



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
MARCH 26, 2013

MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE MARVIN PEIXOTO
COUNCIL MEMBER BARBARA HALLIDAY
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARK SALINAS
COUNCIL MEMBER GREG JONES
COUNCIL MEMBER AL MENDALL

Table of Contents

Agenda	3
City Council Priorities	
Staff Report	7
Attachment I	13
Attachment II	14
Review and Discussion of the Year One Achievements (Calendar Year 2012) of the Hayward Promise Neighborhood Initiative (Report from Library and Community Services Director Reinhart)	
Staff Report	15
Attachment I City of Hayward HPN Budget -- Original Proposal	36
Attachment II HPN Budget -- Revised Carry Forward.	37
Approval of Minutes of the City Council Meeting on March 5, 2013	
Draft Minutes	38
Resignation of Taufa Setefano from the Hayward Youth Commission and Appointment of Christian Vernikoff to Fulfill Taufa Setefano's Unexpired Term	
Staff Report	49
Attachment I Resolution	50
Attachment II Resignation Letter	51
Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District for the Hayward Senior Center Kitchen Improvement Project and the John F. Kennedy Park Master Plan Project	
Staff Report	52
Attachment I Draft Resolution.	55
Attachment II Location Map.	56
Attachment III Letter of Request from HARD for Hayward Senior Center Kitchen ADA Improvement Project	57
Attachment IV Letter of Request from HARD for John F. Kennedy Park Master Plan Project	65
Attachment V Park In Lieu Zone Map.	66
Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the B & Grand Affordable Senior Housing Project (Report from Assistant City Manager McAdoo)	
Staff Report	67
Attachment I Resolution.	71

Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the South Hayward BART Affordable Housing Project (Report from Assistant City Manager McAdoo)

Staff Report	75
Attachment I Resolution.	78

Consideration of the City's Participation in the Alameda County Waste Management Authority's (ACWMA) Energy Council Joint Exercise of Powers Agreement (JPA) (Report from Director of Public Works – Utilities & Environmental Services Ameri)

Staff Report	81
Attachment I Resolution.	85
Attachment II JPA.	87
Attachment III Draft Rules.	98
Attachment IV Draft MOU.	104



CITY COUNCIL MEETING FOR MARCH 26, 2013
777 B STREET, HAYWARD, CA 94541
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CLOSED SESSION
Closed Session Room 2B – 6:00 PM

1. PUBLIC COMMENTS

2. Public Employment

Pursuant to Government Code 54957

➤ Performance Evaluation

City Clerk

3. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

Net Connection Hayward, LLC, etc. v. City of Hayward, U.S.D.C. No. C13-1212 SC.

4. Adjourn to City Council Meeting

CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Jones

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

CERTIFICATE OF COMMENDATION

Moreau Catholic High School's Mock Trial Team

PROCLAMATION

May 19, 2013 Bike to Work Day

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, 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.

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation 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.)*

WORK SESSION (60-Minute Limit)

1. City Council Priorities
 - [Staff Report](#)
 - [Attachment I](#)
 - [Attachment II](#)
 2. Review and Discussion of the Year One Achievements (Calendar Year 2012) of the Hayward Promise Neighborhood Initiative (Report from Library and Community Services Director Reinhart)
 - [Staff Report](#)
 - [Attachment I City of Hayward HPN Budget -- Original Proposal](#)
 - [Attachment II HPN Budget -- Revised Carry Forward](#)
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ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT CALENDAR

3. Approval of Minutes of the City Council Meeting on March 5, 2013
 - [Draft Minutes](#)
4. Resignation of Taufa Setefano from the Hayward Youth Commission and Appointment of Christian Vernikoff to Fulfill Taufa Setefano's Unexpired Term
 - [Staff Report](#)
 - [Attachment I Resolution](#)
 - [Attachment II Resignation Letter](#)

March 26, 2013



5. Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District for the Hayward Senior Center Kitchen Improvement Project and the John F. Kennedy Park Master Plan Project
- [Staff Report](#)
 - [Attachment I Draft Resolution](#)
 - [Attachment II Location Map](#)
 - [Attachment III Letter of Request from HARD for Hayward Senior Center Kitchen ADA Improvement Project](#)
 - [Attachment IV Letter of Request from HARD for John F. Kennedy Park Master Plan Project](#)
 - [Attachment V Park In Lieu Zone Map](#)
-

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
 - *Staff Presentation*
 - *City Council Questions*
 - *Public Input*
 - *Council Discussion and Action*
-

PUBLIC HEARING

6. Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the B & Grand Affordable Senior Housing Project (Report from Assistant City Manager McAdoo)
- [Staff Report](#)
 - [Attachment I Resolution](#)
7. Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the South Hayward BART Affordable Housing Project (Report from Assistant City Manager McAdoo)
- [Staff Report](#)
 - [Attachment I Resolution](#)

LEGISLATIVE BUSINESS

8. Consideration of the City's Participation in the Alameda County Waste Management Authority's (ACWMA) Energy Council Joint Exercise of Powers Agreement (JPA) (Report from Director of Public Works – Utilities & Environmental Services Ameri)
- [Staff Report](#)
 - [Attachment I Resolution](#)
 - [Attachment II JPA](#)
 - [Attachment III Draft Rules](#)
 - [Attachment IV Draft MOU](#)

March 26, 2013



COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT

NEXT MEETING – 7:00 PM, TUESDAY, APRIL 2, 2013

PUBLIC COMMENT RULES: *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker Card must be completed by each speaker and is 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 has 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.



March 26, 2013





DATE: March 26, 2013
TO: Mayor and City Council
FROM: City Manager
SUBJECT: City Council Priorities

RECOMMENDATION

That Council receives and discusses this report; and directs the City Manager to begin the priority setting process for the next biennial budget in September 2013.

DISCUSSION

In preparation for our Council priority work session on March 26, 2013, I wanted to take a moment to reflect on the organization and its state of readiness to meet the challenges of the balance of FY 2013 and the upcoming FY 2014 related to all of the work we do.

While labor and structural deficit issues are obviously paramount and consume immense amounts of organizational resources, staff is able to brief Council well in other venues, and I will not take the time here to reiterate the information already provided in those briefings. There are several challenges in the organization at this time beyond the constant labor negotiations and the fight to close the structural budget gap. This communication will focus on other challenges.

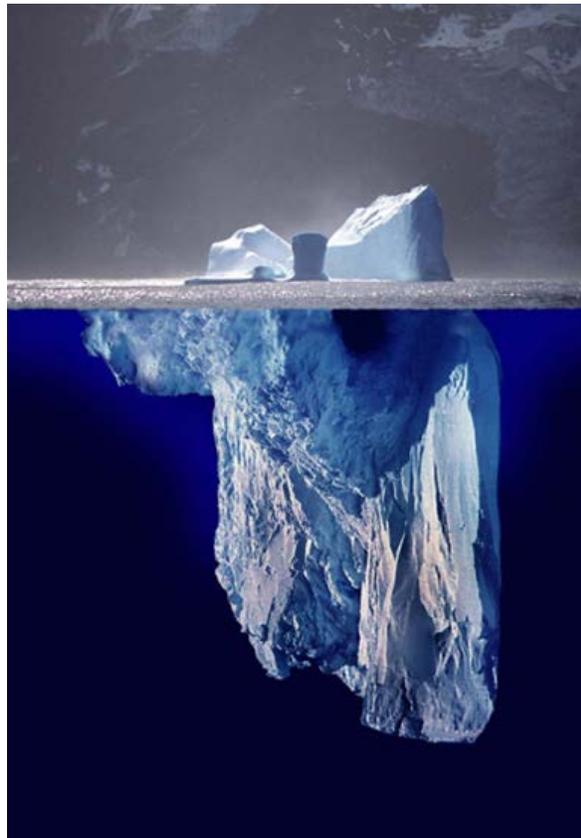
THE ICEBERG ANALOGY

Below the Waterline: The work of most public or municipal organizations divides very roughly into two components: that which must be done and that which the organization chooses to do. Another way to look at it would be to identify the work that the organization must do in order to meet its fundamental responsibilities vs. projects, special activities or initiatives that are desired, but not essential to the organization’s basic responsibilities.

Examples of the “must do” work include: cleaning storm drains; dredging detention ponds; meeting State-mandated health and maintenance standards on the water delivery and waste water treatment systems; picking up the garbage; addressing pipe leaks; cleaning up fallen trees; issuing payroll; assuring safe building practices through permits and inspections; assuring timely and transparent delivery of Council agendas and related material; paying the City’s bills; receiving, managing, and responding to 9-1-1 calls; solving existing crime cases; maintaining

street lights and traffic lights; completing County, State, and Federal mandated reporting requirements; defending the City in claims and litigation; managing the City's facilities; maintaining technology and communication systems; among others. In most California municipal organizations, this constitutes between 80% -90% of the daily work of the organization - and consumes a similar level of the City's budget. In the City of Hayward, these "below the line" services represent to a large degree the core services the City provides to its citizens – all of which either directly or indirectly support the Council priorities of Safe, Clean, and Green.

If the body of work we do is taken as a whole and thought of as an iceberg, this 80%-90% is "below the water line," unseen, unknown, and, for the most part, unrecognized by most. The remaining 10% -20% is that part of the iceberg one sees "above the water line." As any good mariner in the Arctic and Antarctic knows, it is that which is below the water line (that which cannot be seen) that will sink the ship if the crew is not watchful and prudent.



Above the Water Line: The 10%-20% "above the water line" is the work staff and Council choose to do over and above the daily core services– special projects, new programs, and initiatives. These "above the line" efforts include important things like the Neighborhood Partnership Program, redesigning and updating gateways and corridors in partnership with the County, developing and implementing the Historic Preservation Ordinance and program, reducing urban mining and illegal metals buying, regulating car sales in the public right of way, implementing the Healthy Cities program, etc.

THE CHALLENGES

This organization does not currently have capacity to absorb much more work "above the water line" while continuing to address the massive amount of the workload below the waterline (i.e., the every-day business of keeping the core services of the City running). Over the past few years, the organization has become incredibly lean, with fewer and fewer staff remaining to do the work. We have reached a critical point in the organization where this simple fact must be recognized and taken into account as fiscal year work plans are established.

One of the Department Directors framed it well in their FY 2014 Management Achievement Plan:

“Some very important preventive maintenance has been a secondary function in the Department for most of the [last] four years. There are a few reasons for this: a shift in Council priorities [compounded by] reduced staffing and resources. Some of these functions can no longer be secondary. We need to find a balance where Council priorities are...number one [yet] maintenance does not suffer. Cities can go a while, even years, without performing certain maintenance functions. However, over time storm drains and detention ponds will get plugged causing flooding; streets will deteriorate resulting in numerous potholes during the rainy season; and trees will become heavy where large limbs and trees will fall. Raised sidewalks will create tripping hazards and increase the potential for trip and fall claims...it is time for us to "catch up" with some overdue maintenance.”

In a “normal” period, every organization has some untapped capacity that can be shifted around as needed for newly developed priorities, crises, or unexpected projects; organizations often intentionally staff to that level. We have virtually no “untapped” or underutilized capacity. In fact, most folks throughout the organization are carrying more than a normal workload, often doing two jobs at the same time (e.g., the Economic Development Strategic Plan Team). Every Department Director is working as a high-level technician in their respective disciplines because (1) we have reduced resources throughout the organization, (2) we have eliminated all #2’s (deputy directors) in all non-public safety departments except the City Manager’s office, and (3) we have folks committed to maintaining a high standard of product delivery.

- ▶ The Director of Development Services functions as a Senior Planner
- ▶ The Director of Public Works – Engineering & Transportation (PW-E&T) is the City Engineer
- ▶ The Human Resources Director is our Lead Negotiator at all tables
- ▶ The Finance Director is the senior financial analyst in the department
- ▶ The Director of Library & Community Services has become an expert in CDBG program administration and HUD reporting
- ▶ The Assistant City Manager is our Redevelopment Successor Agency Manager
- ▶ The Technology Services Director is the principal technology and analytical support for the existing financial system
- ▶ I am the City’s Economic Development Manager, etc.

This is true throughout the organization, and the more capable the individual, the more hats s/he is currently wearing just to get the daily work done.

Middle managers are struggling with daily supervision and work planning to accomplish the fundamental work of the organization (below the water line) at the same time that we are asking them to be super responsive to the community and to apply creativity and innovation to addressing the daily issues that flow into the organization or desires that come from upper management or Council. For example, we are asking Maintenance Services to aggressively increase the number of trees in the City, while at the same time they are having to cut the city-wide tree-trimming program back to baseline health and safety response due to lack of resources. Staff all over the organization continues to spread themselves thinner and thinner and are doing it

with positive intention and brave heart, but are reaching the end of their ability to creatively address demands.

This picture is exacerbated by special project work, because that project work tends to fall on the shoulders of the very same folks already heavily burdened because they are capable and willing: the PW-E&T Director is Project Manager for the 238 Mission Corridor Improvement Project, the Finance Director is the Project Manager for the ERP Project, the Assistant City Manager manages the So. Hayward BART Project and several other initiatives, the Human Resources Director is lead on drafting the Economic Development Strategic Plan, and so on it goes.

In many ways, we are very lucky. We have capable, willing, and highly productive staff members who are committed to the community and to the organization, who believe in public service, and who enjoy the work and the challenges. My challenge is to keep them committed, engaged, and healthy; and to prevent the continuation of burn-out I see all over the organization.

In the current environment, it is essential that we once again focus on doing the baseline/core work well, and keep new projects and initiatives to the absolute essential minimum until such time as we can fully pull out of the deep recession, at a minimum solving our basic structural gap¹, and have the ability to allocate more resources – first to the work below the water line to assure that it is being done well and does not inadvertently sink the organization, and then to new projects and initiatives of utmost importance to Council and the community.

COUNCIL PRIORITIES

As has been continually and consistently demonstrated, staff is extremely tuned to Council's priorities and has appreciated the direction provided by the "Safe, Clean, Green" focus of the Council. We want to ensure that our efforts and our work products continue to address Council priorities; we want to meet Council's expectations in every way possible and to assure that the community and organizational resources for which we are responsible are used and expended in full support of those priorities, be that effort above or below the water line.

While the "Safe, Clean, and Green" focus has moved the City forward in many ways, it does not establish what Council as a whole expects in each area. How will the community, the Council, and the staff know when we have achieved a "safe, clean, green" community either in the immediate fiscal year or in the long-term? What are the metrics by which the organization will be held accountable? How do we define these things carefully in this momentary era of stretched resources? Nor does the "Safe, Clean, and Green" focus provide a well-suited process to acknowledge and account for the substantial workload "below the water line" and tie it directly to Council priorities.

¹ "Basic structural gap" informally refers to the negative gap between revenue and expenditures looking only at the base operations of the organization (the majority of which is staff-related), and not accounting for deficiencies in meeting other obligations such as OPEB (retiree medical), long-term technology needs, infrastructure maintenance and replacement, cash-based fleet replacement and maintenance, facilities maintenance and replacement, etc.

Clearly, in this second year of a two-year budget, we have neither the time nor the reason to deviate far from our standard approach to Council priorities, other than to keep the state of the organization in mind as we refine the scope of specific projects and associated expectations. However, as we move into the FY 2014 budget approval process, it is my hope that we can develop a more robust Council Priority process/document that begins to answer the above questions.

I would like to suggest a two-step approach for addressing Council Priorities in FY 2014 and in preparation for the next full biennial budget of FY 2015 & FY 2016.

