



**COUNCIL'S APPOINTED OFFICIALS
HANDBOOK**

April 7, 2015

WELCOME

On behalf of the City Council, we want to express our appreciation for your interest in serving our City. We have developed this Handbook to help you understand the requirements for service on the City's Boards/Commissions/Committees/Task Forces. In addition to the Handbook, the City's website www.hayward-ca.gov provides useful information.

Welcome to the City! We look forward to working with you.

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INTRODUCTION TO CITY GOVERNMENT

The City of Hayward operates within a Council-Manager form of government. ([City Charter Section 300](#))

The City of Hayward Council is composed of six Council Members and a Mayor who are elected by the qualified voters of the City at large. The Mayor is the official head of the City for all ceremonial purposes, presides at the meetings of the Council, and signs official documents of the Council. The powers of the Council are subject to the provisions of the City Charter and the Constitution of the State of California. The City Manager is the head of the administrative branch of the City government.

City boards and commissions are established by the City Charter, the Municipal Code, and the City Council. The Planning Commission and Personnel Board are established by the City Charter. All other boards and commissions are established by ordinances. The City Council may also establish committees and task forces by resolution.

Special purpose Advisory Committees are formed at the discretion of the City Council to provide greater citizen participation in the development of plans and recommendations in relation to a committee's specific assignment. ([City Charter 900](#))

CITY OF HAYWARD ORGANIZATION

The City of Hayward operates within the Council-Manager form of government.

The Mayor and City Council adopt and implement legislation and policy, as well as appoint the City Manager, City Clerk, City Attorney, and the various boards and commissions.

The City Manager is the city's chief executive officer and appoints all other city staff including department heads. The City Manager is responsible for the daily administration of the City government and provides direction and leadership to the departments in implementing the policies of City Council.

Follow the link below for the City of Hayward's Organizational Chart.

http://www.hayward-ca.gov/blogdocs/cityclerk/2015/City_of_Hayward_Organization_Chart.pdf

CITY OF HAYWARD CHARTER

The City of Hayward Charter was adopted on March 7, 1956. The Charter defines the form of government and its functions and regulations.

Follow the link below for the City of Hayward Charter.

<http://www.hayward-ca.gov/CITY-GOVERNMENT/documents/CHARTER.pdf>

HAYWARD CITY COUNCIL PRIORITIES FISCAL YEAR 2015

In approving the annual budget for the City, the Council established priorities. City staff is responsible for managing these priorities and adjusting them as directed by the City Council. The priorities for Fiscal Year 2015 are Safe, Clean, and Green.

Follow the link below for details of City Council priorities.

<http://www.hayward-ca.gov/CITY-GOVERNMENT/documents/CouncilPriorities.pdf>

CITY OF HAYWARD BUDGET

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

For comprehensive information regarding the City budget, follow the link below.

<http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/>

GENERAL INFORMATION

Application Procedure and Membership:

Volunteer service provides a way for residents who have special experience or interest to participate in the City's decision making process by advising the City Council and staff on numerous topics.

Applications for service on any Board, Commission, Committee or Task Force (Council's Appointed Officials) are valid for one year from the date of receipt and are public record. Applicants for service on the Community Services Commission, Council Economic Development Committee, and Downtown Business Improvement Area Advisory Board are required to complete supplemental forms, which are also public documents.

State and local law require that selected members abstain from participation in decisions that may affect financial interests, including sources of income, interests in real property or investments. If appointed, certain members may be required to fill out a disclosure statement which identifies certain financial interests beginning with the immediate twelve-month period prior to the appointment.

The Community Services Commission and Council Economic Development Committee supplemental forms will require applicants to identify any organizations, associations, or entities by which they are employed or associated that might be affected by decisions of these bodies.

Planning Commission, Community Services Commission, and Council Economic Development Committee applicants will be required to file the Fair Political Practices Commission Statement of Economic Interests (Form 700), which is a public record.

Applicants for the Planning Commission must show applicable experience on other elected/appointed legislative bodies.

Application forms and information that describe duties and time commitments are available from the Office of the City Clerk. Information about the number of vacancies is available from the Office of the City Clerk or on the [City's website](#)

The City will conduct recruitment for the Council's appointed bodies, with the exception of the Hayward Youth Commission, during July and August annually, with interviews and appointment each September. Recruitment for the Hayward Youth Commission will be conducted each April and May, with interviews and appointments annually in June.

The City Council will interview applicants who are qualified electors (registered voters) of the incorporated area of the City of Hayward at a special Council meeting and will confirm the selections made at a regular Council meeting which will be followed by the administration of Oath of Office by the City Clerk.

