



## PLEASE BRING YOUR CALENDARS

Keep Hayward Clean and Green Task Force  
**Hayward City Hall, Room 1C**  
**Special Meeting - 6:30 PM**  
**October 24, 2013**

### Revised **Agenda**

- I. Call to Order (6:30pm)
- II. Pledge of Allegiance (6:32pm)
- III. Roll Call (6:35pm)
- IV. Public Comments: *(The Public Comments section provides an opportunity to address the Task Force on items not listed on the agenda. The Task Force welcomes your comments and requests that speakers present their remarks in a respectful manner, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Task Force is prohibited by State law from discussing items not listed on the agenda, your item will be taken into consideration, and may be referred to staff).* (6:35pm – 6:40pm)
- V. Review of the Brown Act, Attendance Policy, and Conflict of Interest Rules (Maureen Conneely) 6:40pm – 7:10pm)
- VI. Approval of the Summary Notes from September 26, 2013 (7:10pm – 7:15pm)
- VII. Financial Report (7:15 – 7:20)
- VIII. Cleanup Events (7:20pm – 7:55pm)
  - a. September 28, 2013 Burbank Neighborhood (Super/Gayle)  
Meet at: Burbank Elementary School
  - b. October 26, 2013 Make a Difference Day (Bowers)  
Meet at: Palma Ceia Elementary School  
Discuss Logistics and Assign Tasks
  - c. November 23, 2013 Whitman-Mocine Neighborhood  
Meet at: Tennyson High School
- IX. Clean and Green Policy (7:55pm – 8:05pm)
  - a. Graffiti Vandalism Prevention – Ad Hoc Committee Update (Bowers / Horner)
- X. Action Items and Issues (8:05pm – 8:40pm)
  - a. 2014 Cleanup Schedule January – May (Assignments)
  - b. 2014 Meeting Schedule (Approval)
  - c. 2014 Water Bill Inserts (Update – Kamai)
  - d. Chair Report (Bowers)
  - e. Roundtable

XI. City Status Reports/Updates (8:40pm– 8:55pm)

XII. Review Future Agenda / Action Items (8:55pm – 9:00pm)

- a. Mapping Project (Gayle/Kamai)
- b. Finance Committee Purpose/Role (January 2014)
- c. KHCG Task Force Safety
- d. Third Annual City Wide Garage Sale
- e. Anti-litter Campaign (Bowers)

XIII. Next Meeting November 21, 2013

Note: Moved from 11/28 due to conflict w/Thanksgiving Holiday

XIV. Adjournment



**Please do not wear scented products to this meeting.**

People who have environmental sensitivities may be in attendance. Assistance will be provided to those requiring accommodations for disabilities in accordance with the Americans with Disabilities Act of 1990. Please request needed accommodations at least 72 hours in advance of the meeting by calling (510) 583-4340, or by calling the TDD line for those with speech and/or hearing disabilities at (510) 247-3340



**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 agendaized.

*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



Keep Hayward Clean and Green (KHCG)  
Task Force (TF) Meeting Notes  
Hayward City Hall, Room 2A  
777 B Street, Hayward  
September 26, 2013

**I. Call to Order:** Meeting called to order at 7:02 p.m. by Chair Blytha Bowers

**II. Pledge of Allegiance:** The Pledge of Allegiance was led by Heather Enders

**III. Roll Call:**

**City Council & Staff:** Stacey Bristow, Neighborhood Partnership Manager; Vera Dahle-Lacaze, Solid Waste Manager; Eric Pearson, Environmental Services Manager; Linda Ajello, Associate Planner

**Task Force Members Present:** Carolina Abatayo; Florine Banks; Blytha Bowers; Lynne Clifton; Radonna Foley-Scott; Heather Enders; Suzanne Gayle; Rich LaPlante; Robert Miller; Tony Perini; Moses Sullivan; Kathy Super; Wandra Williams

**Task Force Members Absent:** Dana Caines; Chuck Horner; Laura Oliva; Tawana Smith; Aisha Wahab

**Youth Commission Liaison:** None

**Guests (Visitor Sign-In):**

**IV. Public Comments:** None.

**V. New Member Introductions:** Newly appointed and returning task force members introduced themselves and provided a brief background on why they wanted to join the task force.

