

# **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, December 15, 2020**

**7:00 PM**

**Remote Participation**

**City Council**

**CITY COUNCIL MEETING**

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, the City Council will be participating in public meetings via phone/video conferencing.

*How to watch the meeting from home:*

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

*How to submit written Public Comment:*

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

*How to provide live Public Comment during the City Council Meeting:*

*Click the link below to join the meeting:*

<https://hayward.zoom.us/j/97204464385?pwd=eHc3WUltSTl0YUdFVE4yTkZkZ2xrZz09>

Passcode: CCmtg@7pm

or

Dial: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592  
or +1 312 626 6799

Meeting ID: 972 0446 4385

Password: 473031375

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

**CALL TO ORDER: Mayor Halliday**

**Pledge of Allegiance: Council Member Mendall**

**ROLL CALL**

**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.*

**ELECTION**

[LB 20-061](#) General Municipal Election Results: Adopt a Resolution Declaring the Results of the November 3, 2020 General Municipal Election (Report from City Clerk Lens)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III Exhibit A to Resolution](#)  
[Attachment IV Municipal Ordinance](#)

**PRESENTATION**

Special Recognition for Council Member Mendall

**INSTALLATION**

Oath of Office and Installation of Re-Elected Council Member Elisa Márquez, Council Member Mark Salinas, Council Member Francisco Zermeño, and Council Member-Elect Angela Andrews

**LEGISLATIVE BUSINESS**

[LB 20-062](#) Mayor Pro Tempore Election: Adopt a Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2021 (Report from City Clerk Lens)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)  
[Attachment III List of Mayor Pro Tempore](#)

**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.*

**CITY MANAGER'S COMMENTS**

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

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

**COUNCIL REFERRALS**

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

**ADJOURNMENT**

**NEXT MEETING, January 19, 2020, 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.*

*CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.*



# CITY OF HAYWARD

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

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**File #:** LB 20-061

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**DATE:** December 15, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

General Municipal Election Results: Adopt a Resolution Declaring the Results of the November 3, 2020 General Municipal Election

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) acknowledging receipt of the Certificate and Statement of Election Results of the General Municipal Election held November 3, 2020.

**SUMMARY**

A General Municipal Election was held on November 3, 2020 for the purpose of electing four members of the City Council for terms of four years each and voting on Measure NN (City's Transient Occupancy Tax increase) and Measure OO (Charter amendment regarding eligibility for advisory service and elimination of gender-based designations and titles). The City consolidated its election with the General Election and contracted with the Alameda County Registrar of Voters to canvass the returns.

In accordance with the provisions of California Elections Code Section 10260 and as directed by Resolution No. 20-126 and Resolution No. 20-127 of the City Council, Alameda County Registrar of Voters, Mr. Tim Dupuis, has completed the official canvass and has provided the City with a Statement of Results of all votes cast. The Certificate of Election Results and a copy of the Statement of Results are included as Exhibit A of the Resolution.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Exhibit A to Resolution
Attachment IV	Municipal Ordinance



**DATE:** December 15, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** General Municipal Election Results: Adopt a Resolution Declaring the Results of the November 3, 2020 General Municipal Election

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) acknowledging receipt of the Certificate and Statement of Election Results of the General Municipal Election held November 3, 2020.

### **SUMMARY AND BACKGROUND**

A General Municipal Election was held on November 3, 2020 for the purpose of electing four members of the City Council for terms of four years each and voting on Measure NN (City's Transient Occupancy Tax increase) and Measure OO (Charter amendment regarding eligibility for advisory service and elimination of gender-based designations and titles). The City consolidated its election with the General Election and contracted with the Alameda County Registrar of Voters to canvass the returns.

In accordance with the provisions of California Elections Code Section 10260 and as directed by Resolution No. 20-126 and Resolution No. 20-127 of the City Council, Alameda County Registrar of Voters, Mr. Tim Dupuis, has completed the official canvass and has provided the City with a Statement of Results of all votes cast. The Certificate of Election Results and a copy of the Statement of Results are included as Exhibit A of the Resolution.

### **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

### **PUBLIC CONTACT**

The agenda was posted in accordance with the California Brown Act.

