



**COMMUNITY SERVICES COMMISSION**

Hayward City Hall  
777 B Street, Hayward, CA 94541  
Conference Room 2A

**REGULAR MEETING AGENDA**

Wednesday, November 20, 2013 – 7PM

**I. Call to Order**

**II. Pledge of Allegiance**

**III. Attendance**

**IV. Public Comments**

*The Public Comments section provides an opportunity for members of the public to address the Commission on items not listed on the agenda. The Commission 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 Commission is prohibited by State law from discussing items not listed on the agenda, each item will be taken into consideration, and may be referred to staff. Speakers will be limited to 5 minutes each.*

**V. Approval of Summary Notes from the October 16, 2013 Regular Meeting**

**VI. Office of the City Attorney: Brown Act and Conflict of Interest Training**

**VII. Emergency Solutions Grant FY 2013-2014**

**VIII. FY 2014-2015 Funding Process**

- A. Summary of Submitted Proposals
- B. Infrastructure Application Review Committee (ARC): Presentation of ARC Recommendations
- C. Action Item: FY 2014-2015 Draft Infrastructure Funding Recommendations
- D. Next Steps

**IX. FY 2013-2014 Liaison Assignments**

**X. Future Agenda Items (Nonrecurring)**

**XI. Commissioner Announcements**

**XII. Adjournment**

777 "B" STREET, 2<sup>ND</sup> FLOOR  
HAYWARD, CALIFORNIA, 94541  
CSD RECEPTION: 510-583-4250  
WWW.HAYWARD-CA.GOV

Please do not wear scented products, as persons with environmental sensitivities may be in attendance. Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Please request the accommodation at least 72 hours in advance of the meeting by calling (510) 583-4250, or by calling the TDD line for those with speech and hearing disabilities at (510) 247-3340.



Materials related to an item on this Agenda, submitted to members of the Commission after distribution of the Agenda packet, are available for public inspection in the Community Services Division Office of the Library and Community Services Department, 777 B Street, Hayward CA 94541, during normal business hours. Such documents are also available on the City of Hayward's website at [hayward-ca.gov](http://hayward-ca.gov) subject to staff's ability to post the documents before the meeting.



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**COMMUNITY SERVICES COMMISSION**

Wednesday, October 16, 2013

**Summary Notes**

**I. Call to Order**

Meeting called to order at 7:03PM.

**II. Pledge of Allegiance**

All in attendance recited the Pledge of Allegiance.

**III. Attendance**

City staff called the attendance of the Community Services Commission (CSC), and noted attendance on the Attendance Sheet.

Commissioners in Attendance:

- |                      |                     |                        |
|----------------------|---------------------|------------------------|
| 1. Araujo, Crystal   | 6. Evans, Valarie   | 11. Manapragada, Sai   |
| 2. Balram, Neha      | 7. Fagalde, Diane   | 12. Moore, Linda       |
| 3. Bonilla Jr., Ray  | 8. Frink, Dania     | 13. Romero, Aramis     |
| 4. Chiasson, Cynthia | 9. Guernsey, Peggy  | 14. Samayoa, Elizabeth |
| 5. Davis, Todd       | 10. Leppert, Robert | 15. Willis Jr., Julius |

Commissioners Absent: None

Council Members in Attendance: Barbara Halliday

Staff in Attendance:

1. Sean Reinhart, Director of Library and Community Services
2. Dawn Jaeger, Community Services Division Manager
3. Dana Bailey, Senior Property Rehabilitation Specialist
4. Grace Kong, Administrative Analyst I
5. Rachael McNamara, Administrative Secretary

Guests in Attendance: Guests signed the Guest Sign-In Sheet.

**IV. Public Comments**

Sara Lamnin from South Hayward Parish announced the You Have a Place at the Table, Book to Action: Ending Homelessness and Hunger in Hayward event: November 16, 2013, 1-4PM.

## **V. Approval of Summary Notes from the September 18, 2013 Regular Meeting**

Commissioner Leppert motioned to approve the September 18, 2013 Summary Notes. Commissioner Chiasson seconded the motion. *The CSC approved the September 18, 2013 Summary Notes with 11 Yes, 1 No, and 1 Abstain.* Commissioners requested that staff provide more detail in future summary notes, with particular attention to discussion items and announcements. Staff agreed to provide more detail in future summary notes.

## **VI. Debrief of the Fall Tour of Funded Agencies**

Commissioners conducted a site visit of four FY 2013-2014 funded agencies, which included Ruby's Place (formerly Emergency Shelter Program), South Hayward Parish, Alameda County Community Food Bank, and the Alameda County Office of Education: Project Educate.Act.Thrive (EAT).

Commissioners in attendance provided generally positive feedback regarding the visit. There was particular mention of how the tour was well-organized and informative. In addition to the debrief, staff will send out an online survey to commissioners that attended the tour in an effort to obtain more detailed feedback.

