

**CITY COUNCIL MEETING**

**JUNE 21, 2022**

**PRESENTATIONS**

**HAYWARD YOUTH  
COMMISSION**

**ITEM #1**

**APPT 22-0016**

# Hayward Youth Commission



**CITY COUNCIL MEETING**  
**June 21, 2022**

# **HAYWARD YOUTH COMMISSION**

## **Confirming the Appointments of HYC Members (APPT 22-001)**

- Six Voting Members
- Eleven Alternate Members

**ANNUAL  
RECRUITMENT  
(March 11 - May 20)**

**OUTREACH**

- City Newsletter – The Stack
- 2022 Hayward Youth Commission Conference
- Earth Day Poster & Writing Contest Distribution List
- PeachJar
- Schools
- Facebook
- Twitter
- NextDoor
- Instagram
- The Stack
- HUSD Community Newsletter
- HUSD Youth Enrichment Program (YEP)
- Arbor Day – Cesar Chavez Middle School

# HAYWARD YOUTH COMMISSION

## RECRUITMENT

- Forty-nine applications
- Forty-one eligible applicants

# HYC INTERVIEW PANEL

## City of Hayward



### Hayward Council Members

- Council Member Francisco Zermeno
- Council Member Mark Salinas

## HUSD



### HUSD Board Directors

- Board Vice-President Peter Bufete
- Board Clerk Gabriel Chaparro

## HARD



### HARD Board Directors

- Board Vice-President Rick Hatcher
- Board Director Peter Rosen

## HYC Advisors



- Ivan Padilla (COH)
- Maya Hernandez (HUSD)
- Vicente Zuniga (HARD)

## VOTING MEMBERS (6)

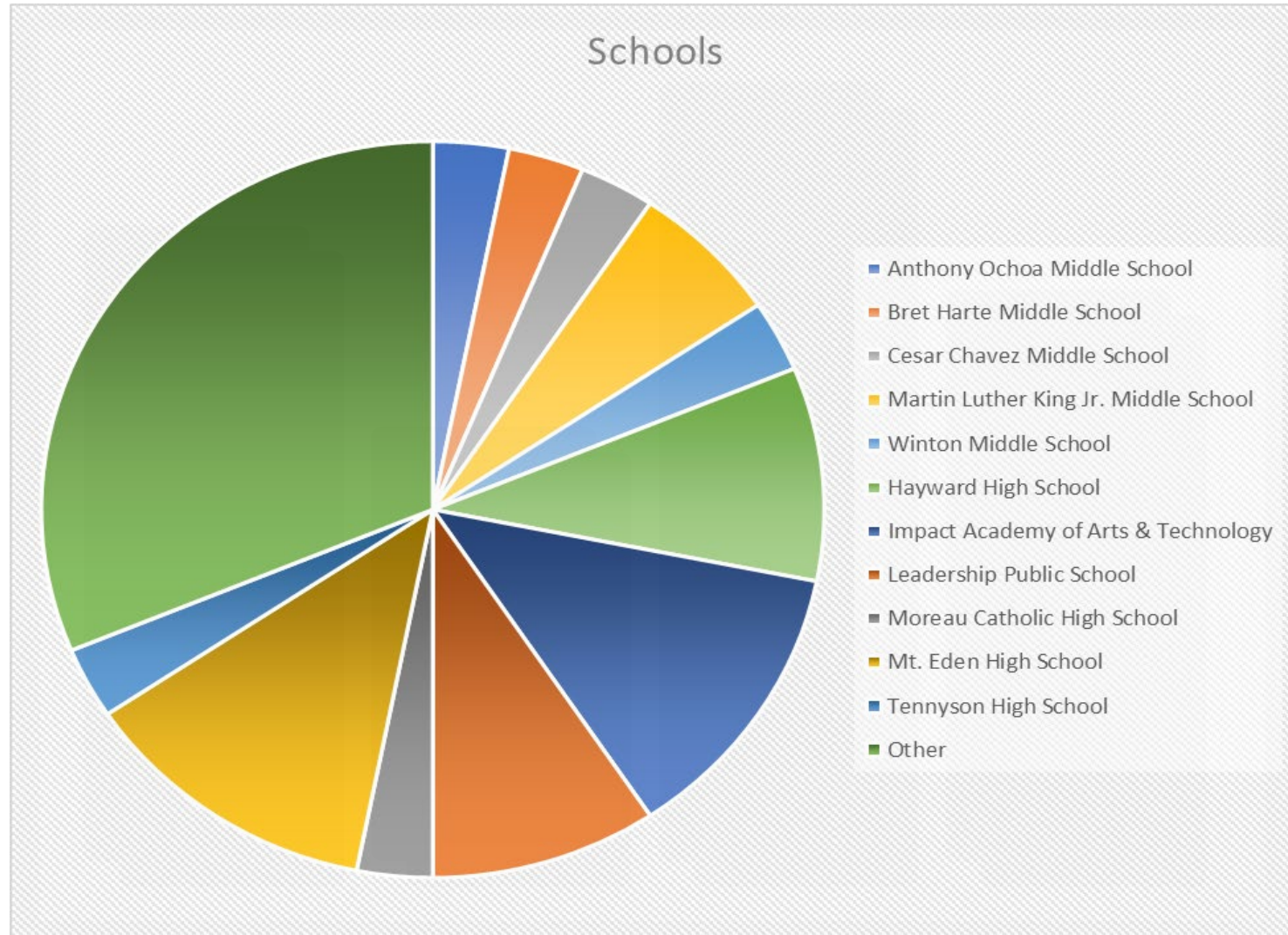
	<b>SCHOOL</b>	<b>TERM EXPIRES</b>
<b>Diego F. Barcenas</b>	Impact Academy of Arts & Technology	6/30/2024
<b>Crystal Guerrero-Lopez</b>	Tennyson High School	6/30/2024
<b>Shreya K. Rathaur</b>	Martin Luther King Jr. Middle School	6/30/2024
<b>Penelope L. Reynoso</b>	Hayward High School	6/30/2024
<b>Alicia C. Saenz</b>	Leadership Public School	6/30/2024
<b>Ananya Suresh</b>	Challenger School Ardenwood	6/30/2024



