



**DATE:** November 7, 2023

**TO:** Mayor and City Council

**FROM:** City Manager  
City Attorney  
City Clerk

**SUBJECT:** Council Member Handbook: Adopt a Resolution Approving Modifications and Edits to the Council Member Handbook

## **RECOMMENDATION**

That the Council adopts a resolution to implement final edits and modifications to the Council Member Handbook (Attachment II).

## **SUMMARY**

The Council Member Handbook was adopted in July 1983 to provide procedural rules for how the Council will operate. The Council typically reviews the handbook annually and adopts changes to processes and procedures as necessary. The Council held a retreat on April 22, 2023 and discussed proposed changes to the handbook. As a follow up to that discussion, the Mayor appointed an Ad Hoc Committee, comprised of Council Members Goldstein and Syrop and Mayor Salinas, to review and recommend final edits to the handbook. The Ad Hoc Committee met on June 12, July 10, and September 18 and staff has prepared this report and attachments to capture the edits and modifications made to the Council Handbook. The Ad Hoc Committee recommends that the Council adopt a resolution (Attachment II) to implement the final proposed changes to the Handbook.

## **BACKGROUND AND DISCUSSION**

The Council Member Handbook (Handbook) provides procedural rules for how the City Council will operate as a body. The Handbook was adopted in July 1983 and since then, has gone through various revisions over the years as needed. The last revision was completed in 2021.

At the April 22, 2023, Council Governance Retreat, the Council reviewed the Handbook and discussed various modifications. Following the meeting, the Mayor appointed an Ad Hoc Committee consisting of himself, Councilmember Goldstein, and Councilmember Syrop to

finalize proposed changes to the handbook. The Ad Hoc Committee met on June 12<sup>1</sup>, July 10,<sup>2</sup> and September 18<sup>3</sup> and was able to reach a consensus regarding proposed changes to the handbook. The most substantive changes to the Council handbook include 1) Compensation for Members of the City Council; 2) Council Office Budget and Expenditure Guidelines; 3) Special Meetings; 4) Agenda; 5) Delivery of Agenda; 6) Rules, Decorum, and Order; 7) Motion to Amend; 8) Council Committees and Appointments to Alameda County Agencies and Other Regional Boards; 9) Responsibility of Council Liaison; and 10) Committees, Commissions and Task Forces (City Council's Appointed Officials Handbook-Term of Office & Attendance and Vacancies).

## **1) COMPENSATION FOR MEMBERS OF THE CITY COUNCIL: (pages 5-6)**

City staff conducted a review of these sections and do not recommend any changes to the language therein. Three compensation options were drafted by Human Resources to bring pay for the Mayor and Council into closer alignment with the intent of the ordinance governing Council compensation. The Ad Hoc Committee recommended Option 2.

### **Option 1:**

Make no changes to the current Mayor and Councilmember salaries. Adhere to provisions outlined in the Hayward Municipal Code Chapter 2, Article 1, Section 2-1.10 moving forward and beginning in FY2025.

### **Option 2:**

Update Mayor and Councilmember salaries to reflect salaries that would be in place had provisions outlined in the Hayward Municipal Code Chapter 2, Article 1, Section 2-1.10 been applied consistently beginning FY2004 through FY2024. Based on CPI data through this period, the salary of Mayor would be \$69,288 and the salary of Councilmember would be \$43,305; adhere to provisions outlined in the Hayward Municipal Code Chapter 2, Article 1, Section 2-1.10 moving forward and beginning in FY2025.

### **Option 3:**

Update Mayor and Councilmember salaries to reflect salaries that would be in place had provisions outlined in the Hayward Municipal Code Chapter 2, Article 1, Section 2-1.10 been applied consistently beginning FY2016 through FY2024. Based on CPI data through this period, the salary of Mayor would be \$52,782 and the salary of Councilmember would be \$32,989; adhere to provisions outlined in the Hayward Municipal Code Chapter 2, Article 1, Section 2-1.10 moving forward and beginning in FY2025.

