

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, November 28, 2017**

**7:00 PM**

**Council Chambers**

## **City Council**

**Mayor Barbara Halliday**  
**Mayor Pro Tempore Elisa Márquez**  
**Council Member Francisco Zermeño**  
**Council Member Marvin Peixoto**  
**Council Member Al Mendall**  
**Council Member Sara Lamnin**  
**Council Member Mark Salinas**

**CITY COUNCIL MEETING****CALL TO ORDER Pledge of Allegiance: Council Member Zermeño****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATION**

Local Government Hispanic Network (LGHN) 2017 Civic Engagement Award

**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. [CONS 17-733](#) Adoption of Ordinance Amending Chapter 6, Article, 2, Section 6-2.15 of the Hayward Municipal Code to Allow the Hayward Police Department to Accept Payment For Cabaret License Application Fees

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Summary Ordinance Published on 11/24/17](#)

2.     [CONS 17-736](#)     Adoption of Ordinance Amending Chapter 5, Article 4, Section 5-4.10 of the Hayward Municipal Code Regulating the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Ordinance](#)
3.     [CONS 17-741](#)     Adoption of Ordinance Amending Chapter 10, Article 17 of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Summary of Ordinance Published 11/24/17](#)  
                          [Attachment III Revised Ordinance](#)
4.     [CONS 17-743](#)     Adoption of An Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Including Text With the Additional Provision of Allowing Density Averaging/Transfer in the Transect Zones T4 Urban General (17.5 du/acre min; 35 du/acre max) and T5 (35 du/acre min; 55 du/acre max)
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Ordinance](#)
5.     [CONS 17-716](#)     Resolution Amending 2018 Master Fee Schedule to increase Commercial Cannabis Licensing and Inspection Program Fees
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II RES 17-157](#)  
                          [Attachment III Proposed Resolution](#)  
                          [Attachment IV Amended Fee Schedule](#)
6.     [CONS 17-740](#)     Resolution to Reappoint Bruce Roberts as Poet Laureate for FY 2018 and Authorize a \$500 Program Stipend
- Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

**LEGISLATIVE BUSINESS**

- 7.     [LB 17-050](#)     Adoption of Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses through the Amendment of Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance); Article 2 (Off-Street Parking Requirements) (Report from City Clerk Lens)

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Summary of Ordinance Published on 11/24/17](#)

- 8.     [LB 17-049](#)     Adoption of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan (Report from City Manager McAdoo)

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III CIECC Plan](#)  
                          [Attachment IV CIECC- Appendix](#)

**CITY MANAGER’S COMMENTS**

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

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

**ADJOURNMENT**

**NEXT MEETING, December 5, 2017 – 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.*



# CITY OF HAYWARD

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

---

**File #:** CONS 17-733

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of Ordinance Amending Chapter 6, Article, 2, Section 6-2.15 of the Hayward Municipal Code To Allow the Hayward Police Department To Accept Payment For Cabaret License Application Fees

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on November 14, 2017.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Summary of Ordinance Published on 11/24/2017



DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adoption of Ordinance Amending Chapter 6, Article, 2, Section 6-2.15 of the Hayward Municipal Code to Allow the Hayward Police Department to Accept Payment for Cabaret License Application Fees

#### RECOMMENDATION

That the Council adopts the Ordinance introduced on November 14, 2017.

#### BACKGROUND

The Ordinance was introduced by Council Member Lamnin at the November 14, 2017, special meeting of the City Council with the following vote:

AYES: COUNCIL MEMBERS: Zermeno, Marquez, Mendall, Peixoto, Lamnin, Salinas  
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

#### STRATEGIC INITIATIVES

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

#### FISCAL IMPACT

There is no fiscal impact associated with this report.

#### PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, November 24, 2017. Adoption at this time is therefore appropriate.

#### NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared by: Avinta Madhukansh-Singh, Management Analyst

Recommended by: Miriam Lens, City Clerk

Approved by:

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

---

Kelly McAadoo, City Manager



PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 2, SECTION 6-2.15 OF  
THE HAYWARD MUNICIPAL CODE TO ALLOW THE HAYWARD POLICE  
DEPARTMENT TO ACCEPT PAYMENT FOR CABARET LICENSE APPLICATION  
FEES

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions

Chapter 6, Article 2, Section 6-2.15 of the Hayward Municipal Code is hereby amended by amending the following section to read as follows:

“SEC. 6-2.15 – LICENSE APPLICATION FEE.

A nonrefundable application fee, the amount of which is set in the City of Hayward's Master Fee Schedule, shall accompany the application and shall be retained by the City for the cost of investigating and processing of the application, whether the application is approved. The application fee shall be paid to the Police Department at the time of submittal of the application.”

Section 2. Effective Date.

In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a regular meeting of the City Council of the City of Hayward, held the 14<sup>th</sup> day of November 2017, by Council Member Lamnin.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on November 28, 2017, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 24, 2017  
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 17-736

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of Ordinance Amending Chapter 5, Article 4, Section 5-4.10 of the Hayward Municipal Code Regulating the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on November 14, 2017.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Ordinance Published on 11/24/2017



DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adoption of Ordinance Amending Chapter 5, Article 4, Section 5-4.10 of the Hayward Municipal Code Regulating the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells

#### RECOMMENDATION

That the Council adopts the Ordinance introduced on November 14, 2017.

#### BACKGROUND

The Ordinance was introduced by Council Member Peixoto at the November 14, 2017, special meeting of the City Council with the following vote:

AYES: COUNCIL MEMBERS Zermeno, Marquez, Mendall, Peixoto, Lamnin, Salinas  
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

#### STRATEGIC INITIATIVES

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

#### FISCAL IMPACT

There is no fiscal impact associated with this report.

#### PUBLIC CONTACT

The Ordinance was published in the Hayward Daily Review on Friday, November 24, 2017. Adoption at this time is therefore appropriate.

#### NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared by: Avinta Madhukansh-Singh, Management Analyst

Recommended by: Miriam Lens, City Clerk

Approved by:

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

---

Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, SECTION 5-4.10  
OF THE HAYWARD MUNICIPAL CODE REGULATING THE  
CONSTRUCTION, REPAIR, RECONSTRUCTION, DESTRUCTION OR  
ABANDONMENT OF WELLS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 5, Article 4, Section 5-4-10, of the Hayward Municipal Code is amended to read in full as follows:

SEC. 5-4-10 – COUNTY OF ALAMEDA ORDINANCE NO. 0-2015-20 ENTITLED “AN ORDINANCE TO REGULATE THE CONSTRUCTION, REPAIR, RECONSTRUCTION, DESTRUCTION OR ABANDONMENT OF WELLS WITHIN THE BOUNDARIES OF THE COUNTY OF ALAMEDA”, ADOPTION BY REFERENCE.

The well standards regulations of the County of Alameda adopted as Sec. 5-4.10, Alameda County Code of Ordinances, Title 6 - Health and Safety/Chapter 6.88, Water Wells (Ref.: [https://library.municode.com/CA/Alameda\\_County/codes/code\\_of\\_ordinances?nodeId=TTT6HESA\\_CH6.88WAW](https://library.municode.com/CA/Alameda_County/codes/code_of_ordinances?nodeId=TTT6HESA_CH6.88WAW)), as amended by Alameda County Ordinance No. 0-2015-20, Section 1, 4-21-15 (Ref.: Ord. No. 0-2015-20, §1, 4-21-15), or as may be amended by the Board of Supervisors of the County of Alameda, is hereby adopted as the well standards ordinance of the City of Hayward regulating the construction, repair, reconstruction, destruction or abandonment of wells within the City of Hayward.

A printed copy of such Alameda County regulations (primary code) and a printed copy of the Department of Water Resources Bulletin No. 74-81 and 74-90, which taken together comprise the “Water Well Standards: State of California (secondary code), (Ref.: [http://www.water.ca.gov/groundwater/well\\_info\\_and\\_other/california\\_well\\_standards/well\\_standards\\_content.html](http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html)) are on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Section 4. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines (Title 44 of the California Code of Regulations) because there is no possibility that the ordinance will have a significant effect on the environment. This ordinance would also qualify as exempt pursuant to Section 15378(b)(3) of the CEQA Guidelines as the term “project” does not include organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 14th day of November 2017, by Council Member Peixoto.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on November 28, 2017, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 24, 2017  
Miriam Lens, City Clerk  
City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** CONS 17-741

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of Ordinance Amending Chapter 10, Article 17 of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on November 7, 2017.

**ATTACHMENTS**

- Attachment I Staff Report
- Attachment II Summary of Ordinance Published on 11/24/17
- Attachment III Revised Ordinance



DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adoption of Ordinance Amending Chapter 10, Article 17 of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments

#### RECOMMENDATION

That the Council adopts the Ordinance introduced on November 7, 2017.

#### BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 7, 2017, meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Peixoto, Salinas, Lamnin
	MAYOR: Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

The motion included the following five amendments: 1) projects that would qualify for the half in-lieu fee would have had to submit their applications by October 10, 2017, have their applications deemed complete by December 20, 2017, and have applications approved and pull building permits within two years; 2) that the inclusionary deed restrictions (for ownership and rental) be changed to “in perpetuity”; 3) change the inflation adjustor from CPI (Consumer Price Index) to ENR (Engineering News Record) construction cost index; 4) allow for more deeply affordable units by adding the language “or lower” in places that specify the level of affordability as a range; and 5) modify Section 10-17.700 [Development Incentives (b) Modified Development Standards to Increase Density (2)] regarding allowing for decreased number of parking spaces to allow for affordable units near a major transportation route, by incorporating the State definition to allow the ability to have transit access.



The following sections of the Ordinance have been modified to address comments from the City Council and are presented in Attachment III.

- Section 10-17.210 ON-SITE UNITS IN OWNERSHIP RESIDENTIAL PROJECTS (b) and (c)
- Section 10-17.215 ON-SITE UNITS IN RENTAL RESIDENTIAL PROJECTS (b) and (c)
- Section 10-17.520 TERM OF AGREEMENT
- Section 10-17.700 DEVELOPMENT INCENTIVES (b) (2)
- Section 10-17.820 RESALE OF FOR-SALE AFFORDABLE UNITS (a)

#### STRATEGIC INITIATIVES

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

#### FISCAL IMPACT

There is no fiscal impact associated with this report.

#### PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, November 24, 2017. Adoption at this time is therefore appropriate.

#### NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared by: Miriam Lens, City Clerk

Approved by:



---

Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE CITY OF HAYWARD AMENDING CHAPTER 10, ARTICLE 17,  
OF THE HAYWARD MUNICIPAL CODE REGARDING AFFORDABLE HOUSING  
REQUIREMENTS FOR NEW HOUSING DEVELOPMENTS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 10, Article 17 of the Hayward Municipal Code is amended to read in full as follows:

**ARTICLE 17**  
**AFFORDABLE HOUSING ORDINANCE**

Section	Subject Matter
10-17.100	GENERAL PROVISIONS
10-17.105	TITLE
10-17.110	PURPOSE
10-17.115	FINDINGS
10-17.120	DEFINITIONS
10-17.200	RESIDENTIAL DEVELOPMENT PROJECTS
10-17.205	UNIT THRESHOLD AND BASIC REQUIREMENTS
10-17.210	ON-SITE UNITS IN OWNERSHIP RESIDENTIAL PROJECTS
10-17.215	ON-SITE UNITS IN RENTAL RESIDENTIAL PROJECTS
10-17.220	DESIGN, DISTRIBUTION AND TIMING OF AFFORDABLE UNITS
10-17.225	OFF-SITE CONSTRUCTION
10-17.230	ADDITIONAL ALTERNATIVES
10-17.300	[RESERVED]
10-17.400	AFFORDABLE HOUSING IN-LIEU FEE
10-17.405	ADOPTION OF AFFORDABLE HOUSING IN-LIEU FEE
10-17.410	PAYMENT OF AFFORDABLE HOUSING IN-LIEU FEE
10-17.415	USE OF AFFORDABLE HOUSING IN-LIEU FEE

10-17.500	IMPLEMENTATION OF AFFORDABLE HOUSING PLAN
10-17.505	GENERAL
10-17.510	AFFORDABLE HOUSING PLAN
10-17.515	AFFORDABLE HOUSING AGREEMENT
10-17.520	TERM OF AGREEMENT
10-17.525	RECORDING OF AGREEMENT
10-17.600	EXEMPTIONS
10-17.700	DEVELOPMENT INCENTIVES
10-17.800	ADMINISTRATION OF AFFORDABLE UNITS
10-17.805	SELECTION CRITERIA
10-17.810	CONFLICT OF INTEREST
10-17.815	OCCUPANCY
10-17.820	RESALE OF FOR-SALE AFFORDABLE UNITS
10-17.825	OPTION TO PURCHASE – FOR-SALE AFFORDABLE UNITS
10-17.830	RENTAL UNITS
10-17.835	MARKETING PLAN
10-17.840	COMPLIANCE REPORTS
10-17.845	SUBSEQUENT RENTAL TO INCOME-ELIGIBLE TENANT
10-17.850	CHANGES IN TENANT INCOME
10-17.900	ADJUSTMENTS AND WAIVERS
10-17.905	APPLICATION FOR ADJUSTMENTS AND WAIVERS
10-17.910	CONSIDERATIONS
10-17.915	ACTION ON ADJUSTMENT OR WAIVER
10-17.1000	AFFORDABLE HOUSING TRUST FUND
10-17.1005	TRUST FUND
10-17.1010	PURPOSE, LIMITATIONS AND ADMINISTRATION
10-17.1100	ENFORCEMENT
10-17.1105	MISDEMEANOR
10-17.1110	CITY ACTIONS

Introduced at a regular meeting of the City Council of the City of Hayward, held the 7<sup>th</sup> day of November 2017, by Council Member Mendall.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on November 28, 2017, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 24, 2017  
Miriam Lens, City Clerk  
City of Hayward

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HAYWARD AMENDING CHAPTER 10, ARTICLE 17, OF THE HAYWARD MUNICIPAL CODE REGARDING AFFORDABLE HOUSING REQUIREMENTS FOR NEW HOUSING DEVELOPMENTS**

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 10, Article 17 of the Hayward Municipal Code is amended to read in full as follows:

**ARTICLE 17**

**AFFORDABLE HOUSING ORDINANCE**

Section	Subject Matter
10-17.100	GENERAL PROVISIONS
10-17.105	TITLE
10-17.110	PURPOSE
10-17.115	FINDINGS
10-17.120	DEFINITIONS
10-17.200	RESIDENTIAL DEVELOPMENT PROJECTS
10-17.205	UNIT THRESHOLD AND BASIC REQUIREMENTS
10-17.210	ON-SITE UNITS IN OWNERSHIP RESIDENTIAL PROJECTS
10-17.215	ON-SITE UNITS IN RENTAL RESIDENTIAL PROJECTS
10-17.220	DESIGN, DISTRIBUTION AND TIMING OF AFFORDABLE UNITS
10-17.225	OFF-SITE CONSTRUCTION
10-17.230	ADDITIONAL ALTERNATIVES
10-17.300	[RESERVED]

10-17.400	AFFORDABLE HOUSING IN-LIEU FEE
10-17.405	ADOPTION OF AFFORDABLE HOUSING IN-LIEU FEE
10-17.410	PAYMENT OF AFFORDABLE HOUSING IN-LIEU FEE
10-17.415	USE OF AFFORDABLE HOUSING IN-LIEU FEE
10-17.500	IMPLEMENTATION OF AFFORDABLE HOUSING PLAN
10-17.505	GENERAL
10-17.510	AFFORDABLE HOUSING PLAN
10-17.515	AFFORDABLE HOUSING AGREEMENT
10-17.520	TERM OF AGREEMENT
10-17.525	RECORDING OF AGREEMENT
10-17.600	EXEMPTIONS
10-17.700	DEVELOPMENT INCENTIVES
10-17.800	ADMINISTRATION OF AFFORDABLE UNITS
10-17.805	SELECTION CRITERIA
10-17.810	CONFLICT OF INTEREST
10-17.815	OCCUPANCY
10-17.820	RESALE OF FOR-SALE AFFORDABLE UNITS
10-17.825	OPTION TO PURCHASE – FOR-SALE AFFORDABLE UNITS
10-17.830	RENTAL UNITS
10-17.835	MARKETING PLAN
10-17.840	COMPLIANCE REPORTS
10-17.845	SUBSEQUENT RENTAL TO INCOME-ELIGIBLE TENANT
10-17.850	CHANGES IN TENANT INCOME

10-17.900	ADJUSTMENTS AND WAIVERS
10-17.905	APPLICATION FOR ADJUSTMENTS AND WAIVERS
10-17.910	CONSIDERATIONS
10-17.915	ACTION ON ADJUSTMENT OR WAIVER
10-17.1000	AFFORDABLE HOUSING TRUST FUND
10-17.1005	TRUST FUND
10-17.1010	PURPOSE, LIMITATIONS AND ADMINISTRATION
10-17.1100	ENFORCEMENT
10-17.1105	MISDEMEANOR
10-17.1110	CITY ACTIONS

## ARTICLE 17 - AFFORDABLE HOUSING ORDINANCE

### SEC. 10-17.100 - GENERAL PROVISIONS

### SEC. 10-17.105 - TITLE.

This title shall be known and may be cited and referred to as the "Hayward Affordable Housing Ordinance."

### SEC. 10-17.110 - PURPOSE.

The purpose of this Article is to:

- a. Enhance the public welfare by ensuring that future Residential Development Projects contribute to the attainment of the affordable housing goals set forth in the 2015-2023 Housing Element of the General Plan of the City of Hayward.
- b. Require that future Residential Development Projects mitigate their impact on the need for affordable housing in Hayward by contributing to the production of residences in Hayward that are affordable to extremely low, very low, low- and moderate-income households.
- c. Increase the production of residences in Hayward that are affordable to extremely low, very low, low, and moderate-income households.
- d. Ensure that residences affordable to extremely low, very low, low- and moderate-income households are distributed throughout the City's various neighborhoods.
- e. Support the housing objectives contained in State law.

### SEC. 10-17.115 - FINDINGS.

The City Council finds and determines that lack of access to affordable housing has a direct impact upon the health, safety and welfare of the residents of the City of Hayward. The housing problem affects a broad range of income groups, including many who would not need public assistance or intervention in the housing market if they lived outside of the San Francisco Bay Area.

- a. According to the 2015-2023 Housing Element, 48 percent of Hayward households pay more than 30 percent of their income for housing. Over 68 percent of lower income households overpay, and among very low-income households, 89 percent of renters overpay for housing.
- b. The 2015-2023 Housing Element also shows that most lower income households cannot afford any available housing in Hayward and that moderate-income households can afford to rent but not purchase housing in Hayward.
- c. Because all forms of housing are expensive to build, rent, and buy, a variety of housing programs and resources are required to help meet the need for affordable housing.
- d. The California Legislature has required each local government agency to develop a comprehensive, long-term plan establishing policies for future development. As specified in Government Code Section 65583(c), the plan must (1) encourage the development of a variety of types of housing for all income levels, including multifamily rental housing; and (2) "[a]ssist in the development of adequate housing to meet the needs of extremely low, very low, low- and moderate-income households." The City is also charged by the Legislature to use the powers vested in it to make adequate provision for the housing needs of all economic segments of the community. (Section 65580(d).)