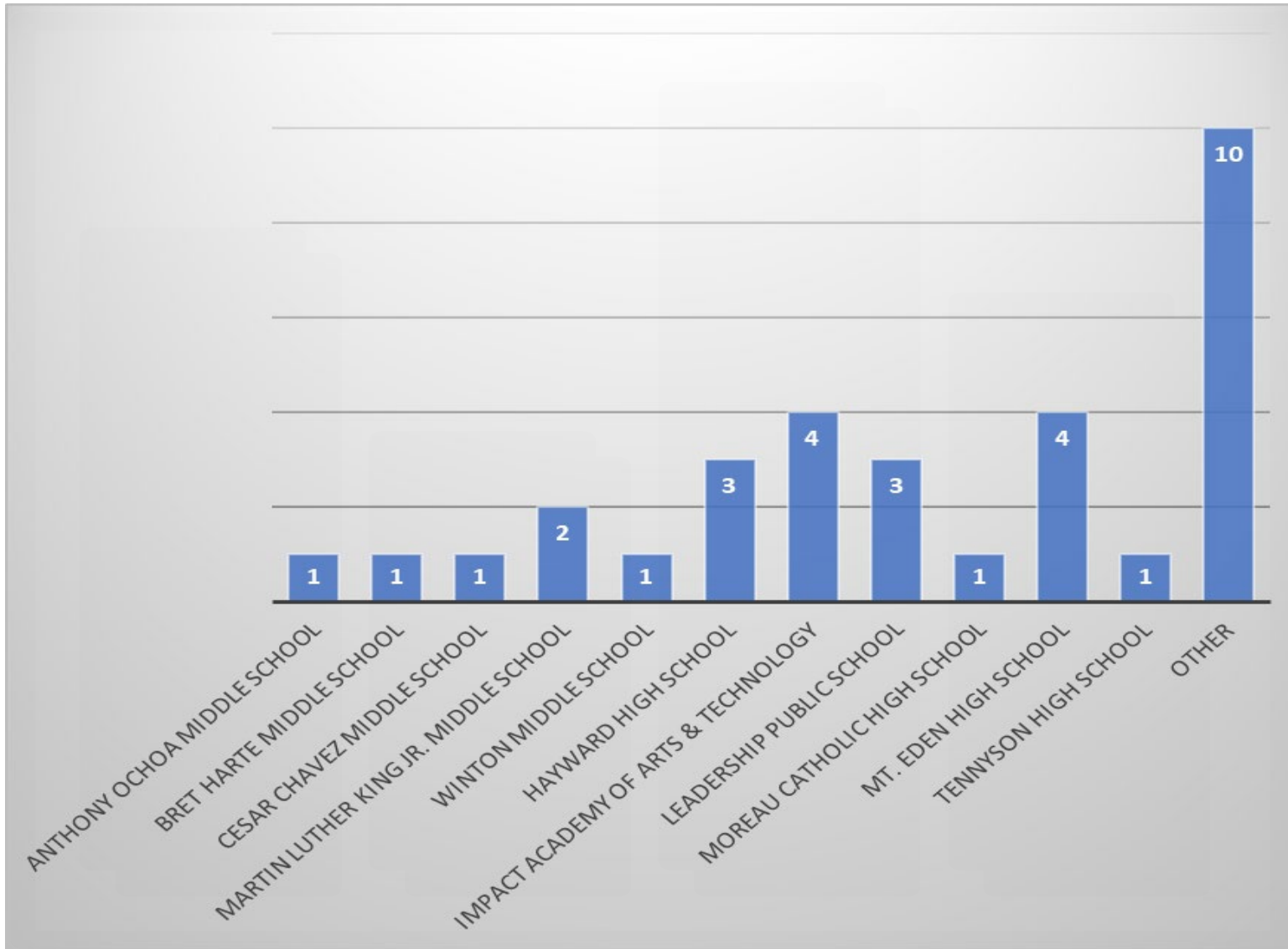
## **ALTERNATE MEMBERS (11)**

	<b>SCHOOL</b>	<b>TERM EXPIRES</b>
<b>Hulissa H. Aguilar</b>	Arroyo High School	6/30/2023
<b>Josue S. Barrera</b>	Martin Luther King Jr. Middle School	6/30/2023
<b>Taylor Y. Chaplin</b>	Bishop O' Dowd Catholic High School	6/30/2023
<b>Giselle De Casas</b>	Winton Middle School	6/30/2023
<b>Damian A. Diaz</b>	Bret Harte Middle School	6/30/2023
<b>Isa Yusuf Khan</b>	Cesar Chavez Middle School	6/30/2023
<b>Zoe N. Kyama</b>	Anthony Ochoa Middle School	6/30/2023
<b>Liliana Lopez Ceja</b>	Silver Oak High School	6/30/2023
<b>Britany Ruiz</b>	Impact Academy of Arts & Technology	6/30/2023
<b>Ronak Sharma</b>	Leadership Public School	6/30/2023
<b>Michael D. Williams Jr.</b>	San Leandro High School	6/30/2023

# 2022 HYC (32 Members)



# 2022 HYC (32 Members)



## **OTHER - Hayward Residents Attending Other Schools:**

- Arroyo High School
- Bishop O' Dowd Catholic High School
- Challenger School Ardenwood
- Encinal High School
- Redwood Christian MSHS
- San Leandro High School
- Silver Oak High School
- The Athenian School
- UC Berkeley (2)

# HAYWARD YOUTH COMMISSION

## RECOMMENDATION

- Questions for Staff
- Public Comments
- Recommendation: Adopt a Resolution Confirming the Appointment to the Hayward Youth Commission of six (6) voting members and eleven (11) alternate members.