Commissioner Evans inquired as to whether funded agencies have observed a change in client demographics. Staff shared that funded agencies noted an increase in the total number of residents accessing services, as well as more male residents accessing food pantry services.

## **VII. Presentation of FY 2013-2014 Funded Agencies**

Staff provided a PowerPoint presentation of all FY 2013-2014 funded agencies. The presentation summarized the services provided and target populations of each program. A total of thirty-eight programs are funded in FY 2013-2014.

## **VIII. FY 2014-2015 Funding Process**

### **A. Events Coordinator Appointment**

The Events Coordinator position is one of three activity coordinators included in the Community Services Commission bylaws (Paratransit and Agency Liaison are the other two). As the Events Coordinator position was left vacant during the last appointment schedule, commissioners were presented with the options to appoint or elect a new Events Coordinator, or leave the position vacant. *CSC Chairperson Bonilla Jr. appointed Commissioner Fagalde as the Events Coordinator.*

## B. Application Review Committee Appointments

Staff reviewed the three Application Review Committees (ARCs), which included the Infrastructure ARC (Facilities Rehabilitation, Economic Development, and Capacity Building), the Services ARC (Housing and Homelessness Prevention, Crises Prevention and Intervention, Youth Services, Services for Seniors and People with Disabilities), and the Arts and Music ARC.

*CSC Chairperson Bonilla Jr. appointed two ARC chairpersons: Commissioner Guernsey as the Infrastructure ARC Chairperson and Commissioner Willis as the Arts and Music ARC Chairperson. As stated in the Bylaws, CSC Vice-Chairperson Commissioner Moore will also serve as the Services ARC Chairperson.*

Commissioners indicated as to which ARC they chose to serve as follows:

### Infrastructure (November 16, 2013)

1. Peggy Guernsey\*
2. Cynthia Chiasson
3. Diane Fagalde
4. Ray Bonilla Jr.
5. Sai Manapragada
6. Todd Davis
7. Valarie Evans

Alternates: None

### Services (December 7, 2013 and January 11, 2014)

1. Linda Moore\*
2. Cynthia Chiasson
3. Dania Frink
4. Diane Fagalde
5. Neha Balram
6. Peggy Guernsey
7. Valarie Evans

Alternates: None

Arts and Music (February 1, 2014)

1. Julius Willis\*
2. Aramis Romero
3. Crystal Araujo
4. Dania Frink
5. Linda Moore
6. Robert Leppert
7. Sai Manapragada

Alternates:

1. Cynthia Chiasson
2. Diane Fagalde

**\*Committee Chairs**

Staff distributed CityDataServices login information and user personal identification codes to be used for application review. Staff also agreed to provide hard copies of applications and attachments to commissioners upon request, and noted which commissioners did want hard copies.

C. Application Review Committee Dates

Staff alerted commissioners that the Infrastructure ARC was originally scheduled for November 9, 2013, which coincides with the Veteran's Day observance. Staff asked commissioners if it was advisable to reschedule the Infrastructure ARC to an alternate date. *Commissioners approved rescheduling the Infrastructure ARC from November 9, 2013 to November 16, 2013.*

**IX. Non-Action Items**

A. Paratransit Report

Commissioner Guernsey provided a report on Paratransit activities as the Paratransit Coordinator, which included an overview of agencies funded Paratransit grants issued by the City, as well as direct experience as a user of Paratransit services.

Staff provided a report of Paratransit activities, rider enrollment and usage.

## B. Commissioner Announcements

- Commissioner Araujo inquired if the City has previously funded any programs that provide services specific to the veteran population.
- Councilmember Halliday and Commissioner Fagalde shared the success of the Annual Volunteer Dinner.
- Councilmember Halliday announced the Veteran's Day Celebration: November 11, 2013 11AM.
- Councilmember Halliday provided an overview of the proposed Food Sharing Ordinance.
- Commissioner Chiasson announced the Women on the Way holiday dinner and fundraising event: November 12, 2013 6-9PM.
- Commissioner Fagalde announced the City-sponsored Restaurant Walk: October 18, 2013 5-9PM.
- Commissioner Guernsey announced that it was still Breast Cancer Awareness month.

## X. Future Agenda Items (Nonrecurring)

Agenda items noted for the November meeting follows:

- Office of the City Attorney: Brown Act and Conflict of Interest Training
- Review of the Infrastructure ARC funding recommendations.
- Agency Liaison Assignments.

## XI. Adjournment

Meeting adjourned at 8:29pm.



**TO:** Boards and Commissions and Keep Hayward Clean and Green Task Force

**FROM:** Maureen Conneely, Assistant City Attorney

**SUBJECT:** Review of the Brown Act, Attendance Policy and Conflict of Interest Rules

This memorandum presents a broad overview of the Brown Act, the City Council’s attendance policy and conflict of interest regulations for the City’s Boards and Commissions and the Keep Hayward Clean and Green Task Force.