FY 2014 Approach – While diligently maintaining the “Safe, Clean, Green” focus, I believe the current Council Priorities have evolved into more of a project list or wish list. Even so, the Priority document continues to serve its purpose in this second year of the two-year budget. Many of the items are still works-in-progress and will continue as such through FY 2014. In light of this situation, the current stress on the organization, and the need to focus our limited resources on the work below the water line, I respectfully ask Council to make no substantive, if any, changes to the document at this time. This will allow staff to continue working on the items already in progress without having to assimilate new projects and new work. Some of these more significant projects include:

- ▶ Improving disaster preparedness of both the community and the organization
- ▶ Addressing crime spikes in the community such as residential burglaries
- ▶ Maintaining an aggressive SMASH and related program schedule
- ▶ Continuing to reduce litter, illegal dumping, and graffiti in the community; and continuing implementation of the new Illegal Dumping Ordinance
- ▶ Abating Homeless encampments
- ▶ Reducing unacceptable social behaviors in shopping areas
- ▶ Completing implementation of the Financial Enterprise Resource Planning System (ERP)
- ▶ Implementing the Economic Development Strategic Plan
- ▶ Completing the close out of the 238 Settlement Agreement; and participating in a land-disposition partnership with Caltrans related to developable parcels
- ▶ Completing the 238 Mission Corridor Improvement Project and beginning the implementation of the Whitesell Extension project
- ▶ Completing staff work for Council to adopt the Mission Corridor Form-based Code
- ▶ Continuing implementation of the South Hayward BART TOD Project
- ▶ Continuing the dissolution process of RDA and implementing full operation of the Hayward Housing Authority
- ▶ Continuing aggressive efforts to update the General Plan within schedule and budget
- ▶ Continuing implementation of programs and fiscal policies to resolve long-term, structural deficit

At the start of the FY 2014 budget process, staff will provide Council with an update on progress on these specific items, along with all other projects or items specifically listed on the FY 2013 Council Priority list.

FY 2015 & FY 2016 Approach: I respectfully ask Council to consider moving into the FY 2015 & FY 2016 Biennial Budget priority-setting process immediately after returning from the August break. That will allow both Council and staff an opportunity to fully discuss how we will move forward on Council priorities in the next two-year budget and into the future.

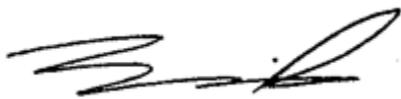
Clarity and accountability continue to be highly desired by both staff and Council as it relates to work priorities. As noted above, while we have all enjoyed the simple, targeted approach provided by “Safe, Clean and Green”, that approach has not always offered either clarity or accountability. The Economic Development Strategic Plan may offer a positive example of another approach. It appears that the process used to develop this plan and the resulting product from that process has many of the elements both Council and staff are seeking in the Council priority process: clarity, accountability, and measurement of outcome. The table on Attachment II illustrates how that approach might be used in the Council priority-setting process.

Should Council choose to employ a process similar to the Economic Development Strategic Plan, the outcome could very well be the clarity and accountability desired by both Council and staff. The approach allows (1) for the inclusion of work above and below the water line in a more realistic and balanced manner; (2) Departments to propose projects and work activity to Council in response to the seven strategic program areas; and (3) Council to be specific about desired results, and to have a conversation with departments during the budget approval process about specific projects and activities and their relationship to the stated vision, mission, and values.

It would establish the Mission as a long-term target that will guide the organization’s workload planning for a long-time to come. It integrates all of Council’s major areas of concern into an overall mission, and puts safe, clean, and green in context with organizational health, land use, fiscal stability, and academic excellence, each with a purpose to serve in achieving the Mission.

Starting this discussion in September 2013, will allow ample time for Council’s full and detailed discussion of their desired Mission, Vision, and Values for the Hayward community; and will allow staff time to respond to that additional clarity as we go into the next biennial budget development process.

Approved by:



Fran David, City Manager

Attachments:

Attachment I – Council Priorities FY 2013

Attachment II – Possible Council priority-setting process



Hayward City Council's Priorities

FISCAL YEAR 2013

SAFE

TOP PRIORITY

- Improve public safety in targeted areas
 - Downtown - Neighborhoods - BART stations
 - Entertainment areas - Retail areas
- Continue consistent, determined use of the SMASH Program
- Reduce gang violence in Hayward
 - Develop & implement an improved gang enforcement strategy, including a gang injunction program
 - Support gang prevention and intervention programs through schools and other agencies
 - Partner with all applicable agencies and organizations to reduce gang activity in Hayward
- Reduce residential burglaries
- Reduce 'urban mining' and prevent illegal buying
- Improve safety of school campuses and routes to and from schools
 - Partner with HUSD to improve training and operations of school campus safety personnel
 - Enhance curfew and truancy enforcement
- Improve the shopping experience in all major retail areas, particularly Downtown and in malls and centers
- Reduce impact of unacceptable social behaviors—including panhandling—on commercial and retail areas of the community
- Improve disaster preparedness and disaster response in the community
- Continue to abate homeless encampments in the community

CLEAN

TOP PRIORITY

- Strengthen code enforcement and eliminate blight citywide
- Continue Neighborhood Partnership Program
 - Revise Strategic Plan to incorporate strategies for the next phase of the program
 - Implement next phase of program
- Strengthen and expand KHCG Task Force into neighborhood organizations
- Decrease litter in the city
- Decrease illegal dumping
- Prevention and rapid abatement of graffiti
- Improve graffiti prevention through increased use of public art in retail and commercial areas
- Control and/or regulate car sales in the public right-of-way

GREEN (SUSTAINABLE)

TOP PRIORITY

- Continue implementation of the Climate Action Plan
- Increase Hayward's sustainability as a community in all aspects of urban life
- Continue efforts to increase the overall tree inventory throughout the community
- Develop and implement residential and commercial energy efficiency and renewable energy programs, including non-General Fund financing components
- Increase use of clean and green energy such as solar photovoltaic and biogas-to-energy production at utility facilities
- Increase use of recycled water
- Continue to implement the "Healthy City" program and to gain national and state recognition
 - Partner with other agencies to fight obesity among Hayward youth
 - Pursue and implement a model urban agriculture program throughout the community
- Continue efforts to eliminate long-term homelessness in Hayward and identify housing for individuals when and where appropriate

Organizational Health

- Ensure a safe and healthy work environment
- Implement the selected Financial Enterprise/Enterprise Resource Planning (ERP) system
- Improve the organization's ability to apply business process analysis in decision making
- Redesign and deploy the City's website
- Continue staff development and succession planning
- Develop an employee attraction and retention program
- Strengthen the organization's ability and capacity to manage disasters
- Continue the development, adoption, and maintenance of strategic plans for key functions
 - Finance: develop
 - Economic Development: update and implement
 - Police: update and maintain
- Develop goals and corresponding metrics to assess progress in programmatic areas such as economic development, business attraction, and other key projects and programs

Land Use

- Conclude implementation of the 238 Settlement Agreement
- Implement a 238 Corridor land disposition strategy
- Adopt and implement Mission Boulevard Corridor Form-Based Code
- Redesign and update gateways and corridors; partner with County where appropriate
- Continue implementation of South Hayward BART TOD Project
- Revise the City's Sign Ordinance
- Develop a Downtown Specific Plan
- Develop framework, scope, budget, and funding for updating the General Plan
- Continue implementation of Airport development projects including California Air National Guard reuse
- Continue to implement Historic Preservation Program elements
- Continue to participate in development of a regional Sustainable Communities Strategy
- Update the City's Subdivision Ordinance

Fiscal Stability

- Implement programs and fiscal policies to resolve long-term, structural deficit
- Protect and maximize local revenues
- Increase community property values
 - Increase academic performance in Hayward schools in partnership with HUSD and the community
 - Brand, market, and promote the community of Hayward
- Determine strategy and funding options for economic development efforts following dissolution of the Redevelopment Agency
- Protect City's assets and key interests in the wake of the State's elimination of the Redevelopment Agency
- Strengthen and protect City's business community
 - Engage in and succeed at aggressive economic development
 - Protect and promote the City's industrial base
 - Strengthen Chamber, business and industrial partnerships
- Work with partners to successfully implement Promise Neighborhood grant and secure multi-year funding
- Through partnership with other agencies and organizations, develop and support the necessary elements to provide high-quality educational opportunities for all, throughout the community
- Work with partners in the community to improve the academic performance of all K-12 students
- Seek and secure outside funding:
 - Grants
 - Appropriations
 - Federal and State programs
- Develop long-term facilities master plan to identify and evaluate City facility needs and funding options

VISION & VALUES: **The City of Hayward is acknowledged by us and others as the best community in the Bay Area in which to raise a family, work, and operate a business.**

MISSION: We will achieve our vision by:

- ▶ Assuring the physical safety of residents, visitors, businesses and their employees.
- ▶ Maintaining a community free of blight, graffiti, litter, and illegal dumping.
- ▶ Implementing high standards of sustainable policies and practices in municipal operations; and creating policies and regulations that encourage and enforce best sustainable practices by our businesses, agencies, and residents.
- ▶ Employing land use policies and practices that support the community’s current well-being and their vision for the future of Hayward.
- ▶ Developing and supporting a robust and expanding economy for the community, which provides quality, good-paying jobs for residents.
- ▶ Being responsible stewards of the community’s resources by achieving and maintaining the sound fiscal health of the municipal organization, while providing efficient and effective delivery of services to the community.
- ▶ Fostering an educated and job-ready workforce by demanding high academic performance of our students, strong partnerships with our educational institutions, and accessible quality skill training for residents.

STRATEGY:

Implementation of this Mission is achieved through seven overarching strategic program areas:

- ◆ Safe community
- ◆ Clean community
- ◆ Sustainable practices in all segments
- ◆ Land Use Policies that support the mission, values, and strategies
- ◆ Economic Health of the community
- ◆ Strong Municipal Organization into the future
- ◆ Academic Excellence & Job Readiness of all Hayward students

DATE: March 26, 2013
TO: Mayor and City Council
FROM: Director of Library and Community Services
SUBJECT: Review and Discussion of the Year One Achievements (Calendar Year 2012) of the Hayward Promise Neighborhood Initiative

RECOMMENDATION

That the City Council reviews and comments on this report.

SUMMARY

As reported to Council in July 2012, the California State University, East Bay (CSUEB) – on behalf of the Hayward community - was one of five recipients in the nation to be awarded a multi-year, multi-million dollar, Promise Neighborhood Implementation Grant from the Federal Department of Education (DOE). The key partners on the implementation grant include: CSUEB; City of Hayward; Hayward Unified School District (HUSD), including the Hayward Adult School; Eden Area Regional Occupational Program (Eden ROP); Chabot College; and the Child Care Coordinating Council (4C's) of Alameda County. Several other faith and community-based service organizations were also identified as key community partners in the application. This report summarizes the Year One (calendar year 2012) achievements of the project.

The overriding vision of the HPN project is that students and families will see a continuous pathway from kindergarten to college that has guides alongside to assist when necessary -- a pathway that will lead to improved academic achievement as well as to a healthier, more active, and safer community. The HPN project partners worked in Year One to derive baseline data and begin to show progress on the goals established by the grant, which included fifteen Performance Measures, twenty-four Solutions, and 188 Activities to implement those solutions. This report summarizes some of the successfully implemented Year One solutions and activities that help to “turn the curve” toward lifelong achievement beginning at the earliest stages of a child’s development.

BACKGROUND

The *Promise Neighborhoods Initiative* was established under the federal legislative authority of the Fund for the Improvement of Education Program (FIE). President Obama’s vision is that this initiative will make it possible for all children and youth who are growing up in “Promise Neighborhoods” to have access to great schools and strong systems of family and community support. This system of support is intended to prepare students to attain an excellent education and

successfully transition to college and other post-secondary education and training opportunities leading to successful careers. The purpose of this initiative is to significantly improve the educational, social, and developmental outcomes of children and youth who are living in economically and socially distressed communities, and to transform those communities by:

1. Identifying and increasing the capacity of key community institutions that are focused on achieving positive educational and developmental results for children and youth throughout an entire low-income neighborhood;
2. Building a complete continuum of “cradle-to-career” solutions of both educational programs and family and community supports, with great schools at the center;
3. Integrating programs and breaking down public and community agency “silos” so that solutions are implemented effectively and efficiently across agencies;
4. Developing the local infrastructure of education, health and social service delivery systems, and the resources needed to sustain and scale-up beyond the initial neighborhood, proven effective strategies across the broader community and region; and
5. Learning from a vigorous evaluation of the program about the overall impact of the Promise Neighborhoods Initiative and about the relationship between particular strategies used in these neighborhoods and student educational outcomes.

In 2010, the Hayward community received a Promise Neighborhood Planning Grant in the amount of \$500,000. The Planning Grant funds were used to conduct an extensive year-long community outreach, data collection and analysis effort which later served as the basis for the HPN Implementation Grant application. Neighborhood and community needs, as well as proposed solutions to address those needs, were identified by Hayward constituents and reflected in the *HPN Comprehensive Neighborhood Revitalization Plan* referred to later in this report. The details of the data collected, and the analysis of that data, are described in the *2010 HPN Needs Assessment and Segmentation Analysis* report.¹ Both of these documents formed the basis of the application for the Implementation grant.

On December 19, 2011, City officials learned CSUEB - on behalf of the Hayward community - was one of five recipients in the nation, and the only one in the western United States, to be awarded a five-year, multi-million dollar, Promise Neighborhoods Implementation Grant from the Federal Department of Education (DOE). While the Hayward Promise Neighborhood (HPN) Implementation grant application requested \$25 million over a five year period, only the first year (i.e., January – December 2012) allocation of \$3.9 million has been guaranteed to date. Subsequent federal appropriations and allocations will depend both on successful performance and on continued support at the congressional and administration levels. This award followed the completion by the same participants of a 2010 Planning Grant that led to this successful application.

¹ The *HPN Needs Assessment and Segmentation Analysis* report can be accessed online at: http://www.hayward-ca.gov/blogdocs/library/6_HP_N_Report_Appendix_082611.pdf

In addition to meeting community demographic requirements, a key factor leading to the award of the Hayward Promise Neighborhood Implementation grant was the partnership of local institutions. These include: CSUEB; City of Hayward; Hayward Unified School District (HUSD), including the Hayward Adult School; Eden Area Regional Occupational Program (Eden ROP); Chabot College; Hayward Area Recreation District (HARD), First 5 of Alameda County, and the Child Care Coordinating Council (4C's) of Alameda County. Several other faith and community-based service organizations were also identified as community partners in the application and are identified in Attachment II; more may be added during the course of the project.

A key requirement of the Promise Neighborhoods Initiative is the provision of a rich array of “wrap-around” educational and support services to students (from pre-school through college) and their families, beginning with a focused effort in a low-income neighborhood with the primary goal of improving student academic achievement. This initiative is based on the highly successful Harlem Children’s Zone program in New York City. This model initially utilizes significant financial and other resources to support students who live in a particular low-income neighborhood and attend low-performing schools. The services and system changes that prove to enhance the academic achievement of these students are then scaled-up so that other students living in the greater community can benefit in the same way.

The Jackson Triangle neighborhood is where the Hayward Promise Neighborhood initiative was initially implemented. The six schools identified in the grant application, where over 70% of Jackson Triangle students attend, include: Harder and Park Elementary Schools, Cesar Chavez and Winton Middle Schools, and Tennyson and Hayward High Schools. The HPN program focuses on resident students in the Jackson Triangle and provides some services to all students attending the six targeted schools regardless of residential address.

DISCUSSION

Evaluating Effectiveness

One standardized method for evaluating the performance of both students, and the schools they attend, is through the Academic Performance Index (API). The California Public Schools Accountability Act (PSAA) of 1999 established the California API that summarizes a school's academic performance and progress based on students’ performance on a number of statewide standardized assessments. The California API scores range from 200 to 1000, with a score of 800 as the minimum statewide goal for all schools in the state. The six HUSD schools identified in the HPN application ranked in the bottom third of all schools rated in Alameda County, with (baseline year) 2010 API scores ranging from 649 to 723.