# **HAYWARD YOUTH COMMISSION**

## **OATH OF AFFIRMATION**

Administered to newly appointed members.

**ADOPT A RESOLUTION  
AFFIRMING THE CITY'S  
SUPPORT FOR THE LIBRARY  
BILL OF RIGHTS, THE  
FREEDOM TO READ  
STATEMENT, AND THE  
FREEDOM TO VIEW  
STATEMENT**

**ACTION ITEM**

**ITEM #2**

**ACT 22-068**



HAYWARD  
LIBRARY

# HPL & Intellectual Freedom

Hayward City Council Meeting  
June 21, 2022



# Recently in the News

---

## Texas school district pulls 400 books from library shelves for review after legislator's inquiry

The books featured on the legislator's list cover topics such as racial and gender equality, sexual orientation and abortion.

## *School Board in Tennessee Bans Teaching of Holocaust Novel 'Maus'*

The board voted unanimously to remove the Pulitzer Prize-winning graphic novel from classrooms because it contained swear words, according to minutes from the meeting.

## Bill Watch — Oklahoma Senate Bill 1142

by [Jordan Smith](#) • January 7, 2022 • Comments Off

New legislation was introduced today in Oklahoma that targets books in schools and will strengthen censors in the state. [Senate Bill 1142](#), written by State Senator Rob Standridge, gives a single parent the authority to remove books from schools and allow them to seek monetary damages.