**NEXT STEPS**

The Hayward Municipal Code, the City Charter, and any other related documents will be updated accordingly upon approval of the resolution.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:

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

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Kelly McAadoo, City Manager



HAYWARD CITY COUNCIL

RESOLUTION NO. 20-    

Introduced by Council Member                     

RESOLUTION ACKNOWLEDGING RECEIPT OF CERTIFICATE OF ELECTION RESULTS AND STATEMENT OF RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 3, 2020, AND DECLARING THE RESULTS THEREOF

WHEREAS, a General Municipal Election was held in the City of Hayward, California, on Tuesday, November 3, 2020, as required by law; and

WHEREAS, the General Municipal Election was authorized to be made by the Alameda County Registrar of Voters in accordance with Resolution No. 20-126 and Resolution No. 20-127; and

WHEREAS, the Alameda County Registrar of Voters canvassed the returns of the election and has certified the results to the City Council, the results are received, attached and made a part hereof as Exhibit A; and

WHEREAS, the total number of votes by mail ballots cast in the City was 56,331 (70.17 percent turnout), the total number of election night ballots cast in the City was 5,168 (6.44 percent turnout), making a total of 61,499 (76.60 percent turnout) ballots cast of Hayward's eligible voters; and

WHEREAS, the names of persons voted for at the election for Member of the City Council are as follows:

- Angela Andrews
- Lacei Amodei
- Francisco Zermeño
- Chris Caday Lozano
- Olympia Joy Pereira
- Mark Salinas
- Son Nguyen
- Elisa Márquez
- Darrelle Demps

Tom Ferreira  
 Nestor Castillo  
 Elisha Crader  
 Joe Orlando Ramos

WHEREAS, that the number of votes given in the City to each of the persons named for the Office of City Council for which the persons were candidates are as listed in Exhibit A attached; and

WHEREAS, that the number of votes given at each precinct and the number of votes given in the City for and against Measure NN (City’s Transient Occupancy Tax increase) and Measure OO (Charter amendment regarding eligibility for advisory service and elimination of gender-based designations and titles) were as listed in Exhibit A attached.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Council does declare and determine that the following have been elected as members of the City Council for full terms of four years each; and that a majority of voters voted in favor of Measure NN and a majority of voters voted in favor of Measure OO, and that both measures carried, and shall be deemed adopted and ratified.

<b>Council Member Seat (4)</b>	<b>Total Vote</b>
Elisa Márquez	25,643
Mark Salinas	23,388
Angela Andrews	21,931
Francisco Zermeño	19,749

<b>Measure</b>	<b>Total Votes</b>	<b>Votes in Favor</b>	<b>Votes Against</b>
<b>Measure NN</b>	61,381	41,393	15,884
<b>Measure OO</b>	61,381	37,696	18,530

FURTHERMORE, BE IT RESOLVED by the City Council that the City Clerk shall administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected. That the City Clerk shall certify the passage and adoption of this resolution and the ordinance approved by the voters; and enter a copy of this resolution with appropriate other entries upon the minutes of this City Council as a statement of the results of the election.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

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



# REGISTRAR OF VOTERS

ALAMEDA COUNTY • CALIFORNIA

TIM DUPUIS  
REGISTRAR OF VOTERS

CYNTHIA CORNEJO  
DEPUTY REGISTRAR OF VOTERS

December 1, 2020

Miriam Lens, City Clerk  
City of Hayward  
777 B Street, 4th Floor  
Hayward, CA 94541

Dear Miriam Lens:

Enclosed are the Certificate of Election Results and a copy of the Official Canvass for City of Hayward for the General Election held on Tuesday, November 3, 2020.

If you have any questions, please contact me at (510) 272-6933.

Sincerely,

Tim Dupuis  
Registrar of Voters  
Alameda County

Enclosures

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Hayward** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Hayward** for the office of **City Council Member**.

I hereby set my hand and my official seal this **1<sup>st</sup>** day of **December 2020**.



A handwritten signature in blue ink, appearing to read 'Tim Dupuis', written in a cursive style.

**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Hayward** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure NN**.

I hereby set my hand and my official seal this **1<sup>st</sup>** day of **December 2020**.



A handwritten signature in blue ink, appearing to read 'Tim Dupuis', written in a cursive style.

**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Hayward** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure OO**.

I hereby set my hand and my official seal this **1<sup>st</sup>** day of **December 2020**.



