



DATE: January 17, 2017
TO: Mayor and City Council
FROM: City Clerk
SUBJECT Revisions to the Council Member Handbook

RECOMMENDATION

That the City Council reviews the proposed changes to the Council Member Handbook and provides further direction.

BACKGROUND AND DISCUSSION

Section 611 of the City Charter provides for the City Council to determine its own rules and procedures. The City Council Member Handbook, completed in July 1983, was approved by Council on September 13, 1983, to provide general information and City Council procedures for the facilitation of its proceedings. The Handbook is also used as a reference guide for the City's boards, commissions, committees, and task forces.

There have been several amendments to the City Council Member Handbook since it was first adopted with the last amendment completed on April 7, 2015. The City Council, at its special City Council Meeting/Retreat on November 5, 2016, identified eight sections in the Handbook that the Council expressed interest for amending and directed staff to bring back a staff report. The proposed amendments include revisions to the following sections of the Council Member Handbook.

1. City Council: Elective Officers; Training Requirements; Orientation; Compensation for Members of the City Council; Benefits; Council Office Budget and Expenditure Guidelines
2. Policy Regarding City Council Expression on State, Federal and International Issues
3. Meetings: Special Meetings/Calling/Notice; Work Session; Public Hearings and Legislative Business
4. Agenda: Order of Business, Posting of Agenda, Work Session (Open to the Public)
5. Addressing the Council: Time Limitation
6. Motions: Motion to Amend; Processing of Motions
7. Council Committees
8. Boards, Commissions, Committees, and Task Forces: General Information

What follows is a discussion of the proposed changes to each section mentioned above along with identified areas for further discussion/direction by Council.

1. City Council

Elective Officers Section

The Elective Officers Section on page two of the Council Member Handbook is proposed to be amended to reflect the General Municipal Election change approved by the people of the City of Hayward during the General Municipal Election on June 7, 2016. The general municipal elections changed from June of even-numbered years to November of even-numbered years, to be effective in 2018.

The Section is proposed to read as noted in the City Charter and Section 2-1.15 of the Hayward Municipal Code.

“When the general municipal election for the election of officers is consolidated with a California State General Election held earlier in the calendar year than the last election for the seat occupied by an incumbent, the incumbent’s term of office shall be shortened to the first Tuesday following the consolidated election or until his or her successor qualifies. When the general municipal election for the election of officers is consolidated with a California State General Election held later in the calendar year than the last election for the seat occupied by an incumbent, the incumbent’s term in office shall be lengthened to the first Tuesday following the consolidated election or until his or her successor qualifies.”

Training Requirements Section

Page three of the Council Member Handbook is proposed to be amended by incorporating text from Assembly Bill No. 1661. Existing law requires any civil or political subdivision of the state and all cities to provide at least two hours of training and education regarding sexual harassment to all supervisory employees.

The Section is proposed to read as follows:

Assembly Bill 1661, now Chapter 816 approved by the Governor on September 29, 2016, additionally requires local agency officials to receive sexual harassment prevention training and education if the local agency provides any type of compensation to those officials. The law also requires an entity that develops curricula to satisfy this requirement to consult with the city attorney regarding its sufficiency and accuracy.

Discussion Item: Council Members have expressed interest for ongoing professional development for Council. Staff requests further direction from Council on this area before incorporating changes to the Handbook.

Added Section: Staff proposes to add a new paragraph under the Training Requirements section as follows:

“City staff provides an unofficial orientation to members of the City Council upon taking office related to the structure and the operation of City government and legal and ethical duties and responsibilities.”

Compensation for Members of the City Council Section

Information related to the compensation for each Council Member and the Mayor is found in Section 2-1.10 of the Hayward Municipal Code. The annual salary for each Council Member is \$24,975 and for the Mayor is \$39,960. These figures will be updated in the revised Handbook.

Benefits Section

The language in this Section will be updated to read as follows:

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

Council Office Budget and Expenditure Guidelines Section

Page eleven of the Council Member Handbook provides a policy governing the use of funds by Council Members. Expenses incurred for attending City-sponsored events or functions (such as the Volunteer Dinner) can be reimbursed as outlined in Subsection 2 (d).