# Also in the News

---

Education

## More books are banned than ever before, as Congress takes on the issue

By [Hannah Natanson](#)

April 7, 2022 at 1:13 p.m. EDT

## Tennessee parents, teachers push back against 'Maus' removal from McMinn County curriculum

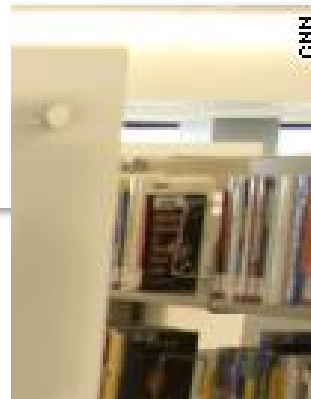
**KIMBERLEE KRUESI** Associated Press

Published 4:37 p.m. CT Feb. 11, 2022

● CBS NEWS

## Suburban moms push back against book bans in schools

Thu, February 17, 2022, 9:14 AM



## Librarians fight back against push to ban books from schools

[Erin Burnett Out Front](#)

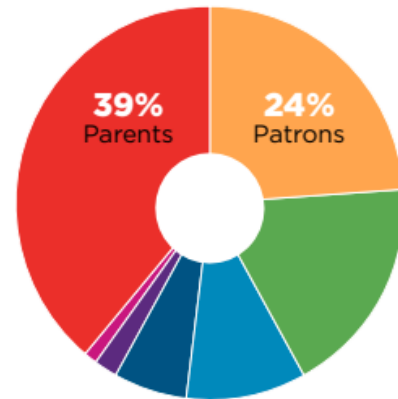
# Do you know when this was in the News?

---



# Some Data from ALA 2022 Report

## WHO INITIATES CHALLENGES?



- 18% Board/administration
- 10% Political/religious groups
- 6% Librarians/teachers
- 2% Elected officials
- 1% Students

Statistics based on 715 responses

## WHERE DO CHALLENGES TAKE PLACE?



44%  
School libraries



37%  
Public libraries



18%  
Schools

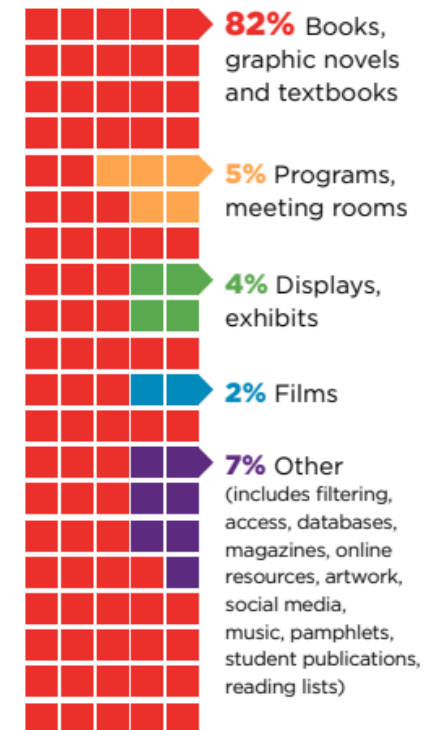


1%  
Academic/Other

Statistics based on 729 responses

## BOOKS AND BEYOND

The ALA's Office for Intellectual Freedom tracked **729 challenges** in 2021. Here's the breakdown:



**A common theme: Most challenged books include content by or about people of color, the LGBTQIA+ community and/or people with disabilities**

# Some Data from ALA Contd.

---

## REASONS FOR CHALLENGES



*Each word and phrase in this graphic is cited from 2021 censorship reports*

# Attacks on books cross party and religious lines

---

## Who's behind the nationwide attacks on local school boards over Critical Race Theory?

NEWS MARK WINGFIELD | OCTOBER 19, 2021

Police arrest suspect connected to incident involving damaged Quran, library property at ASU library in Tempe

The left's turn against freedom: Curb speech, ban books, make an 'enemies list'

Conservatives Urge Ban on 'Harry Potter' Over Witchcraft, Homosexuality

**On February 28, 2022, the Library Commission  
unanimously affirmed its support for  
Hayward Public Library's commitment to  
Intellectual Freedom  
by endorsing these three statements from the  
American Library Association:**