*Handbook excerpt (pages 5-6)*

## **COMPENSATION FOR MEMBERS OF THE CITY COUNCIL**

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<sup>1</sup> 6/12/23 Ad Hoc Committee: Modifications to Handbook [CITY OF HAYWARD - File #: RPT 23-064 \(legistar.com\)](#)

<sup>2</sup> 7/10/23 Ad Hoc Committee: Modifications to Handbook [CITY OF HAYWARD - File #: RPT 23-064 \(legistar.com\)](#)

<sup>3</sup> 9/18/23 Ad Hoc Committee: Modifications to Handbook [CITY OF HAYWARD - Meeting of Ad Hoc Committee on 9/18/2023 at 2:00 PM \(legistar.com\)](#)

*<sup>4</sup>Any compensation to be paid to members of the Council shall be established by ordinance and shall apply to all incumbent members of the Council. The Council may likewise change such compensation; however, such change shall not be effective until one or more members of Council becomes eligible for such change in compensation by virtue of beginning a new term of office.*

*In addition, each member of the Council shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty. [Sec. 603. City Charter] Ordinance 01-12 will be updated in 2019.*

Compensation for Members of the City Council:

- (a) Each Council Member shall receive compensation for services rendered in an official capacity.
- (b) From and after the fiscal year beginning July 1, 2003, and for each fiscal year thereafter, the compensation for the Mayor and each Council Member may be increased by an amount equivalent to the percent increase in the "Consumer Price Index San Francisco-Oakland Metropolitan Area - All Items," published by the Bureau of Labor Statistics, United States Department of Labor, for the twelve-month period ending June of each fiscal year. However, in no event shall any such increase be greater than 5%.
- (c) In addition, the Mayor and members of Council shall receive reimbursement for Council authorized travel and expenses while on official City duty.
- (d) Each Council Member and the Mayor may make voluntary contribution to deferred compensation benefits under the City of Hayward's Deferred Compensation Plan for employees. The rate of compensation received under this plan by the Mayor and each Council Member shall be the same as that received by Unrepresented Management employees, as amended from time to time.  
[\[Section 2-1.10, Hayward Municipal Code\]](#)

## **2) COUNCIL OFFICE BUDGET AND EXPENDITURE GUIDELINES: (page 13)**

The Council Ad Hoc Committee reviewed the section and provided input as noted below in red underlined and strike through text.

*Handbook excerpt (page 13)*

### **COUNCIL OFFICE BUDGET AND EXPENDITURE GUIDELINES**

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

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

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

- 1) Councilmembers and the Mayor can be reimbursed for actual and necessary expenses incurred in the performance of official duties, subject to budget, applicable laws, ethical standards, and procedures established by Council. The Mayor is allocated a total of \$5,000 to cover educational and discretionary expenses and each Councilmember is allocated a total of \$2,500 for the same. An expense will not be reimbursable if it supports a political activity or if it is paid for or reimbursed by another entity or person.
- 2) Expenses may be incurred for the following activities:
  - a) Attending educational seminars or seminars designed to improve elected officials' skill and/or information level;
  - b) Purchase of books or educational materials that will be returned to the City at the end of the term of office;
  - c) Participating in regional, state, and national organizations whose activities affect the City's interests or where the Council member serves as the appointed voting delegate (or alternate) or where the Council member serves on a committee or is asked to share the City's expertise;
  - d) Attending City-sponsored events or functions where payment shall be made for the Councilmember only to participate;
  - e) Communicating with representatives of regional, state, and national government on City-adopted policy positions when such trips have been preapproved and authorized by the whole Council;
  - f) Sponsorship of community events; and
  - g) Other expenses approved by the City Manager and Mayor Council in advance of their incurrence.

Should the City Manager and Mayor disagree on approving certain expenses, members of the City Council could bring forward a Council Referral Memorandum to be considered by the entire Council.

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

Administrative Rule 2.51 - Employee Expense Reimbursement Policy

### **3) SPECIAL MEETINGS/CALLING/NOTICE: (page 20)**

The Council Ad Hoc Committee reviewed the section and did not recommend any changes but requested that staff include language about extra meetings during future Council orientations.

### **4) AGENDA: (page 22)**

The City has created protocols to disconnect a caller upon direction of the Chair should meetings become disrupted during Zoom public comments. The City also created language for the Public Comment section of the City Council agenda to inform the public the City will not tolerate disruptions during public meetings. The Public Comments section for Council Meeting Agendas is proposed to be revised as noted below in red underlined text.

