



LIBRARY COMMISSION

Main Library Meeting Room
835 C Street, Hayward, CA 94541
October 20, 2014
6:30 PM

A G E N D A

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Minutes - *Regular Meeting of September 15, 2014***
- 5. Public Comment**

This section provides an opportunity to address the Library Commission on items listed on the agenda, as well as other items of interest. The Commission welcomes comments and requests that speakers present their remarks within established time limits. (Individual comments are set at a 3-minute time limit; comments on behalf of a group are set at a 5-minute time limit.) As the Commission 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.

- 6. Orientation: Brown Act, Attendance Policy, Trainings, and Form 700**
- 7. Presentation: Literacy Plus Program**
- 8. Election of Library Commission Officers**
- 9. Reports**
 - a. Director of Library and Community Services**
 - b. Friends of the Hayward Public Library**
 - c. Library Commissioners**
 - d. City Council Liaison**
- 10. Agenda Building**
- 11. Adjournment**



LIBRARY COMMISSION

MEETING MINUTES
 REGULAR MEETING OF SEPTEMBER 15, 2014
 MAIN LIBRARY MEETING ROOM
 835 C STREET, HAYWARD, CA 94541

I. CALL TO ORDER.

Commissioner Bufete called the meeting to order at 6:32pm.

II. PLEDGE OF ALLEGIANCE.

All in attendance recited the Pledge of Allegiance.

III. ROLL CALL

X = Present O = Absent

Commissioner	Attendance This Meeting	Present to Date Regular Meetings	Absent to Date Regular Meetings	Attendance Special Meetings
Shelby Bergeron	X	1	0	0
Lisa Brunner	X	1	0	1
Peter Bufete	X	1	0	1
Kelly Greenne	X	1	0	0
Brigette Lowe	X	1	0	1
Kari McAllister	O	0	1	0
Iris Murillo	X	1	0	1
Pedro Reynoso	X	1	0	0

City Staff:

Sean Reinhart, Director of Library and Community Services
 Rachael McNamara, Acting Administrative Analyst I, Library and Community Services
 Kevin Briggs, Senior Civil Engineer
 Morad Fakhrai, Director of Public Works – Engineering and Transportation

Noll & Tam Architects:

Chris Noll, Principal
 Scott Salge, Project Manager
 Trina Goodwin, Designer

Friends of the Hayward Public Library:

Judy Harrison, President

IV. INTRODUCTION/WELCOME OF NEW COMMISSIONERS

Commissioners as well as staff introduced themselves. During this time Noll & Tam staff, as well as Friends of the Hayward Public Library President, Judy Harrison introduced themselves to the group.

V. APPROVAL OF MINUTES

Commissioner Murillo motioned to approve the minutes of July 21, 2014 and Commissioner Greene seconded the motion. *The Library Commission approved the minutes of July 21, 2014 with 6 Yes, 0 Nos, and 1 Abstention.*

VI. PUBLIC COMMENT

There were no public comments.

VII. 21ST CENTURY LIBRARY AND COMMUNITY LEARNING CENTER – DESIGN UPDATE

Chris Noll provided a presentation of the design progress to date.

Mr. Noll reported that the project is mid-way between the design phase, and is currently focused on finalizing design details and elements in preparation for the next phase: the development of construction documents.

Mr. Noll noted that there will be two Community Design meetings coming up in October:

- Thursday, October 2nd, 6:15pm. Emphasis will be the 21st Century Library facility.
- Saturday, October 11th, 10:15am. Emphasis will be the Historic Plaza + Arboretum.

Mr. Noll also noted that the design will be presented to City Council at 7pm on Tuesday, November 18, 2014.

Commissioner Murillo suggested that the design team reach out to elementary school teachers in the area for their input on the program area, as well as the Homework Support Center. Outdoor Space, Greg Jones, sleeping, Hayward PD involved

VIII. REPORTS

A) DIRECTOR OF LIBRARY AND COMMUNITY SERVICES

Director Reinhart thanked everyone who was able to join the September 13th Bay Area Library Tour and Special Commission Meeting. Dir. Reinhart also reminded Commissioners of the upcoming Community Design meetings referenced above.

B) FRIENDS OF THE HAYWARD PUBLIC LIBRARY

President of the Friends of the Hayward Public Library, Judy Harrison reported that the Friends will be having a book sale the next two Saturdays, and requested any Commissioners who had not already done so, to enroll in Friends membership.

C) LIBRARY COMMISSIONERS

Commissioner Bufete welcomed to the Commissioners Lowe and Bergeron to the Commission and looks forward to working with them in the future.

D) CITY COUNCIL LIAISON

Council Member Jones expressed support for the new 21st Century Library and Community Learning Center design and hoped to see Commissioners at the November 18th City Council meeting in support.

IX. AGENDA BUILDING

- TBD - Presentation from Literacy Plus program staff
- TBD - Presentation regarding Senior Outreach Services
- TBD – Election of Officers in October

X. ADJOURNMENT.

The meeting adjourned at 8:22 pm.



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

FROM: Office of the 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. This memorandum also references the required trainings in Ethics and Harrassment prevention.

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 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.

Ethics and Harrassment Prevention

Each of you will receive a letter from the City Clerk advising of the requirement to complete two hours of training in Ethics and two hours of training in Harrassment Prevention. These courses will be available to you online and must be completed every two years.