**Ralph M. Brown Act**

The Ralph M. Brown Act (“Brown Act”) is California’s “sunshine” law for local governments. Based upon state policy that the people must be informed so that they can maintain oversight of their government, the Brown Act requires that all meetings of the legislative bodies of a local agency be open and public, unless an exception exists. The City Council and all the City’s boards and commissions, including the Keep Hayward Clean and Green Task Force, are legislative bodies for purposes of the Brown Act.

*Meetings:* Under the Brown Act, a meeting is any congregation of a majority of the members of a legislative body at the same time and the same place to hear, discuss or deliberate on any item that is within the subject matter jurisdiction of the local agency. All deliberations during a meeting of the legislative body must be conducted in open session. The Brown Act, however, does not limit individual contacts between a member of the legislative body and any other person, except in the context of "serial meetings" which are discussed below. The Brown Act also permits the majority to attend a social gathering, provided that agency business is not discussed.

Under the Brown Act, the public has a right to address the City’s legislative bodies at any meeting on any topic that is within that body’s subject matter jurisdiction. However, the City has the right to limit public speech through the imposition of agendas and rules of order and decorum.

*Discussing Items Not On The Agenda:* While the Brown Act generally prohibits acting on or discussing items not on the posted agenda, it allows the following actions:

- Brief responses to statements made or questions posed by persons exercising their public comment rights.
- Questions of staff or the speaker for clarification.
- Brief announcements.
- Brief reports on Commissioner or Board Member activities.
- Referrals to staff for additional information or action.
- Reports back to the Board or Commission on any matter.
- Direction to staff to place a matter of business on a future agenda.

While neither the legislature nor the courts have provided guidance on what a “brief” statement, comment, announcement or report may be, discretion dictates that the remarks be completed within a few minutes. Caution should be used to avoid any discussion or action on an item that has not been agendized.

*Technological Communications and Serial Meetings:* The Brown Act applies to all meetings of the City’s legislative bodies. One of the most frequently asked questions about the Brown Act involves serial meetings. The serial meeting may be a "daisy-chain" style meeting in which one member contacts another member and that member contacts a third member who then contacts a fourth member, etc., until a quorum has been reached. Another type of serial meeting is the hub-and-spoke meeting, in which one member or a staff person contacts all other members. The Brown Act is violated if several one-on-one conferences leads to a discussion, deliberation or action by a majority of the members of the legislative body. Communications among a majority of members in person or through e-mail, text, telephone or participation in an on-line forum (“blogs”) may result in a "meeting" for purposes of the Brown Act.

*Remedies for Brown Act Violations:* The District Attorney or any interested person can file a civil action to compel a local agency to comply with the Brown Act. Persons who wish to invoke the Brown Act's civil remedies must first provide the legislative body notice and an opportunity to cure its actions. An interested person who successfully invalidates a legislative body's action can recover attorney's fees and costs from the local agency (not the individual members). However, a violation of the Brown Act by a member of the legislative body who acts with improper intent is punishable as a misdemeanor. The member must intend to deprive the public of information to which the member knows or has reason to know the public is entitled in order to be found guilty of a misdemeanor.

## **Attendance Policy**

The City's Charter requires that the appointed members of the City's boards, commissions and task force comply with some attendance standards. Under the Charter, if a member is absent for three consecutive regular meetings, then that member's seat shall be declared vacant by the City Council. The City Council also adopted Resolution No. 87-323, which requires that the appointed members shall be required to attend not less than 75% of all regular meetings. Attendance records are reviewed each year by the City Council, and the failure to meet the attendance requirements may result in the removal of a member from his or her appointed position by the City Council. A copy of Resolution No. 87-323 is attached.

## **Conflicts of Interest**

Public officials, including members of the City's boards, commissions and the Keep Hayward Clean and Green Task Force, are governed by several different conflict-of-interest laws. The most comprehensive conflict of interest rules are enacted by the Fair Political Practices Commission (FPPC) and derive from the California Political Reform Act. Common law conflict-of-interest rules also may preclude a public official from acting in a manner that creates an appearance of impropriety.

The FPPC conflict-of-interest analysis involves answering a series of questions:

- (1) Are you a public official?
- (2) Are you making, influencing or participating in a governmental decision?
- (3) What are your economic interests?
- (4) Are your economic interests directly or indirectly involved in the governmental decision?
- (5) Are your economic interests material?
- (6) Is it reasonably foreseeable that the materiality standard will be met by the governmental decision?
- (7) If you have a conflict of interest, does the "public generally" exception apply?
- (8) If you have a disqualifying conflict of interest, is your participation legally required?

