncil-ceremonial-documents-events-adjournments>

CONSENT CALENDAR

Items of a routine nature, and non-controversial, including Approval of Minutes, shall be placed under the Consent agenda at the City Manager's discretion. All items may be approved by one blanket motion upon unanimous consent. Any Council Member or any member of the public may request that any item be withdrawn from the consent agenda for separate consideration. (Council Action, March 18, 1997)

WORK SESSION

When a work session is required, Council Members will meet at City Hall unless otherwise noticed according to State law. Members of the public are encouraged to attend work sessions. Comments on an item appearing in the work session section of the agenda follows staff's presentation.

Except for the procedural motions required by the Brown Act which may be made at a work session (and which are discussed more fully in the section "Amended Agenda") no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings being to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions.

A Work Session presentation and discussion shall be limited to one hour.

PUBLIC HEARINGS

Public Hearings:

A public hearing is a legally mandated process that occurs during the public meeting of a local decision-making body, such as a city council meeting. Public hearings serve two functions: First, to obtain public testimony or comment on specific legislative decisions or policy matters such as a proposed annual budget or ordinance. The second function is to provide due process to an individual or party making an appeal to or request of the legislative body, such as a hearing regarding the denial of a permit or license. A public hearing is required only when a specific federal, state, or local law requires one to be held on a particular issue.

Notice for Public Hearings:

A law that requires a public hearing to be held will also generally include the requirements for providing notice of the public hearing.

QUASI-JUDICIAL HEARINGS

The procedures for quasi-judicial hearings shall be determined on a case-by-case basis and the City Attorney shall advise the City Council in this regard.

LEGISLATIVE BUSINESS

Legislative business is any policy-related item that is not legally required to have a public hearing, but which is deserving of or benefits from public discussion. In many respects, a legislative business item looks the same as a public hearing - the only difference is the type of legal notice given prior to the meeting. In fact, some legislative business items may

warrant the type of noticing typically associated with public hearings but doing so is discretionary and should only be done on a case-by-case basis. Applying the public hearing approach to legislative business is appropriate when there is a high degree of public interest in a topic, when the Council has not had sufficient exposure to the facts, circumstances or opinions informing the decision they are being asked to make, when there is a controversial topic that divides the community or the Council, or when the actions being considered have the potential to impact a large number of residents.

Notice for Legislative Business:

Publication of the agenda prior to the scheduled legislative item is generally sufficient notice for legislative business items. However, in the interest of inclusion and transparency, staff may choose to send notices to interested parties, deliver flyers to the affected neighborhood, or otherwise alert those known or thought to be likely interested in the matter. Similarly, staff may provide advance notice to parties identifying the likely date something may come before Council. Administrative Rule 1.25

Generally, public hearing as well as legislative business items, other than those of a quasi-judicial nature (quasi-judicial matters are those matters where the City Council is interpreting and applying regulations, such as consideration on use permits or zoning issues), shall be conducted in the following order:

- staff reviews the recommendation
- questions of staff by Council
- hearing opened by Mayor
- hearing closed by Mayor
- discussion and questions by Council
- action by Council

Questions and comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual. Applicants and/or appellants desiring to address the City Council shall limit their presentation to ten (10) minutes. The Mayor or Presiding Officer will call forward individuals who wish to address the City Council. At the discretion of the Mayor, two or more speakers may be called at a time to help facilitate the public testimony.

Council Members should not speak to an issue until the public hearing has been closed. If a Council Member has met with a proponent/developer or opponent of subject hearing, the Council Member should acknowledge such meeting prior to opening of the hearing at the Council meeting.

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of Council Members addressed through the Chair.

INFORMATION ITEMS

The Information Items section was added on September 23, 2014, to present information to Council and the public in the form of a transparent, written report, which does not ask for any Council action. The public can comment on “Information Items” during the Public Comments section. If the Council wishes to discuss or take action on any “Information Items”, the Council will direct staff to bring the item forward on a future Council agenda as an action item.

CITY MANAGER’S COMMENTS

The City Manager’s Comments section was added on September 23, 2014, to provide an opportunity for the City Manager to verbally report on upcoming activities, events, or other items of interest or concern to the Council and the public.

COUNCIL REPORTS AND ANNOUNCEMENTS

During the Council Reports section of the agenda, a Council Member may report on attendance of intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities) or make an announcement.

COUNCIL REFERRALS

The intent of the Council Referral section is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the City Council. This policy described below 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.

Any Council member may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council.

Part 1: Council members wishing to refer a matter to the City Council for discussion will:

- A. Prior to preparing a Council Referral Memo, Council members can consult with the appropriate Council Appointed Officer to determine whether the issue can be addressed as part of existing operational authority and with current budgeted resources.
- B. The Referring Council Member will submit a Council Referral Memo (not to exceed two pages) describing the Referral. The Council Referral Memo can outline the policy issue, overall outcome or desired objective, desired

timeline, identification of key stakeholder groups that might need to be consulted, and/or other pertinent information that will clarify for Council the policy issue desired for Council discussion.

- C. The Referring Council Member will notify the City Manager, or the City Manager's designee, via telephone, email, or in person and convey that the Council member has a Council Referral Memo to place on the agenda and the desired Council meeting date, a week prior to the Council meeting. This will give the City Clerk time to finalize the agenda and post it within the required timeframe. Requests received after this one-week deadline will be placed on the agenda for the following regularly scheduled Council meeting.

Staff will not devote time preparing reports or analysis on the requested item. The limited staff assistance provided, at this initial stage of the Council referral, would be to help the Council member clarify and/or frame the issue, if needed, so that the Council and public clearly understand the request.

Part 2: Council Consideration of the Council Referral Memo:

- A. When the item is called at the Council meeting, the Referring Council Member who made the request may describe the policy issue the Council Member wishes to place on a future agenda.
- B. The Council discussion will be limited to determining whether staff time and City resources should be devoted to researching the particular agenda item and whether to direct staff to conduct further analysis on the item. Council will not take action on the agenda item itself. Concurrence that staff time and City resources will be devoted to the item does not signify approval of the item. It only indicates that the Council wishes to have the item studied further. Additionally, the Council may, at any time, decide to drop the matter, even after the matter has been analyzed by staff.
- C. Upon the concurrence of a majority of the Council that the item should be researched and placed on a future Council agenda, referred to a Council Committee, staff, or closed session, depending on the topic and/or action sought by Council, the City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations. The City Manager will maintain a log of such referrals, the date of the referrals, and the projected dates the referred matter will be agendized for further consideration.
- D. Council member comments on Council Referral items are limited to clarifying questions and whether or not staff resources should be spent

researching the issue and whether or not Council member(s) support referring the item to a Council Committee, staff, or placed on a future Council agenda. No discussion on the item will be held at this initial stage of the Council referral.

- E. If a member of the public wishes to address the Council on Council Referrals, public comments will be limited to one (1) minute per person to relay to Council whether or not they support staff spending resources researching the item and placing it on a future Council agenda.
- F. The Mayor / Presiding Officer will ask the submitter of the Council Referral Memorandum to make a Motion, ask for a second, then take roll call.
- G. If there are no Council Referrals, indicate "None Submitted" in this section of the Agenda.

ADJOURNMENT

When any member requests that a meeting be adjourned and a tree planted in memory of an individual recently deceased, the Mayor shall so adjourn the meeting and staff shall arrange for a tree to be planted.

RULES, DECORUM, AND ORDER

POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall sustain or reverse the Presiding Officer's determination.

DECORUM AND ORDER – COUNCIL MEMBERS

(a) Any Council Member desiring to speak shall address the Chair and, upon recognition by the Mayor, shall confine himself/herself to the question under debate.

(b) A Council Member desiring to question a staff member shall address questions to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose.

(c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

(d) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Council Member shall be permitted to proceed. If ruled to be not in order, the Council Member shall remain silent or shall alter remarks so as to comply with rules of the Council.

(e) Council Members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

(f) Any Council Member may move to require the Mayor to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

(g) [Section 611 of the City Charter](#) provides that the City Council may determine its own rules of procedure, may punish its members for disorderly conduct, and compel their attendance at Council meetings. In addition to the sanctions identified herein, the failure of the Mayor or a Council Member to observe these rules of decorum may warrant the Member's removal from the Council Chambers in accordance with the procedures described in the section entitled "Enforcement of Decorum."

Sanctions and Procedures for Violations of Rules of Decorum and Order

(h) Council Members who fail to observe these rules of Decorum and Order, or violate any state or federal law, the City Charter, or any City ordinance or policy, may be reprimanded or formally censured, lose seniority or committee assignments (both within the City of Hayward or with inter-government agencies), have official travel restricted or be ordered to attend Council meetings, if the Council Member is absent without justification. Serious infractions of these rules of Decorum and Order could lead to other sanctions as deemed appropriate by the Council, including, but not limited to, referral to the Alameda District Attorney and/or Civil Grand Jury if the conduct is egregious or allegedly criminal in nature. Council Members should point out to the offending Council Member any perceived infraction of these rules of Decorum and Order as it occurs. No Council Member shall be reprimanded, sanctioned or censured for the exercise of the Member's First Amendment rights. However, nothing herein shall be construed to prohibit the City Council from individually or collectively condemning or expressing disapproval of behavior in violation of these rules.

(i) It is the responsibility of the Mayor to initiate formal action if a Council Member's behavior may warrant reprimand, sanction, or censure. If no action is taken by the Mayor, action on the alleged violation may be placed on a future agenda for consideration by a majority of the full Council.

(j) Reprimand is the least severe form of action for a violation of these rules and may be issued by majority vote of the City Council without findings of fact or investigation. Reprimand is not considered a sanction or censure.

(k) Formal censure, loss of seniority or committee assignments and travel restrictions may be requested by any Council Member in writing submitted to the Mayor. The written request must set forth specific allegations of violations of state or federal law, the City Charter, or City ordinances or policies, including these rules of Decorum and Order, upon which the proposed sanction is based. If the Mayor determines that the request for censure or sanction warrants Council consideration, the request shall be scheduled for consideration by the Council at the next regularly scheduled Council meeting. If a majority of the Council wishes to take action on the request for sanction or censure, the request shall be scheduled for public hearing far enough in advance to give the affected Council Member adequate time to prepare a response to the request. The Council Member shall be given the opportunity to make opening and closing statements; to present or question witnesses; and is entitled to be represented by an advisor or counsel of the Member's choosing. The Mayor, or the Mayor Pro Tempore if the Mayor is the subject of the sanction request, shall preside over the proceedings. The rules of evidence shall not apply. The City Attorney or designee shall provide legal advice to the Council, as needed. A decision to censure or impose other sanction requires the adoption of a resolution containing findings with respect to the specific charges, based on substantial evidence, by a two-thirds vote of the Council.

DECORUM AND ORDER - EMPLOYEES

Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, City Attorney, and City Clerk, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

DECORUM AND ORDER - PUBLIC

Members of the Public attending Council meetings shall observe the same rules of order and decorum applicable to the Council

Each person who addresses the Council from the podium shall do so in an orderly manner and shall not make personal, slanderous, or profane remarks to any member of the Council, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting, whether from the podium or in the audience, may, at the discretion of the Mayor after observance of the procedure for enforcement of decorum described below, be escorted from Council Chambers and barred from further audience before the Council during that meeting. These rules shall be enforced as set forth in the section entitled "Enforcement of Decorum."

ENFORCEMENT OF DECORUM

The Chief of Police or the Chief's representative shall be ex-officio Sergeant-at-Arms of the Council. The Chief of Police shall carry out all orders and instructions given him/her by the Mayor for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Mayor, it shall be the duty of the Chief of Police or a representative of the Chief to eject any person from the Council Chambers or place said person under arrest or both.

As set forth in the Brown Act ([Government Code Section 54957.9](#)), in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in the section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for

willfully disturbing the orderly conduct of the meeting. Decorum and order shall be enforced in the following manner:

(a) Warnings. The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the Council to regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order the speaker to leave the Council meeting. If the person does not depart the Council chambers of their own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the Council to escort that person from the Council chambers.

(b) Text for Warning. The Mayor shall deliver the requisite warning in substantially the following form:

You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to Council Chambers for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?

(c) Removal. Any law enforcement officer who is serving as Sergeant-at-Arms of the Council shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the Council meeting any person who is disturbing the proceedings of the Council. Removal of a disruptive member of the public from Council Chambers shall be accomplished by the Sergeant-at-Arms or other sworn law enforcement officers only.

(d) Misdemeanor. Any person who willfully disturbs or breaks up a Council meeting may be arrested and charged with a misdemeanor, pursuant to [California Penal Code Section 403](#).

(e) Motion to Enforce. If the Mayor fails to enforce the rules set forth above, any member of the Council may move to require the Mayor to do so and, by an affirmative vote of a

majority of the Council, shall require the Mayor to do so. If the Mayor of the Council fails to carry out the will of a majority of the Council, the majority may designate the Mayor Pro Tempore to act as Presiding Officer for the limited purpose of enforcing these rules of decorum.

Attendance at Council Meetings does not provide individuals or groups immunity of protection when their conduct is in violation of any other laws (California Penal Code, City of Hayward Municipal Code, etc.). The Sergeant-at-Arms should and will be called upon by the Mayor to enforce these laws at Council Meetings.

POLICY REGARDING CABLE TELEVISION BROADCAST OF CITY MEETINGS

It shall be the policy of the City Council of the City of Hayward to broadcast public meetings held in the Council Chamber over cable television from the beginning of that meeting through adjournment without interruption. Meetings may be videotaped, or audio recorded as long as the activity does not constitute a disruption of the meeting. ([Res. 94-049, March 8, 1994](#))

PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which the Member's integrity, character, or motives are assailed, questioned or impugned.

CONFLICT OF INTEREST (Disqualifications)

All Council Members are subject to the provisions of California Law, such as [Chapter 7, Title 9, of the California Government Code](#), relative to conflicts of interest, and to the conflict of interest code adopted by resolution of the Hayward City Council.

If a Council Member, after receiving the agenda packet, believes or is aware that the Council Member has a potential conflict, the Council Member should confer with the City Attorney prior to the meeting.

Any Council Member who has a conflict of interest shall abstain themselves from the Council Chamber during the debate and voting on the issue. The Council is prohibited by law to enter into contracts with its members. ([Government Code Section 1090 et seq.](#))

LIMITATION OF DEBATE AND COUNCIL MEMBER DELIBERATIONS

No Council Member should speak more than once on any one subject until every other member choosing to speak thereon has spoken. Council Members are encouraged to keep their comments concise and succinct; and to limit their general comments on any item to five minutes once any specific questions on the item have been asked and answered. (Also, see Section VII under "Time Limitations")

DISSENT AND PROTESTS

Any member shall have the right to express dissent from or protest to any action of the Council and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clear by language such as “I would like the minutes to show that I am opposed to this action for the following reasons...”

PROCEDURES IN ABSENCE OF RULES

Except as modified by the provisions of this handbook, the proceedings of the City Council shall be governed by Robert’s Rules of Order Newly Revised.

RULINGS OF CHAIR FINAL UNLESS OVERRULED

In presiding over Council meetings, the Mayor, Mayor Pro Tempore or temporary Presiding Officer shall decide all questions of interpretations of these rules, points of order or other questions of procedure, requiring rulings.

Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Member present and voting.

ADDRESSING THE COUNCIL

MANNER OF ADDRESSING THE COUNCIL/PUBLIC COMMENT

Any public member may arise and address the Council on any business especially concerning the public member, or affecting their interests; however, preference will be given to those who have first presented matters in the form of a written communication, or who have notified the Presiding Officer/Mayor of their desire to speak. ([Sec. 2-1.04, Municipal Code](#); [Sec. 609, City Charter](#))

Any member of the public desiring to address the Council shall complete a "speaker card" and hand it to the City Clerk. The City Clerk will advise the Mayor. Public speakers will be called in the order received by the City Clerk. The Mayor will announce the names from the speaker cards. Once the public member's name is called, the public member should proceed to the podium and wait to be recognized by the Mayor. After being recognized, public members shall speak directly into the microphone and for the record, may state their name and city of residence.

The Mayor will allow up to one hour for comments from the public which are not the subject of an agenda item to be heard at the beginning of the posted agenda under the heading "Public Comments." The balance of the public comments which are not the subject of an agenda item will be heard before City Manager Comments. Any public comments on items on the agenda may speak when their agenda item is being considered.

Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on an item not appearing on its posted agenda. Therefore, any issue raised under the "Public Comments" section of the agenda will be referred to staff for a decision about placing it on a future agenda for discussion, action, or report.

TIME LIMITATION

Individual Speakers

Any member of the public desiring to address the Council shall be limited to three (3) minutes unless less or further time has been granted by the Mayor or in accordance with the section under Public Hearings. Mayor has the discretion to shorten or lengthen the maximum time members may speak. The Mayor has discretion to hear the balance of public comments, which are not the subject of an agenda item, depending on the number of speaker cards remaining.

[Government Code Section 54954.3](#) states that if the City Council limits time for public comment, the City Council shall provide at least twice the allotted time to a member of the public who utilizes an interpreter to ensure that non-English speakers receive the same opportunity to directly address the Council. This shall not apply if the City Council utilizes simultaneous translation equipment.

