CITY OF HAYWARD

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

Agenda

Tuesday, March 30, 2021

5:00 PM

Remote Participation

City Council

SPECIAL CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 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 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/95967851430?pwd=VVh2TjZSQ1I2cXhFMnZNL2Y3WEF0UT09

Meeting ID: 959 6785 1430
Passcode: WS3/30@5pm

or

Dial: +1 669 900 6833 or +1 253 215 8782

Meeting ID: 959 6785 1430
Password: 5721007038

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 Lamnin

ROLL CALL

SPECIAL WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

1. WS 21-015 City Council Member Handbook: Review Sections of the Handbook and Provide Direction to Staff Regarding Update or Changes (Report from City Manager McAdoo)

Attachments: Attachment I Council Member Handbook

PUBLIC COMMENTS

Limited to Items on the Agenda

ADJOURNMENT

NEXT MEETING, April 6, 2021, 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.

File #: WS 21-015

DATE: March 30, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

City Council Member Handbook: Review Sections of the Handbook and Provide Direction to Staff Regarding Update or Changes

RECOMMENDATION

That the City Council reviews sections of the Council Member Handbook and provides direction for changes or updates.

SUMMARY

In the survey for the February 20, 2021 City Council Retreat, Council Members expressed an interest in discussing the following sections of the Council Member Handbook: Council Referrals; Boards, Commissions, Committees, and Task Force; City Council; Council Committees; and Policy Regarding City Council Expression. At least one member expressed an interest in discussing the following sections: Council Liaison; Motions; Ordinances; Proclamations; Quasi-Judicial Hearings; and Rules, Decorum, and Order. This item was originally on the February 20th agenda retreat but was not discussed due to lack of time. Questions and specific topics of suggested discussion regarding the Council Member Handbook can be sent ahead of time to City Clerk Lens. The discussion this evening will be facilitated by Julia Novak, who facilitated the February 20th retreat.

ATTACHMENTS

Attachment I Council Member Handbook

CITY OF HAYWARD

Council Member Handbook



July 2019

Council Member Handbook

Adopted July 1983

Revised March 1987

Revised January 1993

Revised July 1996

Revised June 1998

Revised April 2000

Revised May 2002

Revised April 2004

Revised June 2008

Revised February 2011

Revised October 2012

Revised April 2015

Revised February 2017

Revised July 2019

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CITY COUNCIL

The elective officers of the City of Hayward shall consist of a Council of seven members, to be composed of six Council Members and a Mayor, all to be elected by the qualified voters of the City at large. (Sec. 500, City Charter)

VACANCY

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of the incumbent's official duties, or ceases to be a resident of the City, or neglects to qualify within ten days following election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which the incumbent is a member for a like period without being excused by said body.

A vacancy in an elective office shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next General Municipal Election and until their successor is elected and qualified. At the next General Municipal Election following any such appointment, any person so elected shall serve for the remainder of any unexpired term.

No appointment to fill a vacancy in an elective office shall be made during such time prior to a General Municipal Election that nomination papers may be filed for candidates seeking office at said election.

In the event that Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy. (Sec. 501, City Charter)

If a vacancy is not filled by appointment within thirty days, the Charter mandates a special election. There are expenses incurred for special elections called to fill vacancies of elected offices. The election cost per voter differs according to the type of election (countywide consolidated, standalone or standalone by mail) and the number of registered voters. A cost analysis should be completed before proceeding with a special election.

ELECTIVE OFFICERS

Except as otherwise provided in Section 501 of the Charter, Elective Officers shall hold office for a term of four years from and after the first Tuesday following their election and shall continue in office until their respective successors qualify.

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 a 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 a successor qualifies. (Sec. 2-1.15, Hayward Municipal Code)

Ties among candidates for any office shall be settled by the drawing of lots. (Sec. 600, City Charter)

All members of the Council are encouraged to conduct themselves according to the Code of Fair Campaign Practices, California Elections Code, 20400, Chapter 5. Fair Campaign Practices, Article 1. General Intent.

ELIGIBILITY

No person shall be eligible to be nominated for or hold office as a member of the Council unless the person is a resident and qualified elector of the City or of territory annexed thereto. (Sec. 60l, City Charter)

COUNCIL MEMBER TO HOLD NO OTHER OFFICE

No member of the Council shall hold any other city office or city employment, the compensation of which is paid out of municipal funds, nor be elected or appointed to any office created or the compensation of which is increased by the Council, while the Council is a member thereof, until one year after the expiration of the term for which the Council member was elected. (Sec. 602, City Charter)

TRAINING REQUIREMENTS

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

AB 1825, now California Government Code Section 12950.1, requires immediate and continual Sexual Harassment Prevention Training for supervisors. This law increases the training obligations of all employers, that have employees within the State of California, and extends their obligations beyond the training requirements discussed by the U.S. Supreme Court, the Equal Employment Opportunity Commission ("EEOC"), and other

federal and state courts and legislative bodies. While AB 1825 does not specifically define "supervisor," the definition contained in the California Fair Employment and Housing Act ("FEHA") will presumably apply. Under the FEHA, a supervisor is any individual having the authority "to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action be taken if the exercise of that authority is not merely routine or clerical in nature, but requires the use of independent judgment. Training is mandatory for all employees who become supervisors after January 1, 2006 within six months of assumption of a supervisory position and a once every two years thereafter.

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

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

Assembly Bill 1661, now California Government Code Section 53237, was signed into law on September 29, 2016. This law 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.

Council Members are encouraged to complete at least five (5) hours per year of ongoing professional development. The League of California Cities and other resources provide training programs, conferences, and other resources to help elected officials stay engaged and informed on matters affecting cities.

Effective 2018, City staff will provide an 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

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. (Sec. 603, City Charter) Ordinance 01-12 will be updated in 2019.

Compensation for Members of the City Council- reads as follows:

(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)

BENEFITS

In accordance with the Public Employees' Medical and Hospital Care Act, medical coverage and a dental plan are provided to members of the City Council. (Resolution 86-310 and 97-107)

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.