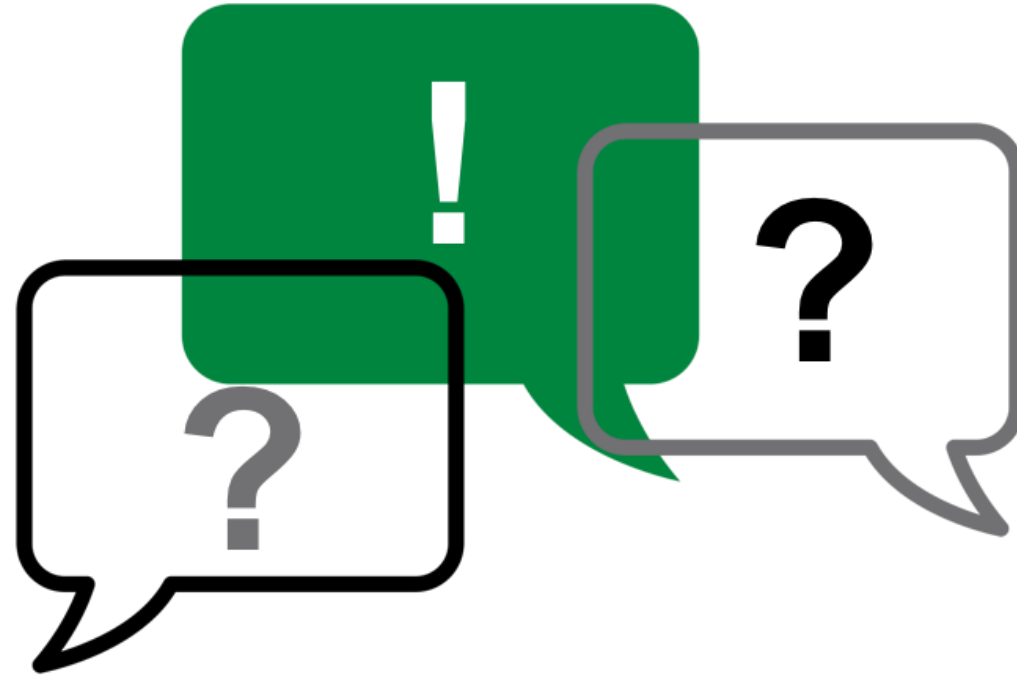
- Library Bill of Rights**
- The Freedom to Read**
- The Freedom to View**



**Please consider showing your support for the residents of the City of Hayward and all our Library users to have unfettered access to the information and materials they need by endorsing these three statements.**



# Thank You!





**POLICE DEPARTMENT  
DASH CAMERAS**

**WORK SESSION**

**ITEM #16**

**WS 22-024**

# Hayward Police Department CIP – Axon Fleet 3 Cameras

Chief Toney Chaplin  
Captain Will Deplitch / Lt. David Dorn  
Hayward Police Department



**AXON FLEET 3  
INTEGRATED IN-CAR VIDEO & ALPR**

# Purpose

---

- **Broaden Transparency**
- **Mitigate Liability**
- **Improve Investigative Capabilities**
- **Increase Crime Solvability**

# Background

---

## ● **ALPR Technology since 2014**

- **All Current Vehicle Mounted ALPR Cameras are obsolete**
- **Averaged 1 million license plates reads per year**