Discussion Item: The Council expressed interest in proposing changes to this Section and this needs to be discussed further with direction provided to staff.

2. Policy Regarding City Council Expression on State, Federal and International Issues

According to [Resolution 77-209](#), the City Council adopted a policy stating that “official City Council expression should not be given on state, federal or international issues which have no direct effect upon the administration of the local affairs of the City of Hayward or which the City of Hayward, as a municipal corporation, cannot exercise any jurisdiction over such matters.”

At a Council meeting on [September 20, 2016](#), the City Council received a draft Hayward Legislative Program which outlines the legislative priorities of the City of Hayward. Adoption of the final version is anticipated to be presented to the City Council in the Spring. After final adoption of the program, staff can update the Handbook and bring back appropriate changes to this Section.

3. Meetings

Special Meetings/Calling/Notice Section

A sentence will be added to this Section as follows:

The City Council also serves as the Geologic Hazard Abatement District Board.

Work Session Section

There was consensus by the City Council to modify the language under this Section to indicate that public comments on an item appearing in the work session section of the agenda would follow staff's presentation. This change would allow speakers to make comments after they had an opportunity to hear staff's presentation. Staff recommends updating any other sections in the Handbook related to public comments and work sessions.

Public Hearings and Legislative Business Section

Discussion Item: There was a desire by members of the City Council to remove the five-minute limit for a group and keep the testimony to three minutes. It was also the desire to give the Mayor/Chair the discretion to allow for the testimony time to be shorter. Staff seeks further direction related to this Section.

4. Agenda

Order of Business Section

This Section is proposed to be amended by moving the Consent section before the Work Session section to align with the current order of business when conducting meetings of the Council.

Posting of Agenda Section

This Section is proposed to be amended by adding the bulletin board outside City Hall as an additional place for posting the agenda.

5. Addressing the Council

Time Limitation Section

Discussion Item: There was interest by some members of the City Council to include guidance in the Handbook regarding the length of Council comments during items on the agenda. If the Council directs, staff could include the following language at the end of page 30 of the Handbook:

City Council

In order to effectively manage the business and time of meetings, Council Members are encouraged to limit their general comments on any item to five (5) minutes once any specific questions on the item have been asked and answered.

6. Motions

Motion to Amend Section

As substitute motions are not used in Hayward, staff proposes to amend the Motion to Amend Section in the Handbook by removing the reference to substitute motion on page 33 of the Handbook.

Processing of Motions Section

While the Granicus - VoteCast system allows elected officials a more effective way to participate using touch-screen displays and makes every part of the meeting process automated, there are limitations with the motion and second buttons. The Chair of the meeting is not able to see who offered a motion or a second; this added feature has been submitted to Granicus engineers. In the interim, members of the City Council wishing to make a motion and offer a second should use the “request to speak” button via their iPads to be acknowledged by the Chair before stating that they want to offer a motion or a second. This process will be in place until the Chair can see in her iPad who made the motion and the second.

7. Council Committees

There was general agreement to continue with the prerogative of the Mayor to make two-year appointments.

8. Boards, Commissions, Committees, and Task Forces:

Application Procedure and Membership Section

Council Economic Development Committee:

At a Council meeting on May 17, 2016, the Council approved [Resolution 16-181](#), which amended the membership of the Council Economic Development Committee

(CEDC) by eliminating public members through attrition; and directed staff to include outside expertise presentations as part of each CEDC agenda. The Application Procedure and Membership Section will be amended by removing the CEDC as it does not have public members.

Personnel Commission:

The City Council on October 20, 2016, accepted a staff report recommending that after four vacancies on the Personnel Commission are filled, staff would engage members of the Personnel Commission in revising its scope of duties and updating the Mission statement. The Handbook does not need to be updated to reflect this information.