Applicants and/or Appellants

Any applicant and/or appellant desiring to address the City Council shall limit their address to ten (10) minutes. This time limit will not be applied to speakers to whom constitutional due process applies. The City Attorney shall advise the City Council on this regard.

ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no person shall address the Council except to answer an inquiry of Council Members addressed through the Chair.

LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

The making of oral communications to the Council by any member of the public shall be subject to the following limitations:

- (1) No speaker shall be permitted to address the Council on a topic which is currently before or about to be submitted for consideration by a city commission, board, or other agency before which the speaker should make the presentation, until that latter body has completed its deliberations and taken its final action.
- (2) In case the speaker should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communication to the Council outside that procedure.

The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. (See Section VII for "Time Limitations for Individual Speakers").

If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue and request that they not be redundant. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

No statement shall be allowed to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her. All charges or complaints against employees shall be referred without comment to the City Manager for appropriate action and may also be submitted to members of the Council for information by written communication only.

WRITTEN CORRESPONDENCE

The City Clerk is authorized to receive and open all mail addressed to the Council as a whole and refer to the City Manager, for immediate attention, those communications related to administrative business, not necessarily requiring Council action, so that they may be disposed of between Council Meetings. A copy of such communication and response shall be sent to each Council Member marked "For Purposes of Information." Copies of all other communications sent to Council as a whole will be transmitted to them.

Any communication relating to a matter pending, or to be brought, before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions of the Municipal Code or other ordinances. Communications specifically addressed to individual council members will be transmitted to them unopened.

Any non-confidential writings or documents related to an agenda item submitted to a majority of the Council less than 72 hours prior to a public meeting will be made available for public inspection in the Office of the City Clerk. Any documents related to an item on the agenda provided by City staff to the Mayor and City Council at the meeting must be available to the public at that meeting. ([SB 343, Brown Act amendment, July 1, 2008](#))

PERSONS AUTHORIZED TO BE WITHIN PLATFORM

No person except City officials shall be permitted within the platform area in front of the Council dais without the invitation or consent of the Presiding Officer.

MOTIONS

PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Mayor before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it. A Council member will request to speak, be recognized by the Presiding Officer, and verbally move the item and wait for a seconder.

BUSINESS ITEMS OUT OF ORDER

The Mayor may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

DIVISION OF QUESTION

If the question contains two or more divisible propositions, the Mayor may, upon request of a member, (unless appealed) divide same.

MOTION TO FIX HOUR OF ADJOURNMENT

Any regular meeting can be adjourned to a stated date, time, and place.

MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table is not debatable and shall preclude all amendments or debate of the subject under consideration.

MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

MOTION TO AMEND

A friendly amendment shall be in order if it is consented to by both the maker of the motion and the second. A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Substitute motions are not allowed. Amendments shall be voted upon first. The main motion shall then be voted on either as amended or as originally stated, if the amendment failed to pass.

CONTINUANCE OF MATTERS

- (1) The City Council ordinarily will grant one continuance of a matter in the event it creates an inconvenience or hardship to a member of the public. Request for such a continuance should, if at all possible, be made at least five (5) days before the scheduled agenda date, and the continuance shall be to a date mutually agreeable to all parties.
- (2) (a) When five (5) or fewer members of the Council are present at the scheduled meeting, a request for a continuance may be made once in order that the matter may be scheduled for a time when more than five (5) members are expected to be present.

(b) Requests for continuance when there are five (5) or fewer members present shall be granted unless State law or local regulations require that action be taken at that time, or if the failure to act in a timely manner would create legal or financial jeopardy or substantially impair the City's operations.

(c) Regardless of the number of Council Members present, or request of a member of the public, any Council Member may exercise a personal prerogative to have an item continued once unless State law or local regulations require that action be taken at that time or if the failure to act in a timely manner would create legal or financial jeopardy or substantially impair the City's operations. Exercising this personal prerogative will not count as a request for continuance per (2)(a) and (2)(b) above.
- (3) If a matter is continued, the Mayor will ask if those present who wish to speak to the matter can return at a later date. Those individuals who cannot, will be given the opportunity to speak on the matter and said comments shall be made part of the record to be considered at the continued date. Such persons shall not repeat statements so made at the continued date; however, further comment shall be allowed where new material is presented.

COUNCIL MEMBER OBLIGATION WHEN ABSENT

When a member of Council is absent from an earlier meeting at which a matter is discussed, it shall be the duty of such member to become acquainted with the issues discussed by reading the minutes, the documents presented, and, if possible, the electronic recording of such discussion.

VOTING PROCEDURE

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. Abstentions shall also be recorded. ([Sec. 613, City Charter](#))

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. ([Sec. 614, City Charter](#))

RECONSIDERATION

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council and held not less than one week after the meeting at which such motion is made. ([Sec. 618, City Charter](#))

TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes another action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by Council. Official actions are those quasi judicial actions such as made by Planning Commission wherein fewer than four votes sustain their action.

RESOLUTIONS

DEFINITIONS

As a rule, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document. In this City, however, two methods of action are in general use to accomplish such non-ordinance actions: "resolution" and "motion" (the latter recorded by minute entry). The two are equally as legally effective and binding; they vary in the formality of respective memorialization. The more formal is referred to as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence, and preserved in a separate set of books. Such "resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

The "motion" (assuming it was one which passed) is a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it. In this City, procedural actions (such as a motion to continue a hearing) are always done by motion, and, in addition, many administrative matters (such as directing the City Manager to furnish a report) are done by motion.

METHOD OF ACTION

Legislative action shall be taken by the Council only by means of an ordinance or resolution. [\(Sec. 612, City Charter\)](#)

An ordinance or resolution may be adopted by a motion, duly seconded, and passed by four (4) votes of the City Council.

AYES AND NOES

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the Minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. [\(Sec. 613, City Charter\)](#)

MAJORITY VOTE OF COUNCIL

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. [\(Sec. 614, City Charter\)](#)

SUBJECT OF TITLE

Every ordinance or resolution shall be preceded by a brief title which shall indicate the subject and purport thereof. [\(Sec. 615, City Charter\)](#)

RESOLUTIONS PREPARED IN ADVANCE

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed earlier and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

ORDINANCES

REQUIREMENTS OF ORDINANCES

Except as hereafter provided, no ordinance shall be adopted by the Council on the day of its introduction, nor within one week thereafter, nor at any time other than at a duly assembled meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall be adopted at a meeting held at least one week after the date of such alteration.

At the time of introduction or adoption of an ordinance the title need only be read, unless reading of the ordinance in full is requested by any member of Council.

EMERGENCY ORDINANCES

Any ordinance declared by the Council to be necessary as an emergency 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 affirmative votes.

PUBLICATION REQUIREMENTS

Before final adoption of an ordinance, a notice indicating its title, a subject matter index, the date of its introduction, and the date, time, and place it will be considered for final adoption, and that copies of the full text thereof are available for examination by the public in the office of the City Clerk, shall be published once in a newspaper of general circulation within the City at least three days before the final adoption meeting date.

A similar notice indicating the adoption of an emergency ordinance and the vote thereon shall be published once within one week after its adoption. ([Sec. 617, City Charter](#))

The enacting clause of all ordinances adopted by the Council shall be substantially as follows: "The Council of the City of Hayward does ordain as follows." ([Sec. 616, City Charter](#))

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made. ([Sec. 618, City Charter](#))

All ordinances shall be signed by the Mayor and attested by the City Clerk. ([Sec. 619, City Charter](#))

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following which shall take effect 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 the Charter.
- (e) An ordinance annexing areas to the City.
- (f) An ordinance relating to the zoning or rezoning of the City or portions thereof. [\(Sec. 620, City Charter\)](#)

A true and correct copy of all ordinances shall be kept and certified by the City Clerk, such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

[\(Sec. 621, City Charter\)](#)

Any or all ordinances of the city which have been enacted in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to the code shall be enacted in the same manner as herein required for the amendment of ordinances generally. [\(Sec. 622, City Charter\)](#)

ORDINANCE VIOLATION - PENALTY

A violation of any ordinance of the City shall constitute a misdemeanor unless by the terms of such ordinance its violation shall constitute an infraction. A violation of any ordinance of the City may be prosecuted in the name of the People of the State of California or may be redressed by civil action. [\(Sec. 623, City Charter\)](#)

COUNCIL COMMITTEES AND APPOINTMENTS TO ALAMEDA COUNTY AGENCIES AND OTHER REGIONAL BOARDS

The Council may organize among its members such standing committees as it may determine, each of which shall act as a fact-finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by Council and making recommendations thereon to the Council as a whole. ([Sec. 600a, City Charter](#))

Each Council Member shall be assigned by the Mayor to various standing committees, including Alameda County agencies and other regional boards. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other committee members. Attendance will be reported annually to the Mayor and Council for Mayor's appointees.

From time to time Ad Hoc committees may be organized by the Mayor to address special concerns which may be of short duration. Additionally, each Council Member shall be assigned by the Mayor as Liaison to various boards, committees and commissions, and other public agencies or quasi-public agencies.

It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to these various committees. Normally appointments are for a two-year period but may be renewed at the Mayor's discretion where Council Members have particular experience or expertise with respect to the business of a particular committee.

STANDING COMMITTEES

The list of standing and Ad Hoc committees and liaison assignments shall be revised from time to time as necessary.

COUNCIL COMMITTEE MEETINGS

- (1) All Council Committees must comply with the Brown Act.
- (2) A Council Member other than Council Committee Members may attend a regular committee meeting. However, a Council Member shall not participate in the decision-making process of the Committee.
- (3) It is the policy not to hold joint Council-Committee meetings. An item that might be considered for such meeting should be scheduled for a work session of the whole Council.

On March 13, 2015, the City Attorney provided a memorandum to clarify the application of the Brown Act to the Council's standing and ad hoc committees.

COUNCIL LIAISON

The Mayor shall designate a member of Council to be a liaison to each city board and commission. The method and length of appointment shall be as provided above in the section on Council Committees.

RESPONSIBILITY OF COUNCIL LIAISON

It shall be the responsibility of a Council liaison to attend as many board or commission meetings as possible in order to be currently aware of issues being dealt with, to listen and observe, and to bring back to the Council any needs, requests, or information from a board or commission. A Council Liaison shall not take part in the deliberations of the commission. The Council liaison also plays an important role informing and advising the Council's appointed bodies.

LIAISON AND COMMISSION MEMBER DECORUM

Council liaison and members of boards and commissions have a mutual obligation to accord the utmost courtesy to one another and shall refrain from rude and derogatory remarks, abusive comments, or other chastising, particularly in public.

If a Council liaison has a specific concern about the behavior and/or statements of an individual board or commission member, the Council liaison should bring it first to the attention of the board or commission Chairperson in private. If no resolution is affected, then the matter should be brought to the attention of the Mayor for action.

Conversely, board and commission members should discuss a concern about a Council liaison with their respective Chairperson and not go directly to the Mayor or to other Council Members.

Decorum among board and commission members shall be the same as applicable to the Council.

Council liaisons may send updates to the City Council through the City Clerk within one month of advisory body meetings. Annual Reports are encouraged for all Council appointments.

BOARDS, COMMISSIONS, COMMITTEES, AND TASK FORCES

(Council's Appointed Officials Handbook)

<http://www.hayward-ca.gov/your-government/boards-commissions>

The Council Handbook



Areas to Discuss

- City Council
- Policy Regarding City Council Expression
- Council Referrals
- Council Committees
- Boards, Commissions, Committees, Task Forces

City Council

- Pages 2 to 5
- What issues need to be addressed?
 - › First paragraph doesn't mention being appointed to Council (intro)
 - › Other scenarios for vacancies to be created – appointments should be more clearly defined
 - Start with "...if a council member is elected to the position of mayor or another elected seat"
 - Reword "dies"
 - Define period – 60 consecutive days/3 regular meetings (would be clearer if it were a number of meetings, rather than days), unless the Council has excused (due to military service, leave of absence, or significant event – no proxy voting allowed in the charter)
 - › Elected officers are sworn in after the election has been certified (p.2)
 - › Elected officers should hold office immediately after they've been sworn in (following installation, remove reference to first Tuesday)
 - › In addition to PERS, also participate in PARS – page 5 (Council members cannot be PERS eligible through multiple agencies)
 - › Page 9 – Council member could file a complaint with the mayor, mayor pro tem, or another member of the Council

Policy Regarding Council Expression

- Page 17
- What issues need to be addressed?
 - › Council Handbook needs to be updated to reflect social media requirements (Brown Act covers) – not necessarily in this section
 - › Clean up language (remove “whereas,” references to resolution, etc.)
 - › Page 20 – Council Agenda - guidance on presentation lengths

Council Referrals

- Page 26-28
- What issues need to be addressed?
 - › Prefer to go back to previous system (just get three other votes) – too many people can bring up issues without the majority of the Council
 - Confusion on what was a referral and what was an informational ask
 - › New system is more transparent – consider an in-between process – potentially:
 - specify that issues needed to be raised at regular meetings, not closed session
 - two other Council members on the proposal (Brown Act restraints)
 - committee vetting; referrals vetted at the committee phase;
 - timeline attached; collaborative research;
 - Council member referral should come to full council, one pager, Council votes on direction, goes to a committee to get vetted policy-wise, and then comes back to the full council with a recommendation within a defined policy
 - › Two types of referral – heard from a neighbor/straightforward proclamation/community request vs things that will pull resources from existing work/policy memo – the second should require discussion of what the tradeoffs would be

Council Committees

- Page 46
- What issues need to be addressed?
 - › Inventory of standing committees - clarity on committee prioritization/consolidation
 - › Ad hoc committees will be time-bound, temporary, rules

Boards, Commissions, Committees, Task Forces

- Page 48
- What issues need to be addressed?
 - › Separate conversation – role of the CAP (post policy innovation dialogue?)
 - › Representation/inclusion of indigenous populations (planning commission?)
 - › Small, temporary, ad hoc – subject to Brown Act
 - Max of two terms, and then required break – ensure opportunities
 - How many committees do we want? If we support, when does it happen?
 - › If language is in the charter, does it need to be in the handbook (e.g., establishing/abolishing committee language) – link to the charter language? Appendix?

Additional Topics for Discussion

- Proclamation
- Quasi-Judicial Hearings
- Rules, Decorum, and Order
- Motions
- Ordinances
- Council Liaison

Proclamation

- Page 23
- What issues need to be addressed?
 - › Streamline/clarify language and process (applies to all of these) – appendix from the link
 - › Confirm the definition/differences of proclamation/resolutions
- Page 35 – public comment from home or an alternative location

Quasi-Judicial Hearings

- Page 24
- What issues need to be addressed?
 - › Streamline / clarify language

Rules, Decorum, and Order

- Page 29
- What issues need to be addressed?
 - › Introductory statement “the purpose of the meeting is the business of the City...”
 - › Council members should, when commenting, keep their focus on the issue at hand...
 - › Council Members are encouraged to keep their comments concise and succinct; and to limit their general comments on any item to five minutes once any specific questions on the item have been asked and answered. – page 33
- Lay out the process and order in the handout –statement/questions/argument (after public comment), work sessions are different – clarify the process flow for new members (in the meetings, include slides with categories/actions)

Motions

- Page 39
- What issues need to be addressed?

Ordinances

- Page 44
- What issues need to be addressed?
 - › Transparency, what is the process, clear language
 - › If an ordinance had unanimous approval, goes on the consent agenda in the next meeting. If not unanimous, regular agenda next time

Council Liaison

- Page 47
- What issues need to be addressed?
 - › Process – consistent feedback related to what happened in the meetings (either an update on the agenda – Council reports/announcements)

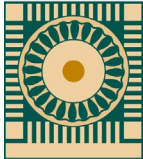


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ATTACHMENT IV

CITY COUNCIL

The elective officers of the City of Hayward shall consist of a Council of seven members, to be composed of six Council Members and a Mayor, all to be elected by the qualified voters of the City at large. [\(Sec. 500, City Charter\)](#)

Commented [CC1]: Reference the possibility for appointment

VACANCY

An elective office becomes vacant when the incumbent thereof dies, resigns, is elected to the position of mayor or other elected seat, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of the incumbent's official duties, or ceases to be a resident of the City, or neglects to qualify within ten days following election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which the incumbent is a member for a like period without being excused by said body.

Commented [CC2]: Consider rewording

Commented [CC3]: Consider "sixty consecutive days or three regular meetings"

Commented [CC4]: Consider giving examples of what would generally be excused (e.g., military service)

A vacancy in an elective office shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next General Municipal Election and until their successor is elected and qualified. At the next General Municipal Election following any such appointment, any person so elected shall serve for the remainder of any unexpired term.

No appointment to fill a vacancy in an elective office shall be made during such time prior to a General Municipal Election that nomination papers may be filed for candidates seeking office at said election.

In the event that Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy. [\(Sec. 501, City Charter\)](#)

If a vacancy is not filled by appointment within thirty days, the Charter mandates a special election. There are expenses incurred for special elections called to fill vacancies of elected offices. The election cost per voter differs according to the type of election (countywide consolidated, standalone or standalone by mail) and the number of registered voters. A cost analysis should be completed before proceeding with a special election.