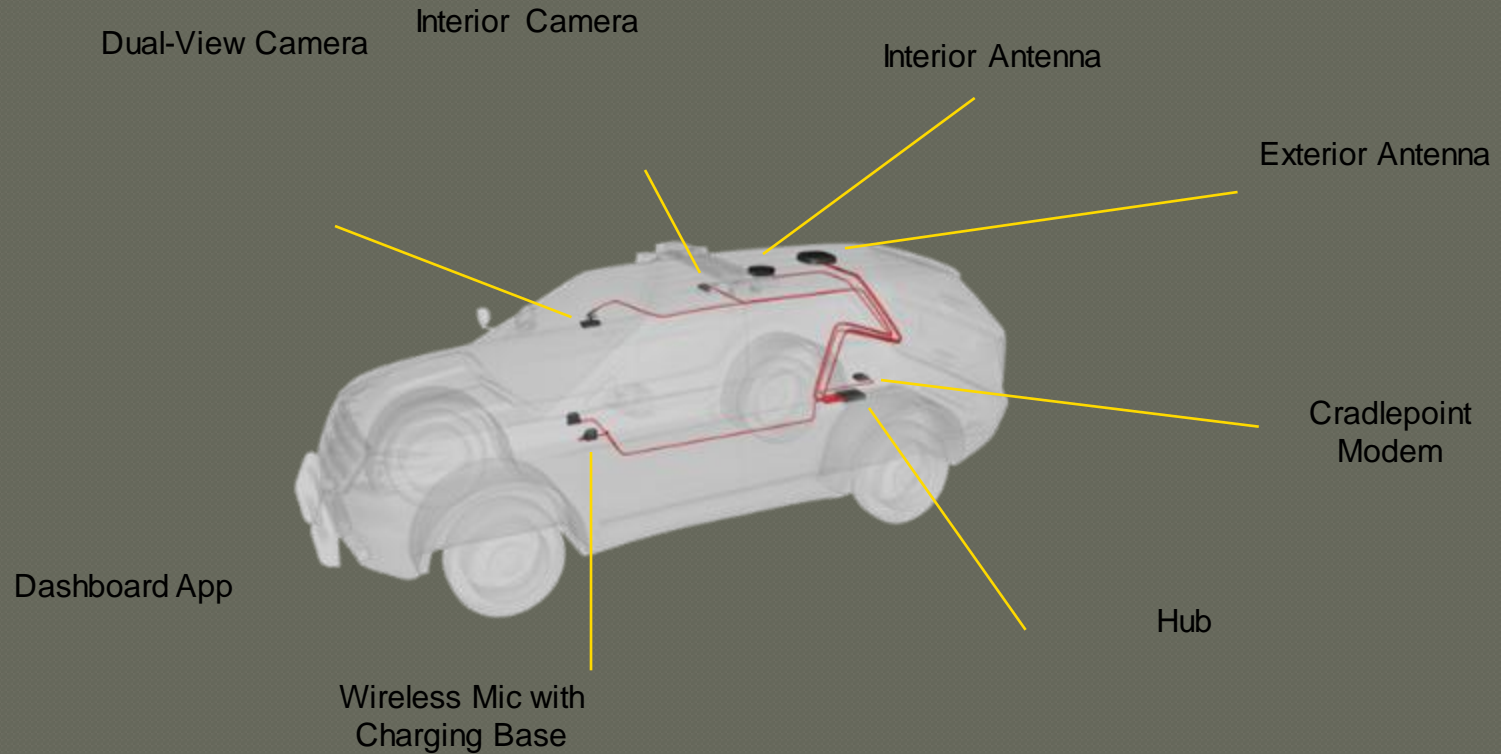
## ● **Body Worn Cameras (BWC)**

- **BWC program implemented in 2015**
- **Invaluable tool for transparency**
- **Limitations – Positioning / Dynamically Evolving Incidents / Human Factor**

# HPD ALPR Camera System Purchased in 2014



# Axon Fleet 3 Equipment



# VIDEO QUALITY

---

Fleet 3 Dual-View Camera

---

Fleet 3 Dual-View Camera

---

# VIDEO QUALITY – INTERIOR

Fleet 3 Interior Camera



Fleet 3 Interior Camera





# DASHBOARD VIEW

---

---

# **FLEET 3 INTEGRATED ALPR**

Full-featured ALPR without new equipment

3+ lanes covered by a single RGB camera

Reads out to 50' in front of patrol vehicle.

# **ALPR – BEHIND THE SCENES**

ALPR in Action (Demo from Dual-View camera)

# OTHER KEY ALPR FEATURES

Configurable alerts and mute mode

Configurable retention

Ethical design framework with security & privacy controls

Hotlist from NCIC and agency entries



# **ALPR – IN-CAR HOTLIST ALERTS**

# Community Engagement Efforts

---

- ◎ **Presentation to CAP – 4/11/2022**
  - Overall Support with some concerns
    - Security of data – Evidence.com
    - Sharing of data – HPD Policy / MOUs / CA Gov Code
- ◎ **Email to Hayward Concerned Citizens**
  - Support via email from group representative
- ◎ **Email to Hayward Community Coalition**
  - No response received

# ACLU Position

---

- ❑ Five principles
  - ❑ License Plate readers may be used for law enforcement only
  - ❑ Government must not store data about innocent people
  - ❑ People should be able to find out if plate data of vehicles registered to them
  - ❑ LE Agencies should not share license plate reader data
  - ❑ Any entity that uses license plate readers should be required to report

# Fiscal Impact

---

- **5 year contract agreement**
  - **\$157,103.51 per year**
  - **Total = \$785,517.66**
  - **Request via HPD Yearly CIP Budget**
  - **Year 1 approved in FY 2020 – Funds still available**
  - **Due to supply chain issues, implementation would be approx. 18 months**



