

**SPECIAL CITY COUNCIL
MEETING**

JANUARY 11, 2023

PRESENTATIONS

DAY ONE: YOUR ROLE



MAYOR AND CITY COUNCIL ORIENTATION

Day 1 – YOUR ROLE

Introductions and Overview



- ▶ Introductions
- ▶ City Manager Department Overview
- ▶ Council Member Handbook
- ▶ Council Meetings
- ▶ Committees, Commissions, and Task Forces
- ▶ Break
- ▶ Conflict of Interest
- ▶ The Brown Act
- ▶ The Public Records Act
- ▶ The City Charter



OFFICE OF THE CITY MANAGER DEPARTMENT OVERVIEW

City Charter – City Manager Form of Government



The City Manager shall be head of the administrative branch of the City government. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

1. Appoint, discipline and remove, subject to the personnel provisions of this Charter, except as otherwise provided by this Charter, all officers and employees of the City under this jurisdiction. The City Manager may authorize the head of any department or office to appoint, discipline or remove subordinates in such department or office.
2. Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption.
3. Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.
4. Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may to the City Manager seem desirable.
5. Establish a centralized purchasing system for all City office, departments and agencies.

City Charter – City Manager Form of Government



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6. Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for adoption by it.
7. Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.
8. To make and execute contracts on behalf of the City for commodities or services included in the annual budget, or otherwise authorized by Council action.
9. Perform such other duties as may be prescribed by this Charter or required of the City Manager by the Council not inconsistent with the Charter.

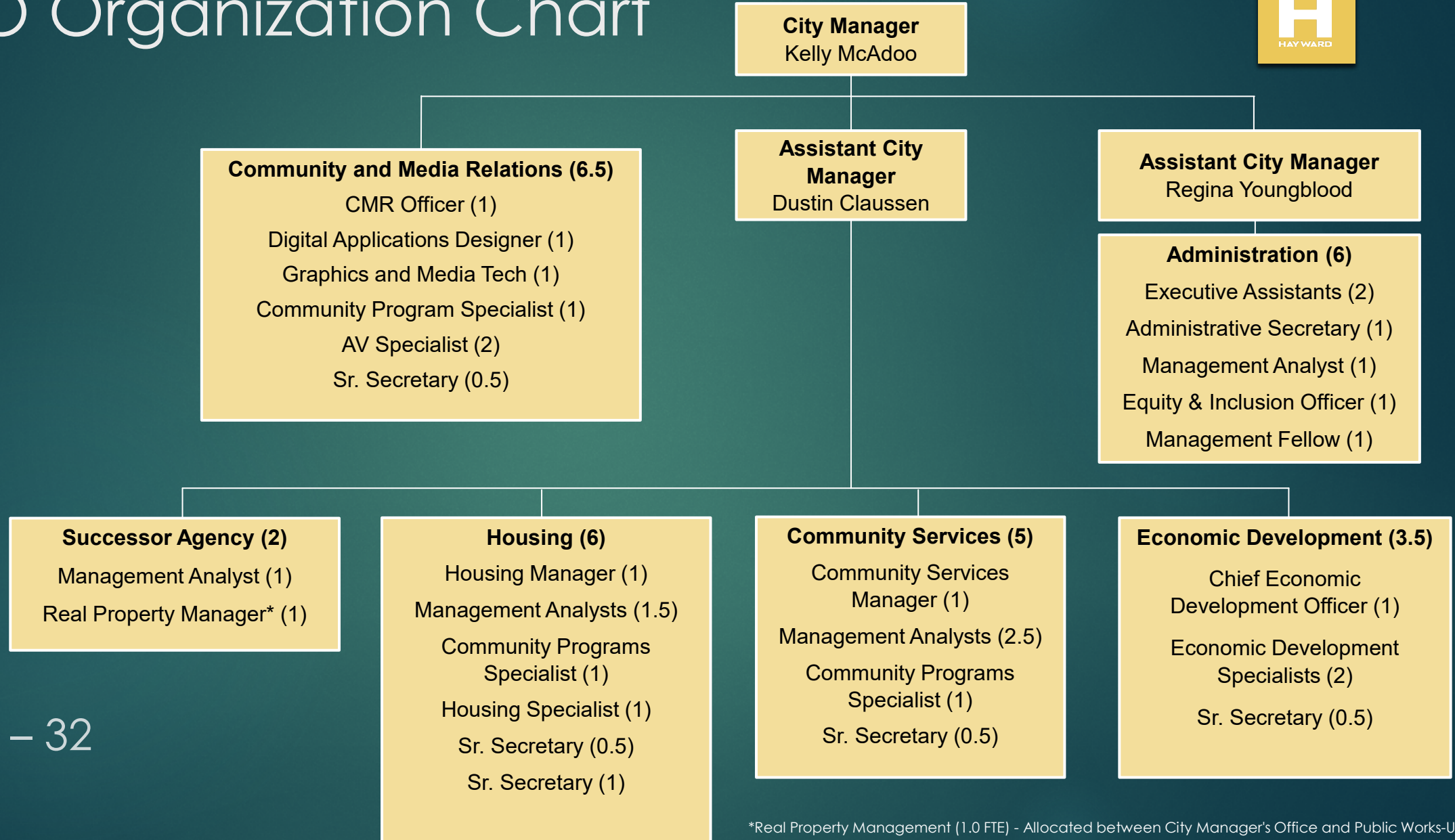
City Charter – City Manager Form of Government