ELECTIVE OFFICERS

Except as otherwise provided in Section 501 of the Charter, Elective Officers shall hold office for a term of four years from and after the first Tuesday following the certification of their election and shall continue in office until their respective successors qualify.

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When the general municipal election for the election of officers is consolidated with a California State General Election held earlier in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term of office shall be shortened to the first Tuesday following the consolidated election or until a successor qualifies. When the general municipal election for the election of officers is consolidated with a California State General Election held later in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term in office shall be lengthened to the first Tuesday following the consolidated election or until a successor qualifies. [\(Sec. 2-1.15, Hayward Municipal Code\)](#)

Ties among candidates for any office shall be settled by the drawing of lots. [\(Sec. 600, City Charter\)](#)

All members of the Council are encouraged to conduct themselves according to the Code of Fair Campaign Practices, California Elections Code, 20400, Chapter 5. Fair Campaign Practices, Article 1. General Intent.

ELIGIBILITY

No person shall be eligible to be nominated for or hold office as a member of the Council unless the person is a resident and qualified elector of the City or of territory annexed thereto. [\(Sec. 601, City Charter\)](#)

COUNCIL MEMBER TO HOLD NO OTHER OFFICE

No member of the Council shall hold any other city office or city employment, the compensation of which is paid out of municipal funds, nor be elected or appointed to any office created or the compensation of which is increased by the Council, while the Council is a member thereof, until one year after the expiration of the term for which the Council member was elected. [\(Sec. 602, City Charter\)](#)

TRAINING REQUIREMENTS

AB 1234, now [California Government Code Section 53234](#), was signed into law on October 7, 2005. This law requires, among other things, that all local agencies that provide compensation, salary, or a stipend to, or reimburses the expenses, of members of a legislative body must provide Ethics Training to local agency officials by January 1, 2007, and every two years thereafter.

AB 1825, now [California Government Code Section 12950.1](#), requires immediate and

ATTACHMENT IV

continual Sexual Harassment Prevention Training for supervisors. This law increases the training obligations of all employers, that have employees within the State of California, and extends their obligations beyond the training requirements discussed by the U.S. Supreme Court, the Equal Employment Opportunity Commission ("EEOC"), and other federal and state courts and legislative bodies. While AB 1825 does not specifically define "supervisor," the definition contained in the California Fair Employment and Housing Act ("FEHA") will presumably apply. Under the FEHA, a supervisor is any individual having the authority "to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action be taken if the exercise of that authority is not merely routine or clerical in nature, but requires the use of independent judgment. Training is mandatory for all employees who become supervisors after January 1, 2006 within six months of assumption of a supervisory position and a once every two years thereafter.

Members of boards, commissions, task forces and committees established by Council are also required to obtain the above described training.

On October 12, 2010, the City Council adopted [Resolution 10-159](#), which updated the City's Harassment Policy by extending the policy against harassment and retaliation to City Council and all appointees.

Assembly Bill 1661, now [California Government Code Section 53237](#), was signed into law on September 29, 2016. This law requires local agency officials to receive sexual harassment prevention training and education if the local agency provides any type of compensation to those officials. The law also requires an entity that develops curricula to satisfy this requirement to consult with the city attorney regarding its sufficiency and accuracy.

Council Members are encouraged to complete at least five (5) hours per year of ongoing professional development. The League of California Cities and other resources provide training programs, conferences, and other resources to help elected officials stay engaged and informed on matters affecting cities.

Effective 2018, City staff will provide an orientation to members of the City Council upon taking office related to the structure and the operation of City government and legal and ethical duties and responsibilities.

COMPENSATION FOR MEMBERS OF THE CITY COUNCIL

Any compensation to be paid to members of the Council shall be established by ordinance and shall apply to all incumbent members of the Council. The Council may likewise change such

ATTACHMENT IV

compensation; however, such change shall not be effective until one or more members of Council becomes eligible for such change in compensation by virtue of beginning a new term of office. ([Sec. 603, City Charter](#)) Ordinance 01-12 will be updated in 2019.

Compensation for Members of the City Council- reads as follows:

- (a) Each Council Member shall receive compensation for services rendered in an official capacity.
- (b) From and after the fiscal year beginning July 1, 2003 and for each fiscal year thereafter, the compensation for the Mayor and each Council Member may be increased by an amount equivalent to the percent increase in the "Consumer Price Index San Francisco-Oakland Metropolitan Area - All Items," published by the Bureau of Labor Statistics, United States Department of Labor, for the twelve-month period ending June of each fiscal year. However, in no event shall any such increase be greater than 5%.
- (c) In addition, the Mayor and members of Council shall receive reimbursement for Council authorized travel and expenses while on official City duty.
- (d) Each Council Member and the Mayor may make voluntary contribution to deferred compensation benefits under the City of Hayward's Deferred Compensation Plan for employees. The rate of compensation received under this plan by the Mayor and each Council Member shall be the same as that received by Unrepresented Management employees, as amended from time to time.

[\(Section 2-1.10, Hayward Municipal Code\)](#)

BENEFITS

In accordance with the Public Employees' Medical and Hospital Care Act, medical coverage and a dental plan are provided to members of the City Council. ([Resolution 86-310](#) and [97-107](#))

The benefits offered to the City Council are: Medical, Dental, Vision, Life Insurance, and retirement through the California Public Employees Retirement System (PERS). These benefits are optional (with the exception of PERS and life insurance) and are chosen at the discretion of each Council Member. [Council Members who already participate in PERS through another agency are eligible to participate in PARS \(Public Agency Retirement Services\)](#). Cost sharing with the City for these benefits occurs in accordance with [Resolutions 94-045, 11-089, and 14-104](#).

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HARASSMENT AND RETALIATION POLICY

On October 12, 2010, the City Council adopted [Resolution 10-159](#), which updated the City's Harassment Policy, by extending the policy against harassment and retaliation to City Council and all Appointees.

POLICY IN SUPPORT OF A HARASSMENT-FREE, DISCRIMINATION-FREE, AND RETALIATION-FREE WORKPLACE

The Hayward City Council is committed to prohibiting all forms of harassment and discrimination in the workplace that are based upon protected classifications as defined in this policy. In addition, the City Council prohibits retaliation against those who complain of harassment or discrimination. This policy applies to all City Council Members as well as to all Appointees.

Any City Council Member found to be in violation of this policy may be subject to censure by the City Council. Any Appointee found to be in violation of this policy may be subject to dismissal from the appointment.

- I. Definitions.
 - A. Appointee. This refers to any individual appointed as a member of one or more of the City's various boards, commissions, committees and task forces or any City official directly appointed by the City Council (i.e., the City Manager, the City Attorney, or the City Clerk).
 - B. Protected Classifications. This policy prohibits harassment or discrimination because of an individual's actual or perceived protected classification. "Protected classification" includes sex (including gender, gender identity, gender expression, pregnancy, childbirth, and breastfeeding), race, religious creed, color, national origin, ancestry physical or mental disability, medical condition, marital status, age, military and veteran status, genetic information, or sexual orientation (including heterosexuality, homosexuality, and bisexuality).
 - C. Policy Coverage. This policy prohibits City Council Members and Appointees from harassing or discriminating against applicants, officers, officials, employees, volunteers, persons providing services to the City pursuant to a contract, or clients because of: (1) an individual's protected classification; (2)

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the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

- D. Discrimination. This policy prohibits treating an individual differently because of the individual's protected classification.
- E. Harassment. Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy.
 - 1. Verbal Harassment: Includes, but is not limited to, epithets, jokes, comments, or slurs that identify a person on the basis of protected classification, intimate or other nicknames, and comments on appearance or stories that tend to disparage those with a protected classification.
 - 2. Visual Forms of Harassment: Includes, but is not limited to, gestures, posters, notices, bulletins, cartoons, emails, photography, or drawings that tend to disparage those with a protected classification.
 - 3. Physical Harassment: Includes, but is not limited to, the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking or taunting.
 - 4. Sexual Harassment: Is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature which occurs under any one of four circumstances:
 - a. Submission is made either explicitly or implicitly a term or condition of employment, or of a contractual business relationship with the City.
 - b. Submission or rejection by an individual is used as a basis for employment decisions affecting that individual.

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- c. Such conduct has the potential to affect an employee's work performance negatively and/or to create an intimidating, hostile, or otherwise offensive working environment.
- d. Submission or rejection by a client or vendor is used as a basis for making a business decision by the employee or creates an intimidating, hostile, or otherwise offensive working environment.

F. Guidelines for Identifying Harassment.

1. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
2. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
4. Even visual, verbal, and/or physical conduct between two Council Members or two Appointees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, contractor or appointee who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
5. Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over-attention, endearing nicknames).

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6. The conduct of an individual other than a City Council Member or an Appointee, with respect to harassment of employees, applicants or persons providing services pursuant to a contract in the workplace, may violate this policy if the City, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
 7. A single act can violate this policy and provide grounds for appropriate sanctions. Therefore, if in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct and seek guidance from the City Manager's Office or the City's Human Resources Department.
- G. Retaliation. Any adverse conduct taken against an individual by a City Council member or Appointee because the individual has reported harassment or discrimination, or has participated in the Complaint Procedure described below, is prohibited. "Adverse conduct" includes taking sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Any individual who makes a good faith report about harassment or discrimination, who associates with an individual who is involved in reporting harassment or discrimination, or who participates in the complaint and investigation procedure is protected from retaliation.
- II. Complaint Procedure. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee in violation of this policy should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. The City Council encourages prompt reporting of harassment, discrimination, or retaliation so that an investigation can be commenced and if necessary immediate and effective remedial action taken to stop such conduct.
- A. Reporting to the Mayor. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee, should immediately report the conduct orally or in writing to the Mayor; in the event of a complaint against the Mayor, such conduct should be reported to the Mayor Pro Tempore or another member of the Council.

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- B. Confidentiality. The City Council recognizes that confidentiality is important to all parties involved in a harassment, discrimination, and/or retaliation investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.
- C. Duty to Maintain Confidentiality of Interview. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except for discussing it with a representative. Any individual who discusses the content of an investigative interview in breach of this duty will be subject to appropriate remedial action, including censure and/or removal from appointment.

III. Response to Complaint.

- A. Interim Relief. Upon receipt of a harassment, discrimination, or retaliation complaint, the Mayor (or if the complaint is against the Mayor then the Mayor Pro Tempore), with the assistance of the City Manager, may take immediate and appropriate remedial action to stop the conduct at issue and/or to diffuse any volatile circumstances associated with the conduct.
- B. Investigation.
 - 1. Complaint Against a City Council Member or the Mayor: Under this policy, the City Council designates the Mayor to be the investigator of a harassment, discrimination, and/or retaliation complaint against a City Council Member; in the event of a complaint against the Mayor, the Mayor Pro Tempore is the person so designated. The Mayor, at the Mayor's discretion and with the assistance of the City Manager, may retain an experienced private attorney, consultant, investigator, or other specialist who is not an official or employee of the City to conduct the investigation. The investigation shall be commenced as soon as practicable, and the specialist shall be responsible for completing a report on the investigation, to include findings. The investigation will normally include interviews of the reporting individual, the accused and any other individuals who are believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of their interviews and admonish them that retaliation against those who report alleged harassment or discrimination or who participate in the complaint procedure is prohibited. The investigation shall also include, but not be limited to, the retrieval and review of documents or evidence such as work schedules,

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letters, computer records, telephone messages, personnel files, gifts, or cards.

2. **Complaint Against an Appointee:** Upon receipt of a complaint against an Appointee, the Mayor shall refer the complaint to the City Manager for investigation. The City Manager shall have the discretion to use city staff or an outside investigator to conduct the investigation. Such investigation shall be conducted consistent with the guidelines set forth in Section III(B)(1) above.
- C. **Investigation of Unreported Potential Violations.** The City Council takes a proactive approach to the problem of harassment, discrimination, and retaliation, and the Mayor (or the Mayor Pro Tempore) will initiate an investigation consistent with this policy if the Mayor becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or a third party reports a potential violation.
- D. **Action.**
1. **City Council Member or Mayor:** If the specialist's report concludes that harassment, discrimination, or retaliation in violation of the City Council policy prohibiting harassment, discrimination, and retaliation has occurred, the Mayor (or Mayor Pro Tempore) shall present the report to the City Council for further action, if any, consistent with its legal obligations. Such action for a City Council Member may include, but not be limited to, censure.
 2. **Appointee:** Upon completion of the report, the City Manager shall forward it and a recommendation to the Mayor and the City Council. Possible action for an Appointee includes, but is not limited to, dismissal from appointment.
- E. **Option to Report to Outside Administrative Agencies.** Individuals also have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book.
- F. This policy is not to be construed nor is it intended to prohibit mutually welcome, social relationships freely entered into between people and which have no impact on the workplace.

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IV. Individual Responsibilities.

- A. Individual City Council Member or Appointee. A City Council Member or an Appointee is required to:
1. Conduct him or herself consistently with the anti-harassment, anti-discrimination, and anti-retaliation policy as set forth herein; and
 2. Report any act which he or she believes in good faith constitutes harassment, discrimination, or retaliation, as defined herein, to the Mayor (or the Mayor Pro Tempore); and
 3. Maintain the confidentiality of any investigation conducted pursuant to this policy by not disclosing the substance of any investigatory interview, except for discussing it with a representative; and
 4. Cooperate fully with such investigation into alleged violations of this policy by responding fully and truthfully to all questions posed during the investigation; and
 5. Be familiar with this policy and modeling behavior that is consistent with it; and
 6. Report any potential violations of this policy of which he or she becomes aware.

COUNCIL OFFICE BUDGET AND EXPENDITURE GUIDELINES

The City Council adopts an annual City budget for all services. The Council holds budget work sessions in May and June, which are open to the public. The draft budget is also scheduled for a public hearing in June at a City Council meeting and adopted at the following City Council meeting.

As part of the annual budget adoption, the City Council may appropriate budgets for each Councilmember and the Mayor to utilize in the execution of the duties of their respective offices.

The use of these funds must always be in compliance with the City's purchasing policies, the Employee Expense Reimbursement Policy, and other applicable City policies and procedures. In addition, the Council has established the following additional policies to govern the use of these funds:

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- 1) Councilmembers and the Mayor can be reimbursed for actual and necessary expenses incurred in the performance of official duties, subject to budget, applicable laws, ethical standards, and procedures established by Council. An expense will not be reimbursable if it is paid for or reimbursed by another entity or person.
- 2) Expenses may be incurred for the following activities:
 - a) Attending educational seminars or seminars designed to improve elected officials' skill and/or information level;
 - b) Purchase of books or educational materials that will be returned to the City at the end of the term of office;
 - c) Participating in regional, state, and national organizations whose activities affect the City's interests or where the Councilmember serves as the appointed voting delegate (or alternate) or where the Councilmember serves on a Committee or is asked to share the City's expertise;
 - d) Attending City-sponsored events or functions where payment shall be made for the Councilmember only to participate;
 - e) Communicating with representatives of regional, state and national government on City-adopted policy positions when such trips have been preapproved and authorized by the whole Council; and
 - f) Other expenses approved by the City Council in advance of their incurrence.
- 3) Reimbursable expenses may include (and in compliance with the City's Employee Expense Reimbursement Policy): registration fees; transportation; lodging; meals (excluding alcohol); and long-distance phone calls/internet connectivity (used for City business).

Administrative Rule 2.51 – Employee Expense Reimbursement Policy

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MAYOR

POWERS AND DUTIES

The Mayor shall be the Mayor at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of the Mayor and the Mayor Pro Tempore, the Council shall elect a temporary presiding officer to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

The elected Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Courts for the purpose of serving civil processes. The Mayor shall be the presiding officer of the Council and shall preside at the meetings of the Council for the purpose of determining the presence of a quorum. The Mayor shall be entitled to a vote on all matters coming before the Council but shall possess no veto power. The Mayor may use the title of Mayor in all cases, but the same shall not be construed as conferring upon him/her administrative or judicial functions or other powers or functions of a Mayor under the general laws of the State. ([Sec. 604, City Charter](#))

SIGNING OF DOCUMENTS

The Mayor, or Mayor Pro Tempore in the absence of the Mayor, shall sign ordinances adopted by the City Council.

MAYOR PRO TEMPORE

In even number years, the Council shall elect the Mayor Pro Tempore following the installation of those newly elected Council Members. In odd years, the Council shall elect the Mayor Pro Tempore at the end of the calendar year.

The Mayor Pro Tempore shall serve at the pleasure of the Council for the term of one year and shall be elected and removed by the affirmative votes of at least five (5) members of Council.

The Council shall elect a Council Member with the most seniority as a Council Member and who has not previously served as Mayor Pro Tempore. In the event two Council Members begin service in the same year, the Council Member with the highest number of votes will serve as Mayor Pro Tempore. (See [City Council Minutes, 4/28/92](#))

Prior to being elected as Mayor Pro Tempore, a Council Member shall have served at least two years on the Council. The term of the Mayor Pro Tempore shall be based on the calendar year January 1st to December 31st. ([Resolution 98-120](#) and [Council Minutes, 6/26/01](#))

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The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. [\(Sec. 605, City Charter\)](#)

PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and Council Members shall not be deprived of any of the rights and privileges of a Council Member by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the Council, the Presiding Officer should consider turning the Chair over to another member.