- e. Because of the high cost of both existing and newly constructed housing, the City will be limited in its ability to contribute to the attainment of State housing goals and to maintain a thriving mixed-income community without additional affordable housing.
- f. Rising land prices have been a key factor in preventing development of new affordable housing. New housing construction in the City that does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land. This reduces the supply of land for affordable housing and increases the price of remaining residential land. At the same time new housing contributes to the demand for goods and services in the City, increasing local service employment at wage levels that do not often permit employees to afford housing in the City. Providing the affordable units or fees required by this ordinance will mitigate the impacts of market-rate development on the need for affordable housing and will help to ensure that part of the City's remaining developable land is used to provide affordable housing.

#### SEC. 10-17.120 - DEFINITIONS.

As used in this Article, each of the following terms is defined as follows:

- a. "Affordable Unit" is defined as an ownership or rental Dwelling Unit whose price is set at an Affordable Ownership Cost or Affordable Rent as defined in this Article.
- b. "Affordable Ownership Cost" is defined as the maximum purchase price that will be affordable to a Moderate-Income Household at Presumed Occupancy Levels, based on a reasonable down payment and monthly housing payments (including mortgage principal and interest, property taxes, homeowner's insurance, and homeowner/condominium association fees where applicable) that do not exceed one hundred ten percent of Area Median Income multiplied by thirty-five percent and divided by twelve.
- c. "Affordable Rent" is defined as the maximum monthly rent, including all fees for housing services and a utility allowance as determined by the Alameda County Housing Authority, that does not exceed the following, based on Presumed Occupancy Levels:
  - 1. For Extremely Low Income Households: thirty percent of Area Median Income multiplied by thirty percent and divided by twelve.
  - 2. For Very Low Income Households: fifty percent of Area Median Income multiplied by thirty percent and divided by twelve.
  - 3. For Low Income Households: sixty percent of Area Median Income multiplied by thirty percent and divided by twelve.
- d. "Applicant" is defined as any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks discretionary or ministerial permits for a Residential Development Project from the City of Hayward.
- e. "Area Median Income (AMI)" is defined as the median income for Alameda County, adjusted for household size, as published annually in Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development (HCD).
- f. "Decision-Making Body" is defined as the body with the authority to approve an application for a Residential Development Project.
- g. "Dwelling Unit" is defined as a dwelling designed and intended for residential occupancy by one household.
- h. "Extremely Low, Very Low, Low, and Moderate-Income Households" are defined as households whose incomes do not exceed the extremely low, very low, low, or moderate-income limits, as applicable, established for Alameda County and adjusted for household size that are published

annually in Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by HCD.

- i. "Household Income" is defined as the gross annual household income, monetary benefits, and all other sources of household income, before deductions or exemptions, and includes the income of all members of the household 18 years of age or older.
- j. "Ownership Residential Project" is defined as any Residential Development Project that creates new Dwelling Units that may be sold individually, including but not limited to condominiums, townhomes, stock cooperatives, community apartments, and attached or detached single-family homes. An Ownership Residential Project also includes any Residential Development Project with a recorded condominium plan or map and the conversion of residential property to common interest developments as described in Hayward Municipal Code Section 10-3.370.
- k. "Presumed Occupancy Levels" as listed below shall be used to establish Affordable Ownership Cost and Affordable Rents, unless the Residential Development Project is financed with federal tax credits, in which case the applicable federal regulations shall determine the Presumed Occupancy Levels:
  - (1) One person for a studio unit;
  - (2) Two people for a one bedroom unit;
  - (3) Three people for a two bedroom unit; and
  - (4) One additional person for each additional bedroom thereafter.
- l. "Rental Residential Project" is defined as any Residential Development Project that creates new Dwelling Units that cannot be sold individually.
- m. "Residential Development Project" is defined as any development for which a discretionary or ministerial permit is required that includes the creation of two (2) or more net new Dwelling Units or residential lots, or Dwelling Units and residential lots in combination. A conversion of residential property containing two (2) or more Dwelling Units to a common interest development, as defined in Hayward Municipal Code Section 10-3.370, is also a Residential Development Project. All development within a two-year period of two (2) or more Dwelling Units on a lot, or on contiguous lots for which there is evidence of common ownership or control, even though not covered by the same City discretionary or ministerial permit, shall be considered to be one Residential Development Project. The provisions of this section shall be interpreted broadly to effect the purposes of this chapter and to prevent evasion of its terms.

#### SEC. 10-17.200 - RESIDENTIAL DEVELOPMENT PROJECTS.

#### SEC. 10-17.205 - UNIT THRESHOLD AND BASIC REQUIREMENTS.

All Residential Development Projects consisting of two (2) or more Dwelling Units shall be subject to the affordable housing requirements of this Article. This Article shall be applied no more than once to an approved Residential Development Project, regardless of changes in the character or ownership of the development, provided that the total number of Dwelling Units does not change.

At the time an application for a Residential Development Project is submitted, the Applicant shall specify how the requirements of this Section shall be met. An Applicant for a Residential Development Project shall comply with the affordable housing requirements of this article by satisfying one of the following options:

- a. Pay an affordable housing in-lieu fee under Section 10-17.410; or
- b. Include on-site for-sale Affordable Units as specified in Section 10-17.210 or on-site rental Affordable Units as specified in Section 10-17.215. Where the calculation of the required number

of Affordable Units results in a fraction of a unit, the Applicant may provide one additional Affordable Unit or pay affordable housing in-lieu fees for the fractional unit. If a project amendment results in a change in the total number of Dwelling Units, the number of Affordable Units required will be recalculated to coincide with the final approved Residential Development Project; or

- c. Construct Affordable Units not physically contiguous to the development (off-site) if approved by the Decision-Making Body under Section 10-17.225; or
- d. Propose additional alternatives not listed in this Article if approved by the Decision-Making Body under Section 10-17.230; or
- e. In an Ownership Residential Project, provide rental Affordable Units consistent with Section 10-17.215.

#### SEC. 10-17.210 – ON-SITE UNITS IN OWNERSHIP RESIDENTIAL PROJECTS.

If the Applicant elects to provide on-site for-sale Affordable Units in an Ownership Residential Project, they shall be provided as follows:

- a. In high-density condominium projects approved at densities of thirty five (35) units per acre or more, 7.5 percent of the Dwelling Units shall be for-sale Affordable Units. In all other Ownership Residential Projects, 10 percent of the Dwelling Units shall be for-sale Affordable Units.
- b. For-sale Affordable Units shall be made affordable to Moderate- Income Households at Affordable Ownership Cost. The Applicant may elect to provide Affordable Units affordable to Extremely Low, Very Low, or Low Income Households rather than units affordable to Moderate-Income Households.
- c. For-sale Affordable Units must be legally restricted to occupancy by Moderate-Income Households ~~for a minimum of 45 years from the date of approval of a final inspection or issuance of an occupancy permit~~ in perpetuity.

#### SEC. 10-17.215 – ON-SITE UNITS IN RENTAL RESIDENTIAL PROJECTS.

If the Applicant elects to provide on-site rental Affordable Units in a Rental Residential Project, they shall be provided as follows:

- a. Six (6) percent of the Dwelling Units shall be rental Affordable Units.
- b. One-half of rental Affordable Units shall be made affordable to Low-Income Households at Affordable Rent and one-half shall be made affordable to Very Low Income Households at Affordable Rent. The first Affordable Unit required shall be made affordable to Very Low Income Households at Affordable Rent. The Applicant may elect to provide Affordable Units affordable to Extremely Low or Very Low Income Households rather than units affordable to Very Low and Low-Income Households.
- c. Rental Affordable Units must be legally restricted to occupancy by Low-Income or Very Low Income Households, as applicable, at Affordable Rent ~~for a minimum of 55 years from the date of approval of a final inspection or issuance of an occupancy permit~~ in perpetuity.

#### SEC. 10-17.220 - DESIGN, DISTRIBUTION AND TIMING OF AFFORDABLE UNITS.

On-site Affordable Units shall be integrated with the proposed Residential Development Project and shall be comparable in infrastructure (including sewer, water and other utilities), construction quality, exposure to environmental conditions, access to amenities, and exterior design to the on-site market-rate units. Specifically:

- a. The Affordable Units should be integrated with the project as a whole. Affordable Units have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing. The

Affordable Units must be at least equal in size and amenities as the on-site market rate units, and any comparative deficiency in size or amenities must be compensated for by additional Affordable Units, larger Affordable Units, or affordability to households with lower incomes.

- b. No building permits will be issued for any market-rate units in the Residential Development Project until permits for all Affordable Units have been obtained, unless Affordable Units are to be constructed in phases pursuant to a plan approved by City Council.
- c. Market-rate units in the Residential Development Project will not be inspected for occupancy until all Affordable Units have been constructed, unless Affordable Units are to be constructed in phases pursuant to a plan approved by City Council.

#### SEC. 10-17.225 - OFF-SITE CONSTRUCTION.

As an alternative to construction of on-site Affordable Units, an Applicant may instead construct Affordable Units not physically contiguous to the development (off-site) if the Decision-Making Body determines that:

- a. Off-site construction will further affordable housing opportunities in the City to a greater extent than construction of the required Affordable Units as part of the proposed Residential Development Project;
- b. A schedule for completion of the off-site Affordable Units concurrently with completion of the related market-rate units is provided and agreed upon as a condition of approval for the project;
- c. The off-site Affordable Units are at least equal in size and amenities to the Affordable Units that would be provided on-site, or any comparative deficiency in size or amenities is compensated for by additional Affordable Units, larger Affordable Units, or affordability to households with lower incomes.
- d. The off-site location is suitable for the proposed Affordable Units, consistent with the General Plan and the Housing Element, and will not tend to cause residential segregation

Except as approved by the Decision-Making Body, off-site Affordable Units shall conform with all other requirements in this Article that are applicable to on-site Affordable Units.

#### SEC. 10-17.230 - ADDITIONAL ALTERNATIVES.

An Applicant may also propose additional alternatives not listed in this Article if the Decision-Making Body finds that such an alternative would provide a greater benefit to the City than the other options explicitly described in this Article. An Applicant may also choose to propose any combination of on-site construction, off-site construction, affordable housing in-lieu fee, rental housing, or other alternative that conforms to the provisions of this Article and would at least equal the benefit to the City as the other options explicitly described in this Article. Except as approved by the Decision-Making Body, off-site Affordable Units shall conform with all other requirements in this Article that are applicable to on-site for-sale Affordable Units.

#### SEC. 10-17.300 – [Reserved]

SEC. 10-17.400 - AFFORDABLE HOUSING IN-LIEU FEE.

SEC. 10-17.405 - ADOPTION OF AFFORDABLE HOUSING IN-LIEU FEE.

Affordable housing in-lieu fees for Residential Development Projects may be established by resolution of the City Council and amended from time to time as appropriate. Any such fees shall be part of the City's Master Fee Schedule. The fees shall not exceed the cost to the City of mitigating the impact of such developments on the need for affordable housing in the City.

SEC. 10-17.410 - PAYMENT OF AFFORDABLE HOUSING IN-LIEU FEE.

Affordable housing in-lieu fees shall be paid either prior to issuance of a building permit for a Dwelling Unit or prior to approval of a final inspection or issuance of an occupancy permit for a Dwelling Unit. Regardless of the option chosen, no final inspection will be approved and no occupancy permit will be issued for any Dwelling Unit unless all required affordable housing in-lieu fees have been paid in full.

SEC. 10-17.415 - USE OF AFFORDABLE HOUSING IN-LIEU FEE.

The affordable housing in-lieu fee shall be placed in the Affordable Housing Trust Fund and used as described in Sections 10-17.1000-1010.

SEC. 10-17.500 - IMPLEMENTATION OF AFFORDABLE HOUSING PLAN.

SEC. 10-17.505 - GENERAL.

The provisions of this Article shall apply to all agents, successors and assignees of an Applicant or property owner proposing a Residential Development Project governed by this Article. No discretionary or ministerial permit shall be issued for any Residential Development Project unless in compliance with the terms of this Article.

SEC. 10-17.510 - AFFORDABLE HOUSING PLAN.

Unless the Applicant proposes to pay affordable housing in-lieu fees consistent with Section 10-17.400-415, an Applicant shall submit an Affordable Housing Plan (AHP) as part of the earliest application for a Residential Development Project. In accordance with the Permit Streamlining Act, the Planning Director shall determine whether the AHP is complete. The elements of a complete AHP are described below. If the AHP is incomplete, the AHP will be returned to the Applicant with a list of the deficiencies or the information required. No application for a discretionary or ministerial permit to which this Article applies shall be deemed complete until the AHP is deemed complete by the Planning Director. At any time during the review process, the Planning Director may require from the Applicant additional information reasonably necessary to clarify and supplement the application or to determine the consistency of the proposed AHP with the requirements of this Article.

A complete AHP shall include, at a minimum:

- a. The location, structure (attached or detached), proposed tenure (for-sale or rental), and size of the proposed market-rate units and Affordable Units and the basis for calculating the number of Affordable Units provided;
- b. A floor or site plan depicting the location of the Affordable Units;
- c. The income levels to which each Affordable Unit will be made affordable;

- d. For phased Residential Development Projects, a phasing plan that provides for the timely development of the number of Affordable Units proportionate to each proposed phase of development as required by this Article;
- e. A description of any incentives that are requested by the Applicant;
- f. If off-site units, rental units, or other alternatives are proposed under Sections 10-17.205, 10-17.225, or 10-17.230, the information necessary to support the findings required for approval of such alternatives;
- g. A marketing plan that describes how the Applicant will inform the public, and those within the appropriate income groups, of the availability of Affordable Units;
- h. A written statement demonstrating compliance with the requirements of Section 10-17.220 for on-site Affordable Units; and
- i. Any other information reasonably requested by the Planning Director to assist with evaluation of the AHP under the standards of this Article.

Affordable Housing Plans that meet all of the requirements of this Article shall be approved by Decision-Making Body. An Affordable Housing Plan that requests a waiver of any of the requirements set forth in this Article shall require approval of the City Council.

#### SEC. 10-17.515 - AFFORDABLE HOUSING AGREEMENT.

An approved Affordable Housing Plan shall be memorialized by an Affordable Housing Agreement (AHA) between the City and the Applicant. The form of the AHA will vary, depending on the manner in which the provisions of this Article are satisfied for a particular Residential Development Project. An AHA must include, at minimum, the following:

- a. Description of the development, including whether the Affordable Units will be rented or owner-occupied;
- b. The number, size and location of any Extremely Low, Very Low-, Low- or Moderate-Income Units;
- c. Affordability incentives provided by the City (if any), including the nature and amount of any local public funding;
- d. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions;
- e. The marketing plan for sale or rental of the Affordable Units;
- f. Provisions for monitoring the ongoing affordability of the Affordable Units, and the process for qualifying prospective resident households for income eligibility; and
- g. Any additional obligations relevant to the compliance with this Article.

The form of the AHA resale and rental restrictions, deeds of trust, option agreements and other documents authorized by this subsection must be approved by the City Manager or designee prior to being executed with respect to any Residential Development Project.

Approval of an AHA is a condition of any discretionary or ministerial permit for any Residential Development Project for which this Article applies, unless the Applicant has proposed to pay affordable housing mitigation fees consistent with Section 10-17.400-415.

#### SEC. 10-17.520 - TERM OF AGREEMENT.

All for-sale Affordable Units provided under this Article must be legally restricted to occupancy by Moderate, Low, Very Low, or Extremely Low-Income Households, as applicable, ~~for a minimum of 45 years from the date of approval of a final inspection or issuance of an occupancy permit in perpetuity.~~ All rental Affordable Units provided under this Article must be legally restricted to occupancy by Low, Very

Low, or Extremely Low-Income Households, as applicable, ~~for a minimum of 55 years from the date of approval of a final inspection or issuance of an occupancy permit~~ in perpetuity.

#### SEC. 10-17.525 - RECORDING OF AGREEMENT.

An approved Affordable Housing Agreement must be recorded against the property included in the Residential Development Project prior to approval of any parcel or final map or issuance of any building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee may also be recorded. In cases where the requirements of this Article are satisfied through the development of off-site units, the Affordable Housing Agreement must simultaneously be recorded against the Residential Development Project site and the property where the off-site units are to be developed.

#### SEC. 10-17.600 - EXEMPTIONS.

The requirements of this Article do not apply to the following:

- a. The reconstruction of any structures that have been destroyed by fire, flood, earthquake or other act of nature; provided, however, that this Article shall apply to net new Dwelling Units added to a site if the reconstruction of the site increases the total number of Dwelling Units by two or more.
- b. Development agreements originally adopted and executed by the City Council prior to January 1, 2004 and any extensions or modifications of those development agreements that did not modify the affordable housing requirements; and any development agreements which specify an alternative requirement for affordable housing.

#### SEC. 10-17.700 - DEVELOPMENT INCENTIVES.

This Article confers economic and land use benefits on Residential Development Projects that provide on-site Affordable Units, as set forth below.

- a. Density Bonus. The Applicant may apply for a density bonus and other regulatory incentives provided by state law pursuant to Chapter 10, Article 19 of the Hayward Municipal Code. In calculating the number of Affordable Units required by this Article, any additional Dwelling Units authorized as a density bonus pursuant to state law shall not be counted as part of the Residential Development Project.
- b. Modified Development Standards to Increase Density.
  - (1) In a residential project which contains single family detached homes, Affordable Units may be attached Dwelling Units rather than detached homes. In a residential project that includes attached multi-story Dwelling Units, Affordable Units may contain only one story;
  - (2) When a Residential Development Project is ~~on a major transportation route~~ within one-half mile of a rail station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, the Applicant may request that the Decision-Making Body reduce the number of parking spaces required for the development based on the assumption that some households will take public transportation to their jobs. This will allow for increased density within the development.
- c. Expedited Processing. Expedited processing of development approvals and permits will be available for Residential Development Projects with on-site Affordable Units.
- d. Technical and Financial Assistance. Upon request, information shall be provided to Applicants regarding design guidelines and financial subsidy programs for Residential Development Projects.

#### SEC. 10-17.800 - ADMINISTRATION OF AFFORDABLE UNITS.

## SEC. 10-17.805 - SELECTION CRITERIA.

No household shall be permitted to occupy an Affordable Unit unless the City Manager or designee has first approved the household's eligibility as a Moderate-, Low-, Very Low, or Extremely Low-Income Household, as applicable. The Applicant, property owner or property manager shall use an equitable selection method established in compliance with the terms of this Article and approved by the City Manager or designee. If qualified, persons shall be selected for occupancy of an Affordable Unit based on the following criteria:

- a. First Priority: Persons who live or work within the City of Hayward.
- b. Second Priority: All other eligible households.

## SEC. 10-17.810 - CONFLICT OF INTEREST.

The following individuals are ineligible to purchase or rent an Affordable Unit: City employees and officials (and their immediate family members) who have policy-making authority or influence regarding City housing programs and do not qualify as having a remote interest as provided by California Government Code; the Applicant and its officers and employees (and their immediate family members); and the property owner and its officers and employees (and their immediate family members).

## SEC. 10-17.815 - OCCUPANCY.

Any household who occupies an Affordable Unit must occupy that unit as the household's principal residence. Should the household cease to occupy the Affordable Unit as its principal residence, the household will be in default of its resale restriction or lease. The City may, in its sole discretion, grant a temporary waiver of this occupancy requirement for hardship.