*Handbook excerpt (page 22)*

#### **AGENDA**

Public Comments for Council Meeting Agendas shall read:

The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff. (Res. 02-058, May 7. 2002)

(Agenda Revisions: City Manager's Weekly Report - November 25, 2009)

The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council. The City is committed to maintaining a workplace free of unlawful harassment and is mindful

that City staff regularly attend Council meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated.

**5) DELIVERY OF AGENDA: (page 23)**

The Council Ad Hoc Committee reviewed the section and did not recommend any changes. The City Manager and City Clerk agreed to modify the timeline for submittal and review of Council reports to work towards the goal of delivering agenda packets on Thursdays.

**6) RULES, DECORUM AND ORDER: (pages 32-33)**

The Council Ad Hoc Committee suggested that staff include Code of Conduct language related to issues on social media and other matters. Approved language is noted below in red underlined text.

*Handbook excerpt (pages 32-33)*

**RULES, DECORUM, AND ORDER**

**The purpose of the meeting is the business of the city of Hayward.**

**POINTS OF ORDER**

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall sustain or reverse the Presiding Officer's determination.

**DECORUM AND ORDER – COUNCIL MEMBERS**

(a) Any Council Member desiring to speak shall address the Chair and, upon recognition by the Mayor, shall confine himself/herself to the question under debate.

(b) A Council Member desiring to question a staff member shall address questions to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose.

(c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

(d) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Council Member shall be permitted to proceed. If ruled to be not in order, the Council Member shall remain silent or shall alter remarks so as to comply with rules of the Council.

(e) Council Members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

(f) Any Council Member may move to require the Mayor to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

(g) Section 611 of the City Charter provides that the City Council may determine its own rules of procedure, may punish its members for disorderly conduct, and compel their attendance at Council meetings. In addition to the sanctions identified herein, the failure of the Mayor or a Council Member to observe these rules of decorum may warrant the Member's removal from the Council Chambers in accordance with the procedures described in the section entitled "Enforcement of Decorum."  
Sanctions and Procedures for Violations of Rules of Decorum and Order

(h) Council Members who fail to observe these rules of Decorum and Order, or violate any state or federal law, the City Charter, or any City ordinance or policy, may be reprimanded or formally censured, lose seniority or committee assignments (both within the City of Hayward or with inter-government agencies), have official travel restricted or be ordered to attend Council meetings, if the Council Member is absent without justification. Serious infractions of these rules of Decorum and Order could lead to other sanctions as deemed appropriate by the Council, including, but not limited to, referral to the Alameda District Attorney and/or Civil Grand Jury if the conduct is egregious or allegedly criminal in nature. Council Members should point out to the offending Council Member any perceived infraction of these rules of Decorum and Order as it occurs. No Council Member shall be reprimanded, sanctioned, or censured for the exercise of the Member's First Amendment rights. However, nothing herein shall be construed to prohibit the City Council from individually or collectively condemning or expressing disapproval of behavior in violation of these rules.

(i) It is the responsibility of the Mayor to initiate formal action if a Council Member's behavior may warrant reprimand, sanction, or censure. If no action is taken by the Mayor, action on the alleged violation may be placed on a future agenda for consideration by a majority of the full Council.

(j) Reprimand is the least severe form of action for a violation of these rules and may be issued by majority vote of the City Council without findings of fact or investigation. Reprimand is not considered a sanction or censure.

(k) Formal censure, loss of seniority or committee assignments and travel restrictions may be requested by any Council Member in writing submitted to the Mayor. The written request must set forth specific allegations of violations of state or federal law, the City Charter, or City ordinances or policies, including these rules of Decorum and Order, upon which the proposed sanction is based. If the Mayor determines that the request for censure or sanction warrants Council consideration, the request shall be



scheduled for consideration by the Council at the next regularly scheduled Council meeting. If a majority of the Council wishes to take action on the request for sanction or censure, the request shall be scheduled for public hearing far enough in advance to give the affected Council Member adequate time to prepare a response to the request. The Council Member shall be given the opportunity to make opening and closing statements; to present or question witnesses; and is entitled to be represented by an advisor or counsel of the Member's choosing. The Mayor, or the Mayor Pro Tempore if the Mayor is the subject of the sanction request, shall preside over the proceedings. The rules of evidence shall not apply. The City Attorney or designee shall provide legal advice to the Council, as needed. A decision to censure or impose other sanction requires the adoption of a resolution containing findings with respect to the specific charges, based on substantial evidence, by a two-thirds vote of the Council. A Member's criticism of another Member (or Members) at a Council meeting or other public meeting, or criticism in a publication or via a social media platform, is protected speech and cannot be punished as described above.