Members of the City's boards, commissions and the Keep Hayward Clean and Green Task Force are public officials who participate in governmental decisions, either directly or in an advisory capacity. Economic interests include real property (owned or leased), businesses, investments, gifts, salaries and other sources of income belonging to you or your immediate family. For example, if an applicant is the source of \$500 in income to you - either personally, or through a family member or a business that you own - in the 12 months prior to the time of your action on an applicant's application, you likely have a conflict of interest on that particular application. Generally speaking, public officials are precluded from participating in a decision if they own property that is within 500 feet of the property that is the subject of the action.

Once the public official determines that a conflict of interest exists, the public official must publicly identify the economic interest involved, including specific details about the economic

interest. For real property, this means the location of the real property must be disclosed, unless it is the public official's residence. This disclosure must be done after the announcement of the agenda item but before discussion of the item. The public official must then immediately leave the room.

An overview of conflicts regulations prepared by the FPPC is available either on-line at [www.fppc.ca.gov](http://www.fppc.ca.gov) or from City staff. Violations of the Political Reform Act may result in fines and/or criminal, civil or administrative proceedings. As the conflict of interest analysis is both factually and legally intensive, it is always wise to consult with the City Attorney's office in advance so that a thorough review can be conducted.

### FPPC Form 700

California law and the City's regulations require that members of the City's boards, commissions and the Keep Hayward Clean and Green Task Force periodically file a Statement of Economic Interest, also known as a Form 700. The information that must be disclosed on the Form 700 is determined by the disclosure categories to which the member's board, commission or task force has been assigned. The City's conflict of interest code and its disclosure categories are established by the City Council and reviewed every two years.

Every City board, commission and task force member is required to file a Form 700 upon assuming office, annually thereafter, and upon leaving office. Because the types of disclosure varies, as do the economic interests of the City's appointed officials, it is beyond the scope of this memorandum to discuss Form 700 specific requirements. The FPPC has prepared a reference pamphlet to assist public officials in completing the form, and staff in the City Clerks' office and the City Attorney's office are available to answer questions. The City Clerk's office will notify members when a Form 700 filing is due.

HAYWARD CITY COUNCIL

RESOLUTION NO. 87-323 C.S.

Introduced by Councilmember WARD

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RESOLUTION ESTABLISHING POLICY WITH REGARD  
TO BOARD AND COMMISSION ATTENDANCE AND  
RESCINDING RESOLUTION NO. 87-011 C.S.

WHEREAS, the City Council of the City of Hayward feels that the role of boards and commissions as advisory agencies to the City Council is invaluable; and

WHEREAS, the importance of the function they serve cannot be overemphasized; and

WHEREAS, Section 905 of the City Charter in part provides that if members of a board or commission absent themselves from three consecutive regular meetings of the board or commission without permission, their offices shall become vacant and shall be so declared by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the following policies concerning the attendance of board and commission members at meetings of the board or commission upon which they serve shall be adopted:

- (1) Members of boards or commissions shall be required to attend not less than 75% of all regular meetings held;
- (2) In compliance with the City Charter, failure by a member to attend three consecutive regular meetings of a board or commission will be cause for Council declaring the member's position vacant;
- (3) Boards and commissions shall not excuse or otherwise grant permission to their members to be absent from any future regular meeting of the board or commission;
- (4) Attendance records will be reviewed by the City Council in June of each year based on the previous 12-month period (June 1 through May 31), except for appointments effective July 1st or thereafter.
- (5) The City Council will remove or not reappoint any board or commission member who has failed to

attend at least 75% of all regular meetings held during the 12-month period noted in paragraph (4) above, unless, upon the appeal of a board or commission member that is filed within seven (7) days of notification that such attendance requirement has not been met, the City Council determines that a lesser attendance record is the result of unusual and excusable circumstances. Examples of unusual and excusable circumstances that may, but need not, result in retention of a board or commission member include a comparatively infrequent meeting schedule of the board or commission upon which the member serves over the 12-month period; absences that result from the member's attendance at other City-sponsored or City-endorsed functions that conflict with a board or commission meeting time; and the illness or injury of a family member that required the absence of the board or commission member from the City. In all cases in which the City Council considers the appeal of a board or commission member under this paragraph, the Council shall take into account the attendance of the board and commission member for the entire period that the member has served on City boards and commissions and the likelihood that the member's current year attendance will meet the 75% attendance standard in the future.

BE IT FURTHER RESOLVED that Resolution No. 87-011 C.S. is hereby rescinded.

IN COUNCIL, HAYWARD, CALIF. November 10, 1987

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JIMENEZ, BRADLEY, CAMPBELL, BRAS, SWEENEY, WARD

MAYOR: GIULIANI

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

ATTEST: Angelina M. Reyes  
Acting City Clerk of the City of Hayward