Table 1. School Wide API Scores – HPN Schools

	API 2010 Base	API 2011 Base	API 2012 Growth
Park Elementary	693	677	672
Harder Elementary	692	742	761
Winton Middle	688	672	656

Chavez Middle	723	722	699
Tennyson High	699	658	656
Hayward High	663	682	687

The Promise Neighborhood Initiative recognizes that many factors impact how well students perform academically. Each individual student’s developmental, physical, psychological, and emotional status can enhance or significantly interfere with their ability to focus and benefit from the education services provided.

The following factors all influence a student’s ability to learn: their family, school, neighborhood and community environments in which students live and study; student access to appropriate learning tools and out-of-school educational opportunities and resources; their access to needed health, social and academic support services; and each student’s family economic well-being. Consequently, the Federal Promise Neighborhood Initiative requires that coordinated inter-agency educational and support service systems that positively address the above noted factors be developed and operated. It further requires that service systems that cover the entire “cradle to career” continuum be included, so that students are able to obtain the skills and knowledge needed to succeed as they seamlessly transition from one educational level, and one system, to the next. Other key principles put forth by the Federal initiative include:

- A. The importance of data and that a data driven decision-making approach be utilized when making system change decisions; and
- B. That closing achievement gaps will require the use of multiple strategies and programmatic approaches, over a sustained period of time.

These requirements and principles are reflected in the following ten Federal Department of Education Promise Neighborhood “outcome” mandates that must be used, in addition to other local measures, to determine the effectiveness of local initiatives:

1. Children enter kindergarten ready to succeed in school.
2. Students are proficient in core academic subjects.
3. Students successfully transition from middle school grades to high school.
4. Youth graduate from high school.
5. High school graduates obtain postsecondary degrees, certifications and/or credentials.
6. Students are healthy.
7. Students are safe at school and in their community.
8. Students live in stable communities.
9. Family and community members support learning in Promise Neighborhood schools.
10. Students have access to 21st century learning tools.

The following eight agency and community service systems, and neighborhood stakeholder “capacity” outcomes, are also mandated under the Promise Neighborhood (PN) Initiative:

1. Early Learning Networks are established to ensure that high-quality services are delivered across early childhood development and education settings resulting in improved outcomes.
2. Effective systems are used to convene and coordinate the work of community partners around desired results, and to hold partners accountable for their respective areas of responsibility.
3. Effective systems are created for collecting, analyzing, and using data for decision-making, learning, continuous improvement, and accountability to all stakeholders.
4. Promise Neighborhood students, their families, and other neighborhood stakeholders are engaged and have leadership roles to play in the local PN initiative.
5. The Promise Neighborhood initiative develop organizational and leadership capacity within HPN partner institutions, among community agencies, community residents and other neighborhood stakeholders.
6. Communication strategies are developed to build community support for the initiative.
7. Policy barriers are identified which impede outcome goals, and a system is used to report these barriers to relevant agencies.
8. A plan is developed and implemented to sustain and expand the use of strategies proven to be successful by leveraging public and private investments.

In response to the above federal mandates and principles, the following specific goals and measurements are used, in addition to API scores, to evaluate the effectiveness of the HPN initiative. The specific solutions, or strategies, that were implemented to achieve these goals are described in more detail in the *HPN Comprehensive Neighborhood Revitalization Plan (CNRP)*, and the *HPN Implementation Matrix*^{2,3}

Summary of Year One Achievements

What follows is a summary overview of the HPN project achievements in Year One, organized by the ten HPN Project Results and corresponding Indicators. Because baseline data was established during Year One implementation, each indicator is followed by the data collected in Year One, which will be used to establish the baseline for future years.

Result 1: Jackson Triangle children will enter Kindergarten ready to succeed in school (as determined by the student’s level of social-emotional development and ability to self-regulate their own behavior; their level of language and literacy skills, as well as pre-math /math skills).

Indicator 1: #/% of children birth to kindergarten who have a “medical home,” i.e., a place where they usually go, other than an emergency room, when they are in need of advice about their health. *2012 Actual: 93.5% of JT children have a medical home (2012 Survey).*

² The *HPN Comprehensive Neighborhood Revitalization Plan (CNRP)* can be accessed online at: http://www.hayward-ca.gov/blogdocs/library/hpn/2011/03-HPN_Comprehensive_Neigh_Revitalization_Plan.pdf.

³ The *HPN Implementation Matrix* can be accessed online at: http://www.hayward-ca.gov/blogdocs/library/hpn/2011/04-HPN_Implementation_Matrix.pdf

Year One Achievements

- The Home Visitation program of First 5 Alameda County services piloted outreach to twenty-nine HPN families in 2012, to ensure that children birth to five years old have a place where they usually go, other than an emergency room, when they are sick or in need of advice about their health. The projected goal to reach 200 families was not met, as it was a pilot year. In 2013, a new bilingual nurse is in the process of being hired and she will conduct home visits to an additional 200 HPN families.
- The Parent Promise Academy, an education class for new and expectant parents, was established at Harder Elementary School. A total of forty parents participated in the program in Year One. It is expected that, in year two, a specific component will be added to the curriculum and designed to educate parents about the importance of having and maintaining a consistent medical home. The projected goal to reach 140 children and 70 parents in first year was not met in the first year. However, it is expected these goals will be met in 2013.
- The Promotora program is a bilingual training and outreach program aimed to ensure that Jackson Triangle residents have access to needed services, support, and opportunities. This past year, ten JT residents were trained to become Promotoras and initiated outreach to JT families. Training and development was focused on Park Elementary School where the principal, Promotoras, and additional parents engaged in productive dialogue that led to the creation of a walking school bus and community garden. The projected goal to reach 400 children in year one was met as parent engagement efforts were focused on Park Elementary impacting over 600 students.
- Moving forward in 2013, there will be more coordination between these three interventions to ensure that families transition smoothly through the pipeline and experience a “warm hand-off” between the services.

Indicator 2: #/% of 3 year olds and children in kindergarten who demonstrate at the beginning of the program or school year age-appropriate functioning across multiple domains of early learning as determined using developmentally appropriate early learning measures. *2012 Actual: 100% of 3 year olds demonstrated age appropriate functioning across multiple domains.*

Year One Achievements

- Quality Counts Consultation is a professional development and coaching program aimed at fifty licensed family childcare providers representing 400 children over five years, eighty children per year. It provides six months intensive and eighteen months of follow-up consultation. In 2012, one family care childcare home participated in the program along with one Head Start program. As a result a total of eighty-six children were served.
- The Child Care Provider Instruction and Training Program is a training program for twenty-five new family childcare providers hoping to impact 120 children annually. This past year, Chabot College offered a one unit course, entitled, “Children of the Fast Food Generation,” for family childcare providers, Head Start, and stated preschool teachers. This program is being reevaluated.
- The Family, Friends, and Neighbor Care program is a ten-week play and learn opportunity for informal caregivers. It provides early learning in a preschool class

environment for children and caregivers. There is also an adult training component. Given the relatively low participation, the ELN team is rethinking the approach to reach the FFN community. The goal to reach sixty children was not met in 2012. The past year the program served three caregivers along with five children. This program is being re-evaluated.

Indicator 3: #/% of children from birth to kindergarten entry, participating in center-based or formal home-based early learning settings or programs, which may include Early Head Start, Head Start, child care or preschool. *2012 Actual: 50% of children participate in center-based care, 65.9% of children participate in a formal home-based early learning, and 29.5% participate in both (2012 Survey)*

Year One Achievements:

- Pre-kindergarten Summer Camps provided children with an intensive, five week summer program to prepare them for kindergarten entry. A total of thirty-four neighborhood children completed the program in Summer 2012.
- In August 2012, Harder Elementary School opened with two state-funded preschool classrooms that serve twenty-four children in each classroom. A total of forty-eight children were served, thirty more than the goal. HPN funding allowed these preschoolers access to the five days/week, three hours/day high quality programs at no cost to the families. The classrooms were staffed with one credentialed elementary school teacher and one state preschool teacher who together planned and implemented curriculum that supported school readiness with an emphasis on the critical domain of social-emotional development.

Result 2: Elementary and secondary school-age students living in the Jackson Triangle Neighborhood will be proficient in “core academic subjects”.⁴

Indicator 4: #/% of students at or above grade level in Math and ELA in grades 3-8 and once in high school. *2012 Actual:*

Table 2. Jackson Triangle Student Proficiency – 2012 California Standards Test (CST) data

ENGLISH AND LANGUAGE ARTS (ELA)	Number of valid scores	Number that scored “proficient” or “advanced”	Percentage that scored “proficient” or “advanced”
Grade 3	139	49	35%
Grade 4	138	34	25%
Grade 5	123	53	43%

⁴ As defined in the federal No Child Left Behind Act regulations, “core academic subjects” include: English, Reading or Language Arts, Mathematics, Science, Foreign (Non-English) Languages, Civics and Government, Economics, Arts, History, and Geography. Federal Regulations: [34 CFR 300.10] [sec. 9101(11) of ESEA] [20 U.S.C. 1401(4) of IDEA]

ENGLISH AND LANGUAGE ARTS (ELA)	Number of valid scores	Number that scored "proficient" or "advanced"	Percentage that scored "proficient" or "advanced"
Grade 6	126	57	45%
Grade 7	146	64	44%
Grade 8	120	53	44%
Grade 10	88	33	38%
MATH	Number of valid scores	Number that scored "proficient" or "advanced"	Percentage that scored "proficient" or "advanced"
Grade 3	139	52	37%
Grade 4	137	68	50%
Grade 5	123	52	42%
Grade 6	126	59	47%
Grade 7	146	53	36%
Grade 8	120	41	34%
Grade 10	87	39	45%

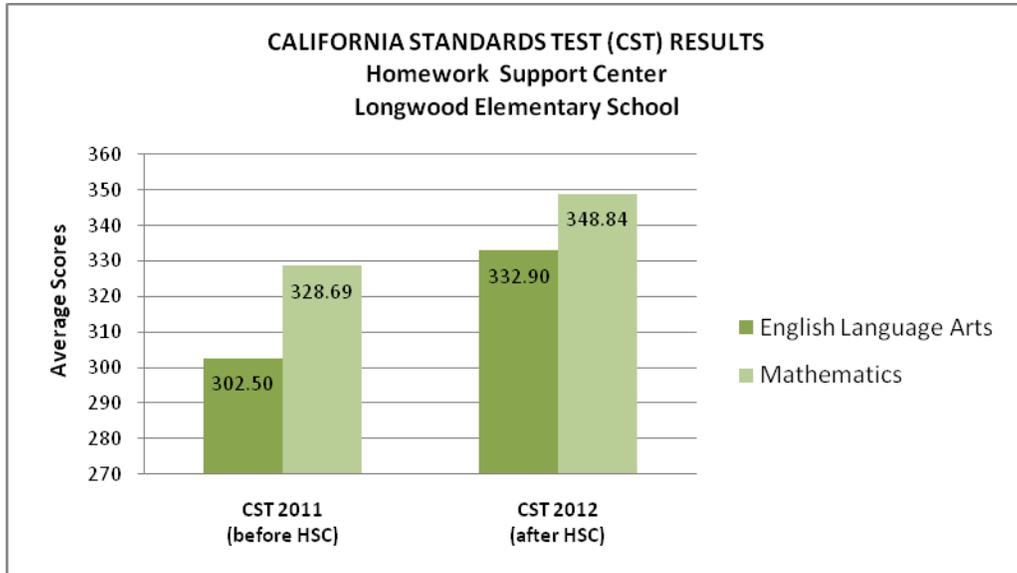
Year One Achievements:

- HUSD led Comprehensive School Reform at both Harder and Park Elementary Schools, which included implementing a Full Service Community School model. In 2012, Youth Intervention Specialists were hired for both schools, reaching a total of 570 children.
- HUSD is also leading Job Embedded Professional Development at the elementary school teacher level. Teachers on Special Assignment (TOSAs) were hired for both Harder and Park schools to serve 570 students in Year One.
- To expand and enhance out of school time at both elementary schools, two additional after school staff were hired at each elementary school. Fifty new students participated in the program, and CSUEB tutored seventy children. Additionally, Super Stars Literacy, an afterschool program focused on improving literacy, provided literacy support to eighty-nine students at Harder and Park schools.
- Assessment and Services were enhanced for Special Populations with the hiring of a school psychologist to serve 401 children at Park and Harder schools.
- With the addition of teachers on special assignment (TOSAs) for English Language Arts (ELA) and Mathematics at Harder and Mathematics at Park, both schools were able to provide job embedded professional development customized for their school staff and focused on the achievement needs of their students. This type of professional development fosters a culture of shared responsibility for student learning and allows teachers to learn new skills and refine established practices in a student centered learning environment. Both schools created benchmark assessments that may be used in both a formative and summative capacity. The results of these assessments are analyzed in a timely manner and inform teachers on the instructional needs of their students in order to accelerate their achievement.
- Disaggregated data shows that there are a disproportionate number of African American and Latino students being referred for special education. HPN funds supported a School Psychologist to work with both schools to implement Response to Instruction and

Intervention (RTI²) in the areas of academic progress and behavioral/emotional progress. The psychologist worked with the schools to support regular classroom teachers around early interventions and preventions and to assist current psychologists with appropriate referrals and assessment protocols. In addition, this psychologist focused on the Student Success Team process and implemented support structures to benefit all students in the classroom.

- In the *Implementation Matrix*, the original proposal was that “The City Library will support after school homework help at all six schools – with ten volunteer tutors per site, a book vending machine, and other resources.” Homework Centers at Harder and Park Schools will be implemented as promised in 2013, serving 250 children (total of 500). Excess grant funds to be reallocated from Result 8, Indicator 11: Transportation (see below) will support the Centers. The capacity of the Homework Centers to improve student academic achievement warrants a direct allocation of HPN resources to them. The change here is that in previous Year 2 budgets, support for the Homework Centers was a Match. The documented success of a non-HPN funded pilot Homework Center at Longwood Elementary School justifies moving funding for the HPN Homework Centers from a Match to a Request. Before-and-after standardized testing of students who attend the Homework Support Center (HSC) at Longwood Elementary School shows that participating students improved their scores on the California Standards Test (CST). Students who regularly attended the Homework Center over an eight-month period in academic year 2011-2012 posted a thirty-point improvement in their English Language Arts (ELA) scores on the 2012 CST, and a twenty-point improvement in their Mathematics scores. Percentage-wise, these results correspond to a ten percent improvement in ELA test scores, and a six percent improvement in Math test scores. The City of Hayward Library conducted 114 homework help sessions at Longwood Elementary School in academic year 2011-2012. A total of 230 Longwood students received assistance in the Homework Center two or more times per week for eight months. The graph above shows the average CST test scores of the 121 students for whom before-and-after test data is available. These 121 students took the CST test in 2011 before they began attending the Homework Center, and also took the CST test in 2012 after attending the Homework Center regularly for eight months. The before-and-after CST scores posted by these students demonstrate the Homework Center’s effectiveness at helping students improve their performance on standardized tests.

Table 3. CST test results, Longwood School Homework Support Center



The Library will be working closely with HUSD to identify opportunities to support and expand this successful program to help students improve their test scores in additional HUSD schools, including the planned expansion into Jackson Triangle schools under the auspices of the Hayward Promise Neighborhood initiative, beginning with new centers at Harder and Park Elementary Schools, scheduled to open in April, 2013.

Result 3: Youth and young adults will succeed in postsecondary education and careers.