(l) The Mayor and Council are reminded that social media platforms should not be used to announce in advance of a noticed meeting how a Member intends to vote on a particular matter, as announcing how a Member intends to vote raises issues of due process and fairness. A Member's social media platforms can otherwise be used to encourage members of the public to attend such upcoming meetings. The Brown Act does not prohibit Members from communicating with the public via social media platforms regarding city issues/business; however the Brown Act does prohibit members from directly responding to any social media posts by other members regarding city issues/business.

## **7) MOTION TO AMEND: (Page 42)**

The Council Ad Hoc Committee reviewed the section and approved its amendment as noted below in red underlined and strike through text.

*Handbook excerpt (page 42)*

### **MOTION TO AMEND**

A friendly amendment shall be in order if it is consented to by both the maker of the motion and the second. A friendly amendment shall be consistent with the substance and purpose of the motion. While the motion is pending, no other motion shall be permissible except for a point of order which shall take precedence over the pending motion. A point of order is permissible only for the purpose of clarifying the procedural status of the pending motion or a friendly amendment to the pending motion. A motion to amend the pending motion in substance or purpose or a substitute motion to alter the substance or purpose of the pending motion shall not be in order or permissible. If a point of order is raised, the presiding officer shall clarify the procedural status of the pending motion and any friendly amendment. The pending motion, with the friendly amendment, shall then be voted on. If the motion fails to pass, other motions shall be in order including motions that are substantively different from the failed



~~motion. A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. Similarly, a substitute motion shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall be treated as a substitute motion and shall not be in order. Amendments shall be voted upon first. The main motion shall then be voted on either as amended or as originally stated if the amendment failed to pass.~~

## **8) COUNCIL COMMITTEES AND APPOINTMENTS TO ALAMEDA COUNTY AGENCIES AND OTHER REGIONAL BOARDS: (page 50)**

The Council Ad Hoc Committee reviewed the section and approved language as noted below in red underlined text.

*Handbook excerpt (page 50)*

### **COUNCIL COMMITTEES AND APPOINTMENTS TO ALAMEDA COUNTY AGENCIES AND OTHER REGIONAL BOARDS**

*The Council may organize among its members such standing committees as it may determine, each of which shall act as a fact-finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by Council and making recommendations thereon to the Council as a whole. (Sec. 600a, City Charter)*

Each Council Member shall be assigned by the Mayor to various standing committees, including Alameda County agencies and other regional boards. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other committee members. Attendance will be reported annually to the Mayor and Council for Mayor's appointees.

Additionally, each Council Member shall be assigned by the Mayor as Liaison to various boards, committees and commissions, and other public agencies or quasi-public agencies.

It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to these various committees. Normally appointments are for a two-year period but may be renewed at the Mayor's discretion where Council Members have particular experience or expertise with respect to the business of a particular committee.

Upon the Mayor's selection, the City Council will consider ratification of the Mayor's Council Appointments List via a Consent item. If terms coincide with the Mayor's appointments, the item will also include resolutions appointing members to the

Alameda County Abatement District Board of Trustees and the Bay Area Water Supply and Conservation Agency and the San Francisco Bay Area Regional Water System Financing Authority Boards of Directors.

**9) RESPONSIBILITY OF COUNCIL LIAISON**

The Council Ad Hoc Committee reviewed the section, suggested that language be added, and approved language as noted below in red underlined text.

*Handbook excerpt (page 52):*

**COUNCIL LIAISON**

The Mayor shall designate a member of Council to be a liaison to each city board and commission. The method and length of appointment shall be as provided above in the section on Council Committees.