QUESTION TO BE STATED

The Presiding Officer shall orally restate each question immediately prior to calling for the vote. Following the vote, the Mayor or City Clerk shall announce whether the question carried or was defeated for the benefit of the cable television audience.

MAINTENANCE OF ORDER

The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No Council person, staff or member of the audience is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

POWERS OF COUNCIL

All powers of the City shall be vested in the Council, subject to the provisions of this Charter and to the Constitution of the State of California. The Council may establish the method by which any of such powers may be exercised. [\(Sec. 606, City Charter\)](#)

MEETINGS OF COUNCIL

The Council shall, by ordinance or resolution, provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All meetings of the Council, whether regular or special, shall be open to the public. [\(Sec. 607, City Charter\)](#)

PARTICIPATION BY MEMBERS OF THE PUBLIC

No public member shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak on the subject of any special meetings. [\(Sec. 609, City Charter\)](#)

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ADMINISTERING OATHS - SUBPOENAS

Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of the State. [\(Sec. 610, City Charter\)](#)

RULES OF PROCEEDING

The Council shall determine its own rules of procedure and may punish its members for disorderly conduct and compel their attendance at Council meetings. [\(Sec. 611, City Charter\)](#)

NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE

Neither the Council nor any of its members shall interfere with the execution by the City Manager of the City Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or removal there from. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The City Manager shall take orders and instructions from the City Council only when it is sitting in a lawfully held meeting. [\(Sec. 705, City Charter\)](#)

Inquiry is defined as a request for information readily available, without need for extensive research or study by subordinates of the City Manager.

All other requests are to go directly to or through the City Manager.

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

Commented [CC5]: May need more explicit reference to the Brown Act/social media requirements in the Handbook (not necessarily this section)

~~Whereas, f~~From time to time the City Council ~~is receives~~ request~~sed~~ to make an official statement with regard to State, Federal and International issues. ~~These issues, may not affect some of which have no effect upon~~ the administration of local affairs ~~of in~~ the City of Hayward, ~~and/or which~~ the City Council, as a legislative body, ~~cannot does not have~~ exercise jurisdiction ~~to address these issues over same; and,~~

~~Whereas, it would appear that statements to be made with regard to such State, Federal and International issues should be made only as an expression of individual opinion and not as an official statement of this City Council.~~

~~Now, Therefore, Be it Resolved by the City Council of the City of Hayward that said Council does hereby adopt as a City Council has adopted a~~ policy that official City Council expression should not be given on State, Federal, and International issues ~~which that~~ have no direct effect upon the administration of the local affairs of the City of Hayward or ~~which where~~ the City of Hayward, as a municipal corporation, cannot exercise any jurisdiction over such matters. Statements related to these issues should be made only as an expression of individual opinion.

~~Be it further resolved that the aforesaid statement of This~~ policy is not intended to ~~foreclose disallow~~ the rights of any person to make a public presentation to the City Council on such issues nor to impinge upon the right of any individual Council Member to give personal views on such matters. [\(Res. 77-209, May 24, 1977\)](#)

HAYWARD LEGISLATIVE PROGRAM

On a semi-regular basis, the City Council adopts a Hayward Legislative Program which outlines the legislative priorities of the City of Hayward. The Legislative Program can be accessed on the link below.

<https://www.hayward-ca.gov/your-government/programs/legislative-program>

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The City's legislative program helps provide direction to staff and the City's legislative advocates in Sacramento and Washington D.C. The program informs interested parties of the City's stances on legislation, state-wide referenda, grant funding opportunity, or local/regional ballot measures. Additionally, this program serves as a basis for action regarding any piece of federal or state legislation or funding opportunity.-

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MEETINGS

MEETINGS - OFFICIAL ACTIONS

Except as hereinafter provided, all meetings of the Council shall be held in the Council Chamber, City Hall, 777 B Street, Hayward, California. In the event any meeting is held elsewhere, a notice setting forth the time and place thereof shall be conspicuously posted on the entrance door to the Council Chamber during the time such meeting is in progress. ([Sec. 2-1.00, Municipal Code](#))

TIME OF REGULAR MEETINGS

The time of regular meetings of the Council shall be as specified from time to time by resolution of the City Council. ([Sec. 2-1.00, Municipal Code](#))

On December 15, 2009, the City Council adopted [Resolution 09-189](#), which changed the hour of Council meetings to seven (7) o'clock p.m. Council also incorporated Work Session meetings within the regular meetings. Normally, meetings of the City Council are held the first, third, and fourth Tuesdays of each month at the hour of seven (7) o'clock p.m. Meetings may be cancelled on these days or added on the second and fifth Tuesdays by the Mayor or City Manager as determined by workload.

It shall be the policy of the Council that, if at all possible, agenda items shall not be considered past the hour of midnight.

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SPECIAL MEETINGS/ CALLING/ NOTICE

A special meeting may be called at any time by the Presiding Officer of the Council, or by a majority of the members, by delivering written notice to each member of the Council, and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site and any distribution via digital communications. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice, in accordance with the Ralph M. Brown Act ([G.C. Section 54956](#)).

An emergency meeting may be called at any time if emergency circumstances exist, or dire emergency circumstances exist, with notice at least one hour prior to such meeting, or with no advance notice if circumstances warrant and telephone communications are unavailable, in accordance with the Ralph M. Brown Act (G.C. Section 54956.5).

As the Council, as a whole, also serves as the Redevelopment Successor Agency, the Hayward Public Finance Authority, the Geologic Hazard Abatement District Board, and the Housing Authority for the City of Hayward. Special joint meetings may be conducted in order to conduct business relative to each agency. The Hayward Redevelopment Agency was dissolved on February 1, 2012. The City of Hayward chose to become the Successor Agency to the Redevelopment Agency.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at said meeting.

The City Council shall strive to hold a meeting outside of City Hall and in another part of the community at least once a year.

RULES OF ORDER

The proceedings of the Council shall be governed under "[Robert's Rules of Order](#)" on all matters pertaining to parliamentary law; however, no action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow said rules. ([Sec. 2-1.03, Municipal Code](#))

QUORUM

A majority of the City Council (4) shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business. ([Sec. 608, City Charter](#))

No ordinance of resolution shall be passed or become effective without receiving the

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affirmative votes of at least four members of the Council. [\(Sec. 614, City Charter\)](#)

CALL TO ORDER

The meeting of the Council shall be called to order by the Mayor or in the Mayor's absence by the Mayor Pro Tempore. In the absence of both the Mayor and the Mayor Pro Tempore, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

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AGENDA

When scheduling items for City Council meetings, staff should consider the number of items being placed on each agenda and the estimated time that each item requires. Staff should strive to provide well-balanced agendas for all City Council meetings throughout the year. Although there might be rare occasions where a long meeting is necessary, a series of long meetings should be avoided by balancing the content of each agenda.

ORDER OF BUSINESS

The following shall constitute the order of business to be followed in conducting regular meetings of the Council:

- Call to Order
- Salute to Flag
- Roll Call
- Closed Session Announcement
- Presentation/Proclamation
- Public Comments * (for matters not otherwise listed on the agenda or informational staff presentation items)
- Consent
- Work Session
- Hearing
- Legislative Business
- Information Items
- City Manager's Comments
- Council Reports and Announcements
- Council Referrals
- Adjournment

Commented [CC6]: Consider including guidance on presentation length

**The printed agenda for each regular meeting shall include the following statement:*

Public Comments for Council Meeting Agendas shall read:

The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation 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. ([Res. 02-058, May 7, 2002](#))

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(Agenda Revisions: [City Manager's Weekly Report - November 25, 2009](#))

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, determine that the need to take action on an item arose after the agenda was posted. If fewer than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented. Other exceptions are provided for emergencies, as defined, and certain continued hearings. Upon amending a work session agenda, no action would be taken on the underlying issue.

POSTING OF AGENDA

The City Clerk is directed to post a copy of the agenda in the lobby of City Hall, the bulletin board outside City Hall and at the Main Library not less than 72 hours prior to each regular meeting, and not less than 24 hours prior to each special meeting to be held by the City Council. The City Clerk is further directed to maintain a log of the date and time each agenda is posted.

DELIVERY OF AGENDA

If practicable, the agenda and agenda item reports will be available for Council Members each Thursday afternoon, or Friday if the preceding Monday was a holiday.

The agenda shall also be available to the general public, via posting to the City's website and electronic mail, at the time it is delivered to the City Council.

SUSPENDING ORDER OF BUSINESS

The regular order of business may be suspended by a majority vote of the members present for the accommodation of persons present, or for any other purpose. ([Sec. 2-1.06, Municipal Code](#))

CLOSED SESSIONS

Council meets from time to time in closed sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to the public and news media. Matters discussed in closed sessions are considered **confidential**. If an action is taken, a public announcement will be made. These are:

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(1) Labor Relations

Closed sessions held at such times where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.

As a matter of policy, Council acknowledges that the City and its taxpayers are best served if positions authorized during such sessions are represented as those of the Council as a whole. Members of the City Council agree that positions and agreements shall not be divulged.

(2) Security or Emergencies

Arrangements made to address threats to the City or its property must be kept confidential;

(3) Personnel Sessions

Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

(4) Litigation

Closed sessions to consider potential or pending litigation in which the city or an officer or employee is or could be a party;

Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position;

(5) Real Property Negotiations

Closed sessions to meet with negotiators over specific real state sites;

Prior to the closed session, the negotiator, the site, and the properties' representatives must be identified.

Confidential Communications in Closed Session

To address a long-standing problem associated with confidential communications in closed

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session and how to maintain the confidentiality of such discussions, in 2003, the Legislature passed Assembly Bill 1945 (“AB 1945”), which states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council, or upon advice of the legal counsel or negotiator handling the matter. In the event someone violates this provision, the statute gives the legislative body three options to address the violation: (1) The body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) If the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; or (3) If the person disclosing the information is a member of the legislative body, the public entity may refer that person to the grand jury.

CLOSED SESSION ANNOUNCEMENT

Following a closed session, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce whether there is or is not reportable action. If there is reportable action, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce such action, including a report of how each member of the Council voted on the item.

PRESENTATION

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline. The City Clerk shall coordinate the scheduling of presentations with the Mayor.

PROCLAMATION

From time to time, the Mayor will recognize extraordinary Hayward residents and community members through letters, certificates, proclamations, and adjournments. Proclamations are legal documents that declare a day, week, or month in honor of a cause, individual, or occasion significant to the City of Hayward and its residents.

The guidelines for proclamation submittals can be found on the City’s website at this link:

<https://www.hayward-ca.gov/content/guidelines-mayorcouncil-ceremonial-documents-events-adjournments>

CONSENT CALENDAR

Commented [CC7]: Clarify the process, streamline the language

Commented [CC8]: Clarify the difference between proclamations and resolutions

Commented [CC9]: Consider creating an appendix with this information

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Items of a routine nature, and non-controversial, including Approval of Minutes, shall be placed under the Consent agenda at the City Manager's discretion. All items may be approved by one blanket motion upon unanimous consent. Any Council Member or any member of the public may request that any item be withdrawn from the consent agenda for separate consideration. (Council Action, March 18, 1997)

WORK SESSION

When a work session is required, Council Members will meet at City Hall unless otherwise noticed according to State law. Members of the public are encouraged to attend work sessions. Comments on an item appearing in the work session section of the agenda follows staff's presentation.

Except for the procedural motions required by the Brown Act which may be made at a work session (and which are discussed more fully in the section "Amended Agenda") no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings being to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions.

A Work Session presentation and discussion shall be limited to one hour.

PUBLIC HEARINGS

Public Hearings:

A public hearing is a legally mandated process that occurs during the public meeting of a local decision-making body, such as a city council meeting. Public hearings serve two functions: First, to obtain public testimony or comment on specific legislative decisions or policy matters such as a proposed annual budget or ordinance. The second function is to provide due process to an individual or party making an appeal to or request of the legislative body, such as a hearing regarding the denial of a permit or license. A public hearing is required only when a specific federal, state, or local law requires one to be held on a particular issue.

Notice for Public Hearings:

A law that requires a public hearing to be held will also generally include the requirements for providing notice of the public hearing.

QUASI-JUDICIAL HEARINGS

Commented [CC10]: Further describe process

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The procedures for quasi-judicial hearings shall be determined on a case-by-case basis and the City Attorney shall advise the City Council in this regard.

LEGISLATIVE BUSINESS

Legislative business is any policy-related item that is not legally required to have a public hearing, but which is deserving of or benefits from public discussion. In many respects, a legislative business item looks the same as a public hearing - the only difference is the type of legal notice given prior to the meeting. In fact, some legislative business items may warrant the type of noticing typically associated with public hearings but doing so is discretionary and should only be done on a case-by-case basis. Applying the public hearing approach to legislative business is appropriate when there is a high degree of public interest in a topic, when the Council has not had sufficient exposure to the facts, circumstances or opinions informing the decision they are being asked to make, when there is a controversial topic that divides the community or the Council, or when the actions being considered have the potential to impact a large number of residents.

Notice for Legislative Business:

Publication of the agenda prior to the scheduled legislative item is generally sufficient notice for legislative business items. However, in the interest of inclusion and transparency, staff may choose to send notices to interested parties, deliver flyers to the affected neighborhood, or otherwise alert those known or thought to be likely interested in the matter. Similarly, staff may provide advance notice to parties identifying the likely date something may come before Council. Administrative Rule 1.25

Generally, public hearing as well as legislative business items, other than those of a quasi-judicial nature (quasi-judicial matters are those matters where the City Council is interpreting and applying regulations, such as consideration on use permits or zoning issues), shall be conducted in the following order:

- staff reviews the recommendation
- questions of staff by Council
- hearing opened by Mayor
- hearing closed by Mayor
- discussion and questions by Council
- action by Council

Questions and comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per

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individual. Applicants and/or appellants desiring to address the City Council shall limit their presentation to ten (10) minutes. The Mayor or Presiding Officer will call forward individuals who wish to address the City Council. At the discretion of the Mayor, two or more speakers may be called at a time to help facilitate the public testimony.

Council Members should not speak to an issue until the public hearing has been closed. If a Council Member has met with a proponent/developer or opponent of subject hearing, the Council Member should acknowledge such meeting prior to opening of the hearing at the Council meeting.

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of Council Members addressed through the Chair.

INFORMATION ITEMS

The Information Items section was added on September 23, 2014, to present information to Council and the public in the form of a transparent, written report, which does not ask for any Council action. The public can comment on "Information Items" during the Public Comments section. If the Council wishes to discuss or take action on any "Information Items", the Council will direct staff to bring the item forward on a future Council agenda as an action item.

CITY MANAGER'S COMMENTS

The City Manager's Comments section was added on September 23, 2014, to provide an opportunity for the City Manager to verbally report on upcoming activities, events, or other items of interest or concern to the Council and the public.

COUNCIL REPORTS AND ANNOUNCEMENTS

During the Council Reports section of the agenda, a Council Member may report on attendance of intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities) or make an announcement.

COUNCIL REFERRALS

The intent of the Council Referral section is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the City Council. This policy described below 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.

Commented [CC11]: Mayor to designate a task force and/or have a work session related to the Council Referrals process.

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Any Council member may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council.

Part 1: Council members wishing to refer a matter to the City Council for discussion will:

- A. Prior to preparing a Council Referral Memo, Council members can consult with the appropriate Council Appointed Officer to determine whether the issue can be addressed as part of existing operational authority and with current budgeted resources.
- B. The Referring Council Member will submit a Council Referral Memo (not to exceed two pages) describing the Referral. The Council Referral Memo can outline the policy issue, overall outcome or desired objective, desired timeline, identification of key stakeholder groups that might need to be consulted, and/or other pertinent information that will clarify for Council the policy issue desired for Council discussion.
- C. The Referring Council Member will notify the City Manager, or the City Manager's designee, via telephone, email, or in person and convey that the Council member has a Council Referral Memo to place on the agenda and the desired Council meeting date, a week prior to the Council meeting. This will give the City Clerk time to finalize the agenda and post it within the required timeframe. Requests received after this one-week deadline will be placed on the agenda for the following regularly scheduled Council meeting.

Staff will not devote time preparing reports or analysis on the requested item. The limited staff assistance provided, at this initial stage of the Council referral, would be to help the Council member clarify and/or frame the issue, if needed, so that the Council and public clearly understand the request.

Part 2: Council Consideration of the Council Referral Memo:

- A. When the item is called at the Council meeting, the Referring Council Member who made the request may describe the policy issue the Council Member wishes to place on a future agenda.
- B. The Council discussion will be limited to determining whether staff time and City resources should be devoted to researching the particular agenda item and whether to direct staff to conduct further analysis on the item. Council will not take action on the agenda item itself. Concurrence that staff

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time and City resources will be devoted to the item does not signify approval of the item. It only indicates that the Council wishes to have the item studied further. Additionally, the Council may, at any time, decide to drop the matter, even after the matter has been analyzed by staff.