HARASSMENT AND RETALIATION POLICY

On October 12, 2010, the City Council adopted Resolution 10-159, which updated the City's Harassment Policy, by extending the policy against harassment and retaliation to City Council and all Appointees.

POLICY IN SUPPORT OF A HARASSMENT-FREE, DISCRIMINATION-FREE, AND RETALIATION-FREE WORKPLACE

The Hayward City Council is committed to prohibiting all forms of harassment and discrimination in the workplace that are based upon protected classifications as defined in this policy. In addition, the City Council prohibits retaliation against those who complain of harassment or discrimination. This policy applies to all City Council Members as well as to all Appointees.

Any City Council Member found to be in violation of this policy may be subject to censure by the City Council. Any Appointee found to be in violation of this policy may be subject to dismissal from the appointment.

I. Definitions.

A. Appointee. This refers to any individual appointed as a member of one or more of the City's various boards, commissions, committees and task forces or any City official directly appointed by the City Council (i.e., the City Manager, the City Attorney, or the City Clerk).

B. Protected Classifications. This policy prohibits harassment or discrimination because of an individual's actual or perceived protected classification. "Protected classification" includes sex (including gender, gender identity, gender expression, pregnancy, childbirth, and breastfeeding), race, religious creed, color, national origin, ancestry physical or mental disability, medical condition, marital status, age, military and veteran status, genetic information, or sexual orientation (including heterosexuality, homosexuality, and bisexuality).

C. Policy Coverage. This policy prohibits City Council Members and Appointees from harassing or discriminating against applicants, officers, officials, employees, volunteers, persons providing services to the City pursuant to a contract, or clients because of: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

D. Discrimination. This policy prohibits treating an individual differently because of the individual's protected classification.

E. Harassment. Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy.

1. Verbal Harassment: Includes, but is not limited to, epithets, jokes, comments, or slurs that identify a person on the basis of protected classification, intimate or other nicknames, and comments on appearance or stories that tend to disparage those with a protected classification.

2. Visual Forms of Harassment: Includes, but is not limited to, gestures, posters, notices, bulletins, cartoons, emails, photography, or drawings that tend to disparage those with a protected classification.

3. Physical Harassment: Includes, but is not limited to, the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking or taunting.

4. Sexual Harassment: Is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature which occurs under any one of four circumstances:

    a. Submission is made either explicitly or implicitly a term or condition of employment, or of a contractual business relationship with the City.

    b. Submission or rejection by an individual is used as a basis for employment decisions affecting that individual.

    c. Such conduct has the potential to affect an employee's work performance negatively and/or to create an intimidating, hostile, or otherwise offensive working environment.

    d. Submission or rejection by a client or vendor is used as a basis for making a business decision by the employee or creates an intimidating, hostile, or otherwise offensive working environment.

F. Guidelines for Identifying Harassment.

1. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

2. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

4. Even visual, verbal, and/or physical conduct between two Council Members or two Appointees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, contractor or appointee who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

5. Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over-attention, endearing nicknames).

6. The conduct of an individual other than a City Council Member or an Appointee, with respect to harassment of employees, applicants or persons providing services pursuant to a contract in the workplace, may violate this policy if the City, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

7. A single act can violate this policy and provide grounds for appropriate sanctions. Therefore, if in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct and seek guidance from the City Manager's Office or the City's Human Resources Department.

G. Retaliation. Any adverse conduct taken against an individual by a City Council member or Appointee because the individual has reported harassment or discrimination, or has participated in the Complaint Procedure described below, is prohibited. "Adverse conduct" includes taking

sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Any individual who makes a good faith report about harassment or discrimination, who associates with an individual who is involved in reporting harassment or discrimination, or who participates in the complaint and investigation procedure is protected from retaliation.

II. Complaint Procedure. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee in violation of this policy should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. The City Council encourages prompt reporting of harassment, discrimination, or retaliation so that an investigation can be commenced and if necessary immediate and effective remedial action taken to stop such conduct.

A. Reporting to the Mayor. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee, should immediately report the conduct orally or in writing to the Mayor; in the event of a complaint against the Mayor, such conduct should be reported to the Mayor Pro Tempore.

B. Confidentiality. The City Council recognizes that confidentiality is important to all parties involved in a harassment, discrimination, and/or retaliation investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

C. Duty to Maintain Confidentiality of Interview. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except for discussing it with a representative. Any individual who discusses the content of an investigative interview in breach of this duty will be subject to appropriate remedial action, including censure and/or removal from appointment.

III. Response to Complaint.

A. Interim Relief. Upon receipt of a harassment, discrimination, or retaliation complaint, the Mayor (or if the complaint is against the Mayor then the Mayor Pro Tempore), with the assistance of the City Manager, may take immediate and appropriate remedial action to stop the conduct at issue and/or to diffuse any volatile circumstances associated with the conduct.

B. Investigation.

1. Complaint Against a City Council Member or the Mayor: Under this policy, the City Council designates the Mayor to be the investigator of a harassment, discrimination, and/or retaliation complaint against a City Council Member; in the event of a complaint against the Mayor, the Mayor Pro Tempore is the person so designated. The Mayor, at the Mayor's discretion and with the assistance of the City Manager, may retain an experienced private attorney, consultant, investigator, or other specialist who is not an official or employee of the City to conduct the investigation. The investigation shall be commenced as soon as practicable, and the specialist shall be responsible for completing a report on the investigation, to include findings. The investigation will normally include interviews of the reporting individual, the accused and any other individuals who are believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of their interviews and admonish them that retaliation against those who report alleged harassment or discrimination or who participate in the complaint procedure is prohibited. The investigation shall also include, but not be limited to, the retrieval and review of documents or evidence such as work schedules, letters, computer records, telephone messages, personnel files, gifts, or cards.