**VI. Presentations 47.35**

- a. Proposed New Services & Enhancements Waste Management (Vera Dahle-Lacaze) – Ms. Dehale-Lacaze spoke about the cities contract with waste management, to collect recyclables, organics and trash from multi residents and businesses in the city. She explained that in July the City Council authorized staff to begin discussions with waste management to determine whether a new agreement could be reached. Staff will report back to Council in November on the status of those discussions. Staff has scheduled presentation with a wide variety of neighborhood groups to obtain suggestions for new services and/or improvements to current services. For this purpose, staff developed four different surveys for residents; one for single family households, one for multifamily residents, one for multifamily property owners and managers, and one for business owners and managers. Task Force members were asked to participate by completing the appropriate survey that applies to their circumstance. Ms. Dahle-Lacaze and Eric Pearson answered task force member and staff questions.
- b. Tobacco Ordinance (Stacey Bristow) – Associate Planner Linda Ajello provided background on the development of the tobacco ordinance. She said that in late 2011 the City Council directed staff to begin creating draft regulations for a tobacco ordinance to regulate not only tobacco sales establishments and paraphernalia, but also to restrict smoking lounges. She added that the current ordinance does not define tobacco or various smoking paraphernalia. Ms. Ajello said staff is receiving assistance from the Alameda County Health Department, which had received grant funds to work with local jurisdictions to adopt tobacco ordinances. Staff continues to develop more comprehensive regulations, including locational restrictions on where tobacco retail stores can be located in proximity to schools and churches. She said the main purpose of these regulations are to prohibit the sale of single-sale tobacco products like cigars and candy-flavored tobacco products, or any item that is designed to emulate smoking to minors.

Ms. Ajello said community outreach meetings were planned for community feedback, followed by work sessions with both the Planning Commission and City Council, before the draft language would be presented to the Planning Commission for review.

Neighborhood Partnership Manager Stacey Bristow added that the Center for Tobacco Policy and Organizing already has a strong model of what a tobacco ordinance looks like. She said there are ninety-four other cities in California who have adopted a similar program with huge success, seeing a significant reduction in sales to minors. Ms. Bristow mentioned that Alameda County has worked with cities within its jurisdiction to specifically help adopt such an ordinance; cities include Albany, Union City, Berkley, and Oakland. Ms. Bristow added that a large component of the ordinance will focus on enforcement and fees and penalties.

Ms. Ajello and Ms. Bristow answered task force member questions.

- c. 2014 KHCG Initiatives – Chair Bowers reviewed previously identified KHCG priorities and the KHCG mission. She encouraged task force members to participate by volunteering to work on at least one of the four initiatives. She provided a brief summary of each initiative; the Annual City Wide Garage Sale; Adopt-a-Block Program; Graffiti Vandalism Prevention; and Make a Difference Day.

**VII. Approval of the Summary Notes from September 26, 2013:** It was **motioned/seconded** (Banks/Foley-Scott) and passed by majority vote to approve the August 24, 2013 meeting notes: (11:0:2:5 absent)

**VIII. Cleanup Events/Activities:**

- a. September 28, 2013 Burbank Neighborhood (Super/Gayle) - Logistics and administrative procedures were reviewed. TF Member Kathy Super reported that she has canvassed the area and identified and reported main areas of concern to streets staff, which will go out and cleanup those areas ahead of the event. She mentioned that she has provided the school with event flyers in English and Spanish. She added that the Kids Breakfast Club will be serving breakfast.
- b. October 26, 2013 Make a Difference Day - Logistics and administrative procedures were reviewed.
- c. Adopt-a-Block Program (Bowers) – No information or updates at this time.

**IX. Education and Marketing:**

- a. Youth Commission – No information or updates at this time.
- b. Sustainability – No information or updates at this time.

**X. Clean and Green Policy:**

- a. Graffiti Vandalism Prevention – No information or updates at this time.