Discussion Item: During the Special Council Meeting/Personnel Commission interviews on January 10, 2017, Council members expressed interest in discussing the appointment of alternate members to the Personnel Commission. Currently, the Hayward Youth Commission (HYC) is the only body with alternate members. The purpose of having four alternative members is to have qualified individuals fill unexpected vacancies and avoid having to conduct special recruitments. HYC alternates are non-voting members appointed to one-year terms. The alternates' attendance and participation are evaluated by HYC advisors when unexpected vacancies occur, before alternates are recommended to be promoted to regular commissioners. Given that alternates attend regular meetings, they would be able to transition into the role of regular commissioners without any disruption in the flow of proceedings.

The City Attorney advises that if Council is interested in considering alternate members for advisory bodies such as the Personnel Commission, it is recommended that additional thought be given to such roles, responsibilities, and expectations. At a minimum, alternates should be able to step into the roles of regular commissioners without any disruption in the flow of proceedings or in any way jeopardizing the due process rights of any party or applicant with an interest in the outcome of a commission's proceedings. Either an alternate should attend all meetings as would a regular commissioner, or an alternate should be required to review minutes, staff reports or view all relevant prior proceedings on the matter, before taking on the role of a regular commissioner. These are fundamental fairness requirements of an advisory body, especially where there is an application pending or an individual or group has a right or public interest in the proceeding (e.g., a grievance or appeal pending at the Personnel Commission).

It is requested that Council give staff further direction on whether alternates should be selected for advisory bodies other than the HYC. If such direction is given, staff would like to return with an analysis of the opportunities and constraints the selection of alternates would present. Such report would be submitted for consideration prior to the 2017 recruitment cycle (April-September).

Arts and Culture Committee and Council Infrastructure Committee:

Discussion Item: There has been interest by certain members of the Council for staff to consider an Arts and Culture Committee as well as a Council Infrastructure Committee. Given current staff workloads and the initiatives/projects currently underway, staff recommends the formation of a Council Infrastructure Committee in the near future but recommends that the Council delay its consideration of an Arts and Culture Committee for at least one year. Staff would return to Council in February for further discussion of the purpose and scope of the Council Infrastructure Committee.

Community Services Commission:

Discussion Item: During the City Council meeting on October 18, 2016, the City Council discussed the opportunity for the City Council to work with the Community Services Commission related to the Community Agency Funding. While this information does not affect the Handbook, Council Members asked for the opportunity to address this item.

Recruitment/Interviews/Appointment of Council's Appointed Bodies:

Due to the change of municipal elections from June to November of even years, staff is recommending to change the annual recruitment for the Council's appointed bodies, except for the Hayward Youth Commission. Currently the annual recruitment for Council's appointed bodies is conducted from April to July with interviews in July and appointments in September. Effective 2018, the nomination period, the time during which Council candidates can obtain official nomination papers, will open 113 days before Election Day (mid-July) and end 88 days before the Election Day (mid-August). For 2017, during which there is no general municipal election cycle, it is suggested that Council retain the April-September schedule of recruiting, interviewing and appointing members to the City's appointed bodies. Staff anticipates vacancies as of September 30, 2017. For 2018, when the general municipal election cycle is later in the year, it is suggested that Council move the recruitment of Council's appointed bodies to August through November, with interviews the second week in December and appointments in January 2019. Doing so means that terms expiring September 30, 2018 will have to be adjusted to expire December 31, 2018. By moving the interviews to the second week in December, newly elected and seated Council Members will be able to participate in the interview/appointment process for the City's appointed bodies. Should Council concur, the Boards and Commissions section of the Handbook will be updated accordingly.

FISCAL IMPACT

There is no fiscal impact associated with the items presented in this report.

NEXT STEPS

If the Council finds it appropriate to revise the Council Member Handbook by incorporating proposed changes and discussion by Council, staff will bring the updated Handbook at the next Council meeting for approval.

Prepared by: Miriam Lens, City Clerk

Recommended by: Kelly McAdoo, City Manager; Michael Lawson, City Attorney;
and Miriam Lens, City Clerk

Approved by:



Kelly McAdoo, City Manager