2. Complaint Against an Appointee: Upon receipt of a complaint against an Appointee, the Mayor shall refer the complaint to the City Manager for investigation. The City Manager shall have the discretion to use city staff or an outside investigator to conduct the investigation. Such investigation shall be conducted consistent with the guidelines set forth in Section III(B)(1) above.

C. Investigation of Unreported Potential Violations. The City Council takes a proactive approach to the problem of harassment, discrimination, and retaliation, and the Mayor (or the Mayor Pro Tempore) will initiate an investigation consistent with this policy if the Mayor becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or a third party reports a potential violation.

D. Action.

1. City Council Member or Mayor: If the specialist's report concludes that harassment, discrimination, or retaliation in violation of the City Council policy prohibiting harassment, discrimination, and retaliation has occurred, the Mayor (or Mayor Pro Tempore) shall present the

report to the City Council for further action, if any, consistent with its legal obligations. Such action for a City Council Member may include, but not be limited to, censure.

2. Appointee: Upon completion of the report, the City Manager shall forward it and a recommendation to the Mayor and the City Council. Possible action for an Appointee includes, but is not limited to, dismissal from appointment.

E. Option to Report to Outside Administrative Agencies. Individuals also have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book.

F. This policy is not to be construed nor is it intended to prohibit mutually welcome, social relationships freely entered into between people and which have no impact on the workplace.

IV. Individual Responsibilities.

A. Individual City Council Member or Appointee. A City Council Member or an Appointee is required to:

1. Conduct him or herself consistently with the anti-harassment, anti-discrimination, and anti-retaliation policy as set forth herein; and

2. Report any act which he or she believes in good faith constitutes harassment, discrimination, or retaliation, as defined herein, to the Mayor (or the Mayor Pro Tempore); and

3. Maintain the confidentiality of any investigation conducted pursuant to this policy by not disclosing the substance of any investigatory interview, except for discussing it with a representative; and

4. Cooperate fully with such investigation into alleged violations of this policy by responding fully and truthfully to all questions posed during the investigation; and

5. Be familiar with this policy and modeling behavior that is consistent with it; and

6. Report any potential violations of this policy of which he or she becomes aware.

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. An expense will not be reimbursable 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 Councilmember serves as the appointed voting delegate (or alternate) or where the Councilmember 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; and
    f) Other expenses approved by the City Council in advance of their incurrence.

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

MAYOR

POWERS AND DUTIES

The Mayor shall be the Mayor at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of the Mayor and the Mayor Pro Tempore, the Council shall elect a temporary presiding officer to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

The elected Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Courts for the purpose of serving civil processes. The Mayor shall be the presiding officer of the Council and shall preside at the meetings of the Council for the purpose of determining the presence of a quorum. The Mayor shall be entitled to a vote on all matters coming before the Council but shall possess no veto power. The Mayor may use the title of Mayor in all cases, but the same shall not be construed as conferring upon him/her administrative or judicial functions or other powers or functions of a Mayor under the general laws of the State. (Sec. 604, City Charter)

SIGNING OF DOCUMENTS

The Mayor, or Mayor Pro Tempore in the absence of the Mayor, shall sign ordinances adopted by the City Council.

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.

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 1st to December 31st. (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)

PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and Council Members shall not be deprived of any of the rights and privileges of a Council Member by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the Council, the Presiding Officer should consider turning the Chair over to another member.

QUESTION TO BE STATED

The Presiding Officer shall orally restate each question immediately prior to calling for the vote. Following the vote, the Mayor or City Clerk shall announce whether the question carried or was defeated for the benefit of the cable television audience.

MAINTENANCE OF ORDER

The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No Council person, staff or member of the audience is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

POWERS OF COUNCIL

All powers of the City shall be vested in the Council, subject to the provisions of this Charter and to the Constitution of the State of California. The Council may establish the method by which any of such powers may be exercised. (Sec. 606, City Charter)

MEETINGS OF COUNCIL

The Council shall, by ordinance or resolution, provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All meetings of the Council, whether regular or special, shall be open to the public. (Sec. 607, City Charter)

PARTICIPATION BY MEMBERS OF THE PUBLIC

No public member shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak on the subject of any special meetings. (Sec. 609, City Charter)

ADMINISTERING OATHS - SUBPOENAS

Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel

the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of the State. (Sec. 6l0, City Charter)

RULES OF PROCEEDING

The Council shall determine its own rules of procedure and may punish its members for disorderly conduct and compel their attendance at Council meetings. (Sec. 611, City Charter)

NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE

Neither the Council nor any of its members shall interfere with the execution by the City Manager of the City Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or removal there from. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The City Manager shall take orders and instructions from the City Council only when it is sitting in a lawfully held meeting. (Sec. 705, City Charter)

Inquiry is defined as a request for information readily available, without need for extensive research or study by subordinates of the City Manager.

All other requests are to go directly to or through the City Manager.

POLICY REGARDING CITY COUNCIL EXPRESSION ON STATE, FEDERAL AND INTERNATIONAL ISSUES

Whereas, from time to time the City Council is requested to make an official statement with regard to State, Federal and International issues, some of which have no effect upon the administration of local affairs of the City of Hayward, or which the City Council, as a legislative body, cannot exercise jurisdiction over same; and

Whereas, it would appear that statements to be made with regard to such State, Federal and International issues should be made only as an expression of individual opinion and not as an official statement of this City Council.

Now, Therefore, Be it Resolved by the City Council of the City of Hayward that said Council does hereby adopt as a policy that official City Council expression should not be given on State, Federal, and 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.

Be it further resolved that the aforesaid statement of policy is not intended to foreclose the rights of any person to make a public presentation to the City Council on such issues nor to impinge upon the right of any individual Council Member to give personal views on such matters. (Res. 77-209, May 24, l977)

HAYWARD LEGISLATIVE PROGRAM

On a semi-regular basis, the City Council adopts a Hayward Legislative Program which outlines the legislative priorities of the City of Hayward. The Legislative Program can be accessed on the link below.

https://www.hayward-ca.gov/your-government/programs/legislative-program

The City's legislative program helps provide direction to staff and the City's legislative advocates in Sacramento and Washington D.C. The program informs interested parties of the City's stances on legislation, state-wide referenda, grant funding opportunity, or local/regional ballot measures. Additionally, this program serves as a basis for action regarding any piece of federal or state legislation or funding opportunity.