Indicator 5: Average school-day attendance rates of students in 6th, 7th, 8th, and 9th grades.
2012 Actual:

Table 4: Jackson Triangle Student Attendance (HUSD Data for 2012)

Grade	Average Daily Attendance
6th	75.5%
7th	22.9%
8th	29.6%
9th	16.9%

Year One Achievements:

- Chronic absenteeism includes excused absences as well as non-excused absences in assessing the impact of missing school. Until 2012, HUSD has not had the capacity to adequately analyze attendance coding. HUSD contracted with School Innovations &

Achievement in February 2012 to use a web based attendance/truancy guardian notification system-*Attention 2 Attendance (A2A)*. A2A automatically generates attendance letters when students miss school including when students are considered excessively absent for excused reasons. HUSD school board policy considers student who miss more than ten days of school excessively absent. After missing ten school days, HUSD expects families to work with their school on a plan for their child to improve attendance and address the academic needs of missing so much school.

- In the 2012 and going forward, the Hayward Promise Neighborhood targeted schools built capacity and intervention systems to improve attendance rates by supporting families and students. Harder and Park Elementary Schools increased resources building on the full service community school model to address chronic absenteeism. All six targeted schools are developing Coordination of Services Teams (COST) to support their Response to Instruction and Intervention (RTI²). COST coordinates resources and interventions for both students and families and will support interventions at all schools including attendance concerns. Both targeted elementary schools have Youth Intervention Specialists and co-administrators supported by HPN funds to coordinate services and supports.
- The Summer Bridge Program focused on children transitioning from middle to high school and high school to college. A total of thirty-two children benefited from this program in Year One. Both parents and children responded well to a satisfaction survey: 91% of students reported that they learned why it was important to go to college and 73% said that they learned more about science and math.
- In Year One, HPN students served through 100% curriculum alignment included 154 kindergartners, 124 7th graders, 121 9th graders, and 89 13th graders served. The total number served via bridge programs included thirty-six kindergartners, and eighty-nine 7th, 9th, and 13th graders.

Result 4: Youth graduate from High School.

Indicator 6: # and % of students in the 12th grade who graduate with a regular high school diploma. *2012 Actual:*

Table 5: Rate of HS Graduation- Two High Schools (HUSD Data for 2012)

HIGH SCHOOL	# 12 th Graders	# Graduated	% Graduated
Hayward HS	57	43	75.4%
Tennyson HS	29	10	34.5%

Year One Achievements:

- The dropout rate for students who attend Hayward and Tennyson high schools for students is higher than the rate for Alameda County. For students who are at risk of not graduating high school, Hayward Adult School offers concurrent enrollment classes at Hayward HS to help students fulfill diploma requirements or credit recovery using direct instruction. The classes are two hours/day, four days a week for seven weeks to give

students sixty hours of instruction for five credits. Subject matter is English and Social Studies. Two classes were offered from February to March, 2012, and two from April to June, serving forty-eight enrolled students. Two classes were offered from August to mid-October and two were offered from October to December, 2012. The teaching staff was comprised of fully credentialed teachers, and the high school counselors actively recruit students for these classes

- Dropout Prevention Programs include expanded Out of School Time, enhanced high school internships, more STEAM programs (Science, Technology, Engineering, Arts and Mathematics), and expanded Career Technical Education. Most of these enhancements are being sequenced in later years but the California High School State Exit Exam diagnostic assessment tool has been purchased and implemented to help students pass the state exit exam needed to graduate. The assessment tool will serve all Jackson Triangle students at all HPN schools.
- Adult School classes were designed and implemented at Hayward and Tennyson High School to help students fulfill their high school diploma requirement. A total of 127 students benefited from this program in Year One.

Result 5: – High school graduates obtain a postsecondary degree, certification or credential.

Indicator 7: # and % of high school graduates who enroll in a two-year or four-year university or college and place into college-level mathematics and English without need for remediation. *2012 Actual: 35 (6.7%) JT Students Graduated High School and Enrolled in a College or University*

Year One Achievements:

- The Postsecondary Persistence and Completion program reported that thirty-two HPN students participated in transition activities. 93% stated they learned why it was important to go to college and 73% stated they learned more about science and math.
- The Career Technical Education program includes Eden Regional Occupational Program (ROP) and Chabot’s enhanced career technical options. Through these programs, students were given guidance to choose a career path. Eden ROP and Chabot created articulation agreements to assist students with post secondary achievements. An independent study teacher was hired at ROP with an emphasis on credit recovery. Data on the number of Jackson Triangle students who select a technical career (as opposed to college) as a result of this program is still being collected and will be reported in the Year Two report.
- Chabot College’s TRIO-funded Educational Talent Search (ETS) program served 120 middle school students at Chavez and Winton Middle Schools, and 165 students at Hayward and Tennyson High schools. The purpose of ETS is to build a college-going culture to support first-generation college and low-income middle and high school students. ETS includes a five-week Summer Youth Sports Program and STEM Summer Camp component (offered two days per week) that was held in June-July 2012. By leveraging additional funding from NASA and HPN, the program was expanded to a full day. Chabot recruited and enrolled 111 students in the program, 100 of whom lived in the

City of Hayward and thirty-two that were from the HPN schools. Both parents and students responded well to the satisfaction survey. 91% of students reported that they learned why it was important to exercise, 93% stated that they learned why it was important to go to college, 86% indicated that they learned to make healthy decisions, and 73% stated that they learned more about science and mathematics.

- Working to align Science, Technology, Engineering and Math (STEM) curriculum and the Early Assessment Program (EAP), a joint assessment developed by the California State University System and the California Department of Education to assess academic college readiness in high school sophomores. The HPN partnership has strengthened the collaboration with HUSD and CSUEB in the areas of STEM curriculum alignment and EAP. Chabot Office of Institutional Research (OIR) is working on research to compare EAP scores with the success of the HPN high school students in a college level class to see if there is a correlation.

Result 6: Students are healthy.

Indicator 8: #/% of students who participate in at least 60 minutes of moderate to vigorous physical activity daily. *2012 Actual:* 58 (20.6%) of students participate in at least 60 minutes of moderate to vigorous physical activity daily

Year One Achievements:

- A Healthy Eating/Active Living (HEAL) initiative promoting physical activities was implemented at Harder and Park Elementary Schools. Wellness teams and strategies were established at each school and are being supported by twelve HUSD AmeriCorps members.
- The HUSD on-site school parent centers in collaboration with Tiburcio Vazquez Health Center (TVHC) promoted parent health education. Trained, community Promotoras conducted outreach to school parent centers and build knowledge about the importance of children exercising daily. In 4th quarter 2012, ten neighborhood Promotoras were recruited and trained to do community health outreach.

Indicator 9: #/% of students who eat five or more servings of fruits and vegetables daily. *2012 Actual:* 103 (35.4) of students eat five or more servings of fruits and vegetables daily.

Year One Achievements:

- The promotion of Healthy Food Access focuses on school parent centers. Community health advocates (AmeriCorps members) provided food referrals, helped optimize transit to supermarkets, engaged parents in general nutrition and fitness classes, and provided children and families cooking classes.
- The Healthy Eating/Active Living (HEAL) initiative helped create school gardens to promote healthy eating and nutrition. Community gardens are in progress at four HPN schools; wellness teams and strategies were established at each school, nutrition education was provided for afterschool program students. Twelve HUSD AmeriCorps members support this effort.

- The City of Hayward conducted an Urban Agriculture Survey to identify HPN community needs in the area of healthy eating. The City is currently collaborating with Hayward Area Recreation and Park District and Alameda County Office of Education's Project EAT to enhance resource development and possible grant opportunities to fund the student Farm project at Tennyson High. Students grow and harvest fruits and vegetables that are included in their school cafeteria meals. In addition, the City will be launching a Seed Lending Library in April which will be incorporated into the Tennyson High Farm project.
- A grant from the Kaiser Foundation was received in support of the Promise Neighborhood grant to adopt Healthy Eating Active Living (HEAL) practices at Harder Elementary and to accelerate and support multi-sector, equity-focused, place-based efforts to improve community health is in the early implementation stages. The grant will fund a school health index to assess the schools HEAL practices and to identify school wellness teams. The data will be gathered from this effort will be used to assist efforts in improving student health.

Result 7: Students feel safe at school and in their community.

Indicator 10: #/% of students who feel safe at school and traveling to and from school. *2012 Actual: 40 (16.9%) of students feel safe at school and traveling to and from school (2012 survey).*

Year One Achievements:

- Restorative Practices and Anti-Bullying: Discipline in the schools has shifted from punishment and isolation to restorative practices that treat transgressions as violations of community trust. Projected to reach all JT students at six target schools over five- year grant period.
- The City of Hayward completed several of the solutions identified to turn the curve on this Indicator and to ensure a safe and stable community in the HPN. The City conducted a series of Neighborhood Partnership meetings in the Jackson Triangle neighborhood in late 2010 and early 2011. Each of the meetings were attended by between twenty and fifty community members, and were supported by City staff. Phase 1 of the Jackson Triangle Neighborhood Action Plan was completed in February 2011. The Neighborhood Action Plan (<http://bit.ly/COH-JT-action-plan>), which outlines neighborhood concerns and neighborhood improvement strategies, is being used as baseline data for continued neighborhood improvement work.
- The Police Department completed the recruitment, testing, and interviewing of qualified candidates for the HPN Community Services Officer (CSO) position; a successful CSO candidate has been identified and a formal offer is pending. This solution will bring a new voice to the HPN partnership and will work closely with the HUSD HPN Coordinator. Although the Community Services Officer was originally proposed to be hired in Year One, this was not feasible due to grant contracting delays with CSUEB. Unexpended Year One funds will be carried forward in the City's grant and the CSO will be hired in Year Two.

- As part of a broader graffiti abatement effort, the City in collaboration with HUSD held meetings and done facility walk-throughs to evaluate school site locations for mural placement, themes, timelines and the artist selection process. These types of solutions authentically engage students and community members in the improvement of the climate and environment of their community. A muralist will be funded for \$50,000 in Year Two to complete the work.

Result 8: Students live in stable communities.

Indicator 11: Student mobility rate (as measured by students transferring in or out of HPN schools). *2012 Actual:* 4.7% or 37 students entered or withdrew in Year One.

Year One Achievements:

- High Risk Intervention - HPN Partnership continued and enhanced the Hayward Positive Alternatives for Youth (HPAY) program funded by CalGRIP through the Employment Development Department. HPAY provided assessment, training, culturally competent case management, support services, job readiness and career exploration, tutoring and credit recovery, youth development and service learning to 189 students per year.
- A thriving Parent Center was in full operation at Harder Elementary School in Year One and provided a consistent and accessible environment for parents/guardians in the community that was not available before the HPN grant. Parents/guardians were welcomed at all times during the school day and for a wide range of classes and activities after school hours. Tiburcio Vasquez Health Clinic, Project Inspire, and Parent Academies all offer resources and workshops in both English and Spanish along with referrals to HPN parents for food banks, food pantries and food distribution centers.
- The Parent Center also welcomed strong community based programs such as the Promotoras from Tiburcio Vasquez Health Center, a group of community members who receive specialized training to provide basic health education in the community. While most of their work entails educating target audiences about health issues affecting their community, they also provided guidance in accessing community resources associated with health care. Promotoras are residents and leaders in their community, working for community-based health promotion projects or as part of a research group. Thus, they serve as liaisons between their community, health professionals, and human and social service organizations. Customarily, they play the roles of advocate, educator, mentor, outreach worker, role model, and translator. HPN Promotora training was held at Park Elementary and specifically recruited parents from the HPN footprint.
- Transportation - The *HPN Implementation Proposal* called for a shuttle bus twenty hours a week to transport Jackson Triangle citizens. During the Planning phase of the HPN project, anecdotal feedback from the community during the advisory process showed that there could be a need for non-HUSD transportation solutions to help students and families travel between the various service delivery sites in the HPN area. Not long after the *Implementation Proposal* was submitted in 2011, the U.S. Census released its comprehensive American Community Survey (ACS) data, which showed that 99.2% of households in one Hayward Promise Neighborhood census tract have at least one private

auto vehicle available as the primary mode of transportation, and over 80% of households have two or more vehicles available. Based on this newer and more empirical data, in 2013, HPN will realign its transportation approach by focusing on specific services for the handful of households that do not have at least one vehicle. This will be accomplished through the targeted use of inexpensive bus passes and taxi vouchers, as opposed to a more costly shuttle service, as originally described in the *Implementation Matrix*. This reauthorization will have no impact to the outcomes described in the *Implementation Matrix*. The 2013 allocation for this item will be reduced. To make the most efficient possible use of HPN funds, the reauthorized balance of excess transportation funds will be reallocated to support the Homework Center component of the Implementation Plan.

Result 9: Families and community members support learning in Promise Neighborhood schools.

Indicator 12: #/% of children from birth to kindergarten entry whose family members report reading to them three or more times a week. *2012 Actual: 63 or 78.85% of children (2012 Survey)*

Year One Achievements:

- Community Child Care Council (4C's) established the Parent Promise Academy at Harder Elementary School. The Parent Promise Academy (PPA) is a parent education and support program for HPN families with children ages 0-8. The Academy includes three ten-week series of classes that reinforce parents/guardians' skills to support their children's learning. Each series focuses on a different topic area. The Child Development series helps parents/guardians understand their child's temperament, learn about developmental milestones and build self-esteem. The Health and Nutrition series supports families in raising healthy eaters, keeping children fit, reducing stress, and getting proper health and dental care. Positive Parenting supports parents/guardians in understanding their parenting styles, communicating with their children, using appropriate discipline techniques, and handling difficult behaviors.

PPA includes an early literacy component that promotes and supports family reading. In the first series, parents are introduced to the *daily reading calendar*. Participants learn how regularly reading aloud with young children lays the foundation for life-long reading habits. The instructor provides tools and tips for successful story times at home. The parents/guardians are encouraged to cuddle and read with their children every day for at least fifteen minutes and record that on their calendars. At the end of one month, families who have read together every day receive a book. An emphasis on the relationship between family reading and school readiness is a common thread throughout the thirty-week program.

PPA uses a strength-based approach to parenting education. The goal is to build on the positive parenting skills of the participants and to support them in their own unique parenting styles. In addition to covering parenting education topics, each parenting

session includes time for reflection and discussion. An important goal of the group is to reduce some of the stress associated with raising young children by giving parents the opportunity to talk about their experiences in a safe environment. The informal social support that the participants receive from each other over the course of the sessions is a key feature of the program design. The program also includes childcare and enrichment activities for the children while their parents/guardians attend the classes. Activities for the children focus on encouraging socialization and developing language and motor skills. There are opportunities for creative art projects, songs, finger plays, manipulative toys, story-time, blocks, puzzles, dramatic play, movement and dance. Quality, nurturing care is provided to the infants and toddlers. Parent Promise Academy is based on an approach developed in collaboration among 4C's of Alameda County, Hayward Adult School and First 5 Alameda County. During this reporting period, 4C's hired a bilingual English/ Spanish certified parenting instructor who holds Academy classes at Harder Elementary where a dedicated space welcomes HPN parents/guardians. Materials were purchased for the classes and child enrichment activities. Enrollment forms, pre-tests and post-tests were developed. Extensive outreach activities were undertaken to recruit families from the HPN. A total of 40 parents and their children participated in the program in Year One.

- The City of Hayward's Literacy Plus program offers 1:1 tutoring to adults who read and/or write below the 8th grade level and is offered at Hayward Public Main Library and Weekes Branch. Any Literacy Plus learner with a child under the age of five qualifies for the Families for Literacy program. This literacy program supports and empowers the parent/guardian in their role as the child's first teacher.