## SEC. 10-17.820 – RESALE OF FOR-SALE AFFORDABLE UNITS.

The initial and subsequent sales price of for-sale Affordable Units must be set at Affordable Ownership Cost.

- a. Transfer of Restrictions. When the ownership of a for-sale Affordable Unit is transferred ~~prior to the expiration of the 45-year affordability period,~~ each new owner must sign an Affordable Housing Agreement ~~to complete the 45-year term~~ consistent with the provisions of this Article.
- b. Resale. The maximum sales price permitted on resale of a for-sale Affordable Unit shall be the lower of (1) fair market value or (2) the seller's lawful purchase price, increased by the lesser of (a) the rate of increase of Area Median Income during the seller's ownership or (b) the rate at which the Consumer Price Index for All Urban Consumers, San Francisco Area, increased during the seller's ownership. To the extent authorized in the resale restrictions or Affordable Housing Agreement recorded against the property, seller may recover, at time of sale, the value of capital improvements made by the seller (for which there are receipts) and the seller's necessary and usual costs of sale. The City Manager or designee may authorize an increase in the maximum allowable sales price to achieve such recovery. Capital improvements are limited to new construction. Repairs of any type, including but not limited to roofs, bathrooms and kitchens, are not considered capital improvements.

## SEC. 10-17.825 - OPTION TO PURCHASE - FOR-SALE AFFORDABLE UNITS.

In the event of a default under the resale restrictions, the City shall have the option to purchase the Affordable Unit following the default by the owner under the terms of the resale restrictions.

It is the responsibility of the seller of an Affordable Unit that is subject to this Article to select a purchaser that meets the income requirements of this Article. Information regarding potential purchasers who may meet the income criteria may be obtained from the City of Hayward or from similar programs offered by other municipalities, lenders, or local housing organizations. The City may establish procedures



to review the prospective purchaser's eligibility to purchase an Affordable Unit. If the seller is unable to find an eligible purchaser, the City shall have the option to purchase the Affordable Unit.

In either event, the option price for the Affordable Unit shall equal the price that could be charged to an income-eligible purchaser.

#### SEC. 10-17.830 - RENTAL AFFORDABLE UNITS.

If rental Affordable Units are provided, the Affordable Units shall be offered to eligible households at Affordable Rent. The owner of rental Affordable Units shall certify each tenant's Household Income to the City Manager or designee at the time of initial rental and annually thereafter. The owner must obtain and review documents that demonstrate the prospective tenant's Household Income and submit such information on a form approved by the City Manager or designee. The City Manager or designee shall review the prospective tenant's eligibility to rent an Affordable Unit. No tenant may move into an Affordable Unit prior to authorization by the City Manager or designee.

#### SEC. 10-17.835 - MARKETING PLAN.

Owners of rental Affordable Units may fill vacant Affordable Units by selecting income-eligible households in accordance with the approved marketing plan contained in the Affordable Housing Agreement.

#### SEC. 10-17.840 - COMPLIANCE REPORTS.

Owners of rental Affordable Units shall submit annual compliance reports summarizing the occupancy of each Affordable Unit. Annually, the owner shall re-certify all tenants for income-eligibility and submit an annual report. The forms and format used will be the same as those specified for the Tax Exempt Multifamily Mortgage Bond Program or other State or federal housing subsidy program approved by the City.

#### SEC. 10-17.845 - SUBSEQUENT RENTAL TO INCOME-ELIGIBLE TENANT.

The owner shall apply the same rental terms and conditions to tenants of Affordable Units as are applied to all other tenants, except as required to comply with this Article (e.g., rent levels, occupancy restrictions and income requirements) or with other applicable government subsidy programs. The owner shall manage and operate the Affordable Units in compliance with federal and state fair housing laws.

#### SEC. 10-17.850 - CHANGES IN TENANT INCOME.

If, after moving into an Affordable Unit, a tenant's Household Income exceeds the income limit for that Affordable Unit, the following shall apply:

- a. If the tenant's Household Income does not exceed the income limits of other Affordable Units in the Residential Development Project, the owner may, at the owner's option, allow the tenant to remain in the original Affordable Unit and re-designate the Affordable Unit as affordable to households of a higher income level, as long so the next vacant Affordable Unit is re-designated for the income category previously applicable to the tenant's household.
- b. If there are no Affordable Units available at the tenant's increased income level, the tenant's rent shall be raised to 30 percent of the tenant's actual monthly Household Income or fair market rent, whichever is lower. If the tenant is paying fair market rent, the next vacant Dwelling Unit that is comparable in size (number of bedrooms, bathrooms, square footage, etc.) to the original Affordable Unit shall be designated as an Affordable Unit at the income level previously applicable to the Dwelling Unit converted to market rate. However, if the Affordable Units are financed with federal tax credits, the following shall apply: if, upon recertification, a tenant's Household Income exceeds 70 percent of AMI, the owner shall charge the existing tenant rent equal to the amount permitted under the rules and regulations of the Internal Revenue Service

and the California Tax Credit Allocation Committee, and the owner shall rent the next available Dwelling Unit to a Very Low Income Household for Affordable Rent.

SEC. 10-17.900 - ADJUSTMENTS AND WAIVERS.

SEC. 10-17.905 - APPLICATION FOR ADJUSTMENTS AND WAIVERS.

As part of an application for the first approval of a Residential Development Project, an Applicant may apply for a reduction, adjustment, or waiver of the requirements of this Article based upon a showing that applying the requirements of this chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result. The Applicant shall set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.

SEC. 10-17.910 - CONSIDERATIONS.

In making a determination on an application to adjust or waive the requirements of this Article, the City Council may assume each of the following when applicable: (a) the Applicant will benefit from any incentives included in this Article; (b) the Applicant will be obligated to provide the most economical Affordable Units feasible in terms of construction, design, location and tenure; and (c) that the Applicant is likely obtain other housing subsidies where such funds are reasonably available.

SEC. 10-17.915 - ACTION ON ADJUSTMENT OR WAIVER.

The City Council, based upon legal advice provided by or at the behest of the City Attorney, may approve a reduction, adjustment, or waiver if it determines that applying the requirements of this chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property. The reduction, adjustment, or waiver shall be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings and based on legal analysis and the evidence. If a reduction, adjustment, or waiver is granted, any change in the residential or nonresidential project shall invalidate the reduction, adjustment, or waiver, and a new application shall be required for a reduction, adjustment, or waiver pursuant to this Section. If the City Council determines no violation of the United States or California Constitutions would occur through application of this Article, the requirements of this Article shall remain applicable.

SEC. 10-17.1000 - AFFORDABLE HOUSING TRUST FUND.

SEC. 10-17.1005 - TRUST FUND.

There is hereby established a separate Affordable Housing Trust Fund ("Fund"). This Fund shall receive all affordable housing in-lieu fees and may also receive monies from other sources.

SEC. 10-17.1010 - PURPOSE, LIMITATIONS AND ADMINISTRATION.

Monies deposited in the Fund must be used to increase the supply of housing affordable to Moderate-, Low-, Very Low-, or Extremely Low-Income households in the City, through new construction, acquisition of affordability covenants and substantial rehabilitation of existing housing, or provision of other residential facilities, including emergency shelters and transitional housing, if those facilities mitigate the impact of market-rate housing on the need for affordable housing. Up to ten percent of revenue may be used to cover reasonable administrative costs associated with the administration and implementation of this Article.

The Fund shall be administered by the City Manager or designee, who may develop procedures to implement the purposes of the Fund consistent with the requirements of this Article and any adopted budget of the City.

SEC. 10-17.1100 - ENFORCEMENT.

SEC. 10-17.1105 - MISDEMEANOR.

It shall be a misdemeanor for any person to sell or rent an Affordable Unit at a sales price or rent exceeding Affordable Rent or Affordable Ownership Cost or otherwise to violate any of the provisions of this Article.

SEC. 10-17.1110 - CITY ACTIONS.

The City may institute actions in law or equity for violations of this Article and may suspend or revoke any discretionary or ministerial permit upon finding a violation of any of the provisions of this Article, an approved Affordable Housing Agreement, or any documents, such as resale restrictions and rent regulatory agreements, entered into by the City to implement the requirements of this Article.

**SECTION 2.** If any section, subsection, paragraph, or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid, or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

**SECTION 3.** This Ordinance shall become effective February 1, 2018.

\*\*\*\*\*

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 7th day of November, 2017, by Council Member \_\_\_\_\_

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 2017 by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

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 17-743

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of An Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Including Text With the Additional Provision of Allowing Density Averaging/Transfer in the Transect Zones T4 Urban General (17.5 du/acre min; 35 du/acre max) and T5 (35 du/acre min; 55 du/acre max)

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on November 14, 2017.

**ATTACHMENTS**

Attachment I      Staff Report  
Attachment II     Ordinance Published on 11/24/2017



DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adoption of An Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Including Text With the Additional Provision of Allowing Density Averaging/Transfer in the Transect Zones T4 Urban General (17.5 du/acre min; 35 du/acre max) and T5 (35 du/acre min; 55 du/acre max)

#### RECOMMENDATION

That the Council adopts the Ordinance introduced on November 14, 2017.

#### BACKGROUND

The Ordinance was introduced by Council Member Salinas at the November 14, 2017, special meeting of the City Council with the following vote:

AYES: COUNCIL MEMBERS Zermeno, Marquez, Mendall, Peixoto, Lamnin, Salinas  
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

#### STRATEGIC INITIATIVES

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

#### FISCAL IMPACT

There is no fiscal impact associated with this report.

#### PUBLIC CONTACT

The Ordinance was published in the Hayward Daily Review on Friday, November 24, 2017. Adoption at this time is therefore appropriate.

NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared by: Avinta Madhukansh-Singh, Management Analyst

Recommended by: Miriam Lens, City Clerk

Approved by:

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

---

Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 24 OF  
THE HAYWARD MUNICIPAL CODE BY INCLUDING TEXT  
WITH THE ADDITIONAL PROVISION OF ALLOWING  
DENSITY AVERAGING/TRANSFER IN THE TRANSECT  
ZONES T4 URBAN GENERAL (17.5 DU/ACRE MIN; 35  
DU/ACRE MAX) AND T5 (35 DU/ACRE MIN; 55 DU/ACRE  
MAX)

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Text Amendment

Article 24 of Chapter 10 of the Hayward Municipal Code 10-24.240 Density Standards, a. is hereby amended to include allowing the averaging/transfer of residential density between and among adjacent parcel of the same zone in the T4 Urban General (17.5 DU/acre min; 35 DU/ac max) and T5 Urban General (35 DU/acre min; and 55 Du/acre max) transect zones, as follows:

- iv. Permissible residential density may be transferred or averaged over one or more parcels comprising a development site if all of the following conditions are met:
  - The properties/parcels are the same zoning;
  - The properties/parcels are contiguous, and
  - Appropriate notice and declarations of land use restrictions have been recorded on all affected parcels.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.



INTRODUCED at a regular meeting of the City Council of the City of Hayward, held on the 14th day of November 2017, by Council Member Salinas.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on November 28, 2017, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 24, 2017  
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 17-716

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** Interim Director of Development Services

**SUBJECT**

Resolution Amending 2018 Master Fee Schedule to increase Commercial Cannabis Licensing and Inspection Program Fees

**RECOMMENDATION**

That the Council approves and adopts the proposed change in fees to the Commercial Cannabis Licensing and Inspection Program (the Program) to allow for full cost recovery for administration of the program.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution 17-157  
Attachment III Amended Master Fee Schedule Resolution  
Attachment VI Amended Fee Schedule



DATE: November 28, 2017

TO: Mayor and City Council

FROM: Interim Director of Development Services

SUBJECT: Resolution Amending 2018 Master Fee Schedule to increase Commercial Cannabis Licensing and Inspection Program Fees

#### RECOMMENDATION

That the Council approves and adopts the proposed change in fees to the Commercial Cannabis Licensing and Inspection Program (the Program) to allow for full cost recovery for administration of the program.

#### BACKGROUND

On October 17, 2017 Council adopted Resolution 17-157 revising the City's 2018 Master Fee Schedule to include Commercial Cannabis Licensing and Inspection program along with Amendments to Chapter 6, Article 14 and Zoning Text Amendment to Chapter 10 of the Hayward Municipal Code Related to Commercial Cannabis Businesses. The intent behind this revision is to assist the City in establishing and administering the Program.

#### DISCUSSION

As directed by City Council, staff performed additional jurisdictional program research and determined cannabis program administration will require an initial investment of \$20,000 to \$50,000 for law enforcement testing equipment, maintenance and training. Staff recommends Council revise the 2018 Master Fee Schedule and increase annual fees from \$10,000 to \$15,000, as it pertains to the Commercial Cannabis Licensing and Inspection Program Fees. Purchase of new testing equipment will assist in lawful enforcement and to attest disorderly intoxication, and unlawful use of cannabis while driving under influence (DUI) in public-right-of-way.

## STRATEGIC INITIATIVES

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

## FISCAL IMPACT

This action should help to allow the City to recover all costs associated with establishing and administration of the Commercial Cannabis Licensing and Inspection Program.

## PUBLIC CONTACT

This item has been appropriately noticed to ensure the fees can be implemented.

## SUSTAINABILITY FEATURES

Not applicable.

Prepared by: Anthony Sackett, Management Analyst

Recommended by: Stacey Bristow, Interim Director of Development Services

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO 17-157

Introduced by Council Member Zermeño

RESOLUTION AMENDING THE CITY OF HAYWARD 2018 FISCAL YEAR  
MASTER FEE SCHEDULE FOR COMMERCIAL CANNABIS LICENSING  
ASSOCIATED WITH AMENDMENTS TO CHAPTER 6, ARTICLE 14 AND  
ZONING TEXT AMENDMENT TO CHAPTER 10 OF THE HAYWARD  
MUNICIPAL CODE RELATED TO COMMERCIAL CANNABIS BUSINESSES.

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or,
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions;

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed amendment to the Master Fee Schedule (MFS) would allow for annual inspections to ensure safe and legal operation of commercial cannabis businesses in the City of Hayward, consistent with the appropriate findings and conditions established as part of the required land use entitlement process.

WHEREAS, the City of Hayward Commercial Cannabis Permit Program is intended to create a framework for regulating cannabis businesses within Hayward, monitor the responsible cultivation, manufacture, testing, distribution, and sales of cannabis products in Hayward and eliminate the sale or distribution of cannabis products to minors. The ordinance requires cannabis businesses to obtain a valid commercial cannabis permit issued by the City which requires the business to be inspected and regulated by the City to assure compliance with all applicable State, Federal, and local Cannabis related products

regulations, including but not limited to the sales of electronic smoking devices and Cannabis paraphernalia.

WHEREAS, prior to commencing operations within the City of Hayward, all new cannabis businesses must first obtain land use approval from either the Planning Division or the Planning Commission in the form of a use permit, to verify the use is permitted at the proposed location and must obtain a City Business License and Commercial Cannabis Permit, in addition to all State mandated licenses.

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 17, 2017.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Fiscal Year 2018 Master Fee Schedule to include fees and penalties associated with Commercial Cannabis Permit Program, as reflected in attached Exhibit "A".

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 17-13) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA October 17, 2017

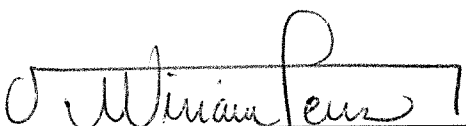
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Peixoto, Lamnin, Salinas  
MAYOR: Halliday

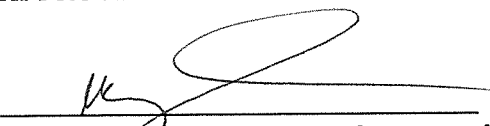
NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST:   
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
For City Attorney of the City of Hayward

**Fees and Penalties:**

1. Annual Commercial Cannabis Permit Fee: \$10,000 (minimum of one inspection per year; includes up to four HPD decoy fees/inspections annually).
2. Program fees:
  - a. initial inspection, violation found: \$5,000
  - b. Initial inspection, no violation found: No charge
  - c. 2<sup>nd</sup> re-inspection, no violations: \$500 re-inspection fee  
2<sup>nd</sup> re-inspection violations found: \$10,000 + \$500 re-inspection fee
  - d. 3<sup>rd</sup> & subsequent re-inspection, no violations: \$500 re-inspection fee  
3<sup>rd</sup> & subsequent re-inspection violations found: \$15,000 + \$500 re-inspection fee
  - e. Subsequent Violations: \$10,000 + \$500 re-inspection fee
  - f. Subsequent re-inspections, no violations: \$500 re-inspection fee  
Subsequent re-inspections, violations found: \$15,000 + \$500 re-inspection fee
3. Any required inspections after the initial inspection greater than three hours will be assessed an hourly code enforcement inspection fee: \$200 hr.
4. Request for Administrative Hearing Fee: \$946
5. Special Assessment/Lien Fee: \$1,811

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member \_\_\_\_\_

**RESOLUTION AUTHORIZING AN AMENDMENT TO ADOPTED CITY OF HAYWARD 2018 FISCAL YEAR MASTER FEE SCHEDULE FOR COMMERCIAL CANNABIS LICENSING FEES.**

WHEREAS, on October 17, 2017, Council approved Resolution No.17-157, adopting The City of Hayward 2018 Fiscal Year Master Fee Schedule for Commercial Cannabis Licensing Associated with Amendments to Chapter 6, Article 14 Zoning Text Amendment to Chapter 10 of the Hayward Municipal Code Related to Commercial Cannabis Businesses.

WHEREAS, it is necessary to increase Annual Commercial Cannabis Licensing Fees to purchase equipment and training of sworn City Staff to enforce and attest unlawful use and intoxication of cannabis in public-right-of-way; and

WHEREAS, additional costs of program administration will be offset by the increase to the Commercial Cannabis Permit Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Fiscal Year 2018 Master Fee Schedule to increase annual permitting fees to \$15,000 associated with Commercial Cannabis Permit Program, as reflected in attached Exhibit "A."

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_ 2017

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

## Fees and Penalties:

1. Annual Commercial Cannabis Permit Fee: \$15,000 (minimum of one inspection per year; includes up to four HPD decoy fees/inspections annually).
2. Program fees:
  - a. initial inspection, violation found: \$5,000
  - b. Initial inspection, no violation found: No charge
  - c. 2<sup>nd</sup> re-inspection, no violations: \$500 re-inspection fee  
2<sup>nd</sup> re-inspection violations found: \$10,000 + \$500 re-inspection fee
  - d. 3<sup>rd</sup> & subsequent re-inspection, no violations: \$500 re-inspection fee  
3<sup>rd</sup> & subsequent re-inspection violations found: \$15,000 + \$500 re-inspection fee
  - e. Subsequent Violations: \$10,000 + \$500 re-inspection fee
  - f. Subsequent re-inspections, no violations: \$500 re-inspection fee  
Subsequent re-inspections, violations found: \$15,000 + \$500 re-inspection fee
3. Any required inspections after the initial inspection greater than three hours will be assessed an hourly code enforcement inspection fee: \$200 hr.
4. Request for Administrative Hearing Fee: \$946
5. Special Assessment/Lien Fee: \$1,811



# CITY OF HAYWARD

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

---

**File #:** CONS 17-740

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT**

Resolution to Reappoint Bruce Roberts as Poet Laureate for FY 2018 and Authorize a \$500 Program Stipend

**RECOMMENDATION**

That City Council approves the attached resolution (Attachment II) to reappoint Bruce Roberts as Poet Laureate for FY 2018 and authorizes a \$500 stipend for the position of Poet Laureate for FY 2018.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Resolution to Reappoint Bruce Roberts as Poet Laureate for FY 2018 and Authorize a \$500 Program Stipend

#### RECOMMENDATION

That City Council approves the attached resolution (Attachment II) to reappoint Bruce Roberts as Poet Laureate for FY 2018 and authorizes a \$500 stipend for the position of Poet Laureate for FY 2018.