A handwritten signature in blue ink, appearing to read 'Tim Dupuis', is written over the printed name and title.

**TIM DUPUIS**  
Registrar of Voters  
Alameda County  
State of California

**1 Members, City Council - Hayward**

		Registered Voters	Voters Cast	Turnout (%)	ANGELA ANDREWS	LACEI AMODEI	FRANCISCO ZERMENO	CHRIS CADAY LOZANO	OLYMPIA JOY PEREIRA	MARK SALINAS	SON NGUYEN	ELISA MARQUEZ	DARRELLE DEMPSE	TOM FERREIRA
420010	Total	0	0											
420030	Total	141	104	73.76 %	27	7	62	24	8	41	5	55	2	14
420220	Total	19	13	68.42 %	7	1	7	1	4	7		9	1	2
420240	Total	0	0											
420250	Total	2214	1588	71.73 %	443	372	556	213	209	522	148	657	42	299
420300	Total	196	166	84.69 %	63	56	41	31	15	46	21	71	16	23
420310	Total	50	32	64.00 %	9	5	7	6	11	7	7	6	1	8
420400	Total	1	2	200.00 %	1	2		1				1	1	
420510	Total	0	1											
420900	Total	993	759	76.44 %	275	150	243	126	110	247	96	301	39	131
421100	Total	5387	4217	78.28 %	1465	964	1400	712	519	1544	572	1782	275	965
421800	Total	3444	2495	72.44 %	756	567	808	431	276	1057	315	1049	155	398
422000	Total	4590	3552	77.39 %	1331	755	1114	732	427	1267	481	1451	252	626
422810	Total	4443	3415	76.86 %	1153	790	1192	639	366	1260	449	1377	213	556
422920	Total	4066	3163	77.79 %	1120	637	931	665	366	1166	527	1197	226	543
422940	Total	0	0											
422950	Total	0	0											
423000	Total	5066	3738	73.79 %	1237	821	1341	686	418	1520	389	1565	349	591
423100	Total	5457	4222	77.37 %	1582	874	1217	981	479	1657	672	1710	213	752
423620	Total	0	0											
423700	Total	0	0											
423800	Total	4	2	50.00 %	2		1			1		1		1
423820	Total	0	0											
424200	Total	70	53	75.71 %	25	8	19	6	7	16	6	28	1	9
424500	Total	616	511	82.95 %	202	116	169	88	66	220	46	234	24	122
424600	Total	2530	1993	78.77 %	676	350	757	294	263	855	190	980	105	389
430010	Total	0	0											
430020	Total	0	0											
430110	Total	0	0											
430120	Total	0	0											
430130	Total	0	0											
430150	Total	0	0											
430410	Total	6	4	66.67 %		2	4			2				
430420	Total	3	0	0.00 %										
430500	Total	2	1	50.00 %	1		1				1	1		
430600	Total	2151	1636	76.06 %	618	373	504	238	219	647	164	702	113	257
430700	Total	481	405	84.20 %	148	76	127	60	47	145	47	186	25	58
430720	Total	167	146	87.43 %	59	28	41	31	20	51	10	54	9	21
430730	Total	317	225	70.98 %	74	47	56	35	30	75	14	93	22	40
430800	Total	559	431	77.10 %	172	114	84	53	69	119	53	148	34	79
431100	Total	3095	2324	75.09 %	824	546	694	329	341	798	225	932	180	444
431110	Total	12	11	91.67 %	2		4	1	2	3		3		1
431120	Total	8	5	62.50 %	2	1	1	1	1	2	1			1
431130	Total	662	537	81.12 %	190	130	133	80	89	171	67	230	46	95
431210	Total	49	37	75.51 %	19	3	9	5	3	15	2	15	2	6
431300	Total	109	92	84.40 %	32	27	14	17	13	24	13	30	10	15
431400	Total	368	318	86.41 %	113	67	85	45	41	87	41	130	33	54
431500	Total	151	134	88.74 %	59	38	40	13	10	40	19	57	11	19
431610	Total	42	38	90.48 %	16	15	7	4	3	14	4	21	3	8
431700	Total	237	185	78.06 %	80	43	64	31	34	65	31	78	11	35