**RESPONSIBILITY OF COUNCIL LIAISON**

It shall be the responsibility of a Council liaison to attend as many board or commission meetings as possible in order to be currently aware of issues being dealt with, to listen and observe, and to bring back to the Council any needs, requests, or information from a board or commission. A Council Liaison could share information during the Council Reports and Announcements section of the Council agenda or could ask the City Clerk to forward notes/minutes of meetings attended to the entire Council. A Council Liaison shall not take part in the deliberations of the commission. The Council liaison also plays an important role informing and advising the Council's appointed bodies.

**10) COMMITTEES, COMMISSIONS AND TASK FORCES: (page 53)  
(CITY COUNCIL'S APPOINTED OFFICIALS HANDBOOK- TERM OF OFFICE & ATTENDANCE AND VACANCIES) (page 10)**

The Council Ad Hoc Committee reviewed the section and suggested that City staff provide language for review. City staff conducted a review of these sections and provided recommendations as noted below in red underlined and strike through text.

*Handbook excerpt (page 10)*

***Term of Office:***

All members are appointed by the City 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 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 shall 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. ~~According to Resolution 87-323, the City Council will remove or not reappoint any commission or task force member who has failed to attend at least seventy-five percent of all regular meetings held during the period September to June. Special meetings held in lieu of regular meetings will be taken into account when preparing the attendance record. Members eligible for reappointment and who have failed to meet the required performance criteria will be encouraged to submit an application to be considered at the same time applications for new candidates are received. The Council would only interview candidates seeking re-appointment who have failed to meet the required performance criteria.~~ The performance criteria consist of the following: attending no less than seventy-five percent of all regular meetings held; complying with training and statutory requirements; being an active and focused participant; and being prepared for meetings, e.g., reviewing the materials in the agenda packet. 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 commission members who have served a minimum of two full consecutive terms 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.

*Handbook excerpt (page 11-12):*  
***Attendance and Vacancies***

If a member of a commission absents themselves from three consecutive regular meetings of such commission, unless by permission of such commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified resident of the City, their 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 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 commission shall be filled by appointment by the Council during the annual appointment process for the City's Appointed Officials.

As the City Council finds more qualified candidates than available seats to appoint every year, the Council ~~will~~ will be established an alternate list ~~when selecting new members. in 2020.~~ The alternate list ~~is~~ will be valid for one year and expires at the beginning of the new recruitment process. The process for appointing from the alternate list ~~will~~ involves two separate Council actions: adoption of a resolution accepting the resignation of a member; and adoption of a resolution recommending an alternate from the alternate list to fulfill the vacated position for the remainder of the unexpired term. The City Clerk ~~will would~~ ensure the alternate continues to be interested in serving and ~~will would~~ confirm the alternate's eligibility status prior to recommending an alternate.

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.

The City Clerk shall, pursuant to Government [Code Section 54972](#), prepare an appointments list of all regular and ongoing 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.

The Brown Act provides that all meetings of a legislative body (commission/task force) of a local agency be open and public, and all public members be permitted to attend and participate, see Government Code section 54953(a). The Act requires posting an agenda, at least 72 hours before a regular meeting, containing a brief description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing

on the agenda, see Government Code section 54954.2. Government Code section 54953(b) allows for meetings to occur via teleconference as follows:

- 1) all teleconference locations must be identified in the notice and agenda of the meeting;
- 2) each teleconference location must be accessible to the public;
- 3) members of the public must be allowed to address the legislative body at each teleconference location;
- 4) the agenda must be posted at each teleconference location; and
- 5) at least a quorum of the legislative body must be present within the boundaries of the local agency.

Pursuant to AB 361, until January 1, 2024 the Brown Act allows legislative bodies to meet by teleconference without following the requirements of Government Code section 54953(b) as follows:

- 1) The meeting occurs during a state of emergency declared by the governor;
- 2) The posted agenda for the meeting must include the means by which the public can participate via a call-in option or internet-based option;
- 3) If the public's ability to view/participate remotely is interrupted, the legislative body can take no action on items until the public's remote access is restored;
- 4) The legislative body adopts a resolution every 30 days confirming the continued existence of the state of emergency and the need to continue appearing via teleconference.