#### BACKGROUND

On June 2, 2015, the City Council established a Poet Laureate Pilot Program and appointed Mr. Bruce Roberts to serve a one-year unpaid term as the first Official Poet Laureate for the City of Hayward.

On June 28, 2016, the City Council approved a resolution to establish a permanent Poet Laureate Program, reappoint Bruce Roberts as Poet Laureate for FY 2017, and establish a program stipend of \$500 for FY 2017. Staff was directed to develop a permanent Poet Laureate program and create a competitive process by which such an appointment can be made with the approval of the entire Council; and that there be consideration and identification of some financial recognition or other token remuneration associated with the appointment. However, due to limited resources, various staff transitions and other priorities in FY 2017, staff was unable to develop a permanent program and competitive process for FY 2018.

#### DISCUSSION

As the City of Hayward's first Poet Laureate, Mr. Roberts has impressively prepared and read poetry at several city events and ceremonies. He supported poetry events at several arts and cultural organizations in Hayward and worked with staff at Hayward Unified School District to encourage student creation and appreciation of poetry. Through these efforts, Mr. Roberts has raised awareness of the power of poetry, along with other forms of literature, to uplift and inspire members of the community.

#### FISCAL IMPACT

There is no additional fiscal impact to the General Fund, as the recommended \$500 stipend will be absorbed in the Mayor/Council FY 2018 adopted budget.

#### NEXT STEPS

Staff will develop a competitive process for selection of the FY 2019 and present it to Council in preparation for the FY 2019 budget adoption. Until then, staff recommends that Mr. Roberts' appointment as Poet Laureate be extended for a one-year term effective July 1, 2017 ending June 30, 2018.

Prepared by: Colleen Kamai, Executive Assistant

Recommended by: Maria A. Hurtado, Assistant City Manager

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_-

Introduced by Council Member \_\_\_\_\_

RESOLUTION TO REAPPOINT BRUCE ROBERTS AS POET LAUREATE FOR THE CITY OF HAYWARD FOR FY2018 AND ESTABLISH A \$500 STIPEND FOR THE POSITION OF POET LAUREATE FOR FY2018

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, On June 28, 2016, the City Council approved a resolution to establish a permanent Poet Laureate Program, reappoint Bruce Roberts as Poet Laureate for FY 2017, and establish a program stipend of \$500 for FY 2017; and

WHEREAS, this appointment expired on June 30, 2017; and

WHEREAS, as the City of Hayward's first Poet Laureate Mr. Roberts has performed his duties well, preparing and reading poetry at several city events and ceremonies. Through these efforts, Mr. Roberts has raised awareness of the power of poetry along with other forms of literature, to uplift and inspire members of the community; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby reappoints Bruce Roberts to a third one-year term beginning July 1, 2017 ending June 30, 2018; and establishes a \$500 stipend for the position of Poet Laureate for FY 2018.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2017

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 #:** LB 17-050

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses through the Amendment of Hayward Municipal Code, Chapter 10, Article 1(Zoning Ordinance); Article 2 (Off-Street Parking Requirements)

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on November 14, 2017.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Summary of Ordinance Published on 11/24/2017



DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adoption of Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses through the Amendment of Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance); Article 2 (Off-Street Parking Requirements)

#### RECOMMENDATION

That the Council adopts the Ordinance introduced on November 14, 2017.

#### BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 14, 2017, special meeting of the City Council with the following vote:

AYES: COUNCIL MEMBERS Zermeno, Marquez, Mendall, Peixoto, Lamnin  
MAYOR Halliday

NOES: COUNCIL MEMBER Salinas

ABSENT: None

ABSTAIN: None

#### STRATEGIC INITIATIVES

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

#### FISCAL IMPACT

There is no fiscal impact associated with this report.

#### PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, November 24, 2017. Adoption at this time is therefore appropriate.



NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared by: Avinta Madhukansh-Singh, Management Analyst

Recommended by: Miriam Lens, City Clerk

Approved by:

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

---

Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD ENACTING COMPREHENSIVE REGULATIONS FOR PERSONAL CANNABIS CULTIVATION AND COMMERCIAL CANNABIS LAND USES THROUGH THE AMENDMENT OF HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE); AND ARTICLE 2 (OFF-STREET PARKING REQUIREMENTS).

THE CITY COUNCIL OF HAYWARD DOES ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act (“MCRSA”), the Adult Use of Marijuana Act (“AUMA”), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously prohibited, through exclusionary zoning ordinance, both medical and non-medical adult cannabis land uses and regulations within the City.

C. The City wishes to establish a uniform regulatory structure for all medical and non-medical adult cannabis uses in the City in accordance with state law.

Section 2. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance):

SEC. 10-1.1000 - GENERAL COMMERCIAL DISTRICT (CG)

SEC. 10-1.1020 - CONDITIONALLY PERMITTED USES.

SEC. 10-1.1100 – COMMERCIAL OFFICE DISTRICT (CO)

SEC. 10-1.1120 - CONDITIONALLY PERMITTED USES

SEC. 10-1.1300 - CENTRAL BUSINESS DISTRICT (CB)

SEC. 10-1.1320 - CONDITIONALLY PERMITTED USES

SEC. 10-1.1520 - CENTRAL CITY—COMMERCIAL SUBDISTRICT (CC-C)

SEC. 10-1.1523 - CC-C CONDITIONALLY PERMITTED USES.

SEC. 10-1.1530 - CENTRAL CITY—RESIDENTIAL SUBDISTRICT (CC-R)

SEC. 10-1.1533 - CC-R CONDITIONALLY PERMITTED USES.

SEC. 10-1.1540 - CENTRAL CITY—PLAZA SUBDISTRICT (CC-P)

SEC. 10-1.1543 - CC-P CONDITIONALLY PERMITTED USES.

SEC. 10-1.1555 - MINIMUM DESIGN AND PERFORMANCE STANDARDS FOR CC-C, CC-R, AND CC-P SUBDISTRICTS

SEC. 10-1.1600 - INDUSTRIAL DISTRICT (I)

SEC. 10-1.1615 - USES PERMITTED.

- SEC. 10-1.1620 - CONDITIONALLY PERMITTED USES.
- SEC. 10-1.1645 - MINIMUM DESIGN AND PERFORMANCE STANDARDS.
- SEC. 10-1.1800 - LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT (LM)
- SEC. 10-1.1820 - CONDITIONALLY PERMITTED USES.
- SEC. 10-1.2735 - SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.

Section 3. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 2 (Off-Street Parking Requirements):

- SEC. 10-2.340 - OFFICE, RETAIL, AND SERVICE USES.
- SEC. 10-2.350 - WHOLESALE, MANUFACTURING, STORAGE, TRANSPORTATION, AND SIMILAR USES.

Section 4. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance) to add Chapter 10-1.3600:

#### Chapter 10-1.3600

#### CANNABIS

Sections:

- 10-1.3600 Purpose
- 10-1.3601 Limitation on Use
- 10-1.3602 Personal Cannabis Cultivation
- 10-1.3603 Commercial Cannabis Businesses
- 10-1.3604 General Requirements
- 10-1.3605 Commercial Cannabis Cultivation
- 10-1.3606 Commercial Cannabis Manufacturing
- 10-1.3607 Commercial Cannabis Retail and Delivery
- 10-1.3608 Special Events
- 10-1.3609 Findings
- 10-1.3610 Grounds for Permit Revocation or Modification

Section 7. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance), to add Definitions, in alphabetical order, to Section 10-1.3500 (Definitions), Section 10-24.500 (Definitions and Rules of Interpretation) and Section 10-25.600 (Definitions).

Section 8. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at a regular meeting of the City Council of the City of Hayward, held the 14<sup>th</sup> day of November 2017, by Council Member Mendall.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on November 28, 2017, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 24, 2017  
Miriam Lens, City Clerk  
City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** LB 17-049

---

**DATE:** November 28, 2017

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT** Adoption of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan

## RECOMMENDATION

That Council approves the attached resolution (Attachment II) for the adoption of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan.

## ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	CIECC Action Plan
Attachment IV	CIECC Appendix



DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Manager

SUBJECT Adoption of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan

#### RECOMMENDATION

That Council approves the attached resolution (Attachment II) for the adoption of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan.

#### BACKGROUND

In January 2017, the Hayward City Council sought to address heightened community concerns about human and civil rights issues occurring throughout the nation and in the Hayward community. In response, the Council established the limited-term Hayward Community Taskforce (Taskforce) made up of Hayward Community members who represent the diversity of the Hayward community, and charged the Taskforce to update the City's 1992 Anti-Discrimination Action Plan to reflect and address the current social and political issues in Hayward ([Hayward Council Resolution No. 17-004](#)).

On September 26, 2017, the Community Taskforce presented the recommended updates to the 1992 Anti-Discrimination Action Plan at the City Council work session (September 26, 2017 City Council Agenda Item No. 9 - [WS 17-043](#)). One of the recommendations was that the 1992 Anti-Discrimination Action Plan be renamed the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC), also referred to as "The Commitment" (Attachment III).

During the work session, Council heard and discussed the various recommendations in the CIECC, reviewed the key issues where staff's recommendations differed from the Taskforce recommendations, and also heard the proposed action items that may require medium to high levels of resources to implement for Council's consideration. Each of the Council members shared their respective views on these and other matters related to the recommendations that were presented.

#### DISCUSSION

During the work session, Council provided feedback on various items. Some of the key discussion points are captured below, along with recommended next steps.

1. COMBINE SIMILAR / DUPLICATIVE CIECC ACTION ITEMS: Council members pointed out that some of the proposed action items seem to be similar to, or duplicative with, one another and

indicated these should be combined to optimize the use of City resources and help reduce the number of action items currently listed in the CIECC (Attachment III).

NEXT STEPS: During this initial first six month implementation period, staff will review the CIECC action plan and (1) combine similar and/or duplicative action items, (2) coordinate CIECC action items with Council's Strategic Initiatives (See: <https://www.hayward-ca.gov/your-government/city-council - Strategic Initiatives>), and (3) analyze staff resources to ensure action steps and timelines identified in the CIECC action plan are achievable.

2. STREAMLINING AND CLARIFYING ACTION ITEMS: In concert with the sentiments expressed by community members during the Taskforce listening sessions (Attachment III, Page 4, Community Conversations), Council members suggested that some of the action item descriptions needed to be made more clear and measurable.

NEXT STEPS: During the first six-month implementation period, staff will edit action item descriptions where necessary so that all action item descriptions are concise, and that the language used is easily accessible, readily understood, and translates well.

3. CIECC ACTION ITEM D.3.1. – IMPLICIT BIAS TRAINING: The Taskforce recommended that all City officials and volunteers be required to take Implicit Bias Training. Because the City has hundreds of volunteers, some of whom are short-term or one-time only volunteers, Council members suggested that rather than making implicit bias training mandatory of all of City volunteers – which would have a significant impact on City resources – that instead long-term volunteers who interface with the public be encouraged to take this training when it is made available to City staff.

NEXT STEPS: Implicit Bias Training will be offered to staff at minimum, once a year, and will be made available to long-term City volunteers who will be strongly encouraged to participate.

4. MEDIUM TO HIGH RESOURCE ACTION ITEMS: In the September 26, 2017 staff report, a number of proposed action items were identified that will likely require medium to high levels of staff, equipment and/or financial resources to implement (See: [September 26, 2017 WS Staff Report – Page 4](#)). These were also referenced during the Council work session. Some Council members requested that the ten action items per section be reduced to ensure an attainable amount of action items during the two-year implementation period, as well as, review the resources allocated to the implementation of this action plan.

NEXT STEPS: During the first six months after adoption of the CIECC, staff will review the medium and high resource action items, will further analyze and prioritize these action items, and report back to Council the implementation feasibility as part of the six-month status update report.

#### NOVEMBER 15, 2017 CHECK-IN MEETING WITH THE COMMUNITY TASKFORCE:

On November 15, 2017, City staff met with the Community Taskforce to debrief the September 26<sup>th</sup> work session and discuss next steps, in preparation for the adoption of the

CIECC. Three critical issues were discussed during this meeting, which sparked much dialogue. Below is a summary of the three critical issues discussed during the meeting as well as some recommended next steps that take into consideration the feedback received from the Taskforce members.

1) ESTABLISHMENT OF A COUNCIL APPOINTED COMMITTEE/TASKFORCE:

The Taskforce originally proposed a Council appointed committee to ensure implementation of the CIECC. Staff, alternatively, recommended that the implementation of the CIECC be the responsibility of the City Manager's Office and that the CMO work with community members in preparation for the annual report outs to Council.

During the November 15<sup>th</sup> check-in meeting, some Taskforce members conveyed the importance of this group continuing as an official arm of the City that would have a position of authority and the ability to influence City policies and procedures. Other Taskforce members stated that they only agreed to serve on a term-limited basis, primarily to update the Anti-Discrimination Action Plan. Others expressed feeling constrained by being part of an official City advisory body that may have Brown Act requirements and liked the idea of creating a more autonomous group, open to other community members. There was much dialogue around this topic and based on some of the feedback shared during this discussion, staff recommends:

- a. Continue staff supported quarterly meetings of the Community Taskforce in its current form (for those members who wish to continue serving) for one year through the end of 2018. The recommended focus areas of the group for this period include:
  - Explore and develop options for a potential ongoing organizational structure for the Community Taskforce to support the work outlined in the CIECC; and
  - Refine the implementation plan and identify key next steps; and
  - Determine how to broaden community involvement in implementation of the CIECC, particularly the Community Related Action Items in the CIECC.
- b. Form an internal interdepartmental CIECC working team to include the City Manager's Office, HPD, Human Resources, Community Services, and other City department representatives, to ensure that progress is made on the action items identified in the CIECC two-year action plan. The staff liaison to this internal interdepartmental CIECC working team will work collaboratively with the Community Taskforce, particularly in preparation for the annual Council report outs. This recommendation optimizes the strengths and use of both community and City resources and ensures communication, engagement and accountability between the City and City Staff.

2) HPD CHIEF'S ADVISORY COMMITTEE:

As part of the CIECC, Taskforce members recommended that a Civilian Oversight Board be established that would have access to and influence over HPD policies and procedures. The Taskforce further recommended that all the members of this Board be chosen by community members (for example by the Community Taskforce), as opposed to by the Police Chief and City Manager. Alternatively, the Police Chief recommended the establishment of a Chief's Community Advisory Panel as a method for fostering community and police relations.



This topic also elicited much discussion among the Taskforce members at the November 15 meeting. They expressed significant concerns about the City Manager and Police Chief selecting the members of the panel and also concerns about the intended scope of the panel. The concept of either a civilian oversight board or a Chief's advisory panel is new to the City of Hayward and is not something that should be developed without significant thought, consideration, and dialogue. Based on the feedback received from the Taskforce, there is still work to be done and this discussion will continue over the next few months. Some of the next steps will include:

- a. Application and selection process will be finalized over the next couple of months based on further dialogue with Taskforce members, City Council and others and will be reported back to Council;
- b. Work to develop a clear scope for the Advisory Panel;
- c. Ensure training and/or orientation is provided once the Advisory Panel is established, to ensure clarity of roles and responsibilities among Advisory Panel members;
- d. Ensure other training (i.e. Implicit Bias, etc.) is provided to the Advisory Panel.

3) Participation in Urban Shield:

Some Taskforce members are opposed to the City participating in Urban Shield, feel strongly that the City should divest itself from Urban Shield, and should instead invest its resources locally to train residents as first responders. Staff previously shared the benefits that Urban Shield offers the City, and recommended that the City continue its participation in Urban Shield. Additionally, based on the feedback received, staff also recommends the following:

- a. Updates to Urban Shield: Determine ways to influence the design of Urban Shield to address community concerns, especially about the field/trade show element of the event; and
- b. Neighborhood/Community Training Options: Other Neighborhood-based disaster preparedness training will be explored (i.e. CERT, etc.) to strengthen community members' training and ability to respond to disasters within their neighborhoods and to continue to invest and build neighborhood capacity. This objective is also included in the Council's Complete Communities Strategic Initiative action plan.

### Local Government Hispanic Network 2017 Civic Engagement Award

Lastly, on October 22, 2017 at the International City Manager's Association (ICMA) Conference in San Antonio, Texas, the City of Hayward was presented with the Local Government Hispanic Network's (LGHN) 2017 Civic Engagement Award in recognition of the work of the Hayward Community Taskforce ([News Release](#)). Formerly named the International Hispanic Network, LGHN provides professional development services and support to local government professionals who serve high minority diverse communities throughout the United States.

### STRATEGIC INITIATIVES

This agenda item supports the Complete Communities strategic initiative. The purpose of the Complete Communities strategy is to create and support structures, services, and amenities to

provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item supports the following goals and objectives:

- Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.
- Objective 1: Increase neighborhood safety and cohesion.
- Objective 2: Foster a sense of place and support neighborhood pride.
- Objective 3: Increase collaboration with businesses, non-profit and neighborhood groups on placemaking projects.
- Objective 4: Create resilient and sustainable neighborhoods.
- Objective 5: Actively value diversity and promote inclusive activities.
- Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.
- Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.
- Objective 4: Increase supply of affordable, safe and resilient housing in Hayward.

This agenda item also supports the Tennyson Corridor strategic initiative. The purpose of the Tennyson Corridor strategy is to develop an attractive, cohesive, thriving Tennyson Corridor through thoughtful engagement of residents, businesses and community partnerships. This item supports the following goals and objectives:

- Goal 4: Foster a cohesive sense of place.
- Objective 2: Increase City sponsored events and projects in the Tennyson Corridor.
- Goal 5: Increase community resiliency.
- Objective 1: Increase awareness of and access to City services.
- Objective 4: Increase access to effective public transit.

#### FISCAL IMPACT

Implementation of the action items outlined in the Commitment (CIECC) will likely have a fiscal impact that may include one-time costs such as studies or the implementation of single community events, as well as where continuous staff support / direction are required. Staff proposes to proceed with the implementation of those action items where the costs can be absorbed in the City's current operating budget.

As noted previously, some milestones identified in CIECC contain several medium and high resource action items. Staff intend to utilize the first six-months of the CIECC implementation period to closely analyze these action items and will determine whether they can be completed with current resources/staff or if additional resources will be required. Staff will report back to Council, as part of the six-month status report, the feasibility of implementing these medium to high resources action items during the proposed two-year Phase I implementation period, or if they will need to be scheduled for implementation at a later date.