- C. Upon the concurrence of a majority of the Council that the item should be researched and placed on a future Council agenda, referred to a Council Committee, staff, or closed session, depending on the topic and/or action sought by Council, the City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations. The City Manager will maintain a log of such referrals, the date of the referrals, and the projected dates the referred matter will be agendized for further consideration.
- D. Council member comments on Council Referral items are limited to clarifying questions and whether or not staff resources should be spent researching the issue and whether or not Council member(s) support referring the item to a Council Committee, staff, or placed on a future Council agenda. No discussion on the item will be held at this initial stage of the Council referral.
- E. If- a member of the public wishes to address the Council -on Council Referrals, public comments -will be limited to one (1) minute per person to relay to Council whether or not they support staff spending resources researching the item and placing it on a future Council agenda.
- F. The Mayor / Presiding Officer will ask the submitter of the Council Referral Memorandum to make a Motion, ask for a second, then take roll call.
- G. If there are no Council Referrals, indicate "None Submitted" in this section of the Agenda.

ADJOURNMENT

When any member requests that a meeting be adjourned and a tree planted in memory of an individual recently deceased, the Mayor shall so adjourn the meeting and staff shall arrange for a tree to be planted.

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RULES, DECORUM, AND ORDER

Commented [CC12]: Include an introductory statement "the purpose of the meeting is the business of the City..."

POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall sustain or reverse the Presiding Officer's determination.

DECORUM AND ORDER – COUNCIL MEMBERS

Commented [CC13]: PROCESS NOTE: Lay out the process and order in the handout - statement/questions/argument (after public comment), work sessions are different - clarify the process flow for new members (in the meetings, include slides with categories/actions)

(a) Any Council Member desiring to speak shall address the Chair and, upon recognition by the Mayor, shall confine himself/herself to the question under debate.

(b) A Council Member desiring to question a staff member shall address questions to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose.

(c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

(d) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Council Member shall be permitted to proceed. If ruled to be not in order, the Council Member shall remain silent or shall alter remarks so as to comply with rules of the Council.

(e) Council Members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

(f) Any Council Member may move to require the Mayor to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

(g) [Section 611 of the City Charter](#) provides that the City Council may determine its own rules of procedure, may punish its members for disorderly conduct, and compel their attendance at Council meetings. In addition to the sanctions identified herein, the failure of the Mayor or a Council Member to observe these rules of decorum may warrant the Member's removal from the Council Chambers in accordance with the procedures

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described in the section entitled “Enforcement of Decorum.”

Sanctions and Procedures for Violations of Rules of Decorum and Order

(h) Council Members who fail to observe these rules of Decorum and Order, or violate any state or federal law, the City Charter, or any City ordinance or policy, may be reprimanded or formally censured, lose seniority or committee assignments (both within the City of Hayward or with inter-government agencies), have official travel restricted or be ordered to attend Council meetings, if the Council Member is absent without justification. Serious infractions of these rules of Decorum and Order could lead to other sanctions as deemed appropriate by the Council, including, but not limited to, referral to the Alameda District Attorney and/or Civil Grand Jury if the conduct is egregious or allegedly criminal in nature. Council Members should point out to the offending Council Member any perceived infraction of these rules of Decorum and Order as it occurs. No Council Member shall be reprimanded, sanctioned or censured for the exercise of the Member’s First Amendment rights. However, nothing herein shall be construed to prohibit the City Council from individually or collectively condemning or expressing disapproval of behavior in violation of these rules.

(i) It is the responsibility of the Mayor to initiate formal action if a Council Member’s behavior may warrant reprimand, sanction, or censure. If no action is taken by the Mayor, action on the alleged violation may be placed on a future agenda for consideration by a majority of the full Council.

(j) Reprimand is the least severe form of action for a violation of these rules and may be issued by majority vote of the City Council without findings of fact or investigation. Reprimand is not considered a sanction or censure.

(k) Formal censure, loss of seniority or committee assignments and travel restrictions may be requested by any Council Member in writing submitted to the Mayor. The written request must set forth specific allegations of violations of state or federal law, the City Charter, or City ordinances or policies, including these rules of Decorum and Order, upon which the proposed sanction is based. If the Mayor determines that the request for censure or sanction warrants Council consideration, the request shall be scheduled for consideration by the Council at the next regularly scheduled Council meeting. If a majority of the Council wishes to take action on the request for sanction or censure, the request shall be scheduled for public hearing far enough in advance to give the affected Council Member adequate time to prepare a response to the request. The Council Member shall be given the opportunity to make opening and closing statements; to present or question witnesses; and is entitled to be represented by an advisor or counsel of the Member’s choosing. The Mayor, or the Mayor Pro Tempore if the Mayor is the subject of the sanction request, shall preside over the proceedings. The rules of evidence shall not apply. The City Attorney or

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designee shall provide legal advice to the Council, as needed. A decision to censure or impose other sanction requires the adoption of a resolution containing findings with respect to the specific charges, based on substantial evidence, by a two-thirds vote of the Council.

DECORUM AND ORDER - EMPLOYEES

Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, City Attorney, and City Clerk, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

DECORUM AND ORDER - PUBLIC

Members of the Public attending Council meetings shall observe the same rules of order and decorum applicable to the Council

Each person who addresses the Council from the podium shall do so in an orderly manner and shall not make personal, slanderous, or profane remarks to any member of the Council, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting, whether from the podium or in the audience, may, at the discretion of the Mayor after observance of the procedure for enforcement of decorum described below, be escorted from Council Chambers and barred from further audience before the Council during that meeting. These rules shall be enforced as set forth in the section entitled "Enforcement of Decorum."

ENFORCEMENT OF DECORUM

The Chief of Police or the Chief's representative shall be ex-officio Sergeant-at-Arms of the Council. The Chief of Police shall carry out all orders and instructions given him/her by the Mayor for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Mayor, it shall be the duty of the Chief of Police or a representative of the Chief to eject any person from the Council Chambers or place said person under arrest or both.

As set forth in the Brown Act ([Government Code Section 54957.9](#)), in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of

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individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in the section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Decorum and order shall be enforced in the following manner:

(a) Warnings. The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the Council to regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order the speaker to leave the Council meeting. If the person does not depart the Council chambers of their own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the Council to escort that person from the Council chambers.

(b) Text for Warning. The Mayor shall deliver the requisite warning in substantially the following form:

You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to Council Chambers for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?

(c) Removal. Any law enforcement officer who is serving as Sergeant-at-Arms of the Council shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the Council meeting any person who is disturbing the proceedings of the Council. Removal of a disruptive member of the public from Council Chambers shall be accomplished by the Sergeant-at-Arms or other

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sworn law enforcement officers only.

(d) Misdemeanor. Any person who willfully disturbs or breaks up a Council meeting may be arrested and charged with a misdemeanor, pursuant to [California Penal Code Section 403](#).

(e) Motion to Enforce. If the Mayor fails to enforce the rules set forth above, any member of the Council may move to require the Mayor to do so and, by an affirmative vote of a majority of the Council, shall require the Mayor to do so. If the Mayor of the Council fails to carry out the will of a majority of the Council, the majority may designate the Mayor Pro Tempore to act as Presiding Officer for the limited purpose of enforcing these rules of decorum.

Attendance at Council Meetings does not provide individuals or groups immunity of protection when their conduct is in violation of any other laws (California Penal Code, City of Hayward Municipal Code, etc.). The Sergeant-at-Arms should and will be called upon by the Mayor to enforce these laws at Council Meetings.

POLICY REGARDING CABLE TELEVISION BROADCAST OF CITY MEETINGS

It shall be the policy of the City Council of the City of Hayward to broadcast public meetings held in the Council Chamber over cable television from the beginning of that meeting through adjournment without interruption. Meetings may be videotaped, or audio recorded as long as the activity does not constitute a disruption of the meeting. [\(Res. 94-049, March 8, 1994\)](#)

PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which the Member's integrity, character, or motives are assailed, questioned or impugned.

CONFLICT OF INTEREST (Disqualifications)

All Council Members are subject to the provisions of California Law, such as [Chapter 7, Title 9, of the California Government Code](#), relative to conflicts of interest, and to the conflict of interest code adopted by resolution of the Hayward City Council.

If a Council Member, after receiving the agenda packet, believes or is aware that the Council Member has a potential conflict, the Council Member should confer with the City Attorney prior to the meeting.

Any Council Member who has a conflict of interest shall abstain themselves from the Council

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Chamber during the debate and voting on the issue. The Council is prohibited by law to enter into contracts with its members. [\(Government Code Section 1090 et seq.\)](#)

LIMITATION OF DEBATE AND COUNCIL MEMBER DELIBERATIONS

No Council Member should speak more than once on any one subject until every other member choosing to speak thereon has spoken. Council Members are encouraged to keep their comments concise and succinct; and to limit their general comments on any item to five minutes once any specific questions on the item have been asked and answered. (Also, see Section VII under "Time Limitations")

DISSENT AND PROTESTS

Any member shall have the right to express dissent from or protest to any action of the Council and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clear by language such as "I would like the minutes to show that I am opposed to this action for the following reasons..."

PROCEDURES IN ABSENCE OF RULES

Except as modified by the provisions of this handbook, the proceedings of the City Council shall be governed by Robert's Rules of Order Newly Revised.

RULINGS OF CHAIR FINAL UNLESS OVERRULED

In presiding over Council meetings, the Mayor, Mayor Pro Tempore or temporary Presiding Officer shall decide all questions of interpretations of these rules, points of order or other questions of procedure, requiring rulings.

Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Member present and voting.

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ADDRESSING THE COUNCIL

MANNER OF ADDRESSING THE COUNCIL/PUBLIC COMMENT

Any public member may arise and address the Council on any business especially concerning the public member, or affecting their interests; however, preference will be given to those who have first presented matters in the form of a written communication, or who have notified the Presiding Officer/Mayor of their desire to speak. ([Sec. 2-1.04, Municipal Code](#); [Sec. 609, City Charter](#))

Any member of the public desiring to address the Council shall complete a "speaker card" and hand it to the City Clerk. The City Clerk will advise the Mayor. Public speakers will be called in the order received by the City Clerk. The Mayor will announce the names from the speaker cards. Once the public member's name is called, the public member should proceed to the podium and wait to be recognized by the Mayor. After being recognized, public members shall speak directly into the microphone and for the record, may state their name and city of residence.

Commented [CC14]: Clarify that public comments can occur from an alternative location during virtual meetings

The Mayor will allow up to one hour for comments from the public which are not the subject of an agenda item to be heard at the beginning of the posted agenda under the heading "Public Comments." The balance of the public comments which are not the subject of an agenda item will be heard before City Manager Comments. Any public comments on items on the agenda may speak when their agenda item is being considered.

Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on an item not appearing on its posted agenda. Therefore, any issue raised under the "Public Comments" section of the agenda will be referred to staff for a decision about placing it on a future agenda for discussion, action, or report.

TIME LIMITATION

Individual Speakers

Any member of the public desiring to address the Council shall be limited to three (3) minutes unless less or further time has been granted by the Mayor or in accordance with the section under Public Hearings. Mayor has the discretion to shorten or lengthen the maximum time members may speak. The Mayor has discretion to hear the balance of public comments, which are not the subject of an agenda item, depending on the number of speaker cards remaining.

[Government Code Section 54954.3](#) states that if the City Council limits time for public comment, the City Council shall provide at least twice the allotted time to a member of the public who utilizes an interpreter to ensure that non-English speakers receive the same

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opportunity to directly address the Council. This shall not apply if the City Council utilizes simultaneous translation equipment.

Applicants and/or Appellants

Any applicant and/or appellant desiring to address the City Council shall limit their address to ten (10) minutes. This time limit will not be applied to speakers to whom constitutional due process applies. The City Attorney shall advise the City Council on this regard.

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ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no person shall address the Council except to answer an inquiry of Council Members addressed through the Chair.

LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

The making of oral communications to the Council by any member of the public shall be subject to the following limitations:

- (1) No speaker shall be permitted to address the Council on a topic which is currently before or about to be submitted for consideration by a city commission, board, or other agency before which the speaker should make the presentation, until that latter body has completed its deliberations and taken its final action.
- (2) In case the speaker should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communication to the Council outside that procedure.

The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. (See Section VII for "Time Limitations for Individual Speakers").

If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue and request that they not be redundant. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

No statement shall be allowed to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her. All charges or complaints against employees shall be referred without comment to the City Manager for appropriate action and may also be submitted to members of the Council for information by written communication only.

WRITTEN CORRESPONDENCE

The City Clerk is authorized to receive and open all mail addressed to the Council as a whole and refer to the City Manager, for immediate attention, those communications related to administrative business, not necessarily requiring Council action, so that they may be disposed of between Council Meetings. A copy of such communication and response shall be sent to each Council Member marked "For Purposes of Information." Copies of all other

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communications sent to Council as a whole will be transmitted to them.

Any communication relating to a matter pending, or to be brought, before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions of the Municipal Code or other ordinances. Communications specifically addressed to individual council members will be transmitted to them unopened.

Any non-confidential writings or documents related to an agenda item submitted to a majority of the Council less than 72 hours prior to a public meeting will be made available for public inspection in the Office of the City Clerk. Any documents related to an item on the agenda provided by City staff to the Mayor and City Council at the meeting must be available to the public at that meeting. ([SB 343, Brown Act amendment, July 1, 2008](#))

PERSONS AUTHORIZED TO BE WITHIN PLATFORM

No person except City officials shall be permitted within the platform area in front of the Council dais without the invitation or consent of the Presiding Officer.

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MOTIONS

Commented [CC15]: Streamline/clarify text

PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Mayor before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it. A Council member will request to speak, be recognized by the Presiding Officer, and verbally move the item and wait for a seconder.

BUSINESS ITEMS OUT OF ORDER

The Mayor may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

DIVISION OF QUESTION

If the question contains two or more divisible propositions, the Mayor may, upon request of a member, (unless appealed) divide same.

MOTION TO FIX HOUR OF ADJOURNMENT

Any regular meeting can be adjourned to a stated date, time, and place.

MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table is not debatable and shall preclude all amendments or debate of the subject under consideration.

MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

MOTION TO AMEND

A friendly amendment shall be in order if it is consented to by both the maker of the motion and the second. A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Substitute

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motions are not allowed. Amendments shall be voted upon first. The main motion shall then be voted on either as amended or as originally stated, if the amendment failed to pass.

CONTINUANCE OF MATTERS

- (1) The City Council ordinarily will grant one continuance of a matter in the event it creates an inconvenience or hardship to a member of the public. Request for such a continuance should, if at all possible, be made at least five (5) days before the scheduled agenda date, and the continuance shall be to a date mutually agreeable to all parties.
- (2) (a) When five (5) or fewer members of the Council are present at the scheduled meeting, a request for a continuance may be made once in order that the matter may be scheduled for a time when more than five (5) members are expected to be present.

(b) Requests for continuance when there are five (5) or fewer members present shall be granted unless State law or local regulations require that action be taken at that time, or if the failure to act in a timely manner would create legal or financial jeopardy or substantially impair the City's operations.

(c) Regardless of the number of Council Members present, or request of a member of the public, any Council Member may exercise a personal prerogative to have an item continued once unless State law or local regulations require that action be taken at that time or if the failure to act in a timely manner would create legal or financial jeopardy or substantially impair the City's operations. Exercising this personal prerogative will not count as a request for continuance per (2)(a) and (2)(b) above.
- (3) If a matter is continued, the Mayor will ask if those present who wish to speak to the matter can return at a later date. Those individuals who cannot, will be given the opportunity to speak on the matter and said comments shall be made part of the record to be considered at the continued date. Such persons shall not repeat statements so made at the continued date; however, further comment shall be allowed where new material is presented.

COUNCIL MEMBER OBLIGATION WHEN ABSENT

When a member of Council is absent from an earlier meeting at which a matter is discussed, it shall be the duty of such member to become acquainted with the issues discussed by reading the minutes, the documents presented, and, if possible, the electronic recording of such discussion.

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VOTING PROCEDURE

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. Abstentions shall also be recorded. [\[Sec. 613, City Charter\]](#)

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. [\[Sec. 614, City Charter\]](#)

RECONSIDERATION

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council and held not less than one week after the meeting at which such motion is made. [\[Sec. 618, City Charter\]](#)

TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes another action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by Council. Official actions are those quasi judicial actions such as made by Planning Commission wherein fewer than four votes sustain their action.

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RESOLUTIONS

DEFINITIONS

As a rule, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document. In this City, however, two methods of action are in general use to accomplish such non-ordinance actions: "resolution" and "motion" (the latter recorded by minute entry). The two are equally as legally effective and binding; they vary in the formality of respective memorialization. The more formal is referred to as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence, and preserved in a separate set of books. Such "resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

The "motion" (assuming it was one which passed) is a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it. In this City, procedural actions (such as a motion to continue a hearing) are always done by motion, and, in addition, many administrative matters (such as directing the City Manager to furnish a report) are done by motion.

METHOD OF ACTION

Legislative action shall be taken by the Council only by means of an ordinance or resolution. ([Sec. 612, City Charter](#))

An ordinance or resolution may be adopted by a motion, duly seconded, and passed by four (4) votes of the City Council.