The Families for Literacy program addresses four content areas: improving the learner-parent/guardian's literacy skills, helping the learner-parent/guardian develop the literacy needs of their child, informing the parent/guardian of good parent education, and promoting adults and children reading together. The Families for Literacy program offers the following activities: monthly story time for learners and their children under the age of five, free books at all story time events, a free birthday book, a free book after the learner has read to their child twenty times (tracked on reading calendars), free monthly parenting magazines, learner-parent workshops, tutor in-services, parent education information, and special events. Siblings up to the age of ten also receive free books at story time. From January 2012 to June 2012, 54 non-duplicated students were served, six of which were from the HPN. The City of Hayward and Literacy Plus program will incorporate Families for Literacy and Adult Literacy services into the Homework Support Center services at Harder and Park Elementary

Indicator 13: #/% of children in kindergarten through 8th grade whose family members report encouraging their child to read books outside of school. *2012 Actual:* 82.7% of parents responding to the survey reported encouraging their children to read. Staff is aware that these are not necessarily meaningful data and are working to improve this metric for the next report

Year One Achievements:

- The Home Visitation piloted outreach to twenty-nine JT families in 2012. In 2013, a new nurse through the county will be hired and will conduct home visits to 200 JT families.
- The Parent Promise Academy is an education class for new and expectant parents. Parent Promise Academy has been established at Harder Elementary School. A total of forty parents have been participating in the program.
- The Promotora program is a bilingual training and outreach program aimed to ensure that Jackson Triangle residents have access to needed services, supports and opportunities. This past year, ten JT residents were trained to become Promotoras and initiated outreach to JT families. Training and development was focused on Park Elementary School where the principal, Promotoras and additional parents engaged in productive dialogue that led to the creation of a walking bus and community garden.
- The City of Hayward Library's Learn and Play program teach early literacy skills to children ages 0-5 and their parents through structured reading sessions and interactive play. The City of Hayward Library offered five ninety-minute sessions each week, and served 7,200 children and parent program attendees in Year One, including approximately 800 program attendees from the Jackson Triangle representing approximately 120 JT families.

Indicator 14: #/% of children in 9th through 12th grades whose family members report talking with their child about importance of college and career. *2012 Actual: 25 or 55.6% of family members (2012 survey)*

Year One Achievements:

- The proposed "Parent University" concept has not yet been implemented. The projected goal for 2012 was to reach 50% of JT students at target schools. Outreach strategies are being put in place in Year Two to create a "college going culture" to ensure that parents understand that their children can attend college, are knowledgeable about college requirements, and now how to help their children be successful for college.

Result 10: Students have access to 21st Century learning tools.

Indicator 15: #/% of children who have school and home access to broadband Internet and a connected computing device. *2012 Actual: 94.6% of children have school and home access to broadband Internet*

Programs

- Hayward Adult School provided bilingual computer classes at the Harder computer lab two evenings per week. The class is aimed to serve 30 adults per class over the three, six week program cycles. These classes are in progress at Harder Elementary.
- City of Hayward Public Access High Speed Internet - This intervention focuses on providing free wifi to PN schools over five years, and to homes surrounding schools by end of Year Two. In 2012, the City of Hayward learned from newly released HUSD student surveys that almost 95% of the student population has access to wifi. As such,

COH is re-thinking this original intervention and planning to strategically target those students who do not have wifi, potentially through the use of wifi and/or 3G enabled tablet computers. The exact solution will be determined by the specific needs of participants in the Homework Centers at each HPN school. Unexpended Year One funds in this category will be carried forward in the City's grant for use in Year Two.

- An Information and Technology Coach was deployed at target HUSD schools to expand the use of technology in the PN schools by substantively improving teachers' use of technology as in instructional tool and as a way of using rapid-time student data to inform instruction. It is hoped that all faculty at the PN schools will have the knowledge regarding the use of technology in the classroom. The IT coach has not yet been hired.

Policy Guidance and Accountability

CSUEB serves as the "fiscal agent" and lead agency for the Hayward Promise Neighborhood Initiative, and is therefore directly accountable to the federal Department of Education for the administration of the grant. However, the successful implementation of this initiative and the long-term sustainability of successful strategies requires that CSUEB work closely with the other key public agencies and community-based organizations named as formal partners in the application, especially the City of Hayward, HUSD, Chabot College, and HARD. Consequently, local elected officials and public agency chief executive officers formed HPN Policy and Executive Committees which began to meet regularly in Year One.

The HPN grant not only offers a significant opportunity to leverage other short-term grants and resources, it also provides the opportunity for local public institutions to work together to create the long-term public policy changes that govern the way local education and community services are funded and delivered in the future. As elected and executive public officials, the HPN Policy and Executive Committee members serve as stewards of the local public resources needed to meet the "match" requirements of the HPN grant. They also are in the position to expand the implementation of successful HPN strategies beyond the Jackson Triangle Neighborhood and institutionalize and sustain proven successful policies and services beyond the five-year term of the HPN grant.

Under the guidance and leadership of the HPN Policy and Executive Committees, action is taken to keep Hayward community members well-informed and involved in the HPN Initiative. This will result in increased public confidence in local education and community service institutions, resulting in broad public support for future local initiatives that will provide the financial resources and policies needed to sustain the delivery of effective services over the long-term.

Implementation Team

The HPN Implementation Team, made up of Executives, Directors and Managers from the key community partner agencies named in the application, ensures that grant and community resources are used appropriately, effectively, efficiently and in accordance with the policies and program direction set by the above noted elected officials and executives. The Assistant City

Manager, Director of Library and Community Services, and the Neighborhood Services Manager represent the City on the HPN Implementation Team.

City representatives work closely with the other HPN partners through the above noted avenues, and will keep the City Council updated on HPN related community meetings and activities through HPN meeting notices and the City Manager's Bi-Weekly report. The City Council will also receive comprehensive analytical progress reports, at least quarterly, describing the HPN activities undertaken and the resulting measurable outcomes; and there will be a comprehensive annual report to Council and the community.

ECONOMIC IMPACT

It is well known that the quality of the schools in a community is an important factor that people consider when seeking a place to live, own property, own businesses, socialize, entertain, and shop. Consequently, the entire Hayward community stands to benefit economically from the HPN Initiative as a result of all HUSD schools increasing their API scores so as to be in the top third of Alameda County schools.

Additionally, the Hayward Promise Neighborhood Initiative benefits both the young people served and the community-at-large by supporting many of the City's priorities – from reducing crime, to creating a more skilled and knowledgeable workforce by improving citizen access to high quality education and support tools and services. Improved neighborhoods and a strengthened community made up of close-knit civically engaged citizens are also potential Hayward Promise Neighborhood byproducts. This initiative presents an opportunity to develop and implement a well-coordinated system of in-school and out-of-school education and support programs and services for Hayward youth, their families, and neighbors. This in turn will result in increased school attendance, raise graduation rates, and reduce the likelihood that Hayward students will become involved in smoking, the use of drugs, become teen parents, engage in youth violence and/or other forms of illegal and anti-social behavior. It will instead increase the number of youth and other citizens that act as true assets in the Hayward community.

FISCAL IMPACT

Council authorized the City Manager to execute a services contract with CSUEB on July 17, 2012. The contract called for the City of Hayward to receive up to \$256,750 in the first year of the grant. As described above, due to contracting delays with CSUEB, the City's grant contract was not executed until midway through Year One of the project. This delayed implementation of several key elements of the City's Year One plan, for example the hiring of a CSO and the completion of a mural project. As well, new empirical data revealed that the need for transportation services was far less than anticipated at the time the grant was written in 2011, when only anecdotal data was available. City staff has worked with CSUEB and Department of Education to ensure that the City grant funding left unexpended in Year One will be carried over in full to Year Two (Calendar Year 2013) to support and enhance City programs in conjunction with HPN.

The Federal Department of Education requires that a dollar-for-dollar match be made from each of the communities receiving a Promise Neighborhood Grant. A combination of “in-kind” contributions and funding from other non-Promise Neighborhood funding sources may be used to meet this requirement. A combination of contributions made by each of the HPN partners will more than cover the match requirement for the Hayward community.

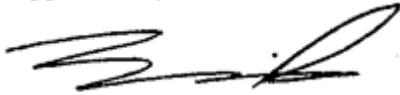
In Year One, the City contributed approximately \$134,000 worth of in-kind (generally in the form of staff support to the program) and leveraged cash support from other grant sources toward the Year One match requirement.

NEXT STEPS

City staff will continue to partner with CSUEB, HUSD, Chabot College, HARD, and the other Promise Neighborhood partners to deliver the City services described in this report. Representatives from the City Council and the City Manager will also continue to work with the policy representatives and chief executives of the other previously identified local public agencies to identify public policy changes that are needed to sustain improved educational and other support services in Hayward based on the continued successful implementation of this grant.

Recommended by: Sean Reinhart, Director of Library and Community Services

Approved by:



Fran David, City Manager

Attachment I: City of Hayward HPN Budget – Original Proposed
Attachment II: City of Hayward HPN Budget – Revised Carry Forward