## PUBLIC CONTACT

The agenda for this item, as well as the November 15, 2017 special public meeting convened with the Community Taskforce to debrief the September 26<sup>th</sup> Work Session, were posted in compliance with the California Brown Act.

## NEXT STEPS

If approved by Council, staff will:

- Survey the Community Taskforce members to gauge their interest in continuing to serve on the Taskforce for an additional year;
- Form the proposed City Interdepartmental CIECC workgroup to begin implementation of the CIECC;
- Develop the 2018 Community Taskforce Meeting Schedule;
- Continue the dialogue regarding the various elements necessary to convene a community advisory panel to the Police Chief and determine next steps for implementation;
- Provide Council with an initial 6-month Status Update on the CIECC implementation by June 2018.

Prepared by: David Korth, Assistant to the City Manager  
Monica Davis, Management Analyst  
Mary Thomas, Management Analyst

Recommended by: Maria A. Hurtado, Assistant City Manager

Approved by:



---

Kelly McAdoo, City Manager

## HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member \_\_\_\_\_

## RESOLUTION ADOPTING THE HAYWARD COMMITMENT FOR AN INCLUSIVE, EQUITABLE, AND COMPASSIONATE COMMUNITY STRATEGIC PLAN.

WHEREAS, in January of 2017 the City Council of the City of Hayward sought to address heightened concerns about human and civil rights locally as well as nationally, and about threats being experienced by Hayward residents based on their political affiliation, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical and/or mental ability, and other personal characteristics; and

WHEREAS, in response to these concerns, the City Council of the City of Hayward, by Resolution 17-004, established the Hayward Community Taskforce made up of Hayward community members representing the diversity of the Hayward community to update the City of Hayward 1992 Anti-Discrimination Action Plan so that it would reflect the contemporary social, political, and human relations issues facing the Hayward community; and

WHEREAS, the Hayward Community Taskforce members, in addition to sharing their own experiences and perspectives, played a leadership role in facilitating community listening sessions designed to gather the insights and experiences of Hayward's community members about contemporary human relations issues; and

WHEREAS, the Hayward Community Taskforce completed its update to the 1992 Anti-Discrimination Action Plan and renamed this plan using relevant language that better captures the intent of the document to the, "The Commitment for an Inclusive, Equitable, and Compassionate Community".

NOW, THEREFORE, BE IT RESOLVED that the Hayward City Council adopts, "The Commitment for an Inclusive, Equitable, and Compassionate Community"; and

Hereby reaffirms its commitment to work in collaboration with community stakeholders to celebrate diversity, foster a sense of community and belonging among Hayward community members, and work to increase trust, understanding, connectedness, and respect among people from different backgrounds, and thereby remain a community that lives up to its reputation as being the Heart of the Bay and continues to be a community where there is No Room for Racism.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2017

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



# The Commitment (CIECC)

## Commitment for an Inclusive, Equitable, and Compassionate Community



Hayward City Hall  
777 B Street, Hayward, CA 94541  
510-583-4300 /  
[City.Manager@hayward-ca.gov](mailto:City.Manager@hayward-ca.gov)



## The Commitment (CIECC)

---

Dedicated to the memory of  
Community Taskforce Member  
and  
Long-Time Community Advocate



**Betty DeForest**

whose vision, wisdom, and spirit is embodied by  
this document.

---



# The Commitment (CIECC)

---

## Table of Contents

I. Introduction.....	1
II. Guiding Principles .....	3
A. Community Conversations .....	4
B. Value Statements .....	4
III. Evaluation and Accountability .....	7
IV. Two-Year Action Plans .....	9
Section I: Encouraging Shared Community Values.....	10
Section II: Fostering Accessibility .....	14
Section III: Dismantling Illegal Forms of Discrimination....	17
Section IV: Implementing the Hayward Sanctuary City Resolution...	22
Section V: Enhancing Community/Police Relations .....	25
V. Appendix.....	A-1

---





# The Commitment (CIECC)

## I. Introduction

In January of 2017, the Hayward City Council sought to address heightened community concerns about human and civil rights, and about increased tensions between community members based on people's political affiliation, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical ability, and other personal characteristics.<sup>1</sup> In response to these concerns, on January 17, 2017, the Council adopted Resolution No. 17-004, which established a limited-term Community Taskforce made up of Hayward community members, representing the diversity of the Hayward community.

The Taskforce's charter was to update the City's 1992 Anti-Discrimination Action Plan to reflect current social and political issues facing Hayward community members and to create a platform for public discourse around these issues. The Taskforce renamed the document: The Commitment for an Inclusive, Equitable, and Compassionate Community (the Commitment (CIECC)).

Table 1 lists the community members appointed to the Community Taskforce<sup>2</sup>:

TABLE 1: COMMUNITY TASKFORCE MEMBERS

Kristal Brister	Kari McAllister
Sheila Burks	Arzo Mehdavi
Frank Burton	Rosaura Mendoza
Freddye Davis	Linda Moore
Kevin Dowling	Vivian Phung
Myra Feiger	Galilea Rios
Mohammed Khan	Giancarlo Scalise
Ria Lancaster	Raj Singh
Dione Lien	Veronica Solorio
Ruben Martinez	Randy Wright

<sup>1</sup> A person's income level, economic status and/or lack of political power or privilege can also result in a person being discriminated against. The City of Hayward supports many community social service and economic development programs designed to meet the needs of its most vulnerable community members. For more information, contact the City of Hayward at [www.hayward-ca.gov](http://www.hayward-ca.gov) or (510) 583-4300.

<sup>2</sup> An additional appointee, Betty DeForest, was also a Community Taskforce member, but passed away soon after the Taskforce began its work. This document is dedicated to her memory and the decades of service she gave to helping disenfranchised members of the Hayward community.



# The Commitment (CIECC)

---

Additionally, after the June 6<sup>th</sup> Council designation as a Sanctuary City, the following four community members were added to support the Sanctuary City Taskforce Subcommittee:

Benjamin Leon Elenes  
Julieta Martinez  
Zachariah Oquenda  
Corina Vasaure

The Taskforce met several times over the last 9 months and created subcommittee work groups to update the various sections of the 1992 Anti-Discrimination Action Plan. The 1992 Anti-Discrimination Action Plan was renamed to reflect the Taskforce's desire to use relevant language that better captured the intent of the document. The 1992 Anti-Discrimination Action Plan is renamed the Commitment for an Inclusive, Equitable, and Compassionate Community (the Commitment (CIECC)). Additionally, over the course of their discussions, the Taskforce recommended that two new sections be added to the Commitment (CIECC) to reflect current social and political challenges, in anticipation of potential impacts to the Hayward community. These current concerns revolved around (1) the federal administrations executive orders related to immigration and (2) the debate and concern regarding police and community relations across the nation.

The Commitment (CIECC), was founded on key guiding principles and contains an evaluation component to ensure accountability for implementation of the various action plans. The Commitment (CIECC) before the Council contains five sections including:

- Section I: Encouraging Shared Community Values;
- Section II: Fostering Accessibility;
- Section III: Dismantling Illegal Forms of Discrimination;
- Section IV: Implementing the Hayward Sanctuary City Resolution, and
- Section V: Enhancing Community and Police Relations.



# The Commitment (CIECC)

---

## II. Guiding Principles

The goals of the Commitment (CIECC) cannot be accomplished by the City of Hayward alone. The City must work collaboratively and cooperatively with other public and private institutions, community and faith-based service organizations, businesses, and individual community members to ensure its success. Through this work, the City of Hayward reaffirms its commitment to strategies and practices that celebrate diversity; foster a sense of community and belonging; increase trust, understanding, connectedness, and respect among people from different backgrounds.

Moreover, the City, Hayward Community Taskforce, individual community members, and cross-sector organizations have pledged to continue to work together to implement the actions and recommendations described in this document. To facilitate this effort, the Community Taskforce proposes that Hayward City Council establish a new committee of community members, representative of Hayward's diversity, to move this work forward. The role of this committee would be to help with the promotion and implementation of the actions described herein, with the obtaining of continuous community feedback, and with making recommendations for improvements to the Commitment (CIECC) to optimize its success.

Hayward is a community of inclusive growth and opportunity, where families and individuals are welcome to create their future stories and can be confident in knowing their life chances and outcomes will not be determined by political affiliation, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical ability, or other personal characteristics. And, where community members can be confident that their public safety, elected, and appointed officials will work diligently to create pathways for civic engagement that reflect the rich diversity in Hayward.

We are at a defining moment for our community. We have chosen to embrace this opportunity to declare where we, the Hayward community, stand and how we intend to move forward. The values guiding all our deliberations - civic engagement, community, compassion, diversity and inclusion, connectedness, accessibility, opportunity, community and police relations, and effective evaluation – are the same principles that have shaped and informed the actions described in this document. The City of Hayward, among the most diverse cities in the nation, remains the Heart of the Bay and where there remains No Room for Racism.



# The Commitment (CIECC)

---

## Community Conversations

In addition to sharing their own perspectives, Hayward Community Taskforce members played a leadership role in facilitating community conversations, or listening sessions, designed to gather the insights and experiences of a wide variety of Hayward's community members about current human relations issues.

During community conversations, participants shared valuable comments and recommendations. Additional feedback and ideas were received in the months following the initial conversations and Community Taskforce members and City staff reviewed all this information and incorporated as many of the ideas as possible into this document.

In addition to many specific recommendations, three general themes emerged from the comments received:

- (1) Use of clear, concise, specific language that is easily accessible, readily understood, and translates well;
- (2) Develop a Commitment (CIECC) that is declarative and actionable, as well as visionary and aspirational; and
- (3) The Commitment (CIECC) will not be developed in a vacuum; rather it is meant to be sustainable and interactive and will, therefore, be reviewed, evaluated, and updated periodically.

The information gathered from the community significantly influenced and informed the content of this document, and it will continue to evolve with the ongoing engagement of the community.

## Value Statements

The following ten values, principles, and ideas – listed in alphabetical order - guided the development of this document, and will continue to inform its ongoing planning, implementation, review, evaluation, and sustainability.

**Accessibility:** The Americans with Disabilities Act (ADA) is a federal civil rights law that requires that, in specified circumstances, reasonable accommodations be made for persons living with disabilities so they have access to the same opportunities as persons without a disability. Additionally, there are situations where there may be barriers to equitable access to goods, services, information, and opportunities based on language, culture, religion, family or economic status, or other personal characteristics not currently addressed by law.



# The Commitment (CIECC)

---

The Commitment (CIECC), therefore, pursues a multi-pronged approach to ensure equitable access to information, activities, meetings, events, goods, services, and resources available in the Hayward community.

**Civic Engagement:** The Commitment (CIECC) is developed and implemented with public input and meaningful community participation to enhance its success and effectiveness. The voice of the Hayward community is embedded in this document, and was captured through public forums and community conversations.

**Community:** The Commitment (CIECC) embraces actions designed to build trust, understanding, and respect among community members while providing remedies, support, and assistance for persons impacted by discrimination.

**Community Policing:** The Commitment (CIECC) reaffirms the City of Hayward's dedication to fostering positive relationships among community members, the Hayward Police Department, and other City public safety officials and first responders. The Commitment (CIECC) outlines preferred practices that support effective and respectful policing to protect Hayward community members' safety, well-being, and constitutional rights.

**Compassion:** The Commitment (CIECC) aspires to reflect and embody the compassion of Hayward community members. For the purposes of this document, compassion is defined as: "The response to the suffering of others that motivates a desire to help them. Compassion motivates people to go out of their way to help the physical, spiritual, or emotional hurts and pains of another; more involved than simple empathy, compassion commonly gives rise to an active desire to alleviate another's suffering."<sup>3</sup>

**Connectedness:** The Commitment (CIECC) promotes and encourages opportunities for community members to learn about the rich diversity of customs and cultures represented in Hayward to increase communication and engagement and build pathways to understanding among diverse groups. This includes public safety, elected, and appointed officials partnering in developing positive lines of communication, building relationships based on trust and understanding.

---

<sup>3</sup> Ref.: Wikipedia; a free online encyclopedia, created and edited by volunteers around the world and hosted by the Wikimedia Foundation.



## The Commitment (CIECC)

---

Diversity and Inclusion: The Commitment (CIECC) acknowledges the diversity of our Hayward Community by recognizing and honoring the cultures, customs, and celebrations of our members. Hayward welcomes and honors difference regardless of political affiliation, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity,

sexual orientation, physical ability or other personal characteristics<sup>4</sup>. In these times, it is particularly worth noting that it is vital to the health and well-being of all community members that we build a relationship of trust between Hayward's immigrant communities and the local public agencies that are entrusted with the public safety of Hayward individuals and families.

Equity: The City of Hayward acknowledges that a lack of educational and economic opportunities, discrimination, environmental disparities, and historic disadvantages created conditions that have denied access to pathways of success for many Hayward community members. Consequently, the Commitment (CIECC) includes intentional policies and strategies to increase marginalized community members' ability to access opportunities and share equitably in the benefits that the Hayward community offers. This will help to build healthy and strong neighborhoods, and will lead to creating a more vibrant and sustainable economic future for families and individuals who make Hayward their community.

Evaluation: The Commitment (CIECC) was developed to be proactive, as well as responsive. The actions herein will be evaluated for impact and effectiveness using specified indicators of success, and informed adjustments will be made to improve both the long-term and short-term impact of those actions, based on the community feedback received. The next section expands upon how the effectiveness of the Commitment (CIECC) will be measured.

Opportunity: The Commitment (CIECC) embeds as a priority the development of resources that enable community members to access jobs that pay a living wage, education that results in career opportunities, housing that is affordable, and creates pathways to economic stability – particularly for our underserved and most vulnerable community members.

---

<sup>4</sup> According to the 2011-2015 US Census data, approximately 58% of Hayward households speak a language other than English at home and 39% of Hayward residents were born outside of the United States.



# The Commitment (CIECC)

---

## III. Evaluation and Accountability

The goal of this section is to ensure the sustainability and accountability of the Commitment (CIECC) over time. This will be accomplished in part by periodically evaluating the degree to which members of the Hayward community are aware of, and involved in, the work described herein. Community member feedback will be the primary source used for measuring the impact that this work has on the Hayward community.

To promote, increase community engagement, sustain, and continually evaluate the effectiveness of the Commitment (CIECC), the Hayward Community Taskforce called upon the City of Hayward to form a City Council appointed resident group. The intent is for the Commitment (CIECC) to be subject to ongoing monitoring and evaluation by this community group in partnership with the City. Community members at-large are also encouraged to inform the City and the City Council appointed community group of any new and emerging issues that may arise that are related to diversity, access, equity, and inclusion.

### Two-Year Action Plans: Phase I:

Over the course of their subcommittee work, the Taskforce identified a variety of action items and recommends two-year action plans for each section to ensure the highest priority action items are completed within this two-year period. Phase I implementation action plans are included in the Commitment (CIECC) and are intended to be completed within the next two years.

The evaluation of Phase 1 activities will occur 6 months' post-adoption, with annual evaluations to follow. During each evaluation period, the action items will be assessed for completion, and additional action items may be phased-in as needed. The results of each evaluation period will be shared with the City Council, and the public. The goal is to complete a review of all the action items described in the Commitment (CIECC) by 2021.

The overarching goals of the Commitment (CIECC) are to foster:

- (1) Hayward community members' awareness of, and involvement with, the Commitment (CIECC);
- (2) Positive interactions amongst Hayward community members who are from differing backgrounds;
- (3) People feeling welcomed in, and a part of, the Hayward community;
- (4) Hayward community members' trust and satisfaction with the Hayward city government;
- (5) Hayward community members' trust and satisfaction with the Hayward Police Department.



## The Commitment (CIECC)

---

Based on these goals, the impact of the Commitment (CIECC) will be determined by surveying community members using multiple methods, and will be measured using the following Indicators of Success as evaluation metrics:

Community surveys will demonstrate the degree to which there is an increase in the number of randomly surveyed Hayward community members who report:

- (1) An awareness of, and involvement with, the Commitment (CIECC);
- (2) Positive interactions occurring with other Hayward community members who are from cultural backgrounds that differ from their own;
- (3) They feel welcomed in, and a part of, the Hayward community;
- (4) They have a high level of trust and satisfaction with the City of Hayward municipal government; and
- (5) They have a high level of trust and satisfaction with the Hayward Police Department.

The evaluation results and ongoing activities outlined in this document will be widely communicated to the community by the City and community partners utilizing multi-media campaign strategies including Facebook, Twitter, NextDoor, and other forms of new and traditional news media. Evaluation results will be utilized to inform which City actions need adjustments and need to continue, which are completed, and which new actions are to be phased in for implementation to further achieve the established goals.





# The Commitment (CIECC)

---

## IV. Two-Year Action Plans

The following describes action items that are to be taken by the City of Hayward, in partnership with community members wherever possible, in support of the Commitment (CIECC) goals. Included are descriptions of the City departments responsible for implementation, references to existing policies or other related reference documents, and associated timelines. All the action items are Phase 1 actions, identified by the Hayward Community Taskforce, and informed and influenced by participating members of the Hayward community, as priority actions to be taken by the City of Hayward during the first two years of the initiative. Additional actions are listed in the Appendix of this document, and will be phased in for implementation in subsequent years.

The Phase 1 two-year action items are divided into the following five (5) Sections:

- Section I: Encouraging Shared Community Values
- Section II: Fostering Accessibility
- Section III: Dismantling Illegal Forms of Discrimination
- Section IV: Enhancing Community and Police Relations
- Section V: Implementing the Sanctuary City Resolution

Other important action items were identified by the Hayward Community Taskforce and community members that are intended to support the Commitment (CIECC), but which are community-driven in nature. The City of Hayward will support, but will not have a lead role, with the implementation of these additional community strengthening activities. Those recommendations are also included in the Appendix.



# The Commitment (CIECC)

## Section I: Encouraging Shared Community Values

Hayward is a compassionate City that celebrates the diversity of its Community and honors difference regardless of political affiliation, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical ability or other personal characteristics. While it is not possible to legislate attitudes and behaviors that build community in Hayward, there are actions that can be taken to reduce tensions, foster respect of human and civil rights between people of differing backgrounds, and improve relationships.

Part	Action Item	Responsible Department	Policy References	Timeline
A.1 - Working with Other Public Agencies Serving the Hayward Community	A.1.1 - The City of Hayward will continue to participate in the Hayward Local Agencies Committee (HLAC) – with the Hayward Unified School District (HUSD) and Hayward Area Recreation and Park District (HARD). The City will propose multi-agency sponsorship and coordination of activities and events designed to increase the awareness of, and celebrate, the various cultures and customs represented in the Hayward Community.	City Manager's Office	City of Hayward Strategic Initiatives <sup>5</sup>	Ongoing
A.2 - Working with Community-based Organizations and Organized Community Groups	A.2.1 - The City of Hayward will sponsor, co-sponsor, or otherwise support community events designed to encourage inclusion, increase cultural and religious awareness, and celebrate diversity in the Hayward community.	City Manager's Office	Complete Communities Goal 1: Objs: 1, 2, 3, 4, 5	Ongoing
	A.2.2 - This Commitment (CIECC) pursues a multi-pronged approach to ensure equitable access to information, activities, meetings, events, goods, services, and resources available in the Hayward Community – particularly for our underserved and most vulnerable community members. This includes efforts to make direct, intentional investments in historically disadvantaged neighborhoods. The City will lead an effort in concert with the Tennyson Corridor Improvement Area, Historical Society, California State University East Bay (CSUEB), Chabot College, and HARD resources to identify flexible spaces and locations throughout Hayward that would feature exhibits, performances, and speakers representing and honoring the different cultures in the Hayward community with the goal of broadening opportunities for participation and engagement.	City Manager's Office	Tennyson Corridor Goal 1: Obj. 1 Goal 4: Objs. 1, 2, 4	City to draft initial inventory of available venues and events by November 2019

<sup>5</sup> For more information, See Appendix, Page A-1 and A-2.