SECTION 705. - 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 the person's removal therefrom. 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.

CMO Organization Chart



FTE

FY 2023 – 32

*Real Property Management (1.0 FTE) - Allocated between City Manager's Office and Public Works-Utilities

CMO Nuts and Bolts



- ▶ Administrative Support
- ▶ Community inquiries
- ▶ Media inquiries
- ▶ Ceremonial requests – proclamations/resolutions/recognitions
- ▶ Council office budgets
- ▶ Council Referrals
- ▶ Legislative Program/Lobbyists

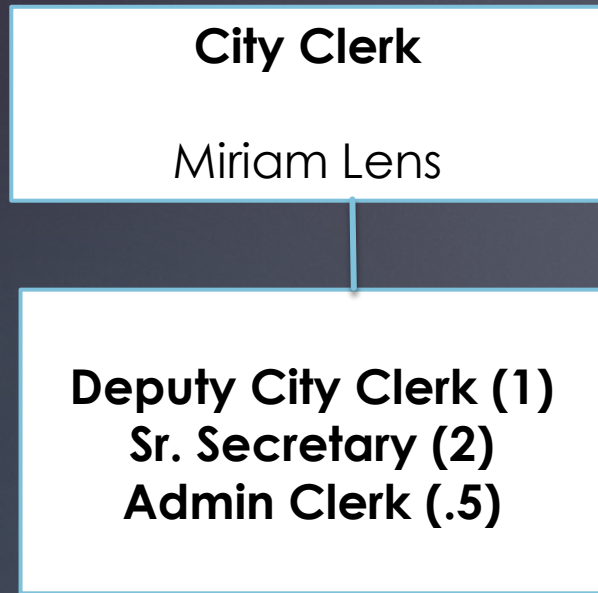
Questions & Discussion





MAYOR AND CITY COUNCIL ORIENTATION
OFFICE OF THE CITY CLERK
COUNCIL MEETINGS & COMMITTEES, CITY
COMMISSIONS AND TASK FORCES

CCO Organization Chart



FTE

FY 2022 – 4.5

FY 2023 Proposed – 4.5

Services



- ▶ Records Management: Records Manager
 - ▶ Public Records Act
 - ▶ City Records Retention
- ▶ Council, Commissions, Committees and Task Forces
 - ▶ Recruitment
 - ▶ Attendance Records
 - ▶ Sexual Harassment Prevention/Ethics Trainings
- ▶ Elections: Elections Official
 - ▶ Voter Registration
 - ▶ Consolidated Elections for Council
 - ▶ Ballot Measures/Charter Amendments
 - ▶ Initiative
 - ▶ Referendum
 - ▶ Recall

Services (Cont.)



- ▶ Political Reform Filing Officer
 - ▶ Filing Officer for Form 700 – Statement of Economic Interests
 - ▶ Filing Officer for Campaign Finance Forms
- ▶ Public Service
 - ▶ Liaison between the public and the City Council
 - ▶ Passport Program
- ▶ Local Legislation Auditor
 - ▶ Public Hearing Notices
 - ▶ Contracts and Agreements
 - ▶ Ordinances and Resolutions
 - ▶ Municipal Code/City Charter

Services (Cont.)



- ▶ Municipal Officer
 - ▶ Clerk of the Council
 - ▶ Oaths of Office
 - ▶ Maintain Custody of the City Seal
 - ▶ Accept Claims, Subpoenas, and Lawsuits

FY23 Major Projects



- ▶ Fill Sr. Secretary position and Admin Clerk position
- ▶ Restore Passport Program
- ▶ Conduct demographic audit of Council appointed bodies
- ▶ Manage the recruitment of 2023 City Commissions and Keep Hayward Clean and Green Task Force
- ▶ Guide hybrid meetings process for Council appointed bodies
- ▶ Update City Records Management Program
- ▶ Implement Phase II of the City's Public Records platform, GovQA

Council Meetings

- ▶ Subject to Ralph M. Brown Act "Brown Act" (Gov. Code sec 54950, et seq.)
- ▶ Regular/Special Meetings, Closed Sessions
- ▶ Rules of Order governed under Robert's Rules of Order
 - ▶ Points of Order
 - ▶ Decorum and Order
 - ▶ Council
 - ▶ Public
- ▶ Agenda and Order of Business
- ▶ Conflict of Interest (Disqualifications)
- ▶ Addressing the Council
- ▶ Motion
- ▶ Voting Procedure
- ▶ Council Minutes

Committees, City Commissions, Task Forces and Other Meeting Bodies



- ▶ Council Standing Committees

- ▶ Six committees comprised of three members of the City Council.
- ▶ Subject to the Brown Act.