In order to be eligible for appointment to any Board, Commission, Commission, Committee or Task Force (Council's Appointed Officials) a person shall be a qualified elector (registered voter) of the incorporated area of the City of Hayward. ([City Charter Section 900](#))

In the case of the Downtown Hayward Business Improvement Area (BIA) Advisory Board, the Council shall strive to appoint at least one representative from each business classification of the Assessment Area: professional business, service business, financial businesses, miscellaneous businesses, and retail businesses.

In the case of the Council Economic Development Committee, members must be residents of Hayward or own/operate a business in Hayward, be senior management at a corporate business in Hayward, or be formally affiliated with and represent another entity or agency concerned with economic development in the City of Hayward.

No member of any board of commission shall be a member of any other board or commission or hold any paid office or employment in the City government ([City Charter Section 900](#))

The Council's appointed officials serve without compensation, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council. ([City Charter Section 905](#))

Before members can participate as voting members of their respective bodies, they must take the Oath of Office as required by law. The City Clerk or her designee administers the Oath of Office to appointed members.

Term of Office:

All members are appointed by the Council and they could be subject to removal by a motion of at least four affirmative votes of the Council. The Council's appointed officials shall serve for no more than two and one-half consecutive full terms of four years on any one board or commission. ([Resolution 73-235](#))

Section 902 of the Charter of the City of Hayward does not apply to the term of office for members of the Keep Hayward Clean and Green Task Force because the Task Force is not a board, commission, or committee as contemplated by the Charter. Its purpose is focused on improving the quality of life in the many diverse neighborhoods in the City through Saturday and

other clean-up activities. The Task Force is not delegated with legal or jurisdictional responsibilities as are other boards, commissions, or committees created by the Council.

The term of office for the City's appointed officials should terminate when successors are appointed.

Members who have successfully completed one term on one of the Council's appointed bodies may be eligible to be re-appointed to a second term. The Council would only interview candidates seeking re-appointment who have failed to meet the required performance criteria. The performance criteria consist of: attending no less than seventy-five percent of all regular meetings held; complying with training and statutory requirements; being an active and focused participant; being prepared for meetings, e.g., reading the packet; and overall effectiveness as a member. The Council /Staff Liaison, in concert with the Chair, will provide performance data to the City Clerk, who in turn will forward it to the Council as part of the re-appointment process at the same time applications for new candidates are received. Current members, identified as necessitating an interview, would be invited to interview with the City Council at a special meeting preceding the interviews for prospective members.

Current board or commission members who have served a minimum of two consecutive years on the same body will be eligible to request consideration of appointment to a different body. Their request will be considered by City Council during the annual interviews.

Attendance and Vacancies:

If a member of a board of commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector (registered voter) of the City, his office shall become vacant and shall be so declared by the Council. ([City Charter Section 905](#))

Members shall be required to attend no less than seventy-five percent of all regular meetings held. If a member misses two consecutive meetings, the staff liaison designated to the Council's appointed body will notify the City Clerk of said absences. The City Clerk will notify the member in writing that failure by a member to attend three consecutive regular meetings of a board or commission will be cause for Council to declare the member's position vacant. After three consecutive absences or in the event attendance at seventy-five percent of meetings is not maintained, the City Clerk will notify the Council. Attendance records will be reviewed by the City Clerk and will issue notices to members with attendance issues. The City Clerk will present an attendance record to the Council during the annual interview process for the Council's appointed bodies.

The Keep Hayward Clean and Green Task Force considers its “Monthly Clean-Up Events” as an invaluable function and therefore equally important of its attendance policy; therefore, the attendance policy in [City Resolution 87-323 C.S.](#) related to regular meetings will be extended to the monthly clean-up events.

A member wishing to resign shall submit a letter of resignation to the City Clerk. Once the letter is submitted, the City Clerk will prepare a recommendation for Council to accept the resignation.

Any vacancies in any board or commission shall be filled by appointment by the Council during the annual appointment process for the City’s Appointed Officials

Government [Code Section 54974](#) provides that whenever an unscheduled vacancy occurs, a special vacancy notice shall be posted in the office of the City Clerk, and as may be directed by the City Council, the City Clerk will conduct a special recruitment for the purpose of filling the unexpected vacancy.

It shall normally be the policy to take applications on a regular ongoing basis; applications shall be considered current for one year from the date received.

The City Clerk shall, pursuant to Government [Code Section 54972](#), prepare an appointments list of all regular and ongoing boards and commissions which are appointed by the City Council, which shall contain the information required in said section. All efforts will be made to provide public information relative to vacancies prior to such appointments.