# The Commitment (CIECC)

## Section I: Encouraging Shared Community Values

Part	Action Item	Responsible Department	Policy References	Timeline
A.3 - Outreach	<p>A.3.1 - The City of Hayward staff, local community-based organizations, and businesses:</p> <ul style="list-style-type: none"> <li>A. Will develop a calendar of events that reflects the cultural, religious, economic, ethnic, and geographic diversity of our community.</li> <li>B. Will attend local festivals, performances, cultural events, and community meetings to share the calendar and information about opportunities to gather, learn, and share in community.</li> </ul>	City Manager's Office	<p>City of Hayward Strategic Initiatives<sup>5</sup></p> <p>Complete Communities Goal 1: Objs: 1, 2, 3, 4, 5</p> <p>Tennyson Corridor Goal 1: Obj. 1 Goal 4: Objs. 1, 2, 4</p>	
	<p>A.3.2 - The Community Taskforce will collaborate with City Staff to continue to encourage community members to attend, apply, and participate in Board and Commission meetings and report any concerns about issues impacting quality of life, honoring differences, access to opportunity in the Hayward community, as well as to share ideas and information on activities which are designed to foster a sense of belonging, inclusion, connectedness, and civic engagement.</p>		City Clerk's Office	<p>Complete Communities Goal 1: Objs: 1, 2, 4, 5</p>



# The Commitment (CIECC)

## Section I: Encouraging Shared Community Values

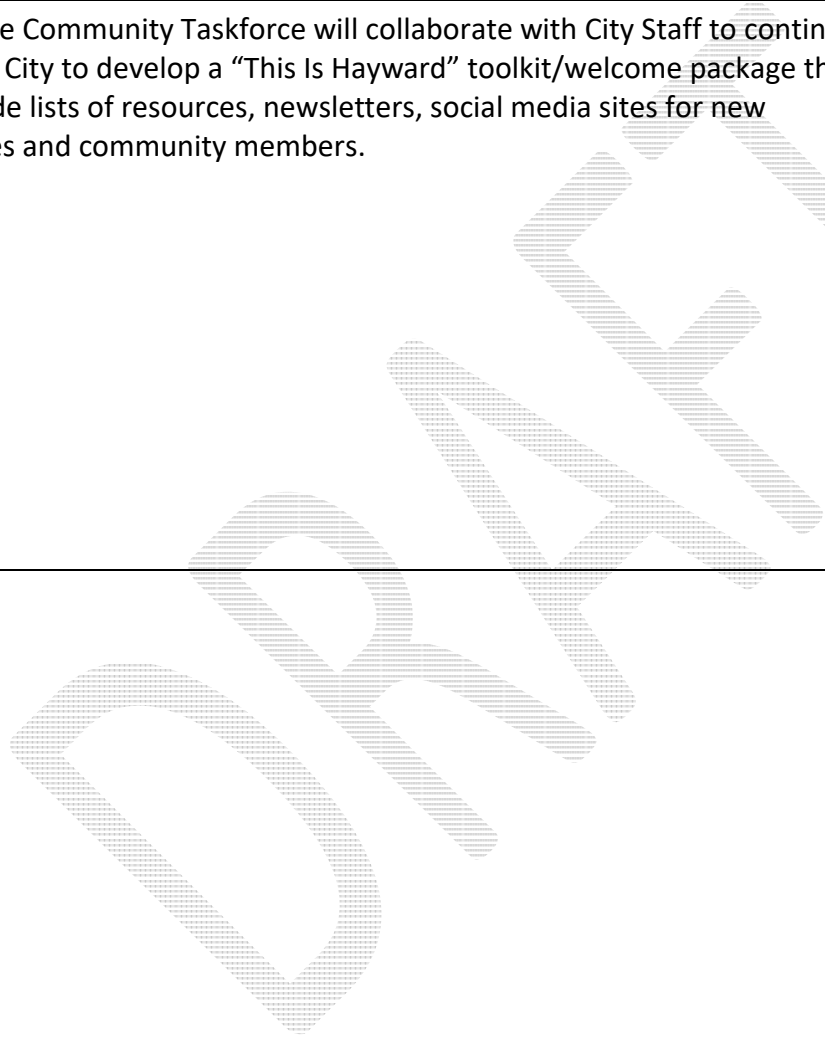
Part	Action Item	Responsible Department	Policy References	Timeline
	<p>A.3.3 - The Community Taskforce will collaborate with City Staff to continue to attend local festivals, performances, and other cultural events to share information about opportunities to gather, learn, and share in community.</p>	<p>City Manager's Office with Community Partners</p>	<p>City of Hayward Strategic Initiatives<sup>5</sup></p> <p>Complete Communities Goal 1: Objs: 1, 2, 3, 4, 5</p> <p>Tennyson Corridor Goal 1: Obj. 1 Goal 4: Objs. 1, 2, 4</p>	<p>Ongoing</p>
	<p>A.3.4 - The Community Taskforce will collaborate with City Staff to continue to leverage existing programs, partnerships, festivals, and events as opportunities to celebrate Hayward's diversity and promote a sense of welcome and connectedness; for example, Neighborhood Partnership Program, Neighborhood Watch, National Night Out, and events at the Hayward Library.</p>	<p>City Manager's Office with Community Partners</p>	<p>Complete Communities Goal 1: Objs: 1, 2, 3, 4, 5</p>	<p>Ongoing</p>
	<p>A.3.5 - The City of Hayward will continue to collaborate with California State University East Bay on Book to Action, including on the recently applied for grant to support Book to Action: Immigration in 2017-2018. The \$5,000 budget proposal would provide funding for Spanish and English books for community distribution, interpreters for community events, program advertising, and food for community events.</p>	<p>City Manager's Office and Library and Community Services</p>	<p>Tennyson Corridor Goal 1: Obj. 1 Goal 4: Objs. 1, 2, 4</p>	<p>By September 2018</p>



# The Commitment (CIECC)

## Section I: Encouraging Shared Community Values

Part	Action Item	Responsible Department	Policy References	Timeline
	<p>A.3.6 - The Community Taskforce will collaborate with City Staff to continue to assist the City to develop a “This Is Hayward” toolkit/welcome package that will include lists of resources, newsletters, social media sites for new businesses and community members.</p>	<p>City Manager’s Office</p>	<p>City of Hayward Strategic Initiatives<sup>5</sup></p> <p>Complete Communities Goal 1: Obj: 5</p> <p>Tennyson Corridor Goal 1: Obj. 1 Goal 2: Obj. 3 Goal 4: Obj. 3</p>	





# The Commitment (CIECC)

## Section II: Fostering Accessibility

Hayward is proud to be the third most diverse city in the nation and we continue to strive to make our city accessible and equitable for community members. This section, Strategies for Increasing Accessibility, focuses on our commitment to making Hayward an inclusive city.

The City of Hayward welcomes the multiple languages spoken here and our seniors, families, and individuals who choose to call Hayward home. It is imperative that we provide access to a variety of information and opportunities, including meetings, events, employment, and affordable housing for community members. We reaffirm our commitment to persons with disabilities to improve upon the standards set by the Americans with Disabilities Act (ADA) through ongoing assessment and evaluation.

Part	Action Item	Responsible Department	Policy Reference	Timeline
B.1 - Improve Access and Inclusion to City Services and Information	B.1.1 - Make print, media, and web information accessible in top languages spoken by Hayward community members, including: <ul style="list-style-type: none"> <li>▪ City programs, services, and information (Website, Facebook, Twitter, Meetings, etc.)</li> <li>▪ Attachments are provided in format that allow access for people using screen reading software</li> <li>▪ Online forms such as smart forms</li> <li>▪ City Promotional materials</li> <li>▪ Contact options are provided via email and phone</li> <li>▪ Public and community transportation information</li> <li>▪ Page for How to apply for a job with the City of Hayward</li> </ul>	City Manager's Office	City of Hayward Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Obj: 5  Tennyson Corridor Goal 1: Obj. 1 Goal 2: Obj. 3 Goal 4: Obj. 3	Ongoing



# The Commitment (CIECC)

## Section II: Fostering Accessibility

Part	Action Item	Responsible Department	Policy Reference	Timeline
	B.1.2 - Conduct city meetings, events, and programs in accessible and inclusive venues.	City Manager's Office	City of Hayward Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Obj.: 5 Tennyson Corridor Goal 1: Obj. 1 Goal 2: Obj. 3 Goal 4: Obj. 3	Ongoing
	B.1.3 - Ensure that there is affordable and accessible rental housing throughout the City of Hayward, including an evaluation of the effectiveness of the City's Affordable Housing Ordinance in general, and the Affordable Housing Impact Fee, in particular (Article 17, SEC. 10-17.400).	Library and Community Services	Complete Communities Goal 2: Obj.: 1,2,3,4	Ongoing
	B.1.4 - Ensure that events held in the City of Hayward are affordable and accessible regardless of economic or familial status; consider requiring event sponsors to use "equity" tickets which discount or waive fees for eligible groups as one method to achieve this goal.	City Manager's Office	Complete Communities Goal 1: Obj.: 1, 2, 3, 4, 5 Tennyson Corridor Goal 1: Obj. 1 Goal 4: Obj.: 1, 2, 4	Ongoing



# The Commitment (CIECC)

## Section II: Fostering Accessibility

Part	Action Item	Responsible Department	Policy Reference	Timeline
	<p>B.1.5 - Ensure events sponsored by the City of Hayward are held in various locations across the city for equitable access for all neighborhoods. (Ex. Events not just held in downtown Hayward)</p>	<p>City Manager's Office</p>	<p>City of Hayward Strategic Initiatives<sup>5</sup></p> <p>Complete Communities</p> <p>Goal 1: Objs: 1, 2, 3, 4, 5</p> <p>Tennyson Corridor</p> <p>Goal 1: Obj. 1 Goal 4: Objs. 1, 2, 4</p>	<p>Ongoing</p>
	<p>B.1.6 - Ensure that when gathering data and collecting community input on any subject pertaining to the Hayward Community, a variety of neighborhoods will be targeted.</p>	<p>City Manager's Office</p>	<p>Complete Communities</p> <p>Goal 1: Obj.: 5</p> <p>Tennyson Corridor</p> <p>Goal 1: Obj. 1 Goal 4: Obj. 3</p>	<p>Ongoing</p>





# The Commitment (CIECC)

## Section II: Fostering Accessibility

Part	Action Item	Responsible Department	Policy Reference	Timeline
B.2 - Improve Access and Inclusion to Our Customer Contact and Community Engagement Processes	B.2.1 - Ensure all new and existing customer service areas in the city buildings have the following: <ul style="list-style-type: none"> <li>▪ Lower height of service counters to accommodate wheelchair accessibility</li> <li>▪ Seating for people waiting in line for service</li> <li>▪ Display information on counter cards or stickers to encourage customers to notify staff if they require assistance</li> <li>▪ Signage to indicate the locations and availability of hearing loops</li> </ul>	Maintenance Services - Facilities	City of Hayward Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Obj.: 5 SICC 1b2a SICS 1b2	Ongoing
	B.2.2 - Ensure that all design of new and existing administration buildings, traffic management and operations adhere to current standards for accessibility and best practice outcomes, where achievable, for the following elements: <ul style="list-style-type: none"> <li>▪ Ramps</li> <li>▪ Stairs</li> <li>▪ Emergency exits</li> <li>▪ Street furniture</li> <li>▪ Pathways</li> <li>▪ Pedestrian crosswalks (Update flashing pedestrian crosswalk, extend time, increase volume for crosswalk countdown, tactile ground surface indicators)</li> <li>▪ Way-finding</li> <li>▪ Lighting</li> <li>▪ Communication systems (audio loops)</li> <li>▪ Accessible parking</li> <li>▪ Access to buildings</li> <li>▪ Curb cuts</li> </ul>	Engineering & Transportation		Ongoing



# The Commitment (CIECC)

## Section II: Fostering Accessibility

Part	Action Item	Responsible Department	Policy Reference	Timeline
	B.2.3. - Review all City administration buildings to ensure that all emergency information is appropriate and accessible for people with visual, physical, and auditory impairments and for people whose primary language is not English.	Maintenance Services - Facilities	City of Hayward Strategic Initiatives <sup>5</sup>	By November 2019
	B.2.4 - Conduct an audit of all staff work locations to ensure that any employee who requires assistance in the event of an emergency has knowledge about and access to available resources for personal safety and understands the departmental evacuation plan.	Human Resources	Complete Communities Goal 1: Obj.: 5	

DRAFT



# The Commitment (CIECC)

## Section III: Dismantling Illegal Forms of Discrimination

California law specifically forbids violence or threats of violence against “protected classes” or groups of people based on their race, color, religion, sex, ancestry, national origin, age, disability, sexual orientation, or political party. California law also states that it is illegal for someone to use force or threats of force to interfere with another’s rights under the United States or California constitutions – or other federal or state laws – because of one’s race, sex, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions), disability (physical or mental), age (40 and older), marital status, -sexual orientation, gender identity and gender expression, AIDS/HIV, medical condition, political activities or affiliations, military or veterans status, or status as a victim of domestic violence, assault, or stalking. Federal and state laws also stipulate that it is illegal to discriminate against specified groups in the areas of education, housing, and employment. This section defines actions that the City will take to dismantle discrimination in Hayward, and to help individuals and groups who are subject to expressions of hate and/or experience discrimination that is against the law.

Part	Action Item	Responsible Department	Policy Reference	Timeline
C.1 - Hate Violence and Civil Rights	C.1.1 - The City of Hayward will advocate through the state legislature for immigration status to be added as a protected class under state hate crime law.	City Manager’s Office	City of Hayward Strategic Initiatives <sup>5</sup>	Ongoing
	C.1.2 - The City of Hayward shall develop a system to enhance coordination among, and develop protocol for, the various City departments who may receive complaints from community members who report to the City that they were subjected to expressions of hate in Hayward.	Hayward Police Department		Ongoing
	C.1.3 - The City of Hayward shall develop strategies, in coordination with the Hayward Police Department (HPD), to facilitate the reporting of hate crimes by persons who are hesitant to make reports to HPD, with community agencies such as the National Association for the Advancement of Colored People (NAACP) and/or a City appointed Community Advisory Committee.	Hayward Police Department	Complete Communities Goal 1: Objs.: 1, 5	Ongoing
	C.1.4 - The City appointed Community Advisory Committee will inquire about the City’s policies and procedures with regards to receiving and responding to complaints about reported acts of discrimination by City employees towards	Human Resources	City of Hayward	By July 2018



# The Commitment (CIECC)

## Section III: Dismantling Illegal Forms of Discrimination

Part	Action Item	Responsible Department	Policy Reference	Timeline
C.1 - Hate Violence and Civil Rights	the public, to determine if these are adequate, and to make recommendations for improvements if needed. The policies of departments with personnel who are granted powers of authority, such as police officers, fire fighters, inspectors, etc. will be particularly reviewed to determine if adequate steps are being taken to ensure that this power is not abused.		Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Objs.: 1, 5SICC 1e3a SICC 1a3 SITT 2c2	
	C.1.5 - A coordinated system shall be established, involving appropriate City Departments and other community organizations, for assisting victims of hate crimes. City officials and community agency representatives will provide referral resources for assisting victims of hate crimes. Finally, the referral information will be made available to the public.	Hayward Police Department		By July 2018
	C.1.6 - The City of Hayward shall coordinate efforts with community organizations and neighborhood groups, including Neighborhood Watch groups and Homeowner Associations, to address hate crime issues occurring in the community.	Hayward Police Department		By July 2018
	C.1.7 - The City of Hayward will continue to participate with other organizations and other cities in the Bay Area, to keep apprised of anti-discrimination activities being conducted in other communities, and to update the Commitment (CIECC).	City Manager's Office		Ongoing



# The Commitment (CIECC)

## Section III: Dismantling Illegal Forms of Discrimination

Part	Action Item	Responsible Department	Policy Reference	Timeline
C.2 - Employment Discrimination <sup>6</sup>	C.2.1 - Persons reporting suspected discrimination in their place of employment to the City of Hayward shall be assisted in contacting the Federal Equal Employment Opportunity Commission or the California State Department of Fair Employment and Housing. All City departments that receive such complaints will receive the information necessary to make appropriate referrals.	Human Resources	City of Hayward Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Obj.: 5	Ongoing
C.3 - Housing Discrimination <sup>7</sup>	C.3.1 - Persons reporting suspected housing discrimination to the City of Hayward shall be assisted in contacting the California State Department of Fair Employment and Housing and/or local advocacy organizations (e.g. Eden Council for Hope and Opportunity (ECHO), Centro Legal de la Raza). All City departments that receive such complaints will receive the information necessary to make appropriate referrals.	Library & Community Services		Ongoing
C.4 - Discrimination in Education <sup>8</sup>	C.4.1 - Persons reporting suspected discrimination in a public education institution to the City of Hayward shall be assisted in contacting the appropriate authority including HUSD, State Department of Education, the Community College or State University School Systems. In addition, community-based advocacy organizations will be identified and referred to as appropriate. All City departments that receive such complaints will receive the information necessary to make appropriate referrals.	City Manager's Office with Community Partners		Ongoing

<sup>6</sup> Federal and California State Laws prohibit discrimination in employment based on one's race, ancestry, national origin, color, sex, religion, physical disability, including AIDS, marital status, age (over 40), and cancer-related medical conditions. Persons are also protected by law from retaliation against them for filing a complaint or for protesting possible violations of the law.

<sup>7</sup> California State Law prohibits discrimination in renting, leasing, and selling housing based on race, ancestry, sex, national origin, color, religion, marital status, age, or presence of children in a household, or physical handicap, including AIDS. Individuals are also protected by law from retaliation for filing complaints.

<sup>8</sup> While there are various state and federal laws which prohibit discrimination by public education institutions, the City of Hayward has no authority over the Hayward Unified School District, Community College or State University school systems. The City is committed to working with these public institutions on a voluntary and cooperative basis.



# The Commitment (CIECC)

## Section IV: Implementing the Sanctuary City Resolution

On June 6, 2017, the Hayward City Council adopted Resolution No. 17-069 affirming the City of Hayward’s commitment to values of dignity, inclusivity, and respect for all individuals, regardless of their national origin, gender, gender identity, race, religious affiliation, sexual orientation, or immigration status, and thereby declared itself a Sanctuary City. This City Council Resolution reaffirmed policies and procedures that were in place prior to the adoption of the resolution.<sup>9</sup> The action items that follow are intended to further support and operationalize what it means for the City of Hayward to be a Sanctuary City.