- ▶ Commissions and Task Forces

- ▶ Meeting bodies comprised of Hayward residents.
- ▶ Subject to the Brown Act.
- ▶ Council Liaison.

- ▶ Alameda County Agencies and Other Regional Boards

- ▶ Mayor appoints members of the City Council to various agencies.
- ▶ Agency Report of Public Official Appointments (Form 806)

Committees, City Commissions, Task Forces, and Other Meeting Bodies



- ▶ Hayward Police Department Community Advisory Panel
 - ▶ Sounding board to the Chief of Police
- ▶ Community Task Force
 - ▶ Update the 1992 Hayward Anti-Discrimination Action Plan
 - ▶ Agency Report of Public Official Appointments (Form 806)
- ▶ Hayward Local Agencies Committee HLAC
 - ▶ City of Hayward, Hayward Unified School District, and Hayward Area Recreation and Park District.
- ▶ Alameda County Mosquito Abatement District
- ▶ Ad-Hoc Committees

Questions & Discussion





Mayor & City Council Orientation
**City Attorney's Office; Ethics, Conflicts of Interest,
Harassment Prevention; Brown Act & Public Records
Act; Confidentiality; City Charter**

CAO Organization Chart



City Attorney
Michael Lawson

Attorney (6)
Senior Paralegal (1)
Paralegal (1)
Legal Secretary (1)

FTE

FY 2022 – 10

FY 2023 Proposed – 10

Services



- ▶ Department Overview

- ▶ CAO serves as corporate counsel and legal adviser to the City Council, City Manager, and staff in their official capacities, and advisory bodies such as the Planning Commission and Personnel Commission. The advice and representation are provided within a highly ethical and principled environment.

- ▶ Program Summary

- ▶ The Legal Services Program is responsible for:
 - ▶ 1. Timely and accurate legal advice on transaction matters
 - ▶ 2. attendance at policy-making meetings, including City Council, Planning Commission and Personnel Commission
 - ▶ 3. Prompt and courteous customer service for community residents
 - ▶ 4. Aggressive representation in court and administrative forums
 - ▶ 5. Reduction or elimination of risks and hazards associated with City activities and projects
 - ▶ 6. Management of the City's liability insurance program and procurement of the City's general liability, property, auto, and fiduciary insurance coverages
 - ▶ 7. Review and determination regarding government claims

FY23 Major Projects



- ▶ Monitor and apprise Council and City staff of changes in State law regarding emergency and pandemic requirements for virtual, hybrid, and in-person meetings.
- ▶ Track and advise on emergency and pandemic moratoria on rent increase, evictions, and foreclosures
- ▶ Close all claims that do not convert to litigation within 36 months from fiscal year filing. Maintain annual ratio 1:4 for claims paid, compared to claims filed.
- ▶ Resolve all litigation including claims for federal jurisdiction, within 36 months from fiscal year filing.
- ▶ Resolve the legislative conflict between the Surplus Land Act and the Local Area Transportation Improvement Project legislation, which has caused chaos in the disposition of the abandoned Route 238 parcel groups.
- ▶ Support the Hayward Police Department's goals of streamlining the independent investigative process for high profile critical incidents.
- ▶ Resume the student internship program, during the summer and around the academic year.