AYES AND NOES

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the Minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. ([Sec. 613, City Charter](#))

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MAJORITY VOTE OF COUNCIL

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. [\(Sec. 614, City Charter\)](#)

SUBJECT OF TITLE

Every ordinance or resolution shall be preceded by a brief title which shall indicate the subject and purport thereof. [\(Sec. 615, City Charter\)](#)

RESOLUTIONS PREPARED IN ADVANCE

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed earlier and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

ATTACHMENT IV

ORDINANCES

Commented [CC16]: Clarify process/language

REQUIREMENTS OF ORDINANCES

Except as hereafter provided, no ordinance shall be adopted by the Council on the day of its introduction, nor within one week thereafter, nor at any time other than at a duly assembled meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall be adopted at a meeting held at least one week after the date of such alteration.

At the time of introduction or adoption of an ordinance the title need only be read, unless reading of the ordinance in full is requested by any member of Council.

EMERGENCY ORDINANCES

Any ordinance declared by the Council to be necessary as an emergency 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 affirmative votes.

PUBLICATION REQUIREMENTS

Commented [CC17]: Note: If an ordinance had unanimous approval, goes on the consent agenda in the next meeting. If not unanimous, regular agenda next time

Before final adoption of an ordinance, a notice indicating its title, a subject matter index, the date of its introduction, and the date, time, and place it will be considered for final adoption, and that copies of the full text thereof are available for examination by the public in the office of the City Clerk, shall be published once in a newspaper of general circulation within the City at least three days before the final adoption meeting date.

A similar notice indicating the adoption of an emergency ordinance and the vote thereon shall be published once within one week after its adoption. ([Sec. 617, City Charter](#))

The enacting clause of all ordinances adopted by the Council shall be substantially as follows: "The Council of the City of Hayward does ordain as follows." ([Sec. 616, City Charter](#))

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made. ([Sec. 618, City Charter](#))

All ordinances shall be signed by the Mayor and attested by the City Clerk. ([Sec. 619, City](#)

ATTACHMENT IV

[Charter](#)

ATTACHMENT IV

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following which shall take effect 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 the Charter.
- (e) An ordinance annexing areas to the City.
- (f) An ordinance relating to the zoning or rezoning of the City or portions thereof. [\[Sec. 620, City Charter\]](#)

A true and correct copy of all ordinances shall be kept and certified by the City Clerk, such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

[\[Sec. 621, City Charter\]](#)

Any or all ordinances of the city which have been enacted in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to the code shall be enacted in the same manner as herein required for the amendment of ordinances generally. [\[Sec. 622, City Charter\]](#)

ORDINANCE VIOLATION - PENALTY

A violation of any ordinance of the City shall constitute a misdemeanor unless by the terms of such ordinance its violation shall constitute an infraction. A violation of any ordinance of the

ATTACHMENT IV

City may be prosecuted in the name of the People of the State of California or may be redressed by civil action. [\(Sec. 623, City Charter\)](#)

ATTACHMENT IV

COUNCIL COMMITTEES AND APPOINTMENTS TO ALAMEDA COUNTY AGENCIES AND OTHER REGIONAL BOARDS

The Council may organize among its members such standing committees as it may determine, each of which shall act as a fact-finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by Council and making recommendations thereon to the Council as a whole. ([Sec. 600a, City Charter](#))

Each Council Member shall be assigned by the Mayor to various standing committees, including Alameda County agencies and other regional boards. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other committee members. Attendance will be reported annually to the Mayor and Council for Mayor's appointees.

From time to time Ad Hoc committees may be organized by the Mayor to address special concerns which may be of short duration. Additionally, each Council Member shall be assigned by the Mayor as Liaison to various boards, committees and commissions, and other public agencies or quasi-public agencies.

It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to these various committees. Normally appointments are for a two-year period but may be renewed at the Mayor's discretion where Council Members have particular experience or expertise with respect to the business of a particular committee.

STANDING COMMITTEES

The list of standing and Ad Hoc committees and liaison assignments shall be revised from time to time as necessary.

Commented [CC18]: Include an inventory of standing committees; provide information on committee prioritization/consolidation; state that ad hoc committees are temporary and time-bounded

COUNCIL COMMITTEE MEETINGS

- (1) All Council Committees must comply with the Brown Act.
- (2) A Council Member other than Council Committee Members may attend a regular committee meeting. However, a Council Member shall not participate in the decision-making process of the Committee.
- (3) It is the policy not to hold joint Council-Committee meetings. An item that might be

ATTACHMENT IV

considered for such meeting should be scheduled for a work session of the whole Council.

On March 13, 2015, the City Attorney provided a memorandum to clarify the application of the Brown Act to the Council's standing and ad hoc committees.

COUNCIL LIAISON

The Mayor shall designate a member of Council to be a liaison to each city board and commission. The method and length of appointment shall be as provided above in the section on Council Committees.

Commented [CC19]: Insert a section on Council Liaison's reporting back to the regular Council (in reports/announcements)

RESPONSIBILITY OF COUNCIL LIAISON

It shall be the responsibility of a Council liaison to attend as many board or commission meetings as possible in order to be currently aware of issues being dealt with, to listen and observe, and to bring back to the Council any needs, requests, or information from a board or commission. A Council Liaison shall not take part in the deliberations of the commission. The Council liaison also plays an important role informing and advising the Council's appointed bodies.

LIAISON AND COMMISSION MEMBER DECORUM

Council liaison and members of boards and commissions have a mutual obligation to accord the utmost courtesy to one another and shall refrain from rude and derogatory remarks, abusive comments, or other chastising, particularly in public.

If a Council liaison has a specific concern about the behavior and/or statements of an individual board or commission member, the Council liaison should bring it first to the attention of the board or commission Chairperson in private. If no resolution is affected, then the matter should be brought to the attention of the Mayor for action.

Conversely, board and commission members should discuss a concern about a Council liaison with their respective Chairperson and not go directly to the Mayor or to other Council Members.

Decorum among board and commission members shall be the same as applicable to the Council.

Council liaisons may send updates to the City Council through the City Clerk within one month of advisory body meetings. Annual Reports are encouraged for all Council appointments.

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BOARDS, COMMISSIONS, COMMITTEES, AND TASK FORCES

(Council's Appointed Officials Handbook)

<http://www.hayward-ca.gov/your-government/boards-commissions>

Commented [CC20]: Include language related to representation and inclusion of indigenous populations; clarify eligibility (e.g., maximum of two terms with a required break) and preferred number of committees

Commented [CC21]: Should this be included as an appendix?

**Attachment V 2019 Survey of Other CA Cities Referral Processes
April 20, 2021**

| CITY NAME | AGENDA LINK | REFERRAL PROCESS | SECTION ON THE AGENDA | ACTION |
|-------------|---|--|---|--|
| Diamond Bar | http://diamondbarca.igm2.com/Citizens/FileOpen.aspx?Type=14&ID=1440&Inline=True | 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 | http://legistar1.granicus.com/alameda/meetings/2019/3/4756_A_City_Council_19-03-19_Meeting_Agenda.pdf | 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 | http://www.cityoflivermore.net/civicax/filebank/documents/6014 | 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 | http://emeryville.legistar1.com/emeryville/meetings/2019/3/1639_A_City_Council_19-03-19_Agenda.pdf | Verbal request during the meeting - <i>Majority support is needed.</i> | Future Agenda Item Requests from Council Members. | |
| Dublin | http://www.ci.dublin.ca.us/ArchiveCenter/ViewFile/Item/939 | 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 | https://sanleandro.legistar.com/View.ashx?M=A&ID=679927&GUID=2357A8A9-7BE5-462D-B060-58C1996C3D1F | 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 | http://www.newark.org/home/showdocument?id=4819 | Informal request to City Manager or during a Council meeting. | Oral Communications | |
| Albany | http://albanyca.granicus.com/GeneratedAgendaViewer.php?view_id=2&clip_id=1961 | 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. | |

**Attachment V 2019 Survey of Other CA Cities Referral Processes
April 20, 2021**

| CITY NAME | AGENDA LINK | REFERRAL PROCESS | SECTION ON THE AGENDA | ACTION |
|--------------|---|---|--|---|
| Berkeley | https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/02-26_Revised_Agenda_pdf.aspx | 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 | http://walnutcreek.granicus.com/GeneratedAgendaViewer.php?view_id=12&clip_id=3695 | 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 | https://sanjose.legistar.com/View.ashx?M=A&ID=661123&GUID=2FE36454-090A-4686-BEEE-86AA1EE84180 | 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 | http://weblink.cityofpleasantonca.gov/weblink/0/doc/282792/Page1.aspx | 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 | https://unioncity.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=279&MinutesMeetingID=273&doctype=Agenda | 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 | http://fremontcityca.igam2.com/Citizens/FileOpen.aspx?Type=14&ID=1499&Inline=True | 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. |

**Attachment V 2019 Survey of Other CA Cities Referral Processes
April 20, 2021**

| CITY NAME | AGENDA LINK | REFERRAL PROCESS | SECTION ON THE AGENDA | ACTION |
|-------------|---|---|--|---|
| Palo Alto | https://paloaltocityca.igq2.com/Citizens/FileOpen.aspx?Type=14&ID=2304&Inline=True | "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 | http://belmont-ca.granicus.com/GeneratedAgendaViewer.php?view_id=2&event_id=625 | 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 | http://docs.bakersfieldcity.us/weblink/0/doc/1409028/Page1.aspx | 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. | |

Council Referral Process Survey

1. Name:

2. Where would you prefer that the first discussion of Council referrals take place?

- Public section of closed session meetings
- Regular City Council meetings
- At the appropriate Committee meeting

3. Do you have more thoughts on where the process should take place or would you like to elaborate on your answer to Question 2?

4. Should Council referral votes be recorded in meeting minutes?

- Yes
- No

ATTACHMENT VI: Council Survey Questionnaire

5. Do you have more thoughts on recording Council referral votes or would you like to elaborate on your answer to Question 4?

6. What form should Council referrals take?

- Verbal request
- Brief memo (2 pages or less)
- Whitepaper/policy brief (longer than memo, cited, etc.)

7. Do you have more thoughts on the form Council referrals should take or would you like to elaborate on your answer to Question 6?

8. Should a Council referral memo require more than one Councilmember signatory before being added to the agenda?

- Yes
- No

9. If yes, how many Councilmembers should sign a memo before it can be agendized?

ATTACHMENT VI: Council Survey Questionnaire

10. Should there be a cost/complexity threshold for when referrals are incorporated into the strategic planning or budget process?

Yes

No

11. Do you have more thoughts on when a referral belongs in the Council's annual planning and priority-setting processes or would you like to elaborate on your answer to Question 8?

12. Is there anything else you would like to share with staff and your colleagues regarding changes to the Council referral process?

Done

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ATTACHMENT VI: Council Survey Questionnaire

[Privacy & Cookie Policy](#)

Council Referral Process Survey

Thursday, April 15, 2021

7

Total Responses

Date Created: Friday, April 09, 2021

Complete Responses: 7

Q2: Where would you prefer that the first discussion of Council referrals take place? ATTACHMENT VII

Answered: 7 Skipped: 0

| ANSWER CHOICES | RESPONSES | |
|---|-----------|---|
| Public section of closed session meetings | 14.29% | 1 |
| Regular City Council meetings | 42.86% | 3 |
| At the appropriate Committee meeting | 42.86% | 3 |
| TOTAL | | 7 |

Q4: Should Council referral votes be recorded in meeting minutes?

Answered: 7 Skipped: 0

| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|---|
| Yes | 100.00% | 7 |
| No | 0.00% | 0 |
| TOTAL | | 7 |

Q6: What form should Council referrals take?

Answered: 7 Skipped: 0

| ANSWER CHOICES | RESPONSES | |
|---|-----------|---|
| Verbal request | 28.57% | 2 |
| Brief memo (2 pages or less) | 57.14% | 4 |
| Whitepaper/policy brief (longer than memo, cited, etc.) | 14.29% | 1 |
| TOTAL | | 7 |

Q8: Should a Council referral memo require more than one Councilmember signatory before being added to the agenda?

Answered: 7 Skipped: 0

| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|---|
| Yes | 71.43% | 5 |
| No | 28.57% | 2 |
| TOTAL | | 7 |

Q10: Should there be a cost/complexity threshold for when referrals are incorporated into the strategic planning or budget process?

Answered: 6 Skipped: 1

| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|---|
| Yes | 83.33% | 5 |
| No | 16.67% | 1 |
| TOTAL | | 6 |

**Responses from Hayward Councilmembers to Survey on Council Referrals
April 20, 2021**

ATTACHMENT VII

| | | | |
|--|--|--|--|
| <p>3. Do you have more thoughts on where the process should take place or would you like to elaborate on your answer to where discussion of Council referrals should occur?</p> | <p>I think it's important to keep the public informed of topics under possible consideration. I would like the referral item to be brought forward during our 7 pm public meeting. A one page memo should be included and reference the appropriate Council Committee to further discuss and recommend details of the said referral. A public vote should occur on whether or not to advance the referral. I'm open to the idea of having one to two additional council members sign on as co-authors of the referral. Public comments should remain to 2 min as to whether or not the council should support the referral. There should also be a firm deadline of receipt of referrals to be included in agenda packet if the deadline is not met, the referral can be considered at a later date.</p> | <p>Should be an open discussion with input by all.</p> | <p>If the referral does not relate to a specific Council committee, think it should be made verbally by the referring CM under the referral section of the agenda.</p> |
| <p>5. Do you have more thoughts on recording Council referral votes or would you like to elaborate on your answer to Question 4?</p> | <p>We should take a formal vote.</p> | <p>The previous 4 nods where also recorded.</p> | <p>The verbal referral should be voted on after it is moved by the referring CM unless the motion does not receive a second.</p> |

**Responses from Hayward Councilmembers to Survey on Council Referrals
April 20, 2021**

ATTACHMENT VII

| | | | |
|---|--|---|--|
| <p>7. Do you have more thoughts on the form Council referrals should take or would you like to elaborate on your answer to Question 6?</p> | <p>Please see response in question #3.</p> | <p>Verbal request is my preference, but will along with a ONE page memo.</p> | <p>Discussion should be limited to brief questions from CMs. We would probably have to take public comments, although they should be limited as they are in the current process.</p> |
| <p>9. If Council referral memos should require more than one Councilmember signatory, how many Councilmembers should sign a memo before it can be agendized?</p> | <p>2-3</p> | <p>Three is a good number.</p> | <p>I answered no, but if we do require more than one CM, it should be limited to 2 CMs total so as to minimize potential Brown Act violations.</p> |
| <p>11. Do you have more thoughts on when a referral belongs in the Council's annual planning and priority-setting processes or would you like to elaborate on your answer to Question 8?</p> | <p>Referrals should align with enhancing strategic road map goals to allow for emerging needs.</p> | <p>Yes. If we have no funds, we should not be requesting anything.</p> | <p>While there should not be a threshold, the staff report when the item is brought back should include an analysis of the financial and staff resources that would be needed to proceed.</p> |
| <p>12. Is there anything else you would like to share with staff and your colleagues regarding changes to the Council referral process?</p> | <p>I'd like to see us pilot the new approach for 6-9 months to assess if it's working for the majority of council members.</p> | <p>Not at the moment. Let's see what comes up during discussion. Thank you.</p> | <p>I would prefer to revert to our former practice on referrals with the exceptions that the referrals should be made during an open Council Meeting under a regularly agendized Referral item, and the Council vote should be by roll call and recorded in the minutes.</p> |

**Responses from Hayward Councilmembers to Survey on Council Referrals
April 20, 2021**

ATTACHMENT VII

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|--|--|---|---|---|
| <p>3. Do you have more thoughts on where the process should take place or would you like to elaborate on your answer to where discussion of Council referrals should occur?</p> | <p>Ideally, referrals are incorporated into the normal business of the Council/City. For example, new initiatives are brought up during strategic planning. Expansions/redirections of existing efforts are brought up during related agenda items in a Council Meeting or during Committee Meetings or at Regional Bodies. Ideas are explored during 1:1 meetings with CAO's. Items that cannot be handled in one of these ways, should be brought up in the appropriate Committee by the interested Committee Member. If the Council Member is not on that Committee could they submit an item to a committee for consideration? I'm guessing this action would be a Brown Act violation, but thought I'd double check. Assuming a referral to a committee from a non-member is a Brown Act violation, then I suggest a worksession of the Council to share and vet ideas among Council. It would be recommended, but not required that Council Members submit written information prior to the worksession, which will become part of the agenda packet, but no Staff Report would be part of the process. During the worksession, Staff could comment. Ideally, this worksession would happen no more than once a year, but, may need to be more frequent. The worksession would not add any new major initiatives. At most, it would authorize Staff research on an item as current referrals do.</p> | <p>I'm fine with city council as well. Due to brown act I can't gather info from more than 2 and it's difficult to plan or make sure the idea is out there and I would like everyone's input.</p> | <p>- the policy proposal must be public and voted on - with a record - that was the whole problem of the original process</p> | <p>Referrals ought to start in the appropriate committee.</p> |
| <p>5. Do you have more thoughts on recording Council referral votes or would you like to elaborate on your answer to Question 4?</p> | | | <p>Transparency is important. Referrals (must be tracked) - everyone has a platform to deliver on - it is a political position. Votes must be accounted for - that is the position of leadership. This is a public office with a public record on items. Equity matters - one person - even on council should be able to raise an issue - the vote from all allows it to be killed or passed.</p> | |