MEETINGS

MEETINGS - OFFICIAL ACTIONS

Except as hereinafter provided, all meetings of the Council shall be held in the Council Chamber, City Hall, 777 B Street, Hayward, California. In the event any meeting is held elsewhere, a notice setting forth the time and place thereof shall be conspicuously posted on the entrance door to the Council Chamber during the time such meeting is in progress. (Sec. 2-1.00, Municipal Code)

TIME OF REGULAR MEETINGS

The time of regular meetings of the Council shall be as specified from time to time by resolution of the City Council. (Sec. 2-1.00, Municipal Code)

On December 15, 2009, the City Council adopted Resolution 09-189, which changed the hour of Council meetings to seven (7) o'clock p.m. Council also incorporated Work Session meetings within the regular meetings. Normally, meetings of the City Council are held the first, third, and fourth Tuesdays of each month at the hour of seven (7) o'clock p.m. Meetings may be cancelled on these days or added on the second and fifth Tuesdays by the Mayor or City Manager as determined by workload.

It shall be the policy of the Council that, if at all possible, agenda items shall not be considered past the hour of midnight.

SPECIAL MEETINGS/ CALLING/ NOTICE

A special meeting may be called at any time by the Presiding Officer of the Council, or by a majority of the members, by delivering written notice to each member of the Council, and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site and any distribution via digital communications. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice, in accordance with the Ralph M. Brown Act (G.C. Section 54956).

An emergency meeting may be called at any time if emergency circumstances exist, or dire emergency circumstances exist, with notice at least one hour prior to such meeting, or with no advance notice if circumstances warrant and telephone communications are unavailable, in accordance with the Ralph M. Brown Act (G.C. Section 54956.5).

As the Council, as a whole, also serves as the Redevelopment Successor Agency, the Hayward Public Finance Authority, the Geologic Hazard Abatement District Board, and the Housing Authority for the City of Hayward. Special joint meetings may be conducted in order to conduct business relative to each agency. The Hayward Redevelopment Agency

was dissolved on February 1, 2012. The City of Hayward chose to become the Successor Agency to the Redevelopment Agency.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at said meeting.

The City Council shall strive to hold a meeting outside of City Hall and in another part of the community at least once a year.

RULES OF ORDER

The proceedings of the Council shall be governed under "Robert's Rules of Order" on all matters pertaining to parliamentary law; however, no action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow said rules. (Sec. 2-1.03, Municipal Code)

QUORUM

A majority of the City Council (4) shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business. (Sec. 608, City Charter)

No ordinance of resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. (Sec. 614, City Charter)

CALL TO ORDER

The meeting of the Council shall be called to order by the Mayor or in the Mayor's absence by the Mayor Pro Tempore. In the absence of both the Mayor and the Mayor Pro Tempore, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

AGENDA

When scheduling items for City Council meetings, staff should consider the number of items being placed on each agenda and the estimated time that each item requires. Staff should strive to provide well-balanced agendas for all City Council meetings throughout the year. Although there might be rare occasions where a long meeting is necessary, a series of long meetings should be avoided by balancing the content of each agenda.

ORDER OF BUSINESS

The following shall constitute the order of business to be followed in conducting regular meetings of the Council:

Call to Order
Salute to Flag
Roll Call
Closed Session Announcement
Presentation/Proclamation
Public Comments * (for matters not otherwise listed on the agenda or informational staff presentation items)
Consent
Work Session
Hearing
Legislative Business
Information Items
City Manager's Comments
Council Reports and Announcements
Council Referrals
Adjournment

**The printed agenda for each regular meeting shall include the following statement:*

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)

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, determine that the need to take action on an item arose after the agenda was posted. If fewer than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented. Other exceptions are provided for emergencies, as defined, and certain continued hearings. Upon amending a work session agenda, no action would be taken on the underlying issue.

POSTING OF AGENDA

The City Clerk is directed to post a copy of the agenda in the lobby of City Hall, the bulletin board outside City Hall and at the Main Library not less than 72 hours prior to each regular meeting, and not less than 24 hours prior to each special meeting to be held by the City Council. The City Clerk is further directed to maintain a log of the date and time each agenda is posted.

DELIVERY OF AGENDA

If practicable, the agenda and agenda item reports will be available for Council Members each Thursday afternoon, or Friday if the preceding Monday was a holiday.

The agenda shall also be available to the general public, via posting to the City's website and electronic mail, at the time it is delivered to the City Council.

SUSPENDING ORDER OF BUSINESS

The regular order of business may be suspended by a majority vote of the members present for the accommodation of persons present, or for any other purpose. (Sec. 2-1.06, Municipal Code)

CLOSED SESSIONS

Council meets from time to time in closed sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to the public and news media. Matters discussed in closed sessions are considered **confidential**. If an action is taken, a public announcement will be made. These are:

(1) Labor Relations

Closed sessions held at such times where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.
As a matter of policy, Council acknowledges that the City and its taxpayers are best served if positions authorized during such sessions are represented as those of the Council as a whole. Members of the City Council agree that positions and agreements shall not be divulged.

(2) Security or Emergencies

Arrangements made to address threats to the City or its property must be kept confidential;

(3) Personnel Sessions

Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

(4) Litigation

Closed sessions to consider potential or pending litigation in which the city or an officer or employee is or could be a party;

Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position;

(5) Real Property Negotiations

Closed sessions to meet with negotiators over specific real state sites;

Prior to the closed session, the negotiator, the site, and the properties' representatives must be identified.