**XI. Action Items and Issues (8:25pm –8:45pm)**

- a. 2014 Cleanup Schedule/Areas/Outreach – Ms. Bristow reported that in order to move forward with ordering the water bill inserts, the task force would need to identify at least the first six months of cleanup areas. She provided a brief review of previous years cleanup areas. After discussion the task force decided to repeat the same cleanup areas from January 2013 through May 2013 noting Earth Day will be moved back to the month of May. The task force will discuss the remaining schedule for 2014 at a future meeting. It was noted that area for the April 2014 cleanup will be the Jackson Triangle Neighborhood with a meet at site as John Muir Elementary School. May 2014 will be the City Wide Cleanup Event hosted by the City. It was **motioned/seconded** (Banks/Gayle) to approve the cleanup events as noted above. (13:0:0:5 absent)
- b. 2014 Water Bill Inserts – Ms. Bristow reported that staff will need approval of funding to order the first set of inserts for cleanups January 2014 – May 2014 as approved above. After discussion it was **motioned/seconded** (Banks/Enders) and unanimously approved to allocate \$1,000 to cover the cost of ordering the first set of water bill inserts. It was noted that the task force will have to approve funding at a future meeting for the second order, which will include the cleanup events June 2014 through November 2014. (13:0:0:5 absent)

- c. Task Force Member Term Limits – Chair Bowers reviewed current task force member term limits and asked task force members if they want the recommend that the city consider removing term limits for task force members. After discussion task force members agreed that they would prefer to have term limits removed.
- d. Chair Report (Bowers) – No new information at this time.
- e. Roundtable – TF members were given an opportunity to comment on any suggestions/ideas they may have and to report on any activities they have participated in.

**XII. City Status Reports/Update:** Stacey Bristow reminded task force members that the October task force meeting will begin at 6:30pm to accommodate Brown Act training.

**XIII. Review Future Agenda / Action Items:** This item was not reviewed.

**XIV. Next Meeting:** October 24, 2013.

**XV. Adjournment:** The meeting was adjourned at 9:50p.m.



# KEEP HAYWARD CLEAN & GREEN

## Clean-Up / Graffiti Removal Schedule 2014

Check the City of Hayward website for additional information [www.Hayward-CA.gov/KHCG](http://www.Hayward-CA.gov/KHCG)  
Click on Upcoming Clean Up Events for this schedule  
or contact **Blytha Bowers** 510-303-7924 or [blytha@aol.com](mailto:blytha@aol.com)

# DRAFT

## 2014 Clean-Up Schedule

<u>January 26, 2014</u> -	Meet at: Shiloh Baptist Church 22582 South Garden Ave. South Garden Neighborhood		
	Task Force Member: _____		
<u>February 23, 2014</u> -	Meet at: Corner of Tyrrell Ave. & Shepherd Rd. Tyrrell-Glassbrook Neighborhood		
	Task Force Member: _____		
<u>March 23, 2014</u> -	Meet at: Corner of B St. and Vermont St. Upper B Street Area		
	Task Force Member: _____		
<u>April 26, 2014</u> -	Meet at: John Muir Elementary School Site 24823 Soto Rd. Jackson Triangle Neighborhood		
	Task Force Member: _____		
<u>May 2014</u> -	<b>*City Wide Clean Up Event – April (Moved from May to coincide with Earth Day) – Need to confirm Date (This is not a KHCG event; it is a City event and is included on this schedule for informational purposes).</b>		
	<b>Area: City Wide Clean Up Event</b> Contact: 510-583-7777 <a href="mailto:CleanUpDay@hayward-ca.gov">CleanUpDay@hayward-ca.gov</a>		
<u>June 28, 2014</u> -	Meet at:	Area:	TF M:
<u>July 26, 2014</u> -	Meet at:	Area:	TF M:
<u>August 23, 2014</u> -	Meet at:	Area:	TF M:
<u>September 27, 2014</u> -	Meet at:	Area:	TF M:
<u>October 25, 2014</u> -	Meet at:	Area:	TF M:
<u>November 22, 2014</u> -	Meet at:	Area:	TF M:



## **KEEP HAYWARD CLEAN AND GREEN TASK FORCE (KHCG) 2014 MEETING SCHEDULE**

Meeting Location: CITY HALL  
2nd FLOOR CONFERENCE ROOM 2A  
777 B STREET  
HAYWARD, CALIFORNIA

Meeting Time: 7:00 P. M.

Meeting Dates: The Keep Hayward Clean & Green Task Force (KHCG) meets on the fourth Thursday of each month with two exceptions in November and December, or if otherwise noted.

January 23, 2014

February 27, 2014

March 27, 2014

April 24, 2014

May 22, 2014

June 26, 2014

July 24, 2014

August 28, 2014

September 25, 2014

October 23, 2014

November 20, 2014 (Third Thursday)  
(Moved from 11/27; conflict w/Thanksgiving Holiday)

December - NO MEETING SCHEDULED DUE TO HOLIDAY