**Responses from Hayward Councilmembers to Survey on Council Referrals
April 20, 2021**

ATTACHMENT VII

| | | | | |
|---|--|--|---|--|
| <p>7. Do you have more thoughts on the form Council referrals should take or would you like to elaborate on your answer to Question 6?</p> | <p>Two pages seems about right, generally, however, what I am most concerned with is the clarity of the idea. What will change must be articulated. What is the problem that is proposed to be solved? Why is this answer the suggested solution to that problem? How would it be funded? Staffed? In what way is this need not already addressed in the myriad things we are already doing? What does this item take precedence over and why? Or, What is suggested to stop so that this suggestion can happen? Does this item address the root cause of the problem?</p> | | <p>I think it can be short or long. I think including the concept, links, other briefings is useful - so I'm open to a written concept. Verbal creates a lot of misunderstandings - as this was also a part of the original process that was the problem.</p> | <p>A well thought out policy brief explaining problem, scope of problem, historical attempts to solve the problems, alignment to priorities, and the proposed referral. Just a thought</p> |
| <p>9. If Council referral memos should require more than one Councilmember signatory, how many Councilmembers should sign a memo before it can be agendized?</p> | <p>If an item is coming to a committee, then, I think only one can bring it forward? If we are resuming the former process, then three is needed. If the worksession idea is utilized, one can bring the idea, four would be needed for it to move forward in any way.</p> | <p>2</p> | <p>1 - no other city requires multiple people - the vote is democratic.</p> | <p>3</p> |
| <p>11. Do you have more thoughts on when a referral belongs in the Council's annual planning and priority-setting processes or would you like to elaborate on your answer to Question 8?</p> | <p>If it requires substantial staff time and/or funds to implement</p> | <p>As with public comment all ideas should be heard. Staff can provide a recommendation of what falls off if it's not part of the strategic plan</p> | <p>I think referrals should be at any time of the year. The cost should come back in the staff report. But I don't want staff/cost to limit policy proposals. This can and should be discussed but based on timing not disqualification of the policy proposal.</p> | |
| <p>12. Is there anything else you would like to share with staff and your colleagues regarding changes to the Council referral process?</p> | <p>I feel strongly that we need to evaluate the goal of the referral process as a starting place. If the goal is political gain, then we leave the process as it is now. If the process is to have an avenue to address or to get ahead of emerging needs in the community, then we need a process that allows ideas to be vetted by Council before we expend resources.</p> | | <p>-I want it to be an easy process for everyone. Most importantly, it must be public, transparent, and recorded - but also well-thought out. Policy work is difficult and not always popular or a simple topic but to get good work done, we have to be the leaders to move on difficult decisions. You always have a vote for or against a topic.</p> | |



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: RPT 21-051

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Informational Report on the Annual Review of City Issued Debt

RECOMMENDATION

That the Council receives the Annual Review of City Issued Debt report.

SUMMARY

This report provides an update of the City's issued debt and includes the City's most recent credit rating issued by Fitch Ratings in October 2020.

ATTACHMENTS

Attachment I Staff Report



DATE: April 20, 2021
TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Informational Report on the Annual Review of City Issued Debt

RECOMMENDATION

That the Council receives the Annual Review of City Issued Debt report.

SUMMARY

This report provides an update of the City's issued debt and includes the City's most recent credit rating issued by Fitch Ratings in October 2020.

BACKGROUND

The City of Hayward, like most cities and municipal agencies, incurs and manages debt as part of the normal course of business, leveraging different financing instruments to provide immediate access to funding for significant capital projects, equipment, and other specific projects. City staff prepares informational sections included in the City's annual budget document and the annual financial statements that summarize the City's debt. Throughout the year, this information comes in various forms to the Council and the Council Budget and Finance Committee (CBFC); however, this report is meant to provide a comprehensive summary of the entire debt portfolio. The CBFC reviewed a draft of this report at their March 17, 2021 regular meeting.

DISCUSSION

The City uses debt to finance the cost of capital improvements through various debt instruments (see list below). Debt service payments are generally made on an installment basis, typically annually or semiannually. This document contains debt service information for the General Fund and all other funds, including anticipated debt issuances that will be issued prior to the end of the fiscal year as have been approved by Council during the FY 2021 budget process or by separate resolution. Debt service payments of previously issued debt, as well as planned issuances, are budgeted and approved annually by the Council – these obligations are funded through identified tax and/or fee supported revenues that include the General Fund, Enterprise Funds, and Internal Service Funds.

Debt Instruments – The City and Successor Agency of the Hayward Redevelopment Agency currently maintain the following types of debt:

- Certificates of Participation
- Revenue Bonds
- Private Placement Bonds
- California Energy Commission (CEC) Loan
- Lease-Purchase Agreements
- State Water Resources Control Board (SWRCB) Loan
- Special Tax Bonds (CFD only) & Limited Obligation Improvement Bonds (LID only)
- Tax Allocation Bonds (Successor Agency only)
- Loans Payable (Energy Efficient Loan)

| City-Issued Long-Term Debt | Debt as of 6/30/2021 |
|---|-------------------------|
| Certificate of Participation | \$63,006,930 |
| Private Placement Bonds | \$14,876,662 |
| Lease-Purchase Agreements | \$827,276 |
| Special Tax Bonds (CFDs only) & Limited Obligation Improvement Bonds (LID only) | \$5,010,776 |
| Internal Fund to Fund Loans | \$3,016,479 |
| Tax Allocation Bonds (Successor Agency Only) | \$30,630,057 |
| Total Government Activity Debt | \$117,368,180 |
| State Water Resources Control Board (SWRCB) Loan | \$36,083,947 |
| Revenue Bonds | \$2,630,000 |
| Loans Payable (Energy Efficient Loan) | \$3,487,665 |
| Total Business-Type Activity Debt | \$42,201,612 |
| Total City-Issued Long-Term Debt | \$159,569,792 |

City-Issued Debt

The City’s Annual Comprehensive Financial Report (ACFR¹) and annual budget document both contain further detail on the various debt issuances with explanations of uses and sources of funds. Hayward is a charter city and, as such, legally does not have a debt limit. A useful tool for comparison to peer agencies, who are subject to this limit, is to calculate what the legal debt limit and margin would be **if** Hayward were a general law city. This calculation and information are described below.

Debt Limit & Margin

- The legal bonded debt limit for the City is \$3.3 billion. The City does not have any bonded debt that is subject to this limitation – resulting in a legal bonded debt margin of

¹ The City is working to switch the acronym CAFR to ACFR consistent with guidance from GASB and GFOA due to the similarities this acronym presents with a derogatory racial slur in South African English:
<https://tax.thomsonreuters.com/news/gasb-advances-talks-to-eliminate-offensive-slur-from-acronym-for-comprehensive-annual-financial-report/>

the entire \$3.3 billion. However, if the City's debts were subject to this limit, the City has issued \$92.1 million of outstanding debt, which is approximately \$3.2 billion below the limit.

- The City's projected General Bonded Debt Outstanding as of June 30, 2021 will total \$92.1 million and represents 0.41% of taxable property value or \$568 per capita.

Debt Limit Computation (projected June 30, 2021) –

| | |
|--|--------------------|
| Total FY 2021 projected assessed valuation | \$ 22,139,497,137 |
| Debt limit (15% of assessed value) | \$ 3,320,924,571 |
| Amount of legal debt applicable to the debt limit | \$ 92,109,571 |
| Legal debt margin (if Hayward were a general law city) | \$ 3,320,924,571 |
| Amount above or (below) Legal Debt Margin | (\$ 3,228,815,000) |

New Debt

While the City acted as a conduit on issuing debt for other agencies, it has not authorized or issued new debt of its own in FY 2021.

Credit Ratings

Credit ratings are opinions about credit risk; they are published by a rating agency that has analyzed the City's ability and willingness to meet its financial obligations in accordance with the terms of the debt obligations. Credit ratings have a significant impact on the interest rate the City will pay when issuing debt. In October 2020, Fitch Ratings issued a rating of AA+ assigning a positive outlook primarily attributed to the City's strong revenue growth prospects, moderate long-term liability, moderately-elevated fixed costs, and historically strong reserves. A critical component of the rating agency review is the City's financial management status - i.e., appropriate reserve levels, plans to reduce liabilities, fiscal policies, etc. If the City fails to maintain these areas of fiscal control, the City could see a reduction in future ratings.

ECONOMIC IMPACT

There is no economic impact associated with this report as it is informational only.

FISCAL IMPACT

There is no fiscal impact associated with this report as it is informational only.

STRATEGIC INITIATIVES

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

SUSTAINABILITY FEATURES

There are no sustainability features associated with this report as it is informational only.

PUBLIC CONTACT

The agenda for this item was posted in compliance with the California Brown Act.

NEXT STEPS

Staff will continue to actively monitor the City's debt levels and report annually to the Council Budget and Finance Committee and full City Council.

Prepared by: Nicholas Mullins, Management Analyst I
Nicole Gonzales, Deputy Director of Finance

Recommended by: Dustin Claussen, Director of Finance

Approved by:



Kelly McAadoo, City Manager



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: RPT 21-052

DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Informational Report on Annual City Benefit Liabilities and Funding Plan Review

RECOMMENDATION

That the Council accepts this report on the status of the City's benefit liabilities and current policies regarding funding the City's benefit liabilities.

SUMMARY

This report provides an update to the City's benefit liabilities and funding plans. The City actively manages its benefit liabilities and completes actuarial valuations for many of its long-term benefit liabilities on a regular basis. This report provides an overview of the balances and funding status of the City's benefit liabilities.

ATTACHMENTS

Attachment I Staff Report



DATE: April 20, 2021

TO: Mayor and City Council

FROM: Director of Finance

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SUMMARY

This report provides an update to the City's benefit liabilities and funding plans. The City actively manages its benefit liabilities and completes actuarial valuations for many of its long-term benefit liabilities on a regular basis. This report provides an overview of the balances and funding status of the City's benefit liabilities.

BACKGROUND

The City of Hayward, like all cities and municipal agencies, manages unfunded benefit liabilities as part of its financial picture. In 2013, staff began providing the Council Budget & Finance Committee and the City Council with an annual review of the City's benefit liabilities and funding plan for unfunded liabilities.

Unfunded liabilities are defined as identifiable obligations of an organization for which the organization does not have 100 percent of the funding (cash or other assets) set aside to cover the cost should all obligations become immediately and simultaneously due. Generally, an organization operates based on policies that attempt to find a responsible balance between funding the appropriate portion of these obligations, the associated risk that the unfunded portion of the obligations presents to the organization, and responsible and realistic management of the organization's resources.

Achieving this careful balance is considered the practical and responsible approach since payment demands of these obligations rarely, if ever, occur simultaneously. The alternative would be to fully fund the obligations, eliminating the liability for the present time, which can present challenges in meeting current operating expense obligations. In 2020, as recommended by the Committee and the Council, the City established a Section 115 irrevocable trust for the prepayment of retiree medical liabilities. Staff will continue to provide updates on the funding status of the City's unfunded liabilities on an ongoing basis.

In addition to reporting to Council each year regarding these benefit liabilities, a draft of this report was reviewed by the Council Budget & Finance Committee at their March 17, 2021 regular meeting.

DISCUSSION

The City actively manages its benefit liabilities and completes actuarial valuations for benefit liabilities except for accrued leave payouts (analysis conducted by staff). These valuations consider the economic, demographic, and historical compositions of the benefit programs and establish amounts that the City should set aside each year to fund its benefit-related financial obligations. It is critical that the City continue to manage and address its benefit liabilities to ensure long-term fiscal stability. Actuarial valuations identify the Annual Required Contribution (ARC) an agency should make toward the funding of the benefit and the liabilities. This is essentially the minimum funding amount that should be responsibly made by any organization. The ARC is generally comprised of two elements: a portion of funding for current costs (sometimes referred to as “pay go”) and a portion of funding for future costs (the Unfunded Actuarial Liability or UAL).

As bond rating agencies review the City’s debt, they actively consider the level of the City’s unfunded benefit liabilities and the economic pressure this places on the City. Failure to meet the minimum recommended funding levels or implement a plan to achieve full funding of the ARC and/or a long-term plan to pay down the future liabilities could have a negative impact on future bond ratings – with a possible resultant increase in the cost of borrowing should the City seek to incur new debt or wish to finance existing debt.

Table 1 provides a summary of the City’s benefit liabilities and current levels of funding based on the most recent actuarial valuations. Each of these benefit liabilities is unique in its structure and the degree of funding varies depending on the benefit.

Table 1: Summary of Benefit Liabilities (in millions)

| <i>(in millions)</i> | Actuarial Valuation Date | Accrued Liability | Value of Assets | Funded Ratio | Unfunded Liability | Unfunded Ratio |
|--|--------------------------|--------------------|------------------|--------------|--------------------|----------------|
| CalPERS Police Safety Plan | 6/30/2019 | \$ 423.47 | \$ 254.65 | 60.1% | \$ 168.82 | 39.9% |
| CalPERS Fire Safety Plan | 6/30/2019 | \$ 319.41 | \$ 193.65 | 60.6% | \$ 125.76 | 39.4% |
| CalPERS Miscellaneous Plan | 6/30/2019 | \$ 489.72 | \$ 317.39 | 64.8% | \$ 172.33 | 35.2% |
| Total Cal PERS | | \$ 1,232.60 | \$ 765.70 | 61.9% | \$ 466.91 | 38.1% |
| OPEB - Retiree Medical Police Officers | 6/30/2020 | \$ 37.30 | \$ 3.13 | 8.4% | \$ 34.17 | 91.6% |
| OPEB - Retiree Medical Firefighters | 6/30/2020 | \$ 17.09 | \$ 2.19 | 12.8% | \$ 14.89 | 87.2% |
| OPEB - Retiree Medical Miscellaneous | 6/30/2020 | \$ 23.36 | \$ 2.97 | 12.7% | \$ 20.39 | 87.3% |
| Total OPEB-Retiree Medical | | \$ 77.75 | \$ 8.29 | 10.7% | \$ 69.46 | 89.3% |
| Workers' Compensation | 6/30/2019 | \$ 24.36 | \$ 19.53 | 80.2% | \$ 4.83 | 19.8% |
| Accrued Leave Payouts | 6/30/2020 | \$ 9.51 | \$ - | 0.0% | \$ 9.51 | 100% |
| TOTAL | | \$ 1,344.22 | \$ 793.52 | 59.0% | \$ 550.71 | 41.0% |

Acceptable or Best Practice levels of funding vary by liability type. In general, funding these liabilities at a level in the 75 – 80 percent range is considered adequate and sustainable.

California Public Employee Retirement System (CalPERS)

Current annual cost: \$49.9 million

Unfunded Liability: \$466.91 million

Benefit Summary – CalPERS is a defined benefit pension plan funded by a combination of employee and employer contributions. The City’s retirement benefit plans represent the largest benefit liability and CalPERS retirement rates continue to be one of the most significant citywide budgetary pressures. This same budgetary stress is felt by the State of California and the over 2,000 public entities statewide that contract with the California Public Employees’ Retirement System (CalPERS) for pension benefits. When CalPERS performs its actuarial analysis, it uses data from previous fiscal years; for example, the employer rates for Fiscal Year 2021 are based on data as of June 30, 2019.

The City contributes to three plans: Police Safety Plan; Fire Safety Plan; and Miscellaneous Employee Plan (all non-sworn employees). All full-time and part-time benefited employees are required to participate in CalPERS. The three plans are independent of one another with different contract plan amendments negotiated over the years through the collective bargaining process. Assets and liabilities of each plan are segregated with no cross subsidization from one plan to another.

CalPERS Retirement Rates – The cost of the retirement plans is broken into Employee Contribution rates (fixed) and Employer Contribution rates (variable). Both rates are a percent of projected payroll. The Employee Contribution is fixed and is based on the pension plan formula (generally 9 percent for public safety plans and 7 percent or 8 percent for miscellaneous plans). The Public Employees’ Pension Reform Act of 2013 (PEPRA) introduced new benefit formulas effective January 1, 2013 that affect new employees to the City that have not previously been part of the CalPERS system. While there is little immediate financial benefit to the City with this “two-tiered” system, the long-term benefit of lower retiree costs may be significant.

Many of the City’s bargaining groups contribute beyond the CalPERS defined Employee Contribution portion and “pick-up” a portion of the Employer Contribution: 6 percent for sworn police and fire personnel and between 3-5 percent for all non-sworn personnel (pursuant to bargaining unit agreements). The Employer rates displayed in Table 1 represent the full employer cost according to and as assessed by CalPERS, this rate does not reflect the negotiated cost-sharing “pick-up” agreements, as these agreements do not affect the overall cost of CalPERS.

Over the last several years, the CalPERS Board of Administration has considered and adopted several rate methodology changes that directly impact the retirement rates that cities pay (employer contribution rates). Each of these changes is effective in different fiscal years, with varying phase-in schedules. While these changes significantly increase our current retirement costs, they are intended to stabilize the long-term sustainability of CalPERS retirement plans, helping cities in the long-run. Many of these changes should have been implemented long ago by CalPERS.