Confidential Communications in Closed Session

To address a long-standing problem associated with confidential communications in closed session and how to maintain the confidentiality of such discussions, in 2003, the Legislature passed Assembly Bill 1945 ("AB 1945"), which states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council, or upon advice of the legal counsel or negotiator handling the matter. In

the event someone violates this provision, the statute gives the legislative body three options to address the violation: (1) The body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) If the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; or (3) If the person disclosing the information is a member of the legislative body, the public entity may refer that person to the grand jury.

CLOSED SESSION ANNOUNCEMENT

Following a closed session, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce whether there is or is not reportable action. If there is reportable action, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce such action, including a report of how each member of the Council voted on the item.

PRESENTATION

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline. The City Clerk shall coordinate the scheduling of presentations with the Mayor.

PROCLAMATION

From time to time, the Mayor will recognize extraordinary Hayward residents and community members through letters, certificates, proclamations, and adjournments. Proclamations are legal documents that declare a day, week, or month in honor of a cause, individual, or occasion significant to the City of Hayward and its residents.

The guidelines for proclamation submittals can be found on the City's website at this link:

https://www.hayward-ca.gov/content/guidelines-mayorcouncil-ceremonial-documents-events-adjournments

CONSENT CALENDAR

Items of a routine nature, and non-controversial, including Approval of Minutes, shall be placed under the Consent agenda at the City Manager's discretion. All items may be approved by one blanket motion upon unanimous consent. Any Council Member or any member of the public may request that any item be withdrawn from the consent agenda for separate consideration. (Council Action, March 18, 1997)

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.

PUBLIC HEARINGS

Public Hearings:

A public hearing is a legally mandated process that occurs during the public meeting of a local decision-making body, such as a city council meeting. Public hearings serve two functions: First, to obtain public testimony or comment on specific legislative decisions or policy matters such as a proposed annual budget or ordinance. The second function is to provide due process to an individual or party making an appeal to or request of the legislative body, such as a hearing regarding the denial of a permit or license. A public hearing is required only when a specific federal, state, or local law requires one to be held on a particular issue.

Notice for Public Hearings:

A law that requires a public hearing to be held will also generally include the requirements for providing notice of the public hearing.

QUASI-JUDICIAL HEARINGS

The procedures for quasi-judicial hearings shall be determined on a case-by-case basis and the City Attorney shall advise the City Council in this regard.

LEGISLATIVE BUSINESS

Legislative business is any policy-related item that is not legally required to have a public hearing, but which is deserving of or benefits from public discussion. In many respects, a legislative business item looks the same as a public hearing - the only difference is the type of legal notice given prior to the meeting. In fact, some legislative business items may

warrant the type of noticing typically associated with public hearings but doing so is discretionary and should only be done on a case-by-case basis. Applying the public hearing approach to legislative business is appropriate when there is a high degree of public interest in a topic, when the Council has not had sufficient exposure to the facts, circumstances or opinions informing the decision they are being asked to make, when there is a controversial topic that divides the community or the Council, or when the actions being considered have the potential to impact a large number of residents.

Notice for Legislative Business:

Publication of the agenda prior to the scheduled legislative item is generally sufficient notice for legislative business items. However, in the interest of inclusion and transparency, staff may choose to send notices to interested parties, deliver flyers to the affected neighborhood, or otherwise alert those known or thought to be likely interested in the matter. Similarly, staff may provide advance notice to parties identifying the likely date something may come before Council. Administrative Rule 1.25

Generally, public hearing as well as legislative business items, other than those of a quasi-judicial nature (quasi-judicial matters are those matters where the City Council is interpreting and applying regulations, such as consideration on use permits or zoning issues), shall be conducted in the following order:

- staff reviews the recommendation
- questions of staff by Council
- hearing opened by Mayor
- hearing closed by Mayor
- discussion and questions by Council
- action by Council

Questions and comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual. Applicants and/or appellants desiring to address the City Council shall limit their presentation to ten (10) minutes. The Mayor or Presiding Officer will call forward individuals who wish to address the City Council. At the discretion of the Mayor, two or more speakers may be called at a time to help facilitate the public testimony.

Council Members should not speak to an issue until the public hearing has been closed. If a Council Member has met with a proponent/developer or opponent of subject hearing, the Council Member should acknowledge such meeting prior to opening of the hearing at the Council meeting.

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of Council Members addressed through the Chair.

INFORMATION ITEMS

The Information Items section was added on September 23, 2014, to present information to Council and the public in the form of a transparent, written report, which does not ask for any Council action. The public can comment on "Information Items" during the Public Comments section. If the Council wishes to discuss or take action on any "Information Items", the Council will direct staff to bring the item forward on a future Council agenda as an action item.

CITY MANAGER'S COMMENTS

The City Manager's Comments section was added on September 23, 2014, to provide an opportunity for the City Manager to verbally report on upcoming activities, events, or other items of interest or concern to the Council and the public.

COUNCIL REPORTS AND ANNOUNCEMENTS

During the Council Reports section of the agenda, a Council Member may report on attendance of intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities) or make an announcement.

COUNCIL REFERRALS

The intent of the Council Referral section is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the City Council. This policy described below has two parts. The first part is to enable the Council Member to place a matter before the Council. The second part is to enable the Council to determine whether staff time should be spent on the issue.

Any Council member may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council.

Part 1: Council members wishing to refer a matter to the City Council for discussion will:

A. Prior to preparing a Council Referral Memo, Council members can consult with the appropriate Council Appointed Officer to determine whether the issue can be addressed as part of existing operational authority and with current budgeted resources.

B. The Referring Council Member will submit a Council Referral Memo (not to exceed two pages) describing the Referral. The Council Referral Memo can outline the policy issue, overall outcome or desired objective, desired

timeline, identification of key stakeholder groups that might need to be consulted, and/or other pertinent information that will clarify for Council the policy issue desired for Council discussion.

C. The Referring Council Member will notify the City Manager, or the City Manager's designee, via telephone, email, or in person and convey that the Council member has a Council Referral Memo to place on the agenda and the desired Council meeting date, a week prior to the Council meeting. This will give the City Clerk time to finalize the agenda and post it within the required timeframe. Requests received after this one-week deadline will be placed on the agenda for the following regularly scheduled Council meeting.