Part	Action Item	Responsible Department	Policy Reference	Timeline
D.1 - Information and Resources for Undocumented Residents	D.1.1 - The City shall expand opportunities for partnerships with legal institutions and advocacy organizations (e.g. Berkeley Law, Alameda County Immigration, Legal and Education Partnership (ACILEP)) to provide pro-bono legal assistance to Hayward residents experiencing discrimination.	Library & Community Services	City of Hayward Sanctuary City Res. No. 17-069	Ongoing
	D.1.2 - The City will expand its mobilization of local resources to serve undocumented immigrants. For example, the City will sponsor advocacy workshops including: Know Your Rights, Workers’ Rights, Pathways to Citizenship, and more.	City Manager’s Office		Ongoing
D.2 - Equitable Linguistic Access	D.2.1 - Written Communication: The City of Hayward will ensure that there is equitable linguistic access to City programs, services, and information about community member rights and community resources. Provide Access Hayward, website, and other City issued social media in multiple languages. Also, all City press releases should be written in English and Spanish at a minimum (other languages too) and should be distributed through ethnic media, as well as traditional English media.	City Manager’s Office		Ongoing

<sup>9</sup> To access a copy of Resolution No. 17-069 and other related policies and procedures, go to: <https://www.hayward-ca.gov/residents/undocumented-residents/city-policies-and-faq>.



# The Commitment (CIECC)

## Section IV: Implementing the Sanctuary City Resolution

Part	Action Item	Responsible Department	Policy Reference	Timeline
	D.2.2 - Verbal Communication: The City representatives who staff the guard station on the first floor of City Hall will be provided the tools necessary to communicate with non-English speakers. Also, when City officials who only speak English are in the media, Spanish interpretation, and access to other language interpretation as needed, will be provided to enhance understanding and convey inclusivity.	City Manager's Office	City of Hayward Sanctuary City Res. No. 17-069	Ongoing
D.3 - Training of City Officials	D.3.1 - All City officials and volunteers will be required to participate in implicit bias trainings.	Human Resources		Ongoing
	D.3.2 - The City shall ensure that the principles of the Hayward Sanctuary City Resolution are practiced as the Hayward City Council Strategic Initiatives Complete Streets, Complete Communities, and Tennyson Corridor are implemented.	City Manager's Office	City of Hayward Sanctuary City Res. No. 17-069  City of Hayward Strategic Initiatives <sup>5</sup>	Ongoing
D.4 - Hayward Leadership and Collaboration	D.4.1 - Sanctuary City Bay Area - Hayward will take a leadership role in creating a regional body (e.g. Sanctuary Bay Area) to coordinate with other jurisdictions in the Bay Area to advocate for, coordinate with, and share information about sanctuary policies and practices.	City Manager's Office	City of Hayward Sanctuary City Res. No. 17-069	By November 2019



# The Commitment (CIECC)

## Section IV: Implementing the Sanctuary City Resolution

Part	Action Item	Responsible Department	Policy Reference	Timeline
D.5 - Community Forums Regarding Sanctuary Status	D.5.1 - Create opportunities for Hayward community members to dialogue around what it means for Hayward to be a sanctuary city.	City Manager's Office	City of Hayward Sanctuary City Res. No. 17-069	By November 2019
D.6 - City Representation: Awareness and Support of Impacted Hayward Community Members	D.6.1 - When speaking publicly, City officials will convey support for the community by expressing concern for, and acting on behalf of, Hayward community members who are impacted by Immigration and Customs Enforcement (ICE) and other federal agency interventions.	City Manager's Office		Ongoing
D.7 - Section 287(g) Agreements	D.7.1 - The City of Hayward will publicly commit, as a matter of policy, to not sign Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act agreements <sup>10</sup> .	Hayward Police Department	HPD Policy No. 415	
D.8 - Review of City of Hayward's Policies	D.8.1 - The City of Hayward shall review its policies to ensure that they reflect Hayward's Status as a Sanctuary City, including the possibility of revision to other City policies such that they comply with the spirit and intent of the resolution.	City Manager's Office	City of Hayward Sanctuary City Res. No. 17-069	Ongoing

<sup>10</sup> The federal 287(g) Program allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), to receive delegated authority for immigration enforcement within their jurisdictions.





# The Commitment (CIECC)

## Section V: Enhancing Community/Police Relations

Based on best practices research<sup>11</sup> the following action items are designed to create within the Hayward Police Department a culture of transparency and accountability that fosters increased trust and legitimacy with community members, and supports partnerships that strengthen community / police relations in Hayward.

Part	Action Item	Responsible Department	Policy Reference	Timeline
E.1 - Building Community Trust and Police Department Legitimacy	E.1.1 - Transparency: As part of building mutual trust with the community, the Hayward Police Department (HPD) will publish its internal and external policies and practices, including its Use of Force Policy, Body Worn Cameras policies, and its policies and practices which relate to schools and students, in places and ways that express them clearly and transparently to the public.	Hayward Police Department	City of Hayward Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Objs.: 1, 5	By November 2019
	E.1.2 - Building Legitimacy with the Public: To achieve external legitimacy, HPD should involve the community in the process of developing and evaluating HPD's policies and procedures related to training, use of new technology, etc. The Community Taskforce recommends a partnership between the community and HPD take the form of a newly created HPD Advisory Committee, made up of community members who reflect the diversity of the Hayward community. <sup>12</sup> This Advisory Committee will also review cases involving officer-involved shootings, in-custody deaths, and other serious incidents that have the potential to damage community trust and challenge the legitimacy of, or reduce confidence in, the HPD.	Hayward Police Department	City of Hayward Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Objs.: 1, 5	By November 2019

<sup>11</sup> References to the source documents used to inform the Action Items in this section are provided in the Appendix to this document.

<sup>12</sup> Norm Stamper, retired Seattle Police Chief, states in person and in his book, To Protect and Serve; How to Fix America's Police, that there should be an equal partnership between the community and law enforcement (page 247-248). See Endnote 1 – Appendix, Page A-2, Section A. 1. D.

# The Commitment (CIECC)

## Section V: Enhancing Community/Police Relations

Action Item	Responsible Department	Policy Reference	Timeline
<p>Measuring Community Trust: HPD will use various means and opportunities to regularly and periodically measure the trust level of the community in HPD. This may include: A) Participation in the City of Hayward's community surveys of public opinion - HPD Administration and the Manager's Office will participate in the design of the questions that will measure the public's trust level in HPD; and B) The development of other community surveys that measure the public's trust level in HPD to be conducted in partnership with community partners at existing community events (e.g. Summer street festivals, the Russell City Blues Festival, the Zucchini Festival, and Barber College events). The City will develop procedures for analyzing, reporting, and utilizing the data gathered to improve community and police relations in Hayward.</p>	<p>Hayward Police Department</p>	<p>City of Hayward Strategic Initiatives<sup>5</sup></p> <p>Complete Communities</p> <p>Goal 1: Objs.: 1, 5</p>	<p>Ongoing</p>
<p>New Hire Orientation: HPD will embrace the practice of introducing and orienting new hires through a minimum of five diverse community or neighborhood-based faith or community organizations; this will include participating in at least one community or neighborhood event sponsored by one of the participating organizations. Newly hired HPD staff will also participate in orientation sponsored by local minority and women-owned professional businesses and associations.</p>	<p>Hayward Police Department and Human Resources Department</p>	<p>Tennyson Corridor</p> <p>Goal 1: Obj. 1 Goal 2: Obj. 3</p>	<p>Ongoing</p>



# The Commitment (CIECC)

## Section V: Enhancing Community/Police Relations

Part	Action Item	Responsible Department	Policy Reference	Timeline
E.3 - Commission on Accreditation for Law Enforcement Agencies (CALEA)	E.3.1 - Assessing Community Engagement, and Police and Community Relationships: Interviews with sworn and professional staff should not be the sole source of information for determining or certifying the strength of the Department's level of community engagement and building relationships of mutual respect. <sup>13</sup> Instead, HPD should offer the CALEA evaluation team the opportunity to interview community members who reflect the diversity of Hayward to better evaluate this community engagement. To facilitate this, HPD will provide contact information of local faith and community-based service organizations, community advocacy groups, and individuals representing the diversity of the Hayward community.	Hayward Police Department	City of Hayward Strategic Initiatives <sup>5</sup>	Ongoing
E.4 - Community Access and Feedback	E.4.1 - District Command Offices: The service hours of HPD's Northern and Southern District Command Substations should be posted at those locations, and the substations should be staffed during those hours so that HPD representatives are available to respond to questions or service requests from community members.	Hayward Police Department	Complete Communities Goal 1: Objs.: 1, 5	By November 2019
	E.4.2 - Use of District Command Offices: HPD should develop and implement a community relations campaign to make the public aware that they can ask questions and file compliments/complaints through District Command offices, as well as through other avenues (i.e. Access Hayward) where a single form is used submitting either a compliment or a complaint.	Hayward Police Department		By November 2019

<sup>13</sup> For example, the CALEA report stated, "An interview with Patrol Captain revealed that agency officers engage the community well and develop rapport...".



# The Commitment (CIECC)

## Section V: Enhancing Community/Police Relations

Part	Action Item	Responsible Department	Policy Reference	Timeline
E.5 - HPD Police Officer and Personnel Training	E.5.1 - Police Officer Engagement with Persons Living with Mental Illness: Require that all sworn officers of HPD take Mental Health First Aid for Public Safety training. <sup>14</sup>	Hayward Police Department	City of Hayward Strategic Initiatives <sup>5</sup>  Complete Communities Goal 1: Objs.: 1, 5	By November 2019
E.6 - Use of Tasers and Body WRAP Restraints	E.6.1 - Use of Tasers and Body WRAP Restraints: HPD will develop a policy requiring professional evaluation of procedures involving the use of Tasers and Body WRAP tools to restrain individuals, and work collaboratively with the HPD Community Advisory Panel to implement any recommended changes in practices or tactics that resulted in a death. <sup>15</sup>	Hayward Police Department		By November 2019
E.7 - Urban Shield	E.7.1 - Urban Shield: HPD should withdraw participation from Urban Shield. <sup>16</sup>	Hayward Police Department		By July 2018

<sup>14</sup> Mental Health First Aid for Public Safety is an eight-hour course specifically designed for police officers, first responders, corrections officers and other public safety professionals. Just as CPR helps people assist someone having a heart attack, this course provides tools to help identify, understand, and appropriately support someone experiencing a mental health or substance use crisis. (Link: <https://www.mentalhealthfirstaid.org/cs/wp-content/uploads/2016/01/Public-Safety-Overview-2.pdf>)

<sup>15</sup> The unsubstantiated marketing information contained in equipment manufacturers’ website will not be relied upon. If Hayward PD does not have the capacity to make these professional evaluations, qualified professionals should be contracted to make them. Community members are aware of millions of dollars paid in settlements by City of Hayward to families of residents who died after multiple tasings and/or Body WRAP usage.

<sup>16</sup> The overarching goals of Urban Shield include striving for the capability to present a multi-layered training exercise to enhance the skills and abilities of regional first responders, as well as those responsible for coordinating and managing large scale events: <https://www.urbanshield.org/about/urban-shield-training>. However, the Community Taskforce recommendation is based on concerns about certain Urban Shield practices that militarize law enforcement, racialize “the enemy” in exercises as being people of color and/or of middle eastern decent, and are derogatory toward the Black Lives Matter civil rights movement, all of which undermine community / police relations.





# The Commitment (CIECC)

---

## Appendix

### Appendix Contents:

A. Reference Documents and Endnotes .....	A-1
B. Current City Guiding Principles, Policies, and Practices .....	A-4
C. Community-Driven Action Items .....	A-9
D. Phase II Community Taskforce Recommended Action Items.....	A-11

---

### A. Reference Documents and Endnotes:

The following documents and plans are referenced in, and were used to inform, many of the action items recommended by the Hayward Community Taskforce in the Commitment (CIECC) document:

Policy References: Throughout the Commitment (CIECC) Document, City policy and document references are provided where an Action Item is to be cross referenced or coordinated with an existing City policy or initiative. These include:

1. City of Hayward City Council Adopted Strategic Initiatives<sup>1</sup>: The Hayward City Council adopted three (3) Strategic Initiatives in FY 2018 (i.e., The Complete Communities, Complete Streets, and the Tennyson Corridor Strategic Initiatives). The purpose, goals and objectives of the Strategic Initiatives referenced in the CIECC are provided below:
  - A. Complete Communities Strategic Initiative: The purpose of the Complete Communities strategy is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all.
    - Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward Neighborhoods.
      - Obj. 1: Increase neighborhood safety and cohesion.
      - Obj. 2: Foster a sense of place and support neighborhood pride.
      - Obj. 3: Increase collaboration with businesses, non-profits, and neighborhood groups in placemaking projects.
      - Obj. 4: Create resilient and sustainable neighborhoods.
      - Obj. 5: Actively value diversity and promote inclusive activities.

---

<sup>1</sup> See Hayward City Council Strategic Initiatives at: [www.hayward-ca.gov/search/site/Strategic%20Initiatives](http://www.hayward-ca.gov/search/site/Strategic%20Initiatives)



# The Commitment (CIECC)

---

## 1.A. Complete Communities Strategic Initiative, continued:

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Obj. 1: Centralize and expand housing services.

Obj. 2: Facilitate the development of diverse housing types that serve the needs of all populations.

Obj. 3: Conserve and improve the existing housing stock.

Obj. 4: Increase the supply of affordable, save, and resilient housing in Hayward.

Goal 3: Develop a Regulatory Toolkit for Policy Makers.

Obj. 1: Update, streamline, and modernize zoning & codes.

Obj. 2: Identify and design appropriate in-lieu fees to provide community amenities.

Obj. 3: Develop and refine other regulatory tools.

## 1.B. Tennyson Corridor Strategic Initiative: The purpose of the Tennyson Corridor strategy is to develop an attractive, cohesive, and thriving Tennyson Corridor through thoughtful engagement of residents, businesses, and community partnerships.

Goal 1: Work with community to create a vision plan for the Corridor and catalyst sites to serve as a foundation for long-term planning and policies.

Obj. 1: Work to understand community needs and desires for the Corridor.

Obj. 2: Identify funding options for future Corridor planning, improvements, and infrastructure.

Obj. 3: Lead development and construction of South Hayward Family Center.

Goal 2: Increase Pedestrian and Cyclist Safety.

Obj. 1: Enhance bike and pedestrian ways.

Obj. 2: Increase bicycle safety education.

Obj. 3: Collaborate with community members to improve public safety.

Obj. 4: Improve safety through increased lighting.

Goal 3: Improve Community Appearance.

Obj. 1: Enhance landscaping.

Obj. 2: Decrease dumping and litter.

Obj. 3: Decrease blight.

Goal 4: Foster a Cohesive Sense of Place.

Obj. 1: Identify possible locations and a cohesive theme for public art along the Corridor.

Obj. 2: Increase City sponsored events and projects in the Tennyson community.

Obj. 3: Explore using branding and signage to identify the Corridor.

Obj. 4: Explore innovative placemaking opportunities.



# The Commitment (CIECC)

---

## 2. The Commitment (CIECC) - Section E – Enhancing Community and Police Relations:

- A. Reference: The Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing, dated: May 2015 (President’s Report). This report describes six pillars on which law enforcement best practices were developed. This report served as the basis for many of the recommended Community and Police Relations action items listed in the Commitment (CIECC) document. For more information about the President’s Report, go to: [www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf).
- B. Reference: The action items in the Community and Police Relations section related to body worn cameras are based on best practices documented in, The Leadership Conference: Police Body Worn Cameras: A Policy Scorecard, updated August 2016 (BWC Scorecard). This report was developed by The Leadership Conference on Civil and Human Rights, convened by Upturn, and is based on input from a coalition of civil rights, privacy, and media rights groups. For more information, go to: [www.bwcscorecard.org/](http://www.bwcscorecard.org/).
- C. Reference: Several of the action items in the Community and Police Relations section are based on findings in the Hayward 2016 Commission on Accreditation for Law Enforcement Agencies (CALEA) Assessment Report. To access this report, go to: [www.hayward-ca.gov/police-department/about/calea](http://www.hayward-ca.gov/police-department/about/calea).

Reference & Endnote – re: Action Item E.1.2: Ref: To Protect and Serve: How to Fix America’s Police, by Norm Stamper, Retired Seattle, Washington Police Chief. Norm Stamper states that there should be an equal partnership between the community and law enforcement (pages 247-248).

Additional Hayward Community Taskforce Endnote – It is recommended that the following information be included in HPD Community Advisory Panel Charter:

“As with every other suggestion in this book, it all starts with the community and their police establishing an authentic, mutually respectful partnership--and working together. The partners’ job in this context is to ensure protection of First Amendment and other Bill of Rights guarantees and to prevent violence and property destruction during both planned and unanticipated demonstrations.

“And all of this should be reduced to writing, in a document we’ll call ‘The Agreement.’ The Agreement is just that: All stakeholders agreeing to the scope and nature of the theoretical and literal meaning--and the practical and political implications--of co-policing ‘critical incidents’.”

“A genuine partnership is a 50-50 proposition. Community members, as selected not by the police but amongst themselves, must have an equal say in how events are policed, whether planned a year in advance or materializing spontaneously. Given that neither side gets to decide unilaterally, a tremendous amount of soul searching, philosophizing, questioning, and





# The Commitment (CIECC)

---

practical, hard-core planning is essential. That includes the discipline of learning from the successes and failures of other jurisdictions.” Partnership assumptions:

- “Whatever faults and other historical baggage the police might bring to the partnership, they also bring considerable knowledge, wisdom, and skills. Moreover, they contribute weapons, badges, uniforms, vehicles, and specialized emergency equipment--all the trappings of coercive authority, which on occasion is essential to the cause of protecting life, property, and, yes, civil liberties. Consider if the first responders to the November 2015 terrorist attacks in Paris were not so equipped, were not identified by their badges and uniforms.”
- “How this coercive authority is exercised must be negotiated between the partners. To the maximum extent possible, effective ‘self-policing,’ that is internal security, should be arranged in advance.”
- “It must be understood that where self-policing breaks down and violence erupts or is imminently threatened, it’s time for the unarmed, non-uniformed [community] partners to take a back seat to traditional police authority--exercised, of course, in accordance with the values, stipulations, and specific procedures of The Agreement.”
- “Each side of the partnership must commit to continuous learning, taking stock of the response to all major events, including natural disasters, industrial accidents, fires, and political protests and demonstrations.”

Note: The term community members is substituted for the term citizens in the above quotations.

## B. Current City Guiding Principles, Policies, and Practices:

Hayward Community Taskforce Subcommittees developed many recommended Action Items for the City to undertake as part of the Commitment (CIECC). The following represent operating guidelines, principles, policies, and practices that were recommended, and which the City is already implementing. These are listed below in acknowledgement of those recommendations, and the Taskforce members’ support of these items.

Section III: Dismantling Illegal Forms of Discrimination: Following are recommendations of the Community Taskforce Dismantling Illegal Forms of Discrimination Subcommittee which the City is currently implementing:

The City shall prohibit discrimination against families with minors in residential rental housing.

Section IV: Implementing the Sanctuary City Resolution: Following are recommendations of the Community Taskforce Sanctuary City Subcommittee which the City is currently implementing:

Share the availability of legal services to Hayward residents (individuals and families) with concerns around immigration status.