# Questions

---

**MILITARY EQUIPMENT USE  
POLICY**

**LEGISLATIVE BUSINESS**

**ITEM #17**

**LB 22-0166**

# AB 481 – Military Equipment Use Policy

Chief Toney Chaplin  
Deputy Chief Bryan Matthews  
Hayward Police Department



# AB 481 Presentation Overview

---

- **AB 481 – Background for Council Meeting**
- **AB 481 Requirements and Timeline – Overview**
- **Policy and Ordinance Development**
- **Recommendations**

# AB 481

## Background for Council Meeting

---

- **Went into effect January 1, 2022**
- **Legislation's intended purpose**
  - Address transparency issues regarding funding, acquisition, and use of military equipment
- **Legislation includes specific list of items**
  - Deemed by lawmakers to be “military equipment”
- **Codified in California Government Code Sections 7070 - 7075**

# AB 481

## Requirements

---

- ⦿ **Requires LE agencies to get approval from governing bodies to seek funding for, acquire, and use military equipment**
  - Council must adopt an ordinance
  - Must initiate Council approval process by May 1, 2022 to continue using equipment
  - Council has 180 days to approve the ordinance after initiation of approval process

# AB 481

## Requirements

---

- ⦿ **Requires Council to consider proposed policy during open session of a regular meeting in accordance with the Brown Act**
  - Must be an agenda item
  - Must allow for public comment
  - Must post proposed policy and equipment list on agency's website at least 30 days prior to any public hearing (posted April 11, 2022)

# AB 481

## Requirements

---

- **Requires submission of an annual military equipment usage report to Council**
  - Annual report for each piece of military equipment used in previous year must include:
    - Summary of use
    - Summary of complaints
    - Internal audit results
    - Total annual cost for each piece of equipment
    - Quantity of each piece of equipment
    - Agency intent to acquire additional equipment



# AB 481

## Requirements

---

- **Requires HPD host a community engagement meeting**
  - Public may discuss / ask questions regarding annual report
  - Must be done within 30 days of submission and public release of annual report
  - Must be well-publicized and conveniently located

# AB 481

## Requirements

---

- ◎ **Requires Council to review and approve ordinance annually**
  - Renewal of ordinance by vote
  - Must determine compliance with ordinance for each military equipment item
  - Council can disapprove ordinance or require modifications to ensure compliance

# AB 481

## HPD Equipment List

---

- **AB 481 specifically lists items deemed to be military equipment**
  - 14 specific categories listed (1 generic category)
- **HPD has some of the listed items in the inventory**
  - These items have been in HPD's inventory for years in response to historic events
  - HPD is not asking for any new military equipment

# AB 481

## HPD Equipment List

---

### ● **What HPD has**

- Tactical Robot and UAS (Category 1)
- Armored Personnel Carrier (Category 2)
- Command and Control Vehicle (Category 5)
- Breaching Slugs (Category 7)
- Specialized Firearms and Ammunition (Category 10)
- Noise Flash Diversionary Device (Category 12)
- Tear Gas and Pepper Spray (Category 12)
- Less Lethal Launchers and SIMS (Category 14)

# AB 481

## HPD Equipment List

---

### ● **What HPD does not have**

- Humvees, trucks, or vehicles with breaching equipment (Category 3)
- Tracked Armored Vehicles (Category 4)
- Weaponized aircraft, vessels, or vehicles (Category 6)
- Firearms of .50 caliber or greater (Category 8)
- Ammunition of .50 caliber or greater (Category 9)
- Firearms/accessories to launch explosive projectiles (Category 11)
- Taser Shockwave, microwave weapons, water cannons, or LRAD (Category 13)

# AB 481

## Policy & Ordinance Development

---

### ○ **Extensive research for policy and ordinance development**

- Reviewed documents from other cities / counties in the region and across the State
- Reviewed other related statutes
- Community conversations and engagement events
- Written community feedback

# AB 481

## Policy & Ordinance Development

---

### Community Engagement Efforts

- Created an informational page on the HPD's website with draft policy documents (4/11/22)
- Held a Council work session
- Held 2 virtual community meetings (5/26/22 and 6/6/22) – recorded and posted to website
- Held an in-person community engagement event where “military equipment” was displayed
- Created an informational video for the website

# AB 481

## Policy & Ordinance Development

---

### ◉ **Community Engagement Efforts (continued)**

- Spoke with the CAP during quarterly meeting
- Accepted written feedback on policy documents and HPD's equipment inventory
- Had numerous informal conversations with community members
- Provided final draft documents to the CAP, Hayward Community Coalition, Hayward Concerned Citizens