Ethics, Conflicts of Interest, Harassment Prevention

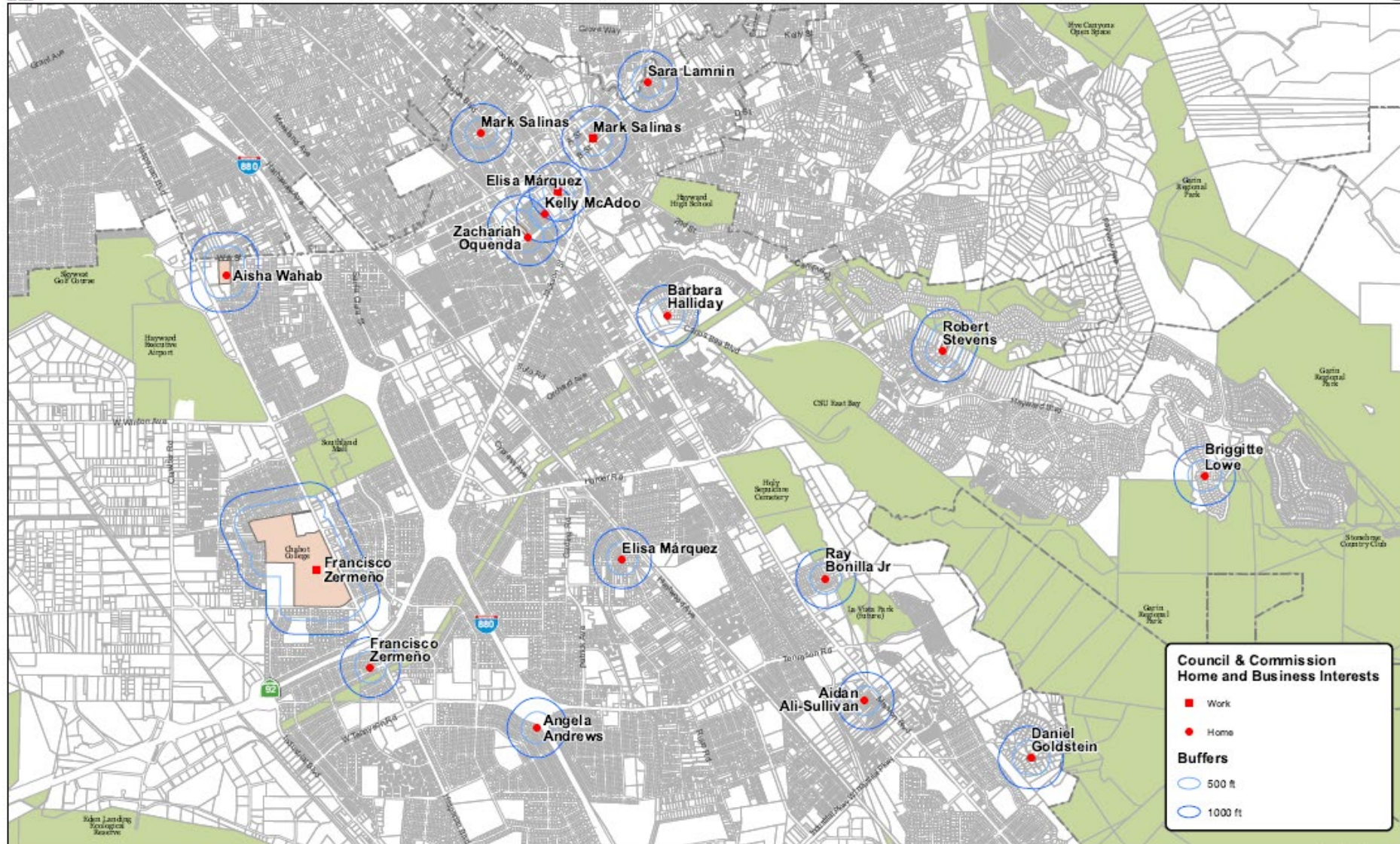


- ▶ [Introduction to Ethics Training](#)



2021 City Council, Planning Commission, City Manager Home and Business Interests

0 0.25 0.5 1 Miles



September 2021

The Brown Act



- ▶ The Brown Act requires California governments to have public meeting
- ▶ The Brown Act applies to City of Hayward legislative bodies such as the City Council, Planning Commission and Youth Commission
- ▶ Meetings must have posted agendas, public meeting spaces that are ADA-accessible
- ▶ No secret meetings unless specifically authorized under the Brown Act such as pending litigation, labor negotiations, etc. 'Secret' meetings are misnomer because the Brown allows 'closed' sessions if correctly agendized
- ▶ No texting or use of electronic devices during meetings
- ▶ Do not text or email or discuss the commission's business outside of a public meeting – communicate with staff
- ▶ Quorum must be present to start and continue meetings – a quorum is a majority of the commission's members
- ▶ Meetings should allow for full discussion by all members, and members of the public are entitled to speak on issues
- ▶ Commission should select a chairperson and vice-chairperson to lead meetings – chairperson should be fair and flexible
- ▶ The commission 'acts' by the making and seconding of motions, followed by a vote to carry or defeat the motion – a motion must be carried by a majority of those members voting on it
- ▶ The commission should have a secretary to maintain a record of the action taken – these are called 'minutes' and the minutes of a prior meeting should be available at the subsequent meeting

The Public Records Act



- ▶ Enacted in 1968
- ▶ Public Records Act requires public access to most records generated by public agencies, including the Youth Commission
- ▶ Emails, texts, reports are considered public records if they discuss public business
- ▶ No reason or justification has to be given in order to make a public records request
- ▶ City receives thousands of requests every year

The City Charter



- ▶ [Charter | Hayward, CA | Municode Library](#)

Questions & Discussion