Partner: City of Hayward

Harder Harder and Harder, Park, Winton and Winton, Chavez, and Hay, HS

	Request					Total Request	Match					Total Match		
	Year 1	Year 2	Year 3	Year 4	Year 5		Year 1	Year 2	Year 3	Year 4	Year 5			
1. Personnel														
Elected Official- Mayor	\$ 39,960													
IT: Technology Services Director	\$ 153,518	3%	1% per site				\$ 412	\$ 412	\$ 412	\$ 412	\$ 412	\$ 412	\$ 2,062	
IT: Network Systems Specialist	\$ 86,581	5%	for new sites				\$ 4,329	\$ 4,329	\$ 4,329	\$ 4,329	\$ 4,329	\$ 4,329	\$ 21,645	
HH: Library and Community Services Dir.	\$ 136,770	2%	but not higher				\$ 5,955	\$ 5,955	\$ 5,955	\$ 5,955	\$ 5,955	\$ 5,955	\$ 29,775	
HH: Homework Center Coordinator	\$ 39,600	10%	10% per site				\$ 3,960	\$ 3,960	\$ 3,960	\$ 3,960	\$ 3,960	\$ 3,960	\$ 19,800	
HH: Supervising Librarian	\$ 83,211	10%	10% per site				\$ 8,321	\$ 8,321	\$ 8,321	\$ 8,321	\$ 8,321	\$ 8,321	\$ 41,605	
HH: Librarian I	\$ 65,161	5%	5% per site				\$ 3,258	\$ 3,258	\$ 3,258	\$ 3,258	\$ 3,258	\$ 3,258	\$ 16,290	
HH: Senior Library Page	\$ 19,927	5%	5% per site				\$ 996	\$ 996	\$ 996	\$ 996	\$ 996	\$ 996	\$ 4,980	
ST: Crime Prevention Specialist - Northern District	\$ 65,083	4%	Match	\$ 1,302	\$ 1,341	\$ 1,381	\$ 1,422	\$ 1,465	\$ 1,508	\$ 1,551	\$ 1,594	\$ 1,637	\$ 8,185	
ST: Crime Analyst	\$ 107,806	3%	request/match	\$ 1,617	\$ 1,666	\$ 1,716	\$ 1,767	\$ 1,820	\$ 1,873	\$ 1,926	\$ 1,979	\$ 2,032	\$ 10,160	
ST: Community Services Officer - B - Northern Dist.	\$ 65,324	100%		\$ 65,324	\$ 67,284	\$ 69,302	\$ 71,381	\$ 73,523	\$ 75,725	\$ 77,980	\$ 80,290	\$ 82,655	\$ 413,274	
ST: Code Enforcement Inspector	\$ 73,944	100%		\$ 73,944	\$ 78,447	\$ 83,000	\$ 87,603	\$ 92,256	\$ 96,960	\$ 101,714	\$ 106,517	\$ 111,370	\$ 556,857	
NP: Neighborhood Partnership Manager (Supervises Code En	\$ 128,481	7%		\$ 12,848	\$ 13,417	\$ 14,000	\$ 14,589	\$ 15,180	\$ 15,771	\$ 16,362	\$ 16,953	\$ 17,544	\$ 87,764	
NP: Neighborhood Services Manager	\$ 192,670	0.5%	approx. 3 hrs./	\$ 4,078	\$ 4,200	\$ 4,326	\$ 4,456	\$ 4,590	\$ 4,724	\$ 4,862	\$ 4,999	\$ 5,141	\$ 25,706	
ST: HPD Chief	\$ 159,931	2%		\$ 3,198	\$ 3,295	\$ 3,393	\$ 3,491	\$ 3,590	\$ 3,688	\$ 3,787	\$ 3,886	\$ 3,985	\$ 19,822	
ST: Captain	\$ 159,931	2%		\$ 3,198	\$ 3,295	\$ 3,393	\$ 3,491	\$ 3,590	\$ 3,688	\$ 3,787	\$ 3,886	\$ 3,985	\$ 19,822	
ST: Lt. - Northern District Commander	\$ 145,412	15%		\$ 21,812	\$ 22,466	\$ 23,140	\$ 23,834	\$ 24,548	\$ 25,281	\$ 26,034	\$ 26,806	\$ 27,597	\$ 137,957	
ST: Police Officer - Northern District	\$ 105,289	5%		\$ 5,264	\$ 5,422	\$ 5,585	\$ 5,753	\$ 5,925	\$ 6,101	\$ 6,281	\$ 6,465	\$ 6,654	\$ 33,270	
ST: Community Services Officer A - Northern Dist.	\$ 65,324	3%		\$ 1,960	\$ 2,019	\$ 2,079	\$ 2,141	\$ 2,206	\$ 2,274	\$ 2,344	\$ 2,415	\$ 2,488	\$ 12,434	
Subtotal Personnel	\$ 1,829,960		approx. 3 hrs./	\$ 72,321	\$ 74,490	\$ 76,722	\$ 79,014	\$ 81,366	\$ 83,770	\$ 86,226	\$ 88,734	\$ 91,294	\$ 463,303	
2. Fringe Benefits														
IT: Technology Services Director	\$ 153,518	36%		\$ 55,269	\$ 57,771	\$ 60,330	\$ 62,943	\$ 65,611	\$ 68,335	\$ 71,115	\$ 73,950	\$ 76,841	\$ 384,166	
IT: Network Systems Specialist	\$ 86,581	47%		\$ 40,783	\$ 42,593	\$ 44,463	\$ 46,393	\$ 48,383	\$ 50,433	\$ 52,543	\$ 54,713	\$ 56,943	\$ 284,666	
HH: Library and Community Services Dir.	\$ 136,770	36%		\$ 49,237	\$ 51,240	\$ 53,294	\$ 55,400	\$ 57,556	\$ 59,763	\$ 62,021	\$ 64,330	\$ 66,690	\$ 333,450	
HH: Homework Center Coordinator	\$ 39,600	7%		\$ 2,772	\$ 2,872	\$ 2,972	\$ 3,072	\$ 3,172	\$ 3,272	\$ 3,372	\$ 3,472	\$ 3,572	\$ 17,856	
HH: Supervising Librarian	\$ 83,211	35%		\$ 29,119	\$ 30,171	\$ 31,223	\$ 32,275	\$ 33,327	\$ 34,379	\$ 35,431	\$ 36,483	\$ 37,535	\$ 187,665	
HH: Librarian I	\$ 65,161	35%		\$ 22,806	\$ 23,607	\$ 24,408	\$ 25,209	\$ 26,010	\$ 26,811	\$ 27,612	\$ 28,413	\$ 29,214	\$ 146,070	
HH: Senior Library Page	\$ 19,927	28%		\$ 5,579	\$ 5,781	\$ 5,983	\$ 6,185	\$ 6,387	\$ 6,589	\$ 6,791	\$ 6,993	\$ 7,195	\$ 35,970	
ST: Crime Prevention Specialist - Northern District	\$ 65,083	69%	\$ 44,717	\$ 1,342	\$ 1,382	\$ 1,423	\$ 1,466	\$ 1,510	\$ 1,554	\$ 1,598	\$ 1,642	\$ 1,686	\$ 8,430	
ST: Crime Analyst	\$ 107,806	54%	\$ 57,801	\$ 867	\$ 893	\$ 920	\$ 947	\$ 976	\$ 1,005	\$ 1,034	\$ 1,063	\$ 1,092	\$ 5,430	
ST: Community Services Officer - B - Northern Dist.	\$ 65,324	76%	\$ 49,847	\$ 49,847	\$ 51,342	\$ 52,837	\$ 54,332	\$ 55,827	\$ 57,322	\$ 58,817	\$ 60,312	\$ 61,807	\$ 309,036	
ST: Code Enforcement Inspector	\$ 73,944	64%	\$ 47,627	\$ 47,627	\$ 50,527	\$ 53,427	\$ 56,327	\$ 59,227	\$ 62,127	\$ 65,027	\$ 67,927	\$ 70,827	\$ 354,136	
NP: Neighborhood Partnership Manager (Supervises Code En	\$ 128,481	51%	\$ 65,526	\$ 65,526	\$ 68,601	\$ 71,676	\$ 74,751	\$ 77,826	\$ 80,901	\$ 83,976	\$ 87,051	\$ 90,126	\$ 450,606	
NP: Neighborhood Services Manager	\$ 192,670	49%	\$ 95,925	\$ 95,925	\$ 100,000	\$ 104,075	\$ 108,150	\$ 112,225	\$ 116,300	\$ 120,375	\$ 124,450	\$ 128,525	\$ 642,600	
ST: HPD Chief	\$ 159,931	79%	\$ 126,986	\$ 126,986	\$ 132,821	\$ 138,656	\$ 144,491	\$ 150,326	\$ 156,161	\$ 161,996	\$ 167,831	\$ 173,666	\$ 878,706	
ST: Captain	\$ 159,931	81%	\$ 129,516	\$ 129,516	\$ 135,601	\$ 141,686	\$ 147,771	\$ 153,856	\$ 159,941	\$ 166,026	\$ 172,111	\$ 178,196	\$ 895,306	
ST: Lt. - Northern District Commander	\$ 145,412	71%	\$ 103,230	\$ 103,230	\$ 107,391	\$ 111,552	\$ 115,713	\$ 119,874	\$ 124,035	\$ 128,196	\$ 132,357	\$ 136,518	\$ 687,306	
ST: Police Officer - Northern District	\$ 105,289	78%	\$ 81,940	\$ 81,940	\$ 85,176	\$ 88,412	\$ 91,648	\$ 94,884	\$ 98,120	\$ 101,356	\$ 104,592	\$ 107,828	\$ 540,306	
ST: Community Services Officer A - Northern Dist.	\$ 65,324	76%	\$ 49,847	\$ 49,847	\$ 51,342	\$ 52,837	\$ 54,332	\$ 55,827	\$ 57,322	\$ 58,817	\$ 60,312	\$ 61,807	\$ 309,036	
Subtotal Fringe Benefits				\$ 847,072	\$ 876,033	\$ 905,000	\$ 933,967	\$ 962,934	\$ 991,901	\$ 1,020,868	\$ 1,049,835	\$ 1,078,802	\$ 5,350,904	
3. Travel														
Calculation														
Subtotal Travel														
4. Equipment														
Calculation														
IT: Wireless Controller for up to 12 APs (one per site)	\$ 6,600			\$ 6,600	\$ 6,600	\$ 6,600	\$ 6,600	\$ 6,600	\$ 6,600	\$ 6,600	\$ 6,600	\$ 6,600	\$ 33,000	
IT: Ethernet Transceiver(One per site)	\$ 480			\$ 480	\$ 480	\$ 480	\$ 480	\$ 480	\$ 480	\$ 480	\$ 480	\$ 480	\$ 2,400	
IT: 802.11a/g/n Fixed Auto AP	\$ 780			\$ 780	\$ 780	\$ 780	\$ 780	\$ 780	\$ 780	\$ 780	\$ 780	\$ 780	\$ 3,900	
IT: Ethernet Wifi Router w/ 1000 foot range (one per site)	\$ 1,290			\$ 1,290	\$ 1,290	\$ 1,290	\$ 1,290	\$ 1,290	\$ 1,290	\$ 1,290	\$ 1,290	\$ 1,290	\$ 6,450	
IT: IP Services License (one per site)	\$ 90			\$ 90	\$ 90	\$ 90	\$ 90	\$ 90	\$ 90	\$ 90	\$ 90	\$ 90	\$ 450	
IT: Time-Warner Cable 25 Mbps data utility (annual per site)	\$ 1,200			\$ 2,400	\$ 3,600	\$ 4,800	\$ 6,000	\$ 7,200	\$ 8,400	\$ 9,600	\$ 10,800	\$ 12,000	\$ 54,000	
HH: Brodart library book vending machine, installed	\$ 21,775			\$ 21,775	\$ 21,775	\$ 21,775	\$ 21,775	\$ 21,775	\$ 21,775	\$ 21,775	\$ 21,775	\$ 21,775	\$ 108,875	
HH: Brodart maintenance & support contract	\$ 1,800			\$ 1,800	\$ 3,600	\$ 5,400	\$ 7,200	\$ 9,000	\$ 10,800	\$ 12,600	\$ 14,400	\$ 16,200	\$ 81,000	
HH: Indoor book return bin	\$ 950			\$ 950	\$ 950	\$ 950	\$ 950	\$ 950	\$ 950	\$ 950	\$ 950	\$ 950	\$ 4,750	
HH: (25) Netbook PC's + MS Office @ \$300/ea	\$ 7,500			\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 37,500	
HH: (25) CIPA software installs @ \$25/ea	\$ 625			\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 3,125	
HH: (1) Notebook PC storage cabinet	\$ 900			\$ 900	\$ 900	\$ 900	\$ 900	\$ 900	\$ 900	\$ 900	\$ 900	\$ 900	\$ 4,500	
Subtotal Equipment				\$ 10,440	\$ 11,640	\$ 12,840	\$ 14,040	\$ 15,240	\$ 16,440	\$ 17,640	\$ 18,840	\$ 20,040	\$ 99,000	
5. Supplies														
Calculation														
NP: Neighborhood Meeting Supplies - Refreshments, Office Su	\$ 500			\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 2,500	
NP: Outreach / Promotions / Advertisements	\$ 2,000			\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 10,000	
NP: Printing Costs / Signage	\$ 1,000			\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 2,500	
HH: (400) Books @ \$12.50 ea.	\$ 5,000			\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 25,000	
HH: School/office supplies	\$ 250			\$ 250	\$ 500	\$ 750	\$ 1,000	\$ 1,250	\$ 1,500	\$ 1,750	\$ 2,000	\$ 2,250	\$ 11,250	
Subtotal Supplies				\$ 1,500	\$ 1,500	\$ 1,500	\$ 7,500							
6. Contractual Services														
Calculation														
NP: Translation Services:	\$ 1,440	\$40/hr x 3 hrs/mtg. x 12mtgs per		\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 3,600
NP: Childcare Services During Neighborhood Meetings	\$ 1,080	\$15/hr/person x 2 people x 3 hr		\$ 540	\$ 540	\$ 540	\$ 540	\$ 540	\$ 540	\$ 540	\$ 540	\$ 540	\$ 2,700	
T: Non-HUSD Transportation Services (MV Transportation)	\$ 57,200	\$55/hr x 20hrs/wk x 52 wks		\$ 57,200	\$ 57,200	\$ 57,200	\$ 57,200	\$ 57,200	\$ 57,200	\$ 57,200	\$ 57,200	\$ 57,200	\$ 286,040	
EP: East Bay Aviators, Inc. - Motivation and Learning Through Aviation (MALTA) Project. (Middle and High School Programs)	\$ 40,802		\$ 40,802		\$ 20,400	\$ 20,400	\$ 20,400	\$ 20,400	\$ 20,400	\$ 20,400	\$ 20,400	\$ 20,400	\$ 61,206	
Contractor's Program Coordinator	\$ 5,300	10% of Prog. Coord. @ \$53,000/yr		\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300	\$ 26,500	
Flight Instructors - Cockpit Training	\$ 8,100	\$81/hr Air Time x 5 hrs/ Session = \$405/Student x 4 students / Session x 5 Sessions/yr.		\$ 8,100	\$ 8,100	\$ 8,100	\$ 8,100	\$ 8,100	\$ 8,100	\$ 8,100	\$ 8,100	\$ 8,100	\$ 40,500	
Ground Instructors - Simulation Training	\$ 4,000	\$40/ hr. 5 hrs/ student x 4 students/session x 5 sessions / yr.		\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 20,000	
Transportation Costs for Field Trips to Operational Air Strips and	\$ 3,000													



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2013, 7:00 p.m.**

The City Council meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Mendall.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Jones, Halliday, Peixoto, Salinas,
Mendall
MAYOR Sweeney
Absent: None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney announced that Council met with labor negotiators pursuant to Government Code 54957.6, concerning all groups, and met with legal counsel pursuant to Government Code 54956.9, regarding McKay, et al v. City of Hayward, et al., U.S.D.C. CV12-1613 NC. There was no reportable action.

PRESENTATION

The City of Hayward presented the Business Recognition Award for March 2013 to Manada Roofing, Inc. Located at 1593 Industrial Parkway and operated by the Perez brothers, Manada Roofing began operations in 2001. Manada Roofing provides expert installation of tile, shake, composition, shingle, and slate roofs, and specialize in seamless gutter, roof metal and repairs as well as solar installation. The company has grown from \$200,000 in sales to over \$2 million. The award was given in recognition of the contributions Manada Roofing has made to the community by: locating their business in Hayward; providing job opportunities to local residents; proactively developing an environmental friendly business model; and contributing to the overall economic well-being of the community. Mr. Jesus Perez, Vice President of Sales, accepted the award on behalf of Manada Roofing and thanked Council for such recognition.

PROCLAMATION

Mayor Sweeney read a Proclamation declaring March 12, 2013, as Women Veterans' Day in the City of Hayward, gratefully acknowledging the service of women veterans in all military branches, and encouraging all Hayward residents to pay tribute to the women veterans of our community. Vice President of Administrative Services at Chabot College, Ms. Connie Willis, accepted the proclamation on behalf of Chabot College and thanked Council for such recognition. Ms. Willis noted that Chabot College had committed to opening a Veterans' Center.

PUBLIC COMMENTS

Mr. SJ Samiul, Aldengate Way resident, reminded Hayward citizens to get involved with the 2040 General Plan Update. Mr. Samiul thanked the following women for being kind and gracious: City Clerk staff Denise Chan and Suzanne Philis; Planning Commissioner Lamnin; former City Council Member Anna May; and Police staff Gale Bleth and Mary Fabian.

Ms. Betty DeForest, Executive Director of South Hayward Parish and Westwood Street resident, thanked the City for beginning a dialogue about homelessness and favored the formation of a task force comprised of concerned residents, business owners, and elected officials who would find solutions to the homelessness issue. Ms. DeForest noted the Parish shared the City's concerns related to free outdoor food-sharing. Ms. DeForest asked if permit requirements would apply to food pantries that distributed free food, if there would be a cost, and whether places that prepare food would need to be certified kitchens by the Alameda County Public Health Department.

Ms. Janet Jonigan, Torrano Avenue resident, advocate for Hayward Community Action Network (CAN), noted she participated in free food programs and asked Council to consider hunger as not just a homeless issue but also for people with limited economic resources in need of food programs.

Mr. Greg Schluntz, West Camino Vista resident, noted he was fairly involved with the homelessness issue, appreciated working with City staff, and expressed opposition to a Zoning Ordinance amendment that would require an Administrative Use Permit for outdoor food distribution because it would not solve current issues, would increase costs and use of resources, would create confusion, and would not help interest groups. Mr. Schluntz noted that groups need to work together for solutions and favored a facility center that would provide support, job preparation, and a self-rehabilitation approach.

Mr. Jim Drake, Franklin Drive resident, expressed concern that Hayward was becoming a dumping ground for felons. Mr. Drake also shared an article in the San Francisco Chronicle, dated January 31, 2013, about Hayward Unified School District bonds and the resulting cost to taxpayers.

Ms. Marcy Timberman, Optimus Street resident, opposed the Zoning Ordinance amendment for outdoor food distribution activities noting it would not solve the poverty problem. Ms. Timberman favored a task force that would address long-term solutions such as developing a centralized service facility, leveraging resources, and educating the public about pervasive poverty and homelessness issues.

Mr. Bob Goodwill, Hayward resident and CAN advocate, noted he did not think there was a problem with food-sharing participants at the Portuguese Park, but thought negative activities occurred either before or after food-sharing took place.

Ms. Janice Bolanos, Castro Valley resident, noted she had been providing meals at the Portuguese Park for the past 13 years, she welcomed the opportunity to move food programs to a centralized location, and asked the City for help in this endeavor and to stop spending resources on a costly permit process and Zoning Ordinance amendment.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2013, 7:00 p.m.**

Mr. Robert Lara, Cotter Way resident and member of the Community Services Commission, opposed a permit requirement for food distribution and a Zoning Ordinance amendment because it was not the best approach to the poverty problem. Mr. Lara noted there were residents facing challenging times who participated in food programs out of necessity and favored interest groups working collectively to find solutions rather than creating more bureaucracy.

Ms. Sheryl Blair, Alice Street resident, did not agree that the Zoning Ordinance amendment would solve the overall hunger problem, but could be beneficial for residents who were having concerns about the Portuguese Park. Ms. Blair provided an example of a government cafeteria in Brazil that provided low cost meals three times a day.

Ms. Lisa Towles, Vanderbilt Street resident, opposed the Zoning Ordinance amendment and a permit requirement for food distribution and suggested that efforts and funds be utilized to support established community organizations that organize food programs.

Ms. Sara Lamnin, Patrick Avenue resident and Program Director of South Hayward Parish CAN, thanked staff and Council for working with the community to address hunger and homelessness. Ms. Lamnin opposed the proposed Zoning Ordinance amendment noting that developing a permit process for food distribution would not address the problem. Ms. Lamnin asked Council to establish a deadline to move the existing outdoor food programs out of civic spaces, work with community stakeholders to develop a centralized indoor service program that could address health and safety issues, leverage resources, and help residents reach a better level of sustainability.

Council Member Mendall noted that he needed to stand during meetings because of a back problem. He also pointed out that there was a Daily Review report in December about HUSD bonds.

WORK SESSION

1. Strategies to Improve the Delivery of Food and Support Services to People in Need

Staff report submitted by Neighborhood Services Manager Korth, dated March 5, 2013, was filed.

Assistant City Manager McAdoo, Neighborhood Services Manager Korth, City Attorney Lawson, and City Manager David provided a synopsis of the report. Attachment A to the staff report was provided for the record.

Council Member Halliday noted she was a member of the First United Methodist Church and had participated in the food distribution program and recognized there were challenges. Ms. Halliday commended CAN for its efforts, favored continuing discussion among interest groups to find solutions to homelessness and hunger problems, and noted the requirement of low cost permits for food distribution activities on City property would be appropriate, and added that funds to find and

operate a centralized food distribution facility would need to be identified.

Council Member Zermeño noted he had also participated in food distribution activities and encouraged churches to help with local issues, partner with Alameda County to find a centralized distribution location, and suggested either a house on Flagg Street or the hall next to Portuguese Park. Mr. Zermeño suggested the City work with the newly forming Task Force to End Hunger and Homelessness in Hayward, and have the Task Force identify solutions.