Staff will not devote time preparing reports or analysis on the requested item. The limited staff assistance provided, at this initial stage of the Council referral, would be to help the Council member clarify and/or frame the issue, if needed, so that the Council and public clearly understand the request.

Part 2: Council Consideration of the Council Referral Memo:

A. When the item is called at the Council meeting, the Referring Council Member who made the request may describe the policy issue the Council Member wishes to place on a future agenda.

B. The Council discussion will be limited to determining whether staff time and City resources should be devoted to researching the particular agenda item and whether to direct staff to conduct further analysis on the item. Council will not take action on the agenda item itself. Concurrence that staff time and City resources will be devoted to the item does not signify approval of the item. It only indicates that the Council wishes to have the item studied further. Additionally, the Council may, at any time, decide to drop the matter, even after the matter has been analyzed by staff.

C. Upon the concurrence of a majority of the Council that the item should be researched and placed on a future Council agenda, referred to a Council Committee, staff, or closed session, depending on the topic and/or action sought by Council, the City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations. The City Manager will maintain a log of such referrals, the date of the referrals, and the projected dates the referred matter will be agendized for further consideration.

D. Council member comments on Council Referral items are limited to clarifying questions and whether or not staff resources should be spent

researching the issue and whether or not Council member(s) support referring the item to a Council Committee, staff, or placed on a future Council agenda. No discussion on the item will be held at this initial stage of the Council referral.

E. If a member of the public wishes to address the Council on Council Referrals, public comments will be limited to one (1) minute per person to relay to Council whether or not they support staff spending resources researching the item and placing it on a future Council agenda.

F. The Mayor / Presiding Officer will ask the submitter of the Council Referral Memorandum to make a Motion, ask for a second, then take roll call.

G. If there are no Council Referrals, indicate "None Submitted" in this section of the Agenda.

ADJOURNMENT

When any member requests that a meeting be adjourned and a tree planted in memory of an individual recently deceased, the Mayor shall so adjourn the meeting and staff shall arrange for a tree to be planted.

RULES, DECORUM, AND ORDER

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."

(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.

DECORUM AND ORDER - EMPLOYEES

Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, City Attorney, and City Clerk, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

DECORUM AND ORDER - PUBLIC

Members of the Public attending Council meetings shall observe the same rules of order and decorum applicable to the Council

Each person who addresses the Council from the podium shall do so in an orderly manner and shall not make personal, slanderous, or profane remarks to any member of the Council, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting, whether from the podium or in the audience, may, at the discretion of the Mayor after observance of the procedure for enforcement of decorum described below, be escorted from Council Chambers and barred from further audience before the Council during that meeting. These rules shall be enforced as set forth in the section entitled "Enforcement of Decorum."

ENFORCEMENT OF DECORUM

The Chief of Police or the Chief's representative shall be ex-officio Sergeant-at-Arms of the Council. The Chief of Police shall carry out all orders and instructions given him/her by the Mayor for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Mayor, it shall be the duty of the Chief of Police or a representative of the Chief to eject any person from the Council Chambers or place said person under arrest or both.

As set forth in the Brown Act (Government Code Section 54957.9), in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in the section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for

willfully disturbing the orderly conduct of the meeting. Decorum and order shall be enforced in the following manner:

(a) Warnings. The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the Council to regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order the speaker to leave the Council meeting. If the person does not depart the Council chambers of their own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the Council to escort that person from the Council chambers.

(b) Text for Warning. The Mayor shall deliver the requisite warning in substantially the following form:

> You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to Council Chambers for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?

(c) Removal. Any law enforcement officer who is serving as Sergeant-at-Arms of the Council shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the Council meeting any person who is disturbing the proceedings of the Council. Removal of a disruptive member of the public from Council Chambers shall be accomplished by the Sergeant-at-Arms or other sworn law enforcement officers only.

(d) Misdemeanor. Any person who willfully disturbs or breaks up a Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.

(e) Motion to Enforce. If the Mayor fails to enforce the rules set forth above, any member of the Council may move to require the Mayor to do so and, by an affirmative vote of a

majority of the Council, shall require the Mayor to do so. If the Mayor of the Council fails to carry out the will of a majority of the Council, the majority may designate the Mayor Pro Tempore to act as Presiding Officer for the limited purpose of enforcing these rules of decorum.

Attendance at Council Meetings does not provide individuals or groups immunity of protection when their conduct is in violation of any other laws (California Penal Code, City of Hayward Municipal Code, etc.). The Sergeant-at-Arms should and will be called upon by the Mayor to enforce these laws at Council Meetings.

POLICY REGARDING CABLE TELEVISION BROADCAST OF CITY MEETINGS

It shall be the policy of the City Council of the City of Hayward to broadcast public meetings held in the Council Chamber over cable television from the beginning of that meeting through adjournment without interruption. Meetings may be videotaped, or audio recorded as long as the activity does not constitute a disruption of the meeting. (Res. 94-049, March 8, 1994)

PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which the Member's integrity, character, or motives are assailed, questioned or impugned.

CONFLICT OF INTEREST (Disqualifications)

All Council Members are subject to the provisions of California Law, such as Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest, and to the conflict of interest code adopted by resolution of the Hayward City Council.

If a Council Member, after receiving the agenda packet, believes or is aware that the Council Member has a potential conflict, the Council Member should confer with the City Attorney prior to the meeting.

Any Council Member who has a conflict of interest shall abstain themselves from the Council Chamber during the debate and voting on the issue. The Council is prohibited by law to enter into contracts with its members. (Government Code Section 1090 et seq.)