**1 Members, City Council - Hayward**

		Registered Voters	Voters Cast	Turnout (%)	ANGELA ANDREWS	LACEI AMODEI	FRANCISCO ZERMENO	CHRIS CADAY LOZANO	OLYMPIA JOY PEREIRA	MARK SALINAS	SON NGUYEN	ELISA MARQUEZ	DARRELLE DEMPS	TOM FERREIRA
431900	Total	238	192	80.67 %	84	44	50	21	29	65	26	84	14	38
432010	Total	3903	2935	75.20 %	1096	733	796	467	380	993	390	1207	192	480
432200	Total	5128	3739	72.91 %	1205	815	1342	549	436	1511	366	1628	199	568
432600	Total	4171	3184	76.34 %	1069	689	1059	599	420	1295	461	1321	192	537
432810	Total	4755	3647	76.70 %	1375	705	1115	651	467	1420	544	1555	219	649
432900	Total	1642	1326	80.76 %	517	251	354	234	174	441	187	511	104	274
433200	Total	4538	3293	72.57 %	1074	690	1160	513	417	1251	368	1474	209	608
433400	Total	3513	2907	82.75 %	1276	564	955	510	323	1266	459	1193	250	503
433630	Total	1176	1013	86.14 %	443	182	260	215	113	368	203	367	112	193
433700	Total	3494	2693	77.07 %	1004	579	921	390	364	1083	337	1146	199	460
438120	Total	0	0											
438130	Total	0	0											
438140	Total	0	0											
438200	Total	9	9	100.00 %	2	1			2	3		2		3
438500	Total	10	6	60.00 %	3		4			1		1		2
Total - Election Day		80283	0	0.00 %										
Total - Election Night		80283	5168	6.44 %	1450	911	1445	1016	760	1586	802	1776	371	888
Total - Vote by Mail		80283	56331	70.17 %	20481	12327	18304	9712	6831	21802	7155	23867	3733	9989
Contest Total		80283	61499	76.60 %	21931	13238	19749	10728	7591	23388	7957	25643	4104	10877

**1 Members, City Council - Hayward**

		Registered Voters	Voters Cast	Turnout (%)	NESTOR CASTILLO	ELISHA CRADER	JOE ORLANDO RAMOS	Write-ins	Over Votes	Under Votes
420010	Total	0	0							
420030	Total	141	104	73.76 %	17	20	11			123
420220	Total	19	13	68.42 %	5	4	1			3
420240	Total	0	0							
420250	Total	2214	1588	71.73 %	410	504	123	13	60	1781
420300	Total	196	166	84.69 %	38	55	13	3	12	160
420310	Total	50	32	64.00 %	7	7	3			44
420400	Total	1	2	200.00 %		1				1
420510	Total	0	1							4
420900	Total	993	759	76.44 %	191	241	52	6	16	812
421100	Total	5387	4217	78.28 %	891	1148	309	21	128	4173
421800	Total	3444	2495	72.44 %	565	780	196	6	96	2525
422000	Total	4590	3552	77.39 %	809	961	263	8	84	3647
422810	Total	4443	3415	76.86 %	697	936	252	40	88	3652
422920	Total	4066	3163	77.79 %	654	780	220	10	80	3530
422940	Total	0	0							
422950	Total	0	0							
423000	Total	5066	3738	73.79 %	872	1115	285	21	116	3626
423100	Total	5457	4222	77.37 %	828	991	294	20	144	4474
423620	Total	0	0							
423700	Total	0	0							
423800	Total	4	2	50.00 %	1	1				
423820	Total	0	0							
424200	Total	70	53	75.71 %	14	18	7			48
424500	Total	616	511	82.95 %	105	130	44	5	12	461
424600	Total	2530	1993	78.77 %	489	499	164	8	36	1917
430010	Total	0	0							
430020	Total	0	0							
430110	Total	0	0							
430120	Total	0	0							
430130	Total	0	0							
430150	Total	0	0							
430410	Total	6	4	66.67 %	2	4				2
430420	Total	3	0	0.00 %						
430500	Total	2	1	50.00 %						
430600	Total	2151	1636	76.06 %	341	499	98	4	52	1715
430700	Total	481	405	84.20 %	75	89	39	2	8	488
430720	Total	167	146	87.43 %	29	46	5	3		177
430730	Total	317	225	70.98 %	48	82	12		16	256
430800	Total	559	431	77.10 %	84	158	20	1		536
431100	Total	3095	2324	75.09 %	498	792	176	13	48	2456
431110	Total	12	11	91.67 %		2	1			25
431120	Total	8	5	62.50 %	1	1				8
431130	Total	662	537	81.12 %	101	172	23	2	8	611
431210	Total	49	37	75.51 %	2	10	1			56
431300	Total	109	92	84.40 %	22	24	7			120
431400	Total	368	318	86.41 %	74	87	21			394
431500	Total	151	134	88.74 %	22	46	10	1		151
431610	Total	42	38	90.48 %	3	9	2			43
431700	Total	237	185	78.06 %	33	41	12	1		181