Council Member Salinas expressed concern about the liability aspect of food distribution and mentioned that Alameda County Environmental Health offers food safety certification training. Mr. Salinas supported Ms. Lamnin's suggestion about establishing a centralized food distribution center and suggested the Matt Jimenez Community Center which has a large capacity kitchen. Mr. Salinas noted it was important to find a solution to the bigger problem of unemployment and mentioned local employers needed to do their part to hire local people.

Council Member Mendall indicated there should be City representation on the Task Force to End Hunger and Homelessness in Hayward. Mr. Mendall did not agree with the proposed Administrative Use Permit for food distribution. He welcomed the idea of a centralized food distribution building, but in the interim he said he would not oppose a low cost permitting process to help the City prepare for events and mitigate existing problems such as having portable toilets in places during food distribution.

Council Member Peixoto suggested that staff contact members of the Portuguese community and include them in discussions related to food distribution issues. Mr. Peixoto noted the Portuguese community wants to work with the homeless community, but expected appreciation for the work that was done in the park. Mr. Peixoto spoke about the Portuguese community's investment in the park and how it was a source of pride for the community. He supported an indoor distribution center and opposed any consideration of the Portuguese Park as an outdoor venue for a centralized operation.

Council Member Jones favored the notion of a permit process for outdoor food distribution to ensure the safety of participating individuals and for the City to be aware and respond appropriately. Mr. Jones indicated it was important to acknowledge that public space was for community and not intended for a single group or use. He noted that discussions were the initial attempt to affect the problem, regulate outside spaces, and energize the community to find a centralized facility that did not encroach in public spaces.

Mayor Sweeney agreed with Council Member Jones that homelessness and hunger were massive problems and the City's ability to provide services to the community was limited. Mayor Sweeney noted that Hayward, in areas of social problems, had done more than its fair sharing in the County, and local organizations deserved recognition. He supported an encroachment permit for outdoor food distribution activities to set performance standards. He reiterated Council Member Peixoto's comments that the Portuguese Park was a special place to the Portuguese community and needed to be respected.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2013, 7:00 p.m.**

CONSENT

2. Approval of Minutes of the City Council Meeting on February 19, 2013

It was moved by Council Member Zermeño, seconded by Council Member Peixoto, and unanimously carried, to approve the minutes of the City Council Meeting of February 19, 2013.

3. South Hayward BART Transit Oriented Development: Approval of Amendment to Owner Participation Agreement – Extension of Construction Timelines

Staff report submitted by Project Manager DeClercq, dated March 5, 2013, was filed.

It was moved by Council Member Zermeño, seconded by Council Member Peixoto, and unanimously carried to adopt the following:

Resolution 13-020, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate, Execute and Implement a First Amendment to the Owner Participation Agreement for the South Hayward BART Transit Oriented Development”

4. South Hayward BART Transit Oriented Development: Approval of Amendment to JPA Agreement; Appointment of Alternate Director to the JPA Board

Staff report submitted by Project Manager DeClercq, dated March 5, 2013, was filed.

It was moved by Council Member Zermeño, seconded by Council Member Peixoto, and unanimously carried to adopt the following:

Resolution 13-021, “A Resolution of the City Council of the City of Hayward Approving an Amendment to the Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority to (I) Provide for the Appointment of Alternate Board Members and (II) Appoint the City Appointed JPA Board Alternate”

LEGISLATIVE BUSINESS

5. Approval of Phase-Out of the City’s Red Light Camera Program

Staff report submitted by Field Operations Division Commander McAllister, dated March 5, 2013, was filed.

Police Chief Urban provided a synopsis of the report and answered questions from Council.

Council Member Salinas favored the proposed second alternative to terminate the contract with Redflex Traffic System Inc., and discontinue the red light camera system. Mr. Salinas noted the presence of patrol vehicles at intersections was more effective and tended to have a calming effect on the flow of traffic.

Council Member Peixoto noted staff presented three reasonable recommendations for the City's Red Light Camera Program; however, he was concerned that with option one, allowing the program to phase out over the next years, rear end collisions would continue to occur because of the red light camera system. He noted that patrol presence was a more effective approach and noted that the concept of patrol officers having the choice to give a verbal or written warning and collect data was a smart use of resources.

Council Member Mendall commended Police Chief Urban on utilizing the Data Driven Approach to Crime and Traffic Safety (DDACTS). Mr. Mendall mentioned it would be prudent to consider increasing traffic yellow light cycles at intersection where most collisions occur. Mr. Mendall noted it would be more costly for the City to phase out the Red Light Camera Program rather than to terminate the program immediately.

Council Member Zermeño acknowledged Captain McAllister for the comprehensive staff report and acknowledged that resident-friendly policing could create better awareness of traffic laws. He noted that there were positive and negative aspects of the Red Light Camera Program.

Council Member Halliday noted the Red Light Camera Program had saved lives, prevented injuries, and encouraged drivers to follow traffic laws. Ms. Halliday added that people needed to be cautious when approaching intersections and yellow lights needed to be taken seriously.

Mayor Sweeney opened the public hearing at 9:15 p.m.

Mr. Roger Jones, Fremont resident and Red Light Camera Protest Group of Alameda County representative, did not agree to let the term of the contract with Redflex Traffic System phase out because the program was not delivering the expected safety results and would continue to yield unintended violations at the expense of the constituents. Mr. Jones suggested the City terminate the entire contract for cause.

Mr. John Henneberry, Newark resident, noted Red Light Camera programs were counterproductive as evidenced by the increase in rear end collisions and the failure of cities to increase yellow light times. He added that traffic ticket revenue was a back door tax on the public. Mr. Henneberry recommended the City terminate the Red Light Camera Program immediately until the City obtained voter approval.

Ms. Janine Garcia, Thorne Drive resident, noted that red light cameras did not address other violators such as pedestrian and bicyclists. Ms. Garcia recommended that intersections have red lights; install time count down devices at all Hayward intersections to allow for all populations; and



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2013, 7:00 p.m.**

review intersections where yellow light cycles were too short. Ms. Garcia urged the Council to terminate the entire contract with Redflex Traffic Systems immediately.

Mr. Chuck Uhler, with Redflex Traffic Systems, Inc., said the staff report results were different from other cities and added that a direct benefit to the City was the reduction in staff time for traffic monitoring. Mr. Uhler noted that a study concluded that the benefit to traffic safety with the use of camera technology had been a reduction in traffic violations which would equate to fewer traffic injuries. Mr. Uhler pointed out that should the City decide to terminate or phase out the program, the devices could be left in place while traffic trends were studied and the City would have the option of retaining devices that proved to be effective.

Mr. Mike Finholt, San Leandro resident, said the Council would not want Hayward to be known as a “predatory” City for red light cameras and noted the citations were harsh costing part of ones’ salary. Mr. Finholt said cameras do not understand traffic conditions and that he preferred community policing. Mr. Finholt noted that drunk drivers were the main red light violators and that was where the attention should be directed.

Mr. John Swart, 7th Street resident, supported the option to terminate the contract with Redflex immediately because the cost to the City would be \$108,000, whereas phasing out the program would cost about \$4 million and would be money not benefitting the local community.

Ms. Anna Smith, Santa Clara Street, noted her street would greatly benefit from more police presence. Ms. Smith favored the option to terminate the contract with Redflex immediately and noted that the cost of \$108,000 was minimum compared to the \$58,000 a month cost to maintain the cameras. She would prefer increased police presence.

Mayor Sweeney closed the public hearing at 9:35 p.m.

Council Member Jones thanked staff for taking a data-driven approach to traffic safety and noted the purpose of the Red Light Camera Program was to enhance public safety and the data proved the program was ineffective. Mr. Jones noted that cost was not a factor for terminating the program. He also mentioned that the human element to change behavior was lost when using technology to enforce laws. Mr. Jones offered a motion to direct staff to bring back a resolution approving the termination of the City’s Red Light Camera Program effective as soon as practicable.

Council Member Mendall seconded the motion. Council Member Mendall said the data suggested the Red Light Camera Program was not working and was ineffective in meeting the primary goal of reducing collisions, and was costing resident’s money. Mr. Mendall concurred with terminating the contract as soon as practicable.

Council Member Salinas expressed concern that a camera was patrolling traffic. Mr. Salinas emphasized the effectiveness of police presence to enforce traffic and to deter violators. Mr.

Salinas supported the motion on the floor to direct staff to bring back a resolution approving termination of the Red Light Camera Program.

Council Member Zermeño was hopeful that drivers would be more diligent when driving through Hayward and would be careful at intersections.

Council Member Halliday noted she was persuaded by all the discussion to find that the Red Light Cameras was not the best way to enforce traffic safety, but there was no way of knowing how many drivers had modified their driving behavior as a result of the cameras. In response to Ms. Halliday's inquiry related to the additional cost to \$108,000 to terminate the program prior to July 1, 2013, Assistant City Attorney Conneely explained that the cost would go up incrementally by each month the contract would terminate early and added that if the Supreme Court determined that red light cameras were inadmissible, then there would be no penalties. Ms. Halliday noted she would not be supporting the motion because it was not clear how much it would cost to terminate the contract.

Council Member Peixoto noted that data showed that red light cameras did not address safety issues. Mr. Peixoto added that the program was not meant to be a revenue generator. He was more concerned about rear end collisions, fatal injuries, and the cost the public would endure if the contract was not terminated. Mr. Peixoto supported the motion.

Mayor Sweeney noted that since the installation of red light cameras at Winton Avenue and Hesperian Boulevard there seemed to be fewer accidents, broadside collisions, and traffic congestion. Mayor Sweeney asked staff to provide Council with data for intersections where crashes occurred and substantiate reductions.

It was moved by Council Member Jones, seconded by Council Member Mendall, and carried with Council Member Halliday voting no, to direct staff to bring back a resolution that would terminate the contract as soon as practicable and discontinue the red light camera system.

6. Fiscal Year 2013 Mid-Year Budget Review & General Fund Ten-Year Plan Update

Staff report submitted by Director of Finance Vesely, dated March 5, 2013, was filed.

Director of Finance Vesely provided a synopsis of the report. A revised resolution (Attachment I to the staff report) and FY 2013 Mid-Year Adjustments (Attachment III to the staff report) were provided for the record.

Mayor Sweeney opened the public hearing at 10:21 p.m.

Mr. Jim Drake, Franklin Avenue resident, did not see the reason for a ten-year plan and noted the City needed to address deficit spending before spending exceeded revenue as he was concerned about additional taxation for constituents.

Mayor Sweeney closed the public hearing at 10:24 p.m.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2013, 7:00 p.m.**

Council Member Mendall noted that Council was addressing the deficit issue by reducing staffing levels and making employee concessions. Mr. Mendall noted the ten-year projection was valuable because it provided significant trends that needed to be addressed. Mr. Mendall said he would feel more comfortable setting the revenue projection for property transfer tax at a reliable level of \$3.8 or \$3.5 as opposed to \$5 million.

Council Member Halliday noted that Council and staff were working diligently to address the deficit and the ten-year budget projection was useful. Ms. Halliday concurred with Council Member Mendall about setting the revenue projection for property transfer tax revenue below \$5 million, and recommended any infusion of funds into the Capital Fund and Unfunded Liability for Retiree Benefits Fund.

In response to Mayor Sweeney's question about the information from the County Auditor/Controller regarding property tax revenue that would be redistributed to the City as a result of the dissolution of the former Hayward Redevelopment Agency, Assistant City Manager McAdoo said staff was analyzing the data and believed the projections were solid and staff would present the projection when the Economic Development Strategic Plan was presented for adoption. Mayor Sweeney recommended waiting to fill the positions outlined in Section 5 of the Mid-Year Staffing Adjustments until the property tax revenue from the former Hayward Redevelopment Agency was verified.

Council Member Zermeño noted that Council had been working diligently to address the deficit. Mr. Zermeño offered a motion to move the item per staff recommendation with direction to staff to wait to fill positions outlined in Section 5 of the Mid-Year Staffing Adjustments until the property tax revenue from the former Hayward Redevelopment Agency was verified.

Council Member Halliday seconded the motion.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and unanimously carried to adopt the following resolution directing staff to wait to fill positions outlined in Section 5 of the Mid-Year Staffing Adjustments until the property tax revenue from the former Hayward Redevelopment Agency was verified.

Resolution 13-022, "Resolution Amending Resolution 12-119, As Amended, the Budget Resolution for the City of Hayward Operating Budget for Fiscal Year 2013, Relating to an Appropriation of Funds"

7. Water Supply Agreement with San Francisco - Approval of an Amendment

Staff report submitted by Director of Public Works – Utilities & Environmental Services Ameri, dated March 5, 2013, was filed.

Director of Public Works – Utilities & Environmental Services Ameri provided a synopsis of the report.

There being no public comments Mayor Sweeney opened and closed the public hearing at 10:47 p.m.

Council Member Mendall, also Hayward’s representative to the Bay Area Water Supply & Conservation Agency (BAWSCA), said this was an excellent agreement that provided Council with a voice as to what happens to Hetch Hetchy and commended BAWSCA for developing the agreement. Mr. Mendall urged Council to support the report and offered a motion to move the item per staff recommendation.

Council Members Halliday and Zermeño seconded the item.

In response to Mayor Sweeney’s inquiry, Director of Public Works Ameri said the California Water Service Company was the largest private entity, which purchased 20% of their regional water; and the City of Hayward was the largest public entity at 10%, and the City of San Francisco purchased 33%.

It was moved by Council Member Mendall, seconded by Council Members Halliday and Zermeño, and unanimously carried to adopt the following:

Resolution 13-023, “Resolution Approving an Amendment to the Water Supply Agreement with the City and County of San Francisco”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño noted that on March 11, 2013, Hayward would be celebrating its 137th Anniversary for being chartered into the State and he encouraged everyone to shop in Hayward that day.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 10:51 p.m., in memory of Joanne Kyle. A longtime resident of Hayward and a modest individual, Joanne Kyle, was active in the Longwood, St. Joachim, and All Saints communities, and contributed with deeds of generosity. Mayor Sweeney asked staff to work with her husband, John Kyle, to find a suitable place to plant a tree in her memory.

APPROVED:

Michael Sweeney
Mayor, City of Hayward



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2013, 7:00 p.m.**

ATTEST:
Miriam Lens
City Clerk, City of Hayward

DATE: March 26, 2013
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Resignation of Taufa Setefano from the Hayward Youth Commission and Appointment of Christian Vernikoff to Fulfill Setefano's Unexpired Term

RECOMMENDATION

That the City Council accepts the resignation of Ms. Taufa Setefano from the Hayward Youth Commission and appoints Mr. Christian Vernikoff to fulfill Ms. Setefano's unexpired term.

BACKGROUND

Ms. Taufa Setefano was appointed to the Hayward Youth Commission on June 26, 2012. Her resignation became effective March 12, 2013. Mr. Christian Vernikoff will be selected from the Alternate List to fill Ms. Taufa Setefano's term, which will expire June 30, 2014.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment II	Resignation Letter

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF TAUFA SETEFANO FROM THE HAYWARD YOUTH COMMISSION AND APPOINTING CHRISTIAN VERNIKOFF TO FULFILL TAUFA SETEFANO'S TERM

WHEREAS, Ms. Taufa Setefano was appointed to the Hayward Youth Commission on June 26, 2012.