LIMITATION OF DEBATE AND COUNCIL MEMBER DELIBERATIONS

No Council Member should speak more than once on any one subject until every other member choosing to speak thereon has spoken. Council Members are encouraged to keep their comments concise and succinct; and to limit their general comments on any item to five minutes once any specific questions on the item have been asked and answered. (Also, see Section VII under "Time Limitations")

DISSENT AND PROTESTS

Any member shall have the right to express dissent from or protest to any action of the Council and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clears by language such as "I would like the minutes to show that I am opposed to this action for the following reasons…"

PROCEDURES IN ABSENCE OF RULES

Except as modified by the provisions of this handbook, the proceedings of the City Council shall be governed by Robert's Rules of Order Newly Revised.

RULINGS OF CHAIR FINAL UNLESS OVERRULED

In presiding over Council meetings, the Mayor, Mayor Pro Tempore or temporary Presiding Officer shall decide all questions of interpretations of these rules, points of order or other questions of procedure, requiring rulings.

Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Member present and voting.

ADDRESSING THE COUNCIL

MANNER OF ADDRESSING THE COUNCIL/PUBLIC COMMENT

Any public member may arise and address the Council on any business especially concerning the public member, or affecting their interests; however, preference will be given to those who have first presented matters in the form of a written communication, or who have notified the Presiding Officer/Mayor of their desire to speak. (Sec. 2-1.04, Municipal Code; Sec. 609, City Charter)

Any member of the public desiring to address the Council shall complete a "speaker card" and hand it to the City Clerk. The City Clerk will advise the Mayor. Public speakers will be called in the order received by the City Clerk. The Mayor will announce the names from the speaker cards. Once the public member's name is called, the public member should proceed to the podium and wait to be recognized by the Mayor. After being recognized, public members shall speak directly into the microphone and for the record, may state their name and city of residence.

The Mayor will allow up to one hour for comments from the public which are not the subject of an agenda item to be heard at the beginning of the posted agenda under the heading "Public Comments." The balance of the public comments which are not the subject of an agenda item will be heard before City Manager Comments. Any public comments on items on the agenda may speak when their agenda item is being considered.

Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on an item not appearing on its posted agenda. Therefore, any issue raised under the "Public Comments" section of the agenda will be referred to staff for a decision about placing it on a future agenda for discussion, action, or report.

TIME LIMITATION

Individual Speakers

Any member of the public desiring to address the Council shall be limited to three (3) minutes unless less or further time has been granted by the Mayor or in accordance with the section under Public Hearings. Mayor has the discretion to shorten or lengthen the maximum time members may speak. The Mayor has discretion to hear the balance of public comments, which are not the subject of an agenda item, depending on the number of speaker cards remaining.

Government Code Section 54954.3 states that if the City Council limits time for public comment, the City Council shall provide at least twice the allotted time to a member of the public who utilizes an interpreter to ensure that non-English speakers receive the same opportunity to directly address the Council. This shall not apply if the City Council utilizes simultaneous translation equipment.

Applicants and/or Appellants

Any applicant and/or appellant desiring to address the City Council shall limit their address to ten (10) minutes. This time limit will not be applied to speakers to whom constitutional due process applies. The City Attorney shall advise the City Council on this regard.

ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no person shall address the Council except to answer an inquiry of Council Members addressed through the Chair.

LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

The making of oral communications to the Council by any member of the public shall be subject to the following limitations:

(1) No speaker shall be permitted to address the Council on a topic which is currently before or about to be submitted for consideration by a city commission, board, or other agency before which the speaker should make the presentation, until that latter body has completed its deliberations and taken its final action.

(2) In case the speaker should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communication to the Council outside that procedure.

The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. (See Section VII for "Time Limitations for Individual Speakers").

If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue and request that they not be redundant. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

No statement shall be allowed to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her. All charges or complaints against employees shall be referred without comment to the City Manager for appropriate action and may also be submitted to members of the Council for information by written communication only.

WRITTEN CORRESPONDENCE

The City Clerk is authorized to receive and open all mail addressed to the Council as a whole and refer to the City Manager, for immediate attention, those communications related to administrative business, not necessarily requiring Council action, so that they may be disposed of between Council Meetings. A copy of such communication and response shall be sent to each Council Member marked "For Purposes of Information." Copies of all other communications sent to Council as a whole will be transmitted to them.

Any communication relating to a matter pending, or to be brought, before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions of the Municipal Code or other ordinances. Communications specifically addressed to individual council members will be transmitted to them unopened.

Any non-confidential writings or documents related to an agenda item submitted to a majority of the Council less than 72 hours prior to a public meeting will be made available for public inspection in the Office of the City Clerk. Any documents related to an item on the agenda provided by City staff to the Mayor and City Council at the meeting must be available to the public at that meeting. (SB 343, Brown Act amendment, July 1, 2008)

PERSONS AUTHORIZED TO BE WITHIN PLATFORM

No person except City officials shall be permitted within the platform area in front of the Council dais without the invitation or consent of the Presiding Officer.

MOTIONS

PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Mayor before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it. A Council member will request to speak, be recognized by the Presiding Officer, and verbally move the item and wait for a seconder.

BUSINESS ITEMS OUT OF ORDER

The Mayor may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

DIVISION OF QUESTION

If the question contains two or more divisible propositions, the Mayor may, upon request of a member, (unless appealed) divide same.

MOTION TO FIX HOUR OF ADJOURNMENT

Any regular meeting can be adjourned to a stated date, time, and place.

MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table is not debatable and shall preclude all amendments or debate of the subject under consideration.

MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

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 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. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Substitute motions are not allowed. 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.

CONTINUANCE OF MATTERS

(l) The City Council ordinarily will grant one continuance of a matter in the event it creates an inconvenience or hardship to a member of the public. Request for such a continuance should, if at all possible, be made at least five (5) days before the scheduled agenda date, and the continuance shall be to a date mutually agreeable to all parties.

(2) (a) When five (5) or fewer members of the Council are present at the scheduled meeting, a request for a continuance may be made once in order that the matter may be scheduled for a time when more than five (5) members are expected to be present.

(b) Requests for continuance when there are five (5) or fewer members present shall be granted unless State law or local regulations require that action be taken at that time, or if the failure to act in a timely manner would create legal or financial jeopardy or substantially impair the City's operations.