Pursuant to AB 2449, until January 1, 2026 the Brown Act allows legislative bodies to meet by teleconference without following the requirements of Government Code section 54953(b) as follows:

- 1) At least a quorum of the body participates in person at a single physical location that is identified on the agenda, open to the public, and within the boundaries of the agency.
- 2). The public shall be provided notice of the means to remotely observe the meeting and address the legislative body.
- 3) A member of the legislative body may participate remotely only in one of two circumstances:
  - A. With "just cause", the member can participate remotely after giving notice as soon as possible. AB 2449 defines "just cause" as (a) a family childcare or caregiving need; (b) a contagious illness; (c) a need related to a physical or mental disability that is not otherwise accommodated; or (d) travel while on official business. AB 2449 limits a member to

participating remotely under this provision to two (2) meetings per calendar year.

B. In “emergency circumstances,” defined as a physical or family emergency that prevents the member from attending in person, the member can participate remotely by requesting approval to do so from the legislative body. The legislative body may take action on the request as soon as possible, including at the beginning of the meeting, even if there was not sufficient time to place the request formally on the agenda.

C. Under either circumstance, the member in question must give a general description of the circumstances relating to their need to appear remotely, but need not disclose any medical diagnosis, disability, or other confidential medical information.

D. The member must disclose if anyone 18 years or older is present in the room with them during the meeting and describe the general nature of their relationship to that person.

E..a member cannot participate solely by teleconference under the new teleconference framework for more than three (3) consecutive months or more than twenty (20) percent of the agency’s regular meetings (or more than two meetings if the agency meets fewer than ten (10) times per year).

Also until January 1, 2026, the Brown Act requires the legislative body to have a procedure for receiving and resolving requests for accommodation pursuant to the Americans with Disabilities Act, and to resolve any doubts in favor of accessibility.

Outside of the limited circumstances authorized by AB 361 and AB 2449, public meetings can still occur via teleconference if the legislative body complies with the general (pre-pandemic) agenda, notice, and quorum requirements of the Brown Act contained in Government Code section 54953(b).

The City Council has expressed a strong preference for commissioners and task force members to attend meetings in person.

Following the last Ad Hoc meeting, staff were asked to review the Work Session section in the Council Member Handbook. City staff conducted a review and recommends deleting the last sentence as this is no longer the Council’s practice. The proposed deletion is noted in red strike-through text.

*Handbook excerpt (page 26)*

**Work Session**

When a work session is required, Council Members will meet at City Hall unless otherwise noticed according to State law. Members of the public are encouraged to attend work sessions. Comments on an item appearing in the work session section of the agenda follows staff's presentation. Except for the procedural motions required by the Brown Act which may be made at a work session (and which are discussed more fully in the section "Amended Agenda") no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings being to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions. ~~A Work Session presentation and discussion shall be limited to one hour.~~

Staff were also asked to review the Bylaws section in the Council Appointed Officials Handbook. Staff reviewed the section and recommend that amendments be reviewed by the Council. Council could also refer the bylaws to staff for a recommendation on whether bylaws are necessary or if there is a universal set of guidelines the Council could adopt that would apply to all advisory bodies.

*Council Appointed Officials Handbook excerpt (page 13)*

**Bylaws**

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

Upon Council review of the proposed changes to the handbook, staff recommends that the Council adopts a resolution (Attachment II) approving the redline edits to the Council Member Handbook.

**ECONOMIC AND FISCAL IMPACT**

Any changes to the Mayor and City Council compensation will be included in the FY 2025 Operating Budget process. The remaining proposed changes to the Council Member Handbook have no anticipated economic or fiscal impact.

**STRATEGIC ROADMAP**

The agenda item is a routine operational item and does not specifically relate to a project in the Council's Strategic Roadmap.

**PUBLIC CONTACT**

All related agendas were posted in accordance with the Brown Act.



## **NEXT STEPS**

Following adoption of the resolution, staff will finalize and publish an updated version of the Council Member Handbook and the Council's Appointed Officials Handbook.

*Prepared and Recommended by:* Michael Lawson, City Attorney  
Miriam Lens, City Clerk  
Regina Youngblood, Assistant City Manager  
Michael Vigilia, Sr. Assistant City Attorney

Approved by:

A handwritten signature in black ink, appearing to read 'McAdoo', with a long horizontal stroke extending to the right.

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Kelly McAdoo, City Manager