**1 Members, City Council - Hayward**

		Registered Voters	Voters Cast	Turnout (%)	NESTOR CASTILLO	ELISHA CRADLER	JOE ORLANDO RAMOS	Write-Ins	Over Votes	Under Votes
431900	Total	238	192	80.67 %	32	67	14	1	8	191
432010	Total	3903	2935	75.20 %	651	908	181	10	72	3184
432200	Total	5128	3739	72.91 %	849	1123	297	13	128	3927
432600	Total	4171	3184	76.34 %	699	861	230	20	96	3188
432810	Total	4755	3647	76.70 %	746	981	302	28	96	3735
432900	Total	1642	1326	80.76 %	288	324	88	6	44	1507
433200	Total	4538	3293	72.57 %	704	917	289	19	116	3363
433400	Total	3513	2907	82.75 %	565	577	164	16	48	2959
433630	Total	1176	1013	86.14 %	256	154	45	5	4	1132
433700	Total	3494	2693	77.07 %	574	705	161	9	40	2800
438120	Total	0	0							
438130	Total	0	0							
438140	Total	0	0							
438200	Total	9	9	100.00 %	1					22
438500	Total	10	6	60.00 %	2					11
Total - Election Day		80283	0	0.00 %						
Total - Election Night		80283	5168	6.44 %	603	805	341	29	112	7777
Total - Vote by Mail		80283	56331	70.17 %	12692	16065	4094	286	1544	56442
Contest Total		80283	61499	76.60 %	13295	16870	4435	315	1656	64219

**1 Measure NN - City of Hayward**

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-Ins	Over Votes	Under Votes
420010	Total	0	0						
420030	Total	141	104	73.76 %	69	33			2
420220	Total	19	13	68.42 %	11	1			1
420240	Total	0	0						
420250	Total	2214	1580	71.36 %	1093	384		1	102
420300	Total	196	164	83.67 %	111	47			6
420310	Total	50	32	64.00 %	16	14			2
420400	Total	1	2	200.00 %	1	1			
420510	Total	0	1			1			
420900	Total	993	760	76.54 %	544	171			45
421100	Total	5387	4214	78.23 %	2823	1150		3	238
421800	Total	3444	2485	72.15 %	1698	636		2	149
422000	Total	4590	3545	77.23 %	2433	871			241
422810	Total	4443	3411	76.77 %	2300	865		1	245
422920	Total	4066	3158	77.67 %	2066	845		2	245
422940	Total	0	0						
422950	Total	0	0						
423000	Total	5066	3728	73.59 %	2543	927		2	256
423100	Total	5457	4222	77.37 %	2826	1065			331
423620	Total	0	0						
423700	Total	0	0						
423800	Total	4	2	50.00 %	1	1			
423820	Total	0	0						
424200	Total	70	54	77.14 %	38	13			3
424500	Total	616	510	82.79 %	331	147			32
424600	Total	2530	1989	78.62 %	1342	516			131
430010	Total	0	0						
430020	Total	0	0						
430110	Total	0	0						
430120	Total	0	0						
430130	Total	0	0						
430150	Total	0	0						
430410	Total	6	4	66.67 %	4				
430420	Total	3	0	0.00 %					
430500	Total	2	1	50.00 %	1				
430600	Total	2151	1630	75.78 %	1126	393			111
430700	Total	481	404	83.99 %	280	89			35
430720	Total	167	144	86.23 %	94	35			15
430730	Total	317	224	70.66 %	154	55			15
430800	Total	559	426	76.21 %	294	93			39
431100	Total	3095	2320	74.96 %	1513	639			168
431110	Total	12	10	83.33 %	8	2			
431120	Total	8	5	62.50 %	3	2			
431130	Total	662	533	80.51 %	369	131			33
431210	Total	49	38	77.55 %	22	10			6
431300	Total	109	92	84.40 %	56	29			7
431400	Total	368	318	86.41 %	223	71			24
431500	Total	151	133	88.08 %	81	37			15
431610	Total	42	38	90.48 %	25	9			4
431700	Total	237	186	78.48 %	116	60			10