# AB 481

## Policy & Ordinance Development

---

### ● **Community Feedback**

- Concerns regarding inclusion of CS (“tear gas”) in HPD’s inventory
- International Chemical Weapons Convention ban on use of Riot Control Agents in warfare
- Use of “military equipment” during protests/demonstrations
- HPD’s equipment inventory volume and deployment model
- Authorization for the use of “military equipment”
- Exclusionary language/statute references in policy

# AB 481

## Policy & Ordinance Development

---

### ● **Community Feedback (continued)**

- Minimum requirements for when items can be deployed
  - Deployment vs. Use
  - Risk Assessment Matrix
  - Most of this equipment is only deployed when the Special Response Unit is activated
- Remove exigent circumstances from policy
  - Action needs to be taken immediately to prevent loss of life, escape, destruction of evidence, etc.
  - Must be room in policy for unanticipated events
  - Equipment exists the HPD does not have
  - Addition of equipment would require Council approval

# AB 481

## Policy & Ordinance Development

---

### ○ **Community Feedback (continued)**

- Ban the use of chemical agents
  - Variety of operational uses
  - No known reasonable alternative
  - Only deployed when the Special Response Unit is activated
  - Use is governed by other policies and State law
- Avenue for complaints other than HPD
  - Policy innovation project – City complaint liaison
  - Community members can file complaints with City Hall/Human Resources/City Attorney's Office
  - Background research underway – will return to Council with update on this project in Fall 2022

# AB 481

## Recommendations

---

- ◎ **Recommend the removal of certain munitions from HPD's inventory – Stinger balls**
  - Based on dialogue with community and concerns expressed
  - Based on a needs assessment and review of usage
  - Based on common ground shared between HPD and community regarding the indiscriminate nature of these munitions and potential for injury

# AB 481

## Recommendations

---

- ◎ **Recommend the approval of the policy and introduction of the ordinance**
  - HPD Policy 706
    - Re-written, amended, added sections highlighted in red
  - **City of Hayward Ordinance**
    - Approves HPD Policy 706
    - Consistent with cities/counties across the region and State

- 
1. Council Questions
  2. Public Hearing
  3. Council Discussion and Action



**UNREPRESENTED SALARY  
AND BENEFITS**

**LEGISLATIVE BUSINESS**

**ITEM #18**

**LB 22-0146**

# Unrepresented Resolution

**June 21, 2022**





# Employee Group

---

Department	# of Unrepresented Employees
City Attorney's Office	8 (+1)
City Manager's Office	2 (-1)
Development Services	1 (+1)
Finance	1
Human Resources	9 (-2)
Information Technology	1 (+1)
Police Department	1
Public Works	1
<b>Total Employees</b>	<b>24</b>

# Employee Group (Cont.)

---

## **Executive Staff (10):**

- Assistant City Manager (x2)
- Chief Information Officer
- Director of IT
- Director of Finance
- Director of Library Services
- Director of Maintenance Services
- Director of Public Works
- Fire Chief
- Police Chief

# Recommended Changes

---

- Cost-of-Living Adjustments:
  - 3% effective the pay period including July 1, 2022
  - 5% effective the pay period including July 1, 2023
- Professional Development Reimbursement:
  - Increase from \$350 to \$500 for non-exempt staff
- Health & Wellness:
  - Expands benefit to lump sum reimbursements and purchase of home exercise equipment
- Overtime threshold to align with other non-exempt employees
  - Paid leave hours count toward 40 hours threshold in determining overtime eligibility
- Salary study to be completed by December 2023

**Fiscal Impact:** \$109,000

**COUNCIL-APPOINTED  
OFFICERS' EMPLOYMENT  
AGREEMENTS**

**LEGISLATIVE BUSINESS**

**ITEM #19**

**LB 22-0156**

# Council Appointed Officers

**June 21, 2022**



# Recommended Changes

---

Includes: City Attorney, City Clerk, & City Manager

## Terms

- One-time, lump sum payment equal to 4% of annual base pay:
  - Issued July 8, 2022
- Salary increase effective the pay period including January 1, 2023:
  - City Attorney – 10% (>15% more below mid-market)
  - City Clerk – 3% (5% but less than 10% behind mid-market)
  - City Manager – 5% (10% but less than 15% behind mid-market)

## Fiscal Impact:

- City Attorney Employment Agreement – \$25,869
- City Clerk Employment Agreement – \$9,259
- City Manager Employment Agreement – \$22,307