## The Commitment (CIECC)

---

Section V: – Enhancing Community and Police Relations: Based on best practices research<sup>2</sup> and local community input, the following principles, policies and practices guide the work of the Hayward Police Department:

1. The Hayward Police Department establishes and practices a culture of transparency and accountability to build public trust and legitimacy, and to help ensure that decision making is understood and in accord with stated policies (Pillar 1).
2. Trust is diminished when law enforcement acts as, or is perceived to be, an occupying force coming in from outside to rule and control the community. Consequently, the Hayward Police Department culture embraces a mindset of public service and partnership to build trust and legitimacy within the community (Pillar 1).
3. Police officers cannot simply rely on rules and policies as they interact with the public, as most a police officer's work is done independently, outside the immediate oversight of a supervisor. Consequently, the goal is to create an agency culture where values and ethics guide each police officer's decision-making process when they interface with the community (Pillar 1).
4. The Hayward Police Department builds trust in the community by relating as a firm, and yet accessible, partner which is equitable and consistent in its contacts and relationships with all community members, regardless of their personal characteristics (Pillar 1).
5. The Hayward Police Department acknowledges the role that policing in general plays in past and present injustices and discriminatory acts, recognizes how this hinders the building of a trusting relationship with the community, and commits to taking steps that will strengthen mutual trust between the HPD and the community (Pillar 1).
6. The Hayward Police Department promotes the fair application of the law internally within the organization by applying the principles of procedural justice that reflect the extent to which outcomes are reached in a fair and equitable fashion (Pillar 1).
7. The Hayward Police Department considers and weighs the crime-fighting effectiveness of the use of military equipment against the potential collateral damage to community trust when military equipment is used in law enforcement. Military equipment may only be used with pre-approval of command staff and will include a debrief with staff to evaluate impact and effectiveness (Pillar 1).
8. The Hayward Police Department continues to collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime and deploy resources that aim to reduce crime by building positive community relationships, greater community engagement, and cooperation (Pillar 1).

---

<sup>2</sup> See References and Endnotes provided in Section A.2. of the Appendix.



## The Commitment (CIECC)

---

9. The Hayward Police Department establishes, or reinforces existing, comprehensive policies on the use of force, that include: training, investigations, prosecutions, data collection, and information sharing. These policies and procedures are clear, concise, and openly available for public inspection (Pillar 2).
10. The Hayward Police Department implements non-punitive peer review of critical incidents that are separate from criminal and administrative investigations (Pillar 2).
11. The Hayward Police Department refrains from practices which requires officers to issue a predetermined number of tickets, citations, arrests, or summonses, or to initiate investigative contacts with community members for reasons not directly related to improving public safety, such as generating revenue (Pillar 1).
12. Hayward Police Department officers seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers document the acknowledgement that they have sought consent to a search in these circumstances using audio or video recordings, or written documentation (Pillar 1).
13. Hayward Police Department officers, in addition to displaying a unique badge number, carry business cards containing their name, rank, command, and contact information, and distribute these cards in their law enforcement encounters with the public. This enables individuals to offer suggestions, commendations, or to file complaints about the officer (Pillar 1).
14. Hayward Police officers provide their business card (displaying their name, rank, command, and contact information) to individuals they have stopped. In addition, policies require officers to state the reason for the stop and the reason for search activities when conducted (Pillar 1).
15. The Hayward Police Department established search and seizure procedures related to Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) populations, and do not use the possession of condoms alone as evidence of vice (Pillar 1).
16. The Hayward Police Department utilizes smart technology designed to prevent tampering with or manipulation of evidence (Pillar 3).
17. The Hayward Police Department adopts the use of new technologies to help better serve people with special needs or disabilities including, but not limited to: technology based community engagement techniques that increase transparency and accessibility, technology that provides access to law enforcement data (i.e. crime statistics and calls for service data), and allows for public posting of policies, procedures, and other notices in a manner that enables access and usage by persons with disabilities (Pillar 3).



## The Commitment (CIECC)

---

18. Hayward Police Officers use least harm resolutions, such as diversion program(s), warnings, and citations in lieu of arrests for minor infractions (Pillar 4).
19. Hayward Police Officer performance includes evaluation of Officers' efforts to engage with community members in non-enforcement activities and partnerships, and will evaluate its patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities (Pillar 4).
20. The Hayward Police Department engages in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors such as mental health crisis situations, homelessness, substance abuse, domestic violence, human trafficking, and child abuse. The objective is for Hayward Police Department officers to be trained and equipped to make use of existing community resources in dealing with crisis situations, including peer support counselors as part of multidisciplinary teams when appropriate (Pillar 4).
21. Hayward supports a policing culture and practice that promotes the dignity of all, especially the most vulnerable members of our community (Pillar 4).
22. Hayward Police Department develops programs that create opportunities for patrol officers to regularly interact with students, neighborhood residents, faith and community service representatives, business owners, and other community leaders (Pillar 4).
23. Community policing emphasizes working with neighborhood residents to co-produce public safety. Hayward Police Department works with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community (Pillar 4).
24. The Hayward Police Department works with educational and criminal justice agencies at all levels of government to reform policies and procedures that avoid pushing juveniles into the adult justice system (Pillar 4).
25. The Hayward Police Department, through its Youth and Family Services Bureau, works with local schools and encourages them to adopt an instructional approach to discipline that uses interventions and disciplinary consequences to help students develop new behavior skills and positive strategies to avoid conflict, redirect energy, and refocus on learning (Pillar 4).
26. City of Hayward and Hayward Police Department work together to build trust between youth and police by creating programs and projects for positive, consistent, and persistent interaction between youth and police (Pillar 5).
27. The Hayward Police Department makes available leadership training to all personnel throughout their careers (Pillar 5).



## The Commitment (CIECC)

---

28. Hayward Police Department works with various institutions of higher education (including CSUEB and Chabot College) to support a culture that values ongoing education and the integration of current research into law enforcement training, policies, and practices (Pillar 5).
29. The Hayward Police Department supports and encourages cross-discipline leadership training (Pillar 5).
30. The Hayward Police Department has policies which apply to, and requires training for, all HPD personnel in cultural diversity, internalized racism, unconscious bias, and related topics designed to build trust and legitimacy in diverse communities. This is accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally been disproportionately impacted by law enforcement and the criminal justice system. The diversity training for HPD personnel includes such topics as: Interactions with community members who might differ from HPD personnel in their political preference, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical ability, and other personal characteristics. The personnel training also includes the topic of establishing appropriate sexual boundaries with residents and in the workplace to prevent sexual misconduct and harassment (Pillar 6).
31. The Hayward Police Department promotes safety and wellness, including mental health, at every level of the organization. To this end every Hayward Police officer is provided with individual tactical first aid kits and training, and are required to wear seat belts and anti-ballistic vests while on duty; training is provided to raise awareness of the consequences of failure to utilize these practices (Pillar 6).
32. The Hayward Police Department's policy on police body-worn cameras:
  - A. Publishes the most recent publicly available version of its body-worn cameras policy on its website (CPB01);
  - B. Clearly describes when officers must record, and requires officers to provide concrete justifications for failing to record required events (CPB02);
  - C. Specifically protects categories of vulnerable individuals (e.g. victims of sex crimes) from being recorded without their informed consent (CPB03);
  - D. Requires that the Department delete unflagged footage within six months (CPB05);
  - E. Prohibits both footage tampering and unauthorized access, and requires that all access to recorded footage will be logged (CPB06).
33. When serious incidents, such as the death of someone in which a police officer is involved or when a serious in-custody injury occurs - including those incidents involving alleged police misconduct, the Hayward Police Department communicates with community members and the media swiftly, openly, neutrally and without bias, withholding only information where the law requires confidentiality or that might impact due process or the course of the investigation.



## The Commitment (CIECC)

---

### C. Community-Driven Action Items:

The Community Taskforce identified many action items that are most appropriately driven by community members. While the following are not actions for the City to direct, City support will be provided as needed to community groups that undertake the following actions:

Community Driven Action Items Recommended by the Community Taskforce Sanctuary City Subcommittee:

1. Create Hayward specific “What it Means to be a Sanctuary City in Hayward” information cards / brochures in multiple languages, similar to the red “Know Your Rights Cards” cards). Include information about the different methods that the public can use to report actions taken by ICE and/or other federal agencies to the City. Use existing events (i.e. street parties, etc.) that exist all over the City to distribute information.
2. Create a long-term team of community members that will review the social justice issues affecting Hayward residents and the policies the City has enacted.
3. Advocate that any City policy or memo that allows for collaboration with ICE be changed to ensure complete separation.
4. Research area School District’s actions related to Sanctuary City Policies, as well as the Sanctuary City policies and practices of SF Bay Area communities and determine if Hayward should adopt any additional policies or practices.
5. Learn about the Federal Executive Order Travel Ban and work with the City to inform community members about its status and impact.
6. Research HPD’s Policy Manual to determine if there are any inconsistencies with HPD Policy No. 415 and the intent of the Hayward Sanctuary City Resolution.
7. Compare City, School District, and other local public agencies (HARD, Alameda County, Chabot, CSUEB, East Bay Regional Parks, etc.) that have Sanctuary policies to determine if there are any inconsistencies among them.
8. The youth of Hayward should be polled to determine their views, questions, concerns, ideas, and/or needs around the City’s Sanctuary City Resolution.



## The Commitment (CIECC)

---

9. Determine if there are any economic hardships in Hayward as a result of the Hayward Sanctuary City status.
10. Advocate for Chabot College becoming a sanctuary campus.
11. In partnership with the City, educate HUSD teachers and support staff about the City of Hayward's Sanctuary City Resolution, and what it means for Hayward students and their families.
12. Create a curriculum for HUSD students, as well as teachers and staff, to teach up-to-date and relevant information around current City immigration policies and procedures.
13. Work with HUSD to create guidelines for administration and staff to comply and support the City of Hayward's Sanctuary City Resolution.
14. Make it a high school requirement for Hayward students to learn about Hayward's Sanctuary City Resolution.
15. The Hayward Area Recreation and Park District (HARD) should publicly state its support for the City's Sanctuary City Resolution and post its public statement in HARD's Parks, Community Centers, and offices.
16. Create an alert system to warn residents when ICE or other Federal agencies are currently in the City of Hayward.
17. Research status of the implementation of the funds that support the legal and advocacy services provided through the Alameda County Immigration Legal & Education Partnership (ACILEP).
18. Utilize crowdsourcing strategies to raise funds to support families whose family member(s) are taken into custody by ICE.
19. Research how CSUEB funded and operated support for undocumented and homeless students to determine if similar strategies can be incorporated into the CIECC.
20. As part of the rapid response, the community should be canvassed with information about incidents that happen, and actions taken in response.



# The Commitment (CIECC)

---

Community Driven Action Items Recommended by the Community / Police Relations Subcommittee:

21. Community members will advocate with members of the California Assembly and Senate a law requiring an independent investigation by the Attorney General of each death of a person who dies while in the custody of law enforcement officers.<sup>3</sup>
22. Community members will advocate with Assembly Member Bill Quirk to revise stringent secrecy policies concerning police personnel files that are embedded in California statutes.

## D. Phase II - Community Taskforce Recommended Action Items

As part of their recommendations, the Hayward Community Taskforce identified the following tasks that were identified as Phase II action items, to be implemented after the first two-year Phase 1 Action Plans are implemented and evaluated. These tasks are included below as a guide to future updates to the Commitment (CIECC) Action Plans:

Phase 2 Action Items - Section I: Encouraging Shared Community Values: No Phase 2 action items were identified.

Phase 2 Action Items - Section II: Fostering Accessibility:

1. Implement a periodic review of all staff health and wellness programming to ensure programs and training opportunities are accessible to all employees.
2. Ensure that a percentage of newly developed single-family homes in the City of Hayward are set aside for affordable housing.

---

<sup>3</sup> Community members who are aware of the close working relationship between law enforcement agencies and District Attorney's' offices are calling for an investigation by the State Attorney General of every sudden death of persons shot by law enforcement officers or in custody of law enforcement officers to achieve a truly independent investigation.





## The Commitment (CIECC)

---

3. Ensure printed material pertaining to Hayward community members are distributed throughout the City (e.g. schools, grocery stores, churches, farmer's market, malls, libraries).
4. Establish Mobility Scooter Recharge areas at City facilities.
5. Ensure and amend the City's Brand, Communication Guides, and Signage Master Plan for consistency with the intent of the American Disabilities Act. For example, require the inclusion of a standard statement at the bottom of all corporate communications to advise of the various alternate formats in which information can be provided.
6. Provide copies of the Commitment (CIECC) to local business owners, and City grant and loan recipients, to increase awareness and encourage participation.
7. Review lease agreements to determine if any alteration needs to occur to comply with anti-discrimination legislation.
8. Include a condition in event agreements for organizers to provide equitable access. For example, provide a checklist / guide to individuals and organizations planning and promoting events to facilitate events that are accessible to everyone, a list of local contacts and resources to assist organizers in planning and hosting accessible events, including accommodation and transport providers, and require event organizers to include a site plan showing the location of accessible parking, amenities, entrances and exits, food and beverage booths, ticketing areas.
9. Update the City's community grants application process to require applicants to demonstrate how they will maximize access for community members to their goods, services, events, or activities.
10. Require equity and inclusion training and information to all City staff and volunteers for successful integration of people with diverse backgrounds into the workplace and events. For example, ensure that all staff are knowledgeable about access and inclusion best practices, ensure all staff training material and resources are accessible to all employees, and provide monthly volunteer training for inclusion and accessibility at City sponsored community events.



## The Commitment (CIECC)

---

### Phase 2 Action Items - Section III: Dismantling Illegal Forms of Discrimination:

1. A City appointed Community Advisory Committee will research how Hayward police officers are trained to identify and report hate crimes to determine if the training is adequate and to make recommendations for improvements if needed.
2. The City of Hayward will coordinate efforts with local, state, and federal agencies to track and reduce the incidents of hate crimes and other expressions of hate. In addition, reports will be submitted on a regular basis to a City appointed Community Advisory Committee recording the number of hate crimes, and incidents, occurring in the Hayward community.
3. The City of Hayward shall maintain contact with the California Department of Fair Employment and Housing, and the Federal Equal Employment Opportunity Commission to continue receiving current information about pending State anti-discrimination laws, and the Mayor, City Council, other City officials, and the City appointed Community Advisory Committee shall be kept apprised of pertinent issues.
4. The City of Hayward shall function as an Equal Opportunity/ Affirmative Action Employer, to the extent allowed by law, and shall continue to provide information and training to all City employees to create a discrimination free work environment.
5. The City's Personnel Commission shall serve as an advisory body to the City Manager and City Council with regard to the implementation of the City's Affirmative Action and non-discrimination policies.

### Phase 2 Action Items - Section IV: Implementing the Sanctuary City Resolution:

1. HPD and other City departments as appropriate (e.g. Library and Community Services) will partner with community and faith-based service organizations to assist families after a family member is taken into custody by ICE. HPD will send alert to community partners and all will plan a coordinated response.
2. The City will establish policies which give priority to businesses that pay a living wage and hire locally, and which commit to supporting the guiding principles of the Commitment (CIECC).
3. The City will conduct a campaign to encourage local businesses and other community organizations to support the Commitment (CIECC).



## The Commitment (CIECC)

---

4. The City will invite federal legislators to one or more Hayward community meetings to answer questions about federal Homeland Security and ICE policies and practices.
5. Create educational events that celebrate Hayward's cultural diversity (e.g. create a winter holiday event that highlights and celebrates multiple cultural backgrounds).

### Phase 2 Action Items - Section V: Enhancing Community and Police Relations:

1. Timing of Police Reports: The Hayward Police Department's policy on body-worn cameras should require officers to file an initial written report or statement before relevant footage is reviewed, for all incidents. (This should be raised as a priority issue during the next collective bargaining agreement negotiations between the City and the Police Officers Union).
2. Building Internal Legitimacy: The Hayward Police Department will promote a culture of equity and inclusion by engaging rank-and-file employees in the process of developing policies and procedures, and identifying best practices.
3. Health Research and Testing: The Hayward Police Department will annually investigate the status of continuing research into the efficacy of an annual cardiac and mental health check for officers, in addition to existing testing of physical fitness.
4. Use of Biometric Technologies: Hayward Police Department's policy on police body-worn cameras must limit the use of biometric technologies (e.g. facial recognition) to identify individuals in footage; with special consideration given to compliance with the City's Sanctuary City resolution.
5. Racial and Cultural Bias: Because of the disproportionate representation of African Americans in traffic stops and contacts with HPD, the Department will examine its training methods and develop a new protocol for assessing racial or cultural bias among its sworn and professional staff. (See Footnotes 4 and 5).

---

<sup>4</sup> While the Hayward Police Department attributes its low number of complaints regarding bias-based profiling to its emphasis on community engagement and the elevated role of community policing principles, the agency's own reporting demonstrates that Black people experience



## The Commitment (CIECC)

---

6. Transparency: Community members asked that the City publicly state what the charges were which involved Chief Diane Urban/Stuart, and their disposition.<sup>6</sup>
7. Employee Resident Incentive Program: The City shall institute a resident incentive program for employees, including Hayward Police Officers, that may include the provision of down payment assistance or other financial incentives that assist employees to obtain housing within Hayward City limits.
8. Flexible Staffing Models: The Hayward Police Department will explore the use of flexible staffing models (i.e. Offering flexible work schedules) that help officers achieve better work-life balance which attracts candidates and encourages retention.
9. Community Engagement: The Hayward Police Department will develop methods to evaluate the effectiveness of its ongoing encouragement and use of all sworn officers and professional staff to engage community members (youth and adults) in joint training with law enforcement (as appropriate), citizen academies, ride-alongs, community problem-solving teams, community action teams, and quality of life teams.
10. CALEA Report Findings: Rather than electing to place standards in the 20% optional category for a given assessment period, HPD should clearly state the reasons / circumstances that lead to noncompliance and articulate a plan and date certain for future compliance in future CALEA reviews.<sup>7</sup> Note: The 20% optional category is an option that CALEA offers departments when they find they do not/are not in

---

disproportionately more traffic warnings and citations than their representation among the general population of the City. The HPD notes that traffic warnings and citations include people who are not Hayward residents, which could also impact the statistical results.

<sup>5</sup> This revised training and communication method will be reflected in stops/citations that are more aligned with representation in the general population as reported to the Racial and Identity Profiling Advisory Board (RIPA), beginning no later than 2023.

<sup>6</sup> City management was quoted in the press in December 2016 as saying that this information would be forthcoming, and public statements were made on the part of Chief Urban authorizing their publication, yet the information has not been made available to the public.

<sup>7</sup> CALEA Report Finding: "Formal staff inspections were being conducted to a limited degree, but did not meet the CALEA requirement that the inspecting officer be assigned from a unit other than the unit being reviewed."



## The Commitment (CIECC)

---

compliance in a certain category; rather than marking this as a miss or deficiency, the department is allowed to mark the item in the optional category.

11. Confirmation of CALEA Finding: The Hayward Police Department will develop a third-party system to confirm or otherwise verify that its low number of grievances is the result of "open lines of communication between employees and management and its unique and innovative Disciplinary Review Process (DRP)."
12. School Resource Officers (SROs): The City will conduct community conversations / surveys to assess the effectiveness and impact of the School Resource Officer program.