**1 Measure NN - City of Hayward**

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-Ins	Over Votes	Under Votes
431900	Total	238	192	80.67 %	135	48			9
432010	Total	3903	2926	74.97 %	2047	677			202
432200	Total	5128	3731	72.76 %	2490	966		5	270
432600	Total	4171	3182	76.29 %	2156	830		2	194
432810	Total	4755	3639	76.53 %	2515	888			236
432900	Total	1642	1322	80.51 %	854	384			84
433200	Total	4538	3290	72.50 %	2214	879		2	195
433400	Total	3513	2902	82.61 %	1910	835			157
433630	Total	1176	1013	86.14 %	666	287			60
433700	Total	3494	2689	76.96 %	1786	738		3	162
438120	Total	0	0						
438130	Total	0	0						
438140	Total	0	0						
438200	Total	9	8	88.89 %	4	3			1
438500	Total	10	7	70.00 %	1	6			
Total - Election Day		80283	0	0.00 %					
Total - Election Night		80283	5236	6.52 %	3014	1577		3	642
Total - Vote by Mail		80283	56145	69.93 %	38379	14307		20	3439
Contest Total		80283	61381	76.46 %	41393	15884		23	4081

**1 Measure OO - City of Hayward**

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-Ins	Over Votes	Under Votes
420010	Total	0	0						
420030	Total	141	104	73.76 %	57	45			2
420220	Total	19	13	68.42 %	10	2			1
420240	Total	0	0						
420250	Total	2214	1580	71.36 %	1039	419			122
420300	Total	196	164	83.67 %	102	52			10
420310	Total	50	32	64.00 %	15	15			2
420400	Total	1	2	200.00 %	1	1			
420510	Total	0	1		1				
420900	Total	993	760	76.54 %	469	222			69
421100	Total	5387	4214	78.23 %	2608	1309			297
421800	Total	3444	2485	72.15 %	1613	692		2	178
422000	Total	4590	3545	77.23 %	2162	1069		1	313
422810	Total	4443	3411	76.77 %	2059	1027			325
422920	Total	4066	3158	77.67 %	1877	978		2	301
422940	Total	0	0						
422950	Total	0	0						
423000	Total	5066	3728	73.59 %	2417	993		1	317
423100	Total	5457	4222	77.37 %	2530	1294		2	396
423620	Total	0	0						
423700	Total	0	0						
423800	Total	4	2	50.00 %	2				
423820	Total	0	0						
424200	Total	70	54	77.14 %	33	15			6
424500	Total	616	510	82.79 %	277	197			36
424600	Total	2530	1989	78.62 %	1174	645			170
430010	Total	0	0						
430020	Total	0	0						
430110	Total	0	0						
430120	Total	0	0						
430130	Total	0	0						
430150	Total	0	0						
430410	Total	6	4	66.67 %	2				2
430420	Total	3	0	0.00 %					
430500	Total	2	1	50.00 %	1				
430600	Total	2151	1630	75.78 %	1042	450			138
430700	Total	481	404	83.99 %	227	133			44
430720	Total	167	144	86.23 %	72	54			18
430730	Total	317	224	70.66 %	156	49			19
430800	Total	559	426	76.21 %	293	92			41
431100	Total	3095	2320	74.96 %	1391	713			216
431110	Total	12	10	83.33 %	6	3			1
431120	Total	8	5	62.50 %	4	1			
431130	Total	662	533	80.51 %	319	175			39
431210	Total	49	38	77.55 %	21	8			9
431300	Total	109	92	84.40 %	38	44			10
431400	Total	368	318	86.41 %	179	102			37
431500	Total	151	133	88.08 %	79	37			17
431610	Total	42	38	90.48 %	18	15			5
431700	Total	237	186	78.48 %	103	74			9