Election of Officers:

The Council’s appointed officials shall organize by electing one of its members to serve as the presiding officer at the pleasure of such board or commission. Each board of commission shall hold such regular and special meetings as such board or commission may require. All proceedings shall be open to the public. ([City Charter Section 904](#))

Staff Liaison Role:

Staff support is available to boards and commissions via staff members assigned as liaisons to each appointed body. The staff liaison is responsible for creating meeting schedules, preparing meeting agendas and reports, and notifying the City Clerk of attendance problems, resignations, and members’ change of contact information. The staff liaison is responsible for ensuring that appointed members are oriented about policies and procedures as they relate to the body. The staff liaison is also responsible for updating bylaws by working with members and City Attorney and sending the original to the City Clerk after formal adoption by the board or commission.

All communications addressed to a specific appointed body are received by the staff liaison or his/her designee and relayed to the appointed body. The roster of appointed officials is a public document available in the office of the City Clerk. The roster includes the name, residence or mailing address, and either a home or business telephone number for each member. Commissioners may interact with the public; however, if they are contacted by the public outside a meeting, commissioners should encourage citizens to send their comments to the staff liaison or his/her designee for distribution to all commissioners or come to a meeting and speak during public comment.

Council Liaison Role:

Every year, the Mayor will appoint Council Members to serve as liaisons to the Council's appointed bodies. It shall be the responsibility of a Council liaison to attend as many board or commission meetings as possible in order to be currently aware of issues being dealt with, to listen and observe, and to bring back to the Council any needs, requests, or information from a board or commission. A Council liaison shall not take part in the deliberations of the commission.

Budget:

Budget allocations are not established for boards and commissions; however, funds necessary for the routine business of boards and commissions are included in the departmental budget for each City department which provides staff support to a board or commission.

The use of the City logo is restricted to communications generated from a City department. The City of Hayward does not provide business cards for members of appointed boards and commissions.

Bylaws:

The Council's appointed officials may adopt bylaws which are not inconsistent with the City Charter, or other policies that may be established by the Council. Bylaws must be filed with the City Clerk.

Orientation:

City staff provides yearly trainings with regard to the structure and the operation of City government and the legal and ethical duties and responsibilities of members of the Council's appointed bodies. All members of City boards and commissions are required to attend the training either in person or by viewing a training video of the live training session. This requirement must be fulfilled within six months of the appointment of any member. Record and compliance with this requirement will be maintained in the Office of the City Clerk. Staff

liaisons provide new members with pertinent materials which will assist new members in becoming fully functioning members of the body. Chairpersons are required to become familiar with parliamentary procedure of conducting and presiding over meetings.

Ethics Training:

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

Assembly Bill 1234 requires local officials who are compensated for their service or reimbursed for their expenses to complete ethics training on a biennial basis.

On September 16, 2008, the City Council adopted [Resolution 08-130](#) which amended the Hayward Council Member Handbook by expanding the Ethics Training requirement to members of boards, commissions, task forces, and committees established by Council.

Harassment Prevention Training:

In 2005, AB 1825, now California Government [Code Section 12950.1](#), was signed into law. It mandates immediate and continual Sexual Harassment Training for supervisors. This law increases the training obligations of all employers, who have employees within the State of California, and extends their obligations beyond the training requirements discussed by the U.S. Supreme Court, the Equal Employment Opportunity Commission ("EEOC"), and other federal and state courts and legislative bodies. While AB 1825 does not specifically define "supervisor," the definition contained in the California Fair Employment and Housing Act ("FEHA") will presumably apply. Under the FEHA, a supervisor is any individual having the authority "to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action...if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Training is mandatory for all employees who become supervisors after January 1, 2006 within six months of assumption of a supervisory position and a once every two years thereafter.

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

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

MEETING RESPONSIBILITIES

Public Meetings:

The Brown Act or “Open Meeting Law” is officially known as the Ralph M. Brown Act and is found in the California Government Code § 54950 et seq. The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. A legislative body is defined as “A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.” ([Government Code § 54950 \(b\)](#))

All meetings must be properly noticed under the Brown Act. Meetings include retreats, workshops, and similar types of events. A meeting can be in person, via telephone, or email.

According to the Brown Act, the agenda for a regular meeting must be posted in “a location that is freely accessible to members of the public” at least 72 hours before the meeting. Any meeting not on the regular meeting schedule is a special meeting. Notice of a special meeting must be posted at least 24 hours prior to a meeting. Agendas are posted on the bulletin board in front of City Hall, on the bulletin board in the Office of the City Clerk, and on the City’s website.

Meetings that are not noticed are considered serial meetings, which are illegal. “A majority of the members of a legislative body shall not, outside a meeting authorized by the Act, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.” ([Government Code § 54952.2 \(b\)](#))

A type of unintentional serial meeting could result from improper use of email. To avoid this, members of legislative bodies should never use the “reply to all” function to an email that may be addressed to a quorum of the legislative body.