(c) Regardless of the number of Council Members present, or request of a member of the public, any Council Member may exercise a personal prerogative to have an item continued once unless State law or local regulations require that action be taken at that time or if the failure to act in a timely manner would create legal or financial jeopardy or substantially impair the City's operations. Exercising this personal prerogative will not count as a request for continuance per (2)(a) and (2)(b) above.

(3) If a matter is continued, the Mayor will ask if those present who wish to speak to the matter can return at a later date. Those individuals who cannot, will be given the opportunity to speak on the matter and said comments shall be made part of the record to be considered at the continued date. Such persons shall not repeat statements so made at the continued date; however, further comment shall be allowed where new material is presented.

COUNCIL MEMBER OBLIGATION WHEN ABSENT

When a member of Council is absent from an earlier meeting at which a matter is discussed, it shall be the duty of such member to become acquainted with the issues discussed by reading the minutes, the documents presented, and, if possible, the electronic recording of such discussion.

VOTING PROCEDURE

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. Abstentions shall also be recorded. (Sec. 613, City Charter)

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. (Sec. 614, City Charter)

RECONSIDERATION

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council and held not less than one week after the meeting at which such motion is made. (Sec. 618, City Charter)

TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes another action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by Council. Official actions are those quasi judicial actions such as made by Planning Commission wherein fewer than four votes sustain their action.

RESOLUTIONS

DEFINITIONS

As a rule, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document. In this City, however, two methods of action are in general use to accomplish such non-ordinance actions: "resolution" and "motion" (the latter recorded by minute entry). The two are equally as legally effective and binding; they vary in the formality of respective memorialization. The more formal is referred to as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence, and preserved in a separate set of books. Such "resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

The "motion" (assuming it was one which passed) is a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it. In this City, procedural actions (such as a motion to continue a hearing) are always done by motion, and, in addition, many administrative matters (such as directing the City Manager to furnish a report) are done by motion.

METHOD OF ACTION

Legislative action shall be taken by the Council only by means of an ordinance or resolution. (Sec. 612, City Charter)

An ordinance or resolution may be adopted by a motion, duly seconded, and passed by four (4) votes of the City Council.

AYES AND NOES

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the Minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. (Sec. 613, City Charter)

MAJORITY VOTE OF COUNCIL

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. (Sec. 614, City Charter)

SUBJECT OF TITLE

Every ordinance or resolution shall be preceded by a brief title which shall indicate the subject and purport thereof. (Sec. 615, City Charter)

RESOLUTIONS PREPARED IN ADVANCE

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed earlier and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

ORDINANCES

REQUIREMENTS OF ORDINANCES

Except as hereafter provided, no ordinance shall be adopted by the Council on the day of its introduction, nor within one week thereafter, nor at any time other than at a duly assembled meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall be adopted at a meeting held at least one week after the date of such alteration.

At the time of introduction or adoption of an ordinance the title need only be read, unless reading of the ordinance in full is requested by any member of Council.

EMERGENCY ORDINANCES

Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at the same meeting if passed by at least five affirmative votes.

PUBLICATION REQUIREMENTS

Before final adoption of an ordinance, a notice indicating its title, a subject matter index, the date of its introduction, and the date, time, and place it will be considered for final adoption, and that copies of the full text thereof are available for examination by the public in the office of the City Clerk, shall be published once in a newspaper of general circulation within the City at least three days before the final adoption meeting date.

A similar notice indicating the adoption of an emergency ordinance and the vote thereon shall be published once within one week after its adoption. (Sec. 617, City Charter)

The enacting clause of all ordinances adopted by the Council shall be substantially as follows: "The Council of the City of Hayward does ordain as follows." (Sec. 616, City Charter)

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made. (Sec. 618, City Charter)

All ordinances shall be signed by the Mayor and attested by the City Clerk. (Sec. 619, City Charter)

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election.

(b) An improvement proceeding ordinance adopted under State law or a procedural ordinance.

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.

(d) An emergency ordinance adopted in the manner provided for in the Charter.

(e) An ordinance annexing areas to the City.

(f) An ordinance relating to the zoning or rezoning of the City or portions thereof. (Sec. 620, City Charter)

A true and correct copy of all ordinances shall be kept and certified by the City Clerk, such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way. (Sec. 621, City Charter)

Any or all ordinances of the city which have been enacted in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to the code shall be enacted in the same manner as herein required for the amendment of ordinances generally. (Sec. 622, City Charter)

ORDINANCE VIOLATION - PENALTY

A violation of any ordinance of the City shall constitute a misdemeanor unless by the terms of such ordinance its violation shall constitute an infraction. A violation of any ordinance of the City may be prosecuted in the name of the People of the State of California or may be redressed by civil action. (Sec. 623, City Charter)

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.

From time to time Ad Hoc committees may be organized by the Mayor to address special concerns which may be of short duration. 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.

STANDING COMMITTEES

The list of standing and Ad Hoc committees and liaison assignments shall be revised from time to time as necessary.

COUNCIL COMMITTEE MEETINGS

(l) All Council Committees must comply with the Brown Act.

(2) A Council Member other than Council Committee Members may attend a regular committee meeting. However, a Council Member shall not participate in the decision-making process of the Committee.

(3) It is the policy not to hold joint Council-Committee meetings. An item that might be considered for such meeting should be scheduled for a work session of the whole Council.

On March 13, 2015, the City Attorney provided a memorandum to clarify the application of the Brown Act to the Council's standing and ad hoc committees.

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 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.

LIAISON AND COMMISSION MEMBER DECORUM

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

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

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

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

Council liaisons may send updates to the City Council through the City Clerk within one month of advisory body meetings. Annual Reports are encouraged for all Council appointments.

BOARDS, COMMISSIONS, COMMITTEES, AND TASK FORCES

(Council's Appointed Officials Handbook)

http://www.hayward-ca.gov/your-government/boards-commissions