**1 Measure OO - City of Hayward**

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-Ins	Over Votes	Under Votes
431900	Total	238	192	80.67 %	120	58			14
432010	Total	3903	2926	74.97 %	1880	789			257
432200	Total	5128	3731	72.76 %	2396	1004			331
432600	Total	4171	3182	76.29 %	1952	972		1	257
432810	Total	4755	3639	76.53 %	2252	1078			309
432900	Total	1642	1322	80.51 %	784	423			115
433200	Total	4538	3290	72.50 %	2132	927			231
433400	Total	3513	2902	82.61 %	1633	1064			205
433630	Total	1176	1013	86.14 %	574	369			70
433700	Total	3494	2689	76.96 %	1569	914		1	205
438120	Total	0	0						
438130	Total	0	0						
438140	Total	0	0						
438200	Total	9	8	88.89 %	4	3			1
438500	Total	10	7	70.00 %	3	4			
Total - Election Day		80283	0	0.00 %					
Total - Election Night		80283	5236	6.52 %	2730	1790		1	715
Total - Vote by Mail		80283	56145	69.93 %	34966	16740		9	4430
Contest Total		80283	61381	76.46 %	37696	18530		10	5145

**FULL TEXT OF MEASURE \_\_\_\_\_****ORDINANCE No. ME 20- \_\_\_\_\_**

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING SECTION  
8-4.20 OF THE HAYWARD MUNICIPAL CODE RELATING TO TRANSIENT  
OCCUPANCY TAX

THE PEOPLE OF THE CITY OF HAYWARD DO ORDAIN AS FOLLOWS:

Section 1. Section 8-4.20 of the Hayward Municipal Code is hereby amended to read as follows:

**SEC. 8-4.20 - TAX IMPOSED.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ~~eight and one-half percent (8½%)~~ up to fourteen percent (14%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax and License Administrator may require that such tax shall be paid directly to the Tax and License Administrator.

Section 2. To the extent allowed under Article XIII C of the California Constitution, this Ordinance may be amended by the City Council without a vote of the people, except that voter approval shall be required for any amendment that increases the tax, within the meaning of Government Code section 53750(h), beyond the levels authorized by this chapter.

Section 3. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant



effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 4. 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 5. This Ordinance shall become effective 10 days after the certification of its approval by the voters at the Election pursuant to Elections Code section 9217.

Section 6. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

I hereby certify that the text in the forgoing Ordinance was PASSED, APPROVED by the people of the City of Hayward voting on the 3<sup>rd</sup> day of November 2020.

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Miriam Lens, City Clerk/City Elections Official

APPROVED AS TO FORM:

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Michael S. Lawson, City Attorney of the City of Hayward



# CITY OF HAYWARD

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

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**File #:** LB 20-062

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**DATE:** December 15, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Mayor Pro Tempore Election: Adopt a Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2021

**RECOMMENDATION**

That Council adopts a resolution (Attachment II) electing the Mayor Pro Tempore.

**SUMMARY**

It is the Hayward City Council's policy to elect the Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability. The current term is based on the calendar year.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	List of Mayor Pro Tempore



**DATE:** December 15, 2020  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Mayor Pro Tempore Election: Adopt a Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2021

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) electing the Mayor Pro Tempore.

### **SUMMARY**

It is the Hayward City Council's policy to elect the Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability. The current term is based on the calendar year.

### **BACKGROUND**

Below is the pertinent excerpt from the 2019 Council Members Handbook<sup>1</sup> regarding the Mayor Pro Tempore. Attachment III is the list of members who have previously served as Mayor Pro Tempore. Based on the guidelines listed below, Council Member Wahab would be the next eligible Council Member to serve as Mayor Pro Tempore should the Council choose to continue the traditional selection process.