1. March 2012 Change (effective FY 2014, two-year phase-in through FY 2015): In March 2012, the CalPERS Board acted to reduce the assumed rate of investment return from 7.75 percent to 7.5 percent. The employer rate impact from this action was effective FY 2014, with a two-year phase-in, and a full rate impact by FY 2015. The actual rate impact resulting from this change ranged from 3 - 5 percent of payroll depending on the plan type.
2. April 2013 Change (effective FY 2016, five-year phase-in through FY 2020): On April 17, 2013, the CalPERS Board adopted significant rate methodology changes that directly impacted employer rates starting in FY 2016, phased in over five years, with the full impact being felt this fiscal year, FY 2020. The anticipated rate impact resulting from this change is approximately 2–5 percent of payroll by this fiscal year, FY 2020. These actuarial changes are designed to boost funding levels and make employer rates more predictable in the long-run:
 - ✓ Shorter smoothing period¹ and shorter amortization period for gains/losses
 - ✓ Closed instead of rolling thirty-year amortization
 - ✓ Use market value of assets to determine rates²
3. February 2014 Change (effective FY 2017, five-year phase-in through FY 2021): On February 18, 2014, the CalPERS Board adopted additional rate methodology changes. While the Board voted to retain its current long-term assumed rate of return at 7.5 percent, they did adopt actuarial changes to assumed mortality rates. The new mortality assumptions will cost local agencies an average of 6–9 percent of payroll for safety classifications and 3–5 percent of payroll for miscellaneous employees by year five of the phase-in (FY 2021). Some municipal officials believe these estimates may be low because of the continued decline in the local government workforce in many cities, reducing the number of active employees contributing to CalPERS.
4. November 2015 Funding Risk Mitigation Policy: The CalPERS Board recently adopted a funding risk mitigation policy that will incrementally lower the discount rate in years of good investment returns, help pay down the pension fund's unfunded liability, and provide greater predictability and less volatility in contribution rates for employers. Under the policy, a mechanism will be established to reduce the discount rate - or

¹ “Smoothing” and “Closed vs. Rolling Amortization” go hand in hand. Smoothing refers to the method by CalPERS plans to address the unpredictability of investment income and the impact that unpredictability has on employer rates. The revised “smoothing” plan determines the rate increase needed to reach a funding level of 100 percent in 30 years, phase in the rate increase over five years, and then to maintain those rates as steadily as possible or even lower them. In the past, CalPERS employed an amortization and smoothing policy that spread investment returns over a 15-year period with the actual gains and losses experienced by the investment pool paid for over a rolling 30-year period. With the current change, CalPERS will employ an amortization and smoothing policy that will pay for all gains and losses over a fixed 30-year period with the increases or decreases in the rate spread directly a five-year period.

² CalPERS has traditionally used the actuarial value of their investments in their financial calculations and rate projections (i.e., the investment assets fluctuate in value from one day to the next, so the administrators calculate an average value for the assets, over a given period of time, or the “actuarial value”). In accordance with new FY 2015 GASB provisions, CalPERS will only use “market value,” which is using the actual value of the investment assets as determined by the market and adjusting the value up or down accordingly.

assumed rate of return - by a minimum of 0.05 percentage points to a maximum of 0.25 percentage points in years when investment returns outperform the existing discount rate, currently 7.5 percent, by at least four percentage points. The four-percentage point threshold would work to offset increases to employer contribution rates that would otherwise increase when the discount rate is lowered, and help pay down CalPERS' unfunded liability.

CalPERS staff modeling anticipates the policy will result in a lowering of the expected portfolio volatility to 8 percent in about 21 years, improve funding levels gradually over time, and cut risk in the system by lowering the volatility of investment returns. While rates are expected to increase for CalPERS employers in the future, the policy is designed to minimize any increases above projected rates.

5. December 2016 Lowering of Discount Rate (effective FY 2018, three-year phase-in through FY 2020): The CalPERS Board recently lowered the discount rate from 7.5% to 7.0%. Lowering the discount rate, also known as the assumed rate of return, means employers that contract with CalPERS to administer their pension plans will see increases in their normal costs and unfunded actuarial liabilities. Active members hired after January 1, 2013, under the Public Employees' Pension Reform Act will also see their contribution rates rise.

The most recent actuarial valuations provided to the City of Hayward by CalPERS in August 2016 reflect the final rates for FY 2018; however, these rates did not incorporate the change to discount rates, which resulted in FY 2018 rates increasing over FY 2017 rates by 1.0– 8 percent of payroll. The above noted change to the assumed discount rates impacts the City's required contributions significantly in the coming years. The City's revised rates (combined average for all groups) will increase from 37.1% in FY 2018 to 49.0% in FY 2023 as currently projected by CalPERS.

6. February 2018 Change to Amortization Period for New Members: The CalPERS Board recently voted to shorten the period over which actuarial gains and losses are amortized from 30 years to 20 years for all new members. The change in amortization period will speed up the rate of debt payments to CalPERS, and likely increase cities' annual pension costs. The new policy will become effective as of the June 30, 2019 actuarial valuations, with the first payments due in FY 2021.

Estimated Rate Impacts and Projected Normal Cost Increases:

The new valuations the City received reflect rate projections that include all of the rate actions taken by the CalPERS Board to date. Table 2 provides a detailed summary of what the City's projected CalPERS employer rates and normal costs (employer contribution) would be based on CalPERS recent change to the discount rate from 7.5% to 7%. Per the CalPERS rate projections, by FY 2025, rates for Miscellaneous Plans are estimated to be 38% percent of payroll, rates for Police Safety Plans are projected to be 69.0 percent of payroll, and Fire Safety Plans are projected to be 69.9 percent of payroll. During the five-year period from FY 2020 through FY 2024, the City will see its contributions for the Miscellaneous plan increase by \$5.8 million, by \$3.9 million for the Police plan, and by \$4.1 million for the Fire plan.

Table 2: CalPERS Rate Comparison & Growth

| <i>(in the \$1,000s)</i> | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
|--------------------------------|-----------------|-----------------|-----------------|-----------------|----------------|----------------|----------------|
| Miscellaneous | | | | | | | |
| Employer Contribution (\$) | \$ 16,813 | \$ 18,269 | \$ 19,460 | \$ 20,959 | \$ 21,093 | \$ 21,592 | \$ 22,008 |
| Change over Prior Year | \$ 1,651 | \$ 1,455 | \$ 1,191 | \$ 1,499 | \$ 133 | \$ 499 | \$ 416 |
| Employer Contribution Rate (%) | 33.7% | 35.9% | 37.2% | 37.7% | 38.3% | 38.1% | 37.8% |
| Change over Prior Year | 1.2% | 2.2% | 1.3% | 0.5% | 0.6% | -0.2% | -0.3% |
| Police | | | | | | | |
| Employer Contribution (\$) | \$ 16,816 | \$ 18,323 | \$ 19,311 | \$ 20,004 | \$ 20,766 | \$ 21,175 | \$ 21,559 |
| Change over Prior Year | \$ 727 | \$ 1,506 | \$ 988 | \$ 693 | \$ 763 | \$ 408 | \$ 384 |
| Employer Contribution Rate (%) | 65.6% | 66.8% | 68.5% | 69.1% | 69.8% | 69.2% | 68.6% |
| Change over Prior Year | 7.1% | 1.2% | 1.7% | 0.6% | 0.7% | -0.6% | -0.6% |
| Fire | | | | | | | |
| Employer Contribution (\$) | \$ 11,789 | \$ 13,264 | \$ 14,089 | \$ 14,606 | \$ 15,118 | \$ 15,448 | \$ 15,761 |
| Change over Prior Year | \$ 1,303 | \$ 1,475 | \$ 825 | \$ 518 | \$ 512 | \$ 330 | \$ 313 |
| Employer Contribution Rate (%) | 57.9% | 61.0% | 63.0% | 63.7% | 64.1% | 63.7% | 63.3% |
| Change over Prior Year | 3.7% | 3.1% | 2.0% | 0.7% | 0.4% | -0.4% | -0.4% |

Funding Status & Plan

The City is fully meeting its annual required contribution (ARC) amounts based on the CalPERS premium rates. Given the new CalPERS “smoothing” methodology, the long-term intent is to fund the City’s liability over the 30-year amortization period.

Additionally, in calendar 2020, the City established a Section 115 Irrevocable Trust with CalPERS – a California Employers’ Pension Prefunding Trust (CEPPT) as recommended by both the Committee and the full Council. The trust was established as a means to deposit additional funds towards pension obligations as they become available to the City. The funds are then placed in the trust to offset expenses related to future payments and to reduce future liabilities.

Retiree Medical (OPEB)

Annual Required Contribution (ARC): \$7.5 million

Unfunded Liability: \$69.46 million

Components of OPEB \$7.5 million ARC:

\$3.2 million: Current Retirees (“pay as you go”)

\$4.3 million: Unfunded Actuarial Liability

The retiree medical benefit represents the second largest benefit liability, and is the most significantly underfunded of the City’s benefit liabilities. By City Council resolution – and as agreed to with some bargaining groups – the City provides certain health care benefits for employees who retire directly from the City with at least five years of City service (most bargaining groups require ten years of service) and who are vested in the California Public Employees Retirement System (CalPERS). The City participates in the CalPERS health care plan, which is governed under the California Public Employees Health and Medical Care Act (PEMCHA).

The City contributes a fixed dollar amount for retiree medical benefits for all employees, except sworn police employees hired before June 12, 2012 (rate tied to Kaiser plan rates), with amounts varying by employee bargaining group and coverage level as governed by PEMCHA. Benefits continue for surviving spouses in amounts as required by PEMCHA. As of June 30, 2019, approximately 706 retirees were eligible and were receiving retiree health care benefits from the City at an annual cost of about \$3.2 million, which is the “pay as you go” amount the City currently pays.

There are approximately 821 active employees that may be eligible to receive health care benefits upon retirement. This group of employees represents the number of eligible, current employees and it is the City’s current maximum exposure; it does not necessarily mean all of these employees will either retire with the City or ultimately meet the requirements for receiving this benefit. Similar to the CalPERS retirement plan, the increased life longevity of retirees places a stress on the benefit. The updated actuarial valuation of our local Plan will consider these impacts within its analysis.

Funding Status & Plan

The current ARC was determined as part of a July 2020 actuarial valuation (as of June 30, 2019) by MacLeod Watts, the City’s OPEB Actuary. This valuation analysis considered benefits that are expected to be earned in the future as well as those already accrued, and is required by the Governmental Accounting Standards Board (GASB) to be completed every two years; the most recent actuarial report was completed in July 2020.

The City’s OPEB unfunded actuarial accrued liability is amortized as a level percentage of projected payroll using a closed thirty-year amortization period that has twenty years remaining as of the latest valuation date. The minimum funding target is the ARC, currently estimated at \$7.5 million annually. Pursuant to City Council direction, the City began contributing toward the cost of the UAL both through direct City contributions, as well as employee contributions pursuant to some bargaining unit agreements. Payments for both components of the ARC are built into payroll to spread the cost appropriately across all City funding sources. Additional voluntary contributions towards the ARC were made in FY 2014 of \$1 million and FY 2015 of \$2 million; however, in an effort to reduce the use of reserves in FY 2016 and FY 2017, additional voluntary contributions were not made. In FY 2018, the City reinstated its practice of contributions toward the ARC, in the amount of \$1 million, with additional voluntary contributions in the amount of \$2 million for FY 2019 and \$2.5 million in FY 2020. The City had anticipated making a significant voluntary contribution of \$4.0 million in FY 2021; however, due to fiscal uncertainties brought on by the COVID-19 pandemic, Council recommended a reduced total contribution of \$1 million during budget adoption. During the FY 2021 Mid-Year Review, Council recommended an additional \$1.0 million contribution, for a total contribution of \$2.0 million in FY 2021. Council is committed to annual payment of the City’s full ARC beginning in FY 2022.

During labor negotiations in 2017, two employee groups agreed to contribute funding to an irrevocable trust to fund unfunded retiree medical obligations. IAFF Local 1909 recognized the continued need to fund retiree medical, and agreed that employees represented by Local 1909 would continue to contribute one percent (1%) of base salary (excluding all special pays, allowances and overtime), to an irrevocable trust to fund the unfunded retiree medical

obligations. The contribution made by employees to the trust fund shall be exclusively allocated for the expense of retiree healthcare of its members. Hayward Police Officers Association (HPOA) agreed that employees represented by HPOA would begin contributing one percent (1%) of base salary (excluding all special pays, allowances and overtime) effective July 1, 2018, to an irrevocable trust to fund the unfunded retiree medical obligations for their members.

The City's General Fund Long Range Financial Model (Model) includes phasing this cost in until the full ARC payment is achieved. Pursuant to the valuation, if the City fully funded the ARC, the City would pay for current costs and fund the future liability by the end of the amortization period. The phase-in of costs included in the Model will allow the City to fully fund the ARC by FY 2022.

Workers' Compensation

Current annual cost: \$5.18 million

Unfunded Liability: \$4.83 million

The City is self-funded for Workers' Compensation and began its program on July 1, 1975. While the City fully funds present day costs, it does not fully fund future liability. Payments are made to the Workers' Compensation Self-Insurance Fund by transfers from all City funds through established rates assessed against payroll pursuant to classification type. The amount of payments made by the City into the Workers' Compensation Self Insurance Fund is determined by an actuarial analysis conducted by an outside actuary (Bickmore). These accruals represent estimates of amounts to ultimately be paid for reported claims, past experience, recent claim settlement trends, and other information. Funds are available to pay claims and administrative costs of the program on a pay-as-you-go basis.

It is important to understand that payments on indemnity claims may be made over a very long period of years. Indemnity claims are those in which future medical care is projected to be needed for the injured worker and the cost is largely dependent on the type and severity of the injury, as well as whether or not the claimant is a sworn employee.

Funding Status & Plan

Pursuant to the current actuarial valuation conducted for the program, a funding status of 70–85 percent is recommended. Table 1 shows that the City is currently at a 80.2 percent funding level. Workers' Compensation rates charged against live payroll include a component of cost toward unfunded liability. Since the City has achieved funding level above 80 percent, the Workers' Compensation rates will be adjusted downward in future years.

Accrued Leave Payouts (Compensated Absences)

Current annual cost: varies

Unfunded Liability: \$9.51 million

It is the City's policy to permit employees to accumulate earned but unused vacation and sick leave benefits. The City records the cost of vacation and sick leave as "earned." Earned vacation and sick leave that is taken during the year is payable from the fund(s) to which the employee's salary or wage is charged. When an employee retires or otherwise leaves the City,

vacation balances are paid out to the employee, and in some cases, some of the accumulated sick leave is also paid out (pursuant to bargaining unit agreements). These payouts are paid through a department’s budget from vacancy salary savings – and are not specifically budgeted for as a separate line item.

Funding Status & Plan

For several years, the City had lowered this liability over its all time high in FY 2012. However over the last few years, the City has begun to realize increases to the accrued leave liability year over year. The steady change is attributed to an increase in the number of employees who have been employed with the City of Hayward for five or more years, accruing more leave and increasing the City’s liability. The total liability as of FY 2020 is \$9.5 million, an increase of \$1.2 million over the prior fiscal year.

Table 3: Accrued Leave Liability History

| | Unfunded Liability | Change from Prior Year |
|---------|-----------------------|---------------------------|
| FY 2009 | \$7,477,214 | (\$208,747) |
| FY 2010 | \$9,250,970 | \$1,773,756 |
| FY 2011 | \$10,497,994 | \$1,247,024 |
| FY 2012 | \$10,701,569 | \$203,575 |
| FY 2013 | \$8,589,354 | (\$2,112,215) |
| FY 2014 | \$7,230,041 | (\$1,359,313) |
| FY 2015 | \$7,104,541 | (\$125,500) |
| FY 2016 | \$7,660,340 | \$555,799 |
| FY 2017 | \$7,894,439 | \$234,099 |
| FY 2018 | \$7,913,945 | \$19,506 |
| FY 2019 | \$8,347,418 | \$433,473 |
| FY 2020 | \$9,511,174 | \$1,163,756 |

Accrued Leave payouts are currently absorbed within each department’s budget appropriation. In practice, the salary savings achieved through normal attrition and the vacancy created by the exiting employee cover the cost of these payouts. In general, departments have had enough salary savings to accommodate this cost.

A possibility to further fund this liability is to build a funding mechanism into payroll as a component of the fringe benefit rate (e.g., 1% of payroll for non-sworn and 2% of payroll for sworn positions). While this might provide a segregated funding source that would prevent spikes to department payroll budgets for large payouts, it does increase the overall City payroll budget. Given the City’s fiscal challenges, it does not seem a prudent use of City resources at this time to add this cost. Staff recommends continuing to actively manage employee leave balances in order to lower the overall long-term liability.

NEXT STEPS

Staff will continue to actively manage benefit liabilities and report annually to the Committee and the Council on the funding status of these benefit liabilities, including review of existing Council policies regarding funding.

Prepared by: Rick Rivera, Management Analyst I
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Recommended by: Dustin Claussen, Director of Finance

Approved by:

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

Kelly McAdoo, City Manager