Attendance at a public conference is permissible as long as a quorum of the body do not discuss among themselves specific business that is within the subject matter of the jurisdiction. Purely social events are not considered meetings as long as the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the local agency ([Government Code § 54952.2 \(c\) \(5\)](#))

[Government Code 54954](#) requires that each legislative body of a local agency, except for advisory committees or standing committees, provide the time and place for holding regular meetings.

[Government Code 54953](#) allows meetings to be conducted by teleconferencing under procedures including the requirement that each location be identified in the agenda and made accessible to

the public, that all votes must be by roll call, and public comment may be made at any of the noticed locations.

[Government Code 54954.3](#) requires that public comment for regular meetings be allowed on any item of interest to the public that is within the subject matter jurisdiction of the city. At special meetings the public comments can be restricted to the subject matter to be considered at the special meeting.

[Government Code 54954.2](#) allows members of the legislative body or its staff to make brief responses to comments made at public comment, but cannot be used to start a discussion between commissioners or to take action in response to comments.

When a meeting is canceled a notice of cancellation shall be posted at all the locations where the notice and the agenda are regularly posted. Interested members of the public shall be noticed as soon as possible.

It is recommended that the Council's appointed officials follow the procedures for the conduct of meetings as established in the Parliamentary Procedure and Robert's Rules of Order. In instances where Robert's Rules of Order are inconsistent with the provisions of the City Charter, the Charter shall take precedence.

While the appointed body is in session, the members should not interrupt the proceedings, any commissioners, or any member of the public who has the floor. Persons attending the meeting should observe the rules and procedures of the legislative body. Members who do not follow the rules for decorum may be asked to leave the meeting.

Council liaison and members of the Council's appointed bodies have a mutual obligation to accord the utmost courtesy to one another and shall refrain from rude and derogatory remarks, abusive comments or other chastising, particularly in public.

If a Council liaison has a specific concern about the behavior and/or statements of an individual board or commission member, he/she should bring it first to the attention of the board or commission Chairperson in private. If no resolution is affected then the matter should be brought to the attention of the Mayor for his/her action.

Conversely, board and commission members should discuss a concern about a Council liaison with their respective Chairperson and not go directly to the Mayor or to other Council Members.

Decorum among board and commission members shall be the same as applicable to the Council.

Copies of rules, bylaws, and meeting minutes of each one of the Council's appointed bodies shall be kept on file in the Office of the City Clerk where they shall be available for public inspection.

CONFLICT OF INTEREST GUIDELINES

Conflict of Interest:

According to [Government Code 81000](#), also known as the “Political Reform Act,” public officials should perform their duties in an impartial manner, free from bias, caused by their own financial interest. The regulation prohibits a commissioner from making, participating in making, or influencing a governmental decision, if the commissioner knows that the decision will have a material financial effect on interests of the Appointed official.

[The State Fair Political Practices Commission \(FPPC\)](#) enforces these prohibitions. Members are encouraged to consult with the City Attorney or the FPPC before participating in a matter that would create a possible conflict of interest. Public officials specified in [Government Code 87200](#), such as planning commissioners, must publicly identify the economic interest that creates the conflict, step down from the dais, and must then leave the room. The identification of the conflict of interest must be made orally and as part of the official record.

The State of California requires that designated individuals who make or participate in making governmental decisions that could affect their personal economic interests file Statements of Economic Interests, Form 700s [The Hayward Conflict of Interest Code, Administrative Rule 9.1](#) specifies the Council’s appointed bodies that are subject to the disclosure requirement. Designated members have 30 days after the date of appointment to file an Assuming Office Statement of Economic Interests with the City Clerk. If a member resigns or is terminated, a Leaving Office Statement of Economic Interests must be filed within 30 days of termination. All designated members are required to file annual statements and will be routinely advised of the deadlines by the City Clerk.

Incompatible Public Offices:

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices which are incompatible in terms of their duties.

RESOURCES

Application

<http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/index.shtm>

List of Current Council's Appointed Officials

[Local Appointments List April 2015](#)

Council's Appointed Bodies

[Community Services Commission](#)

[Downtown Business Improvement Area Advisory Board](#)

[Hayward Youth Commission](#)

[Keep Hayward Clean & Green Task Force](#)

[Library Commission](#)

[Personnel Commission](#)

[Planning Commission](#)

[Council Economic Development Committee](#)

California Law

<http://www.leginfo.ca.gov/>

Conflict of Interest

<http://www.fppc.ca.gov/index.php?id=37>

Statement of Economic Interests – Form 700

<http://www.fppc.ca.gov/index.php?id=500>

Attendance Policy – Resolution 87-323

http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/DOCUMENTS/RES_87-323.pdf

Robert's Rules of Order

<http://www.robertsrules.org/>