#### **MAYOR PRO TEMPORE**

*In even number years, the Council shall elect the Mayor Pro Tempore following the installation of those newly elected Council Members. In odd years, the Council shall elect the Mayor Pro Tempore at the end of the calendar year.*

*The Mayor Pro Tempore shall serve at the pleasure of the Council for the term of one year and shall be elected and removed by the affirmative votes of at least five (5) members of Council.*

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<sup>1</sup> Council Members Handbook <https://www.hayward-ca.gov/sites/default/files/documents/Council-Member-Handbook-2019.pdf>

*The Council shall elect a Council Member with the most seniority as a Council Member and who has not previously served as Mayor Pro Tempore. In the event two Council Members begin service in the same year, the Council Member with the highest number of votes will serve as Mayor Pro Tempore. (See City Council Minutes, 4/28/92)*

*Prior to being elected as Mayor Pro Tempore, a Council Member shall have served at least two years on the Council. The term of the Mayor Pro Tempore shall be based on the calendar year January 1<sup>st</sup> to December 31<sup>st</sup>. (Resolution 98-120 and Council Minutes, 6/26/01)*

*The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. (Sec. 605, City Charter)*

**STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to any of the priority projects outlined in the Council's Strategic Roadmap.

**FISCAL IMPACT**

There is no fiscal impact associated with this report.

**NEXT STEPS**

All related documents will be updated accordingly.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_

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

RESOLUTION AUTHORIZING THE ELECTION OF MAYOR PRO  
TEMPORE OF THE CITY OF HAYWARD FOR 2021

WHEREAS, the City Council conducted an election to select the Mayor Pro Tempore on December 3, 2019; and

WHEREAS, the City Council elected Council Member Salinas to serve as Mayor Pro Tempore of the City of Hayward from January 1, 2020 through December 31, 2020; and

WHEREAS, the City Council conducted an election to select the Mayor Pro Tempore for 2021 on December 15, 2020.

NOW, BE IT RESOLVED by the City Council of the City of Hayward that it hereby elects Council Member \_\_\_\_\_ as Mayor Pro Tempore of the City of Hayward for a term from January 1, 2021 through December 31, 2021.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020.

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

## MAYOR PRO TEMPORE

COUNCIL MEMBER	RESOLUTION	DATE
William Ward	92-100	04/28/92
Nicholas Randall	93-084	04/20/93
Doris Rodriquez	94-069	04/19/94
Joseph Hilson	95-71	04/18/95
Ron Hulteen	96-067	04/02/96
Olden Henson	97-063	05/13/97
Matt Jimenez	98-122	06/30/98
William Ward	99-112	06/22/99
Joseph Hilson	00-043	Term 4/04/00 thru 6/30/01
Kevin Dowling	01-101, adopted 6/26/01	Term 7/1/01 thru 6/30/02
Doris Rodriquez	02-093, adopted 6/25/02	Term 7/1/02 thru 6/30/03
Olden Henson	03-117, adopted 7-15-03	Term 7/1/03 thru 6/30/04
Matt Jimenez	04-106, adopted 6-22-04	Term 7/1/04 thru 6/30/05
Matt Jimenez	05-089, adopted 6-28-05	Term 7/1/05 thru 6/30/06
Barbara Halliday	06-091, adopted 7-11-06	Term 7/1/06 thru 6/30/07
Bill Quirk	07-105, adopted 7/10/07	Term 7/1/07 thru 06/30/08
Kevin Dowling	08-109, adopted 7/8/08	Term 7/1/08 thru 06/30/09

## MAYOR PRO TEMPORE

COUNCIL MEMBER	RESOLUTION	DATE
Olden Henson	09-104, adopted 6/30/09	Term 7/1/09 thru 6/30/10
Francisco Zermeño	10-119, adopted 7/13/10	Term 7/1/10 thru 6/30/11
Barbara Halliday	11-106, adopted 6/28/11	Term 7/1/11 thru 6/30/12
Marvin Peixoto	12-124, adopted 7/10/12	Term 7/1/12 thru 6/30/13
Mark Salinas	13-108, adopted 6/25/13	Term 7/1/13 thru 6/30/14
Greg Jones	14-113, adopted 7/8/14	Term 7/1/14 thru 6/30/15
Al Mendall	15-140, adopted 7/14/15	Term 7/1/16 thru 6/30/16
Sara Lamnin	16-135, adopted 7/12/16	Term 7/1/16 thru 6/30/17
Elisa Márquez	17-105, adopted 6/27/17	Term 7/1/17 thru 12/30/18
Francisco Zermeño	18-249, adopted 12/11/18	Term 1/1/19 thru 12/31/19
Mark Salinas	19-232, adopted 12/3/19	Term 1/1/20 thru 12/31/20