WHEREAS, the Council hereby accepts the resignation of Taufa Setefano from the Hayward Youth Commission; and commends her for her civic service to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Mr. Christian Vernikoff will be selected from the Hayward Youth Commission Alternate List to fill Ms. Taufa Setefano's term, which will expire June 30, 2014.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ATTACHMENT II

From: Taufa Setefano [<mailto:tsetefano95@gmail.com>]
Sent: Tuesday, March 12, 2013 2:00 PM
To: Michael Maine
Subject:

Greetings Mr. Maine, Ms. Sherman, and Ms. Yelitza,
I am writing you in regards of my status in the Hayward Youth Commission. Apparently, I haven't been around for any meetings lately due to situations that are out of my control and would want to resign from my position as a commissioner. I am sure that there is someone that can better suit this task as a commissioner. I thank you for your time and wish the best for the rest of the group.

Sincerely,
Taufa

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

DATE: March 26, 2013

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District for the Hayward Senior Center Kitchen Improvement Project and the John F. Kennedy Park Master Plan Project

RECOMMENDATION

That Council adopts the attached resolution reimbursing the Hayward Area Recreation and Park District (HARD) \$160,888.57 for the Hayward Senior Center Kitchen improvement project from the park-in-lieu account for Zones C, D and E; and appropriating \$110,000 for the John F. Kennedy Park Master Plan project from the accounts of various park in-lieu fee zones for this district-wide park project.

BACKGROUND

The City of Hayward requires all subdivisions and other development of land for residential purposes to set aside land and/or to pay in-lieu fees to provide for park and recreational facilities. Collected park in-lieu fees are used for the purpose of acquiring necessary land and developing new, or rehabilitating existing parks, in the park-dedication zone in which the development property is located. Reimbursements from multiple zones may be made for district-wide parks and facilities.

In accordance with Hayward's local ordinance, residential projects consisting of fifty units or less are only required to pay in-lieu park fees; however, a project proponent may offer payment of fees and/or dedication of land. For those projects, the City consults with HARD before making a final decision and approval. For projects entailing more than fifty units, the City, prior to project approval, refers such projects to HARD for a recommendation. For other park projects and improvements, HARD submits requests to the City for use of in-lieu fee funds, along with an estimate of project and/or land acquisition costs. Staff reviews such requests and typically approves them, in line with the State Quimby Act and Hayward's local ordinance. After a project is built, HARD submits a reimbursement request, which is processed to City Council for approval. Only if there are sufficient funds in the in-lieu fee fund account will staff recommend to Council appropriation of funds for reimbursement to HARD.

HARD seeks reimbursement in the amount of \$160,888.57 for completing the Hayward Senior Center Kitchen improvement project, including a new Americans with Disabilities Act-compliant parking lot and path of travel; and an appropriation in the amount of \$110,000 for the Kennedy Park Master Plan Project. There are sufficient funds to fund these projects and therefore, staff supports the use of the park in-lieu funds for these two projects.

DISCUSSION

Hayward Senior Center - The Hayward Senior Center is located at 22325 North Third Street adjacent to the Japanese Gardens. HARD recently completed the kitchen renovation in October of 2012 to comply with the Americans with Disabilities Act requirements and the current California Health Department codes. This new kitchen continues to serve the current demand of preparing about 30,000 free or low-cost meals annually to the seniors, but now has increased capability to serve a greater number of the seniors that participate in the many programs offered at this facility. As a part of the Americans with Disabilities Act (ADA) improvements to the kitchen, a new ADA-compliant parking lot and path of travel to the Senior Center were constructed. The City Council approved an appropriation of \$540,000 on March 27, 2012, for the Hayward Senior Center Kitchen ADA improvement project, with a progress payment of \$426,968.72 approved on December 4, 2012 toward completing the kitchen ADA improvements. The new ADA-compliant kitchen and pathway projects have now been completed at the additional cost of \$160,888.57, exceeding the March 2012, \$540,000 appropriation by \$47,857.29; the initial appropriation had not anticipated the needs for ADA compliance.

HARD requests additional reimbursement of \$160,888.57 from zones C, D and E; there are sufficient funds in those Zone accounts to fund the improvement project (see table below).

John F. Kennedy Park Master Plan – John F. Kennedy Park (Kennedy Park) is located at 19501 Hesperian Blvd. at Golf Course Road. Kennedy Park is a large, multi-use park, and is the most heavily used park in the HARD service area. Kennedy Park offers a merry-go-round, a petting zoo, a pony ride, and a children's rideable miniature railway, along with picnic and activity areas, as well as a snack bar. The park is open every day during the summer and on the weekends during the rest of the year, weather permitting.

HARD entered into a contract with the RRM Design Group to survey and develop the new master plan for the complete redevelopment of Kennedy Park that was last renovated in 1975. The existing buildings, access pathways and parking lots do not meet current Americans with Disabilities Act requirements; and the snack bar needs to be completely rebuilt to meet current Health Department codes. The master plan will also designate new water and electrical services for the Park's buildings, which will incorporate low energy lighting fixtures, and low flow toilets and sinks. The master plan may also include a new playground, a group picnic building and new turf and irrigation.

HARD seeks an appropriation of \$110,000 from the in-lieu account zones for this district wide project to fund the master plan process and development, including the contract with RRM Design Group. There are sufficient funds in Zones A, B, C, D and E account to fund the John F. Kennedy Park Master Plan Project (see table below).

FISCAL IMPACT

No General Fund fiscal impacts to the City are anticipated, in that the funds from the park in-lieu fee accounts will be used for these projects, consistent with their intended purpose. The table below summarizes available and, if the requested appropriations are approved, remaining funds.

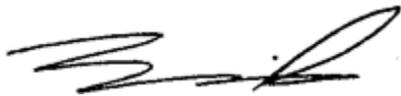
Park In-Lieu Funds

	Zone A	Zone B	Zone C	Zone D	Zone E	TOTAL REQUEST
Available funds	\$1,894,826.50	\$92,377	\$1,686,735.10	\$219,907.10	\$239,232.10	
Funding required for Hayward Senior Center Kitchen ADA Improvements			\$53,629.52	\$53,629.52	\$53,629.52	\$160,888.57
Funding required for John F. Kennedy Master Plan Project	\$22,000	\$22,000	\$22,000	\$22,000	\$22,000	\$110,000
Zone Balance After Allocation	\$1,872,826.50	\$70,377	\$1,611,105.58	\$144,277.58	\$163,602.57	

Prepared by: Michelle Koo, RLA ASLA, Landscape Architect

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Draft Resolution
- Attachment II Location Map
- Attachment III Letters of Request from HARD for Hayward Senior Center Kitchen ADA Improvement Project, dated March 7, 2013 and January 31, 2013
- Attachment IV Letter of Request from HARD for John F. Kennedy Park Master Plan Project, dated February 12, 2013
- Attachment V Park In-Lieu Zone Map

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING REQUEST OF HAYWARD AREA RECREATION AND PARK DISTRICT FOR APPROPRIATION OF PARK DEDICATION IN-LIEU FEES FOR THE PURPOSE OF COMPLYING WITH AMERICAN DISABILITY ACT (ADA) AT HAYWARD SENIOR CENTER KITCHEN AND JOHN F. KENNEDY PARK MASTER PLAN PROJECT

BE IT RESOLVED that the City Council of the City of Hayward does hereby approve the reimbursement request of Hayward Area Recreation and Park District for appropriation of park dedication in-lieu fees in the amount of \$160,888.57 associated with completion of the Hayward Senior Center Americans with Disabilities Act (ADA) Improvement Project, and a request for \$110,000 for the John F. Kennedy Master Plan Project, to be paid for equally from the following park in-lieu fee zones:

- 1. Hayward Senior Center Kitchen Updates for ADA Compliance – Equally from In Lieu Fee Zones C, D and E: \$160,888.57 total; and
- 2. John F. Kennedy Park Master Plan – Equally from In Lieu Fee Zones A, B, C, D and E: \$110,000.00 total.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

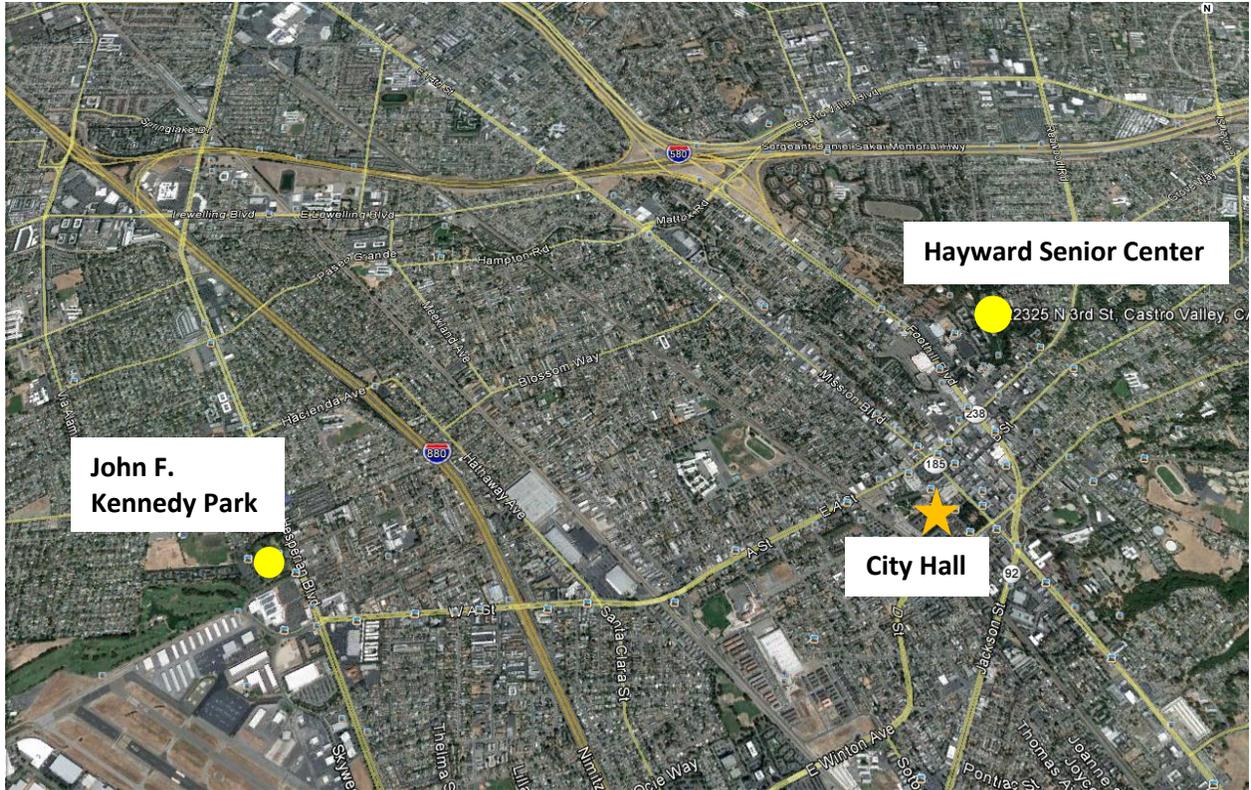
ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

 **Location Map**



March 26, 2013



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

March 7, 2013

Kelly McAdoo
Assistant City Manager
City of Hayward
777 "B" Street
Hayward, CA 94541

RE: Hayward Senior Center Kitchen ADA Improvement Project

Dear Ms. McAdoo:

On January 2, 2012, the Hayward Area Recreation and Park District (HARD) sent a request to expend in-lieu funds to completely rebuild the Hayward Senior Center kitchen to make it ADA compliant and to bring the kitchen that was originally built in 1978 to meet current Health Department codes. The Park District has received a progress payment of \$426,968.72 from District Wide in-lieu accounts (except Area A) to help fund this commercial kitchen project. On January 31, 2013, \$142,302.43 was requested. As part of this project, the Park District was required by the City of Hayward to spend additional funds to construct a new ADA path of travel to the Senior Center and ADA parking area. Since it was discovered that the ADA walkway cost of \$18,586.14 was not included in the \$142,302.43 request because it was paid for from another fund at that time, we are now submitting an invoice for **\$18,586.14**.

This new commercial kitchen will serve about 30,000 free or low cost meals to seniors that participate in the many programs offered at this facility. The Hayward District Wide in-lieu account (excluding Area A) has sufficient funds to fund this project. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

090602 HaywardNewKitchen

BOARD OF DIRECTORS
Louis M. Andrade
Paul W. Hodges Jr.
Minane Jameson
Carol A. Pereira
Dennis M. Waespi

GENERAL MANAGER
John Gouveia



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

INVOICE NO. 13-18

**TO: Kelly Morariu McAdoo
Assistant City Manager
City of Hayward
777 'B' Street
Hayward, CA 94541**

DATE: March 7, 2013

**REQUESTED BY: Karl Zabel
Operations &
Development
Supervisor**

DESCRIPTION	AMOUNT
Additional Senior Center Kitchen ADA Project Invoice	\$18,586.14
See Attachment	
DUE UPON RECEIPT	\$18,586.14
	DATE PAID:
	RECEIPT #:
	AMOUNT PAID:
	TOTAL BALANCE:

REMIT PAYMENT TO:
H.A.R.D. Accounting Department, 1099 'E' Street, Hayward, CA 94541

ID	Suf	Asset Description	Asset Class ID	DATE	COST	Extended Description
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4-084	34	K.ZABEL JAN 2012 CC	LND BLD IMP	1/31/2012	\$2,845.76	CITY OF HAY-PLAN REVIEW FEE
4-084	35	4-084/K.ZABEL FEB 2012 CALCARD	LND BLD IMP	2/29/2012	\$743.00	CITY OF HAYWARD/HSC TRASH PERMIT
4-084	36	4-084 REROUTE 2 PHONE LINES	LND BLD IMP	3/22/2012	\$806.00	STANLEY CONVERGENT SECURITY SOLUTIONS IN
4-084	37	4-084 R2313 ASBESTOS ABATEMENT	LND BLD IMP	3/22/2012	\$3,120.00	STNERGY ENTERPRISES, INC.
4-084	38	4-084 WORK PROG. 3/6-4/6/12	LND BLD IMP	4/13/2012	\$61,825.86	EAGLE'S GENERAL CONSTRUCTION CO.
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4-084	69	4-084 FINAL PYMNT KTCHN UPGRD	LND BLD IMP	12/14/2012	\$30,222.85	EAGLE'S GENERAL CONSTRUCTION CO
4-084		ADA WALKWAY PROJECT		10/19/2012	\$18,586.14	SOUTO BROS
					\$660,857.29	



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

RECEIVED

January 31, 2013

FEB 05 2013

Kelly McAdoo
Assistant City Manager
City of Hayward
777 "B" Street
Hayward, CA 94541

PLANNING DIVISION

RE: Hayward Senior Center Kitchen ADA Improvement Project

Dear Ms. McAdoo:

On January 2, 2012, the Hayward Area Recreation and Park District (HARD) sent a request to expend in-lieu funds to completely rebuild the Hayward Senior Center kitchen to make it ADA compliant and to bring the kitchen that was originally built in 1978 to meet current Health Department codes. The Park District has received a progress payment of \$426,968.72 from District Wide in-lieu accounts (except Area A) to help fund this commercial kitchen project. As part of this project, the Park District was required by the City of Hayward to spend additional funds to construct a new ADA path of travel to the Senior Center and ADA parking area. Therefore, the District is now requesting the final payment of \$142,302.43 for this completed project.

This new commercial kitchen will serve about 30,000 free or low cost meals to seniors that participate in the many programs offered at this facility. The Hayward District Wide in-lieu account (excluding Area A) has sufficient funds to fund this project. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

090602 HaywardNewKitchen

Cc: Michelle Koo
Landscape Architect

BOARD OF DIRECTORS

- Louis M. Andrade
- Paul W. Hodges Jr.
- Minane Jameson
- Carol A. Pereira
- Dennis M. Waespi

GENERAL MANAGER

John Gouveia



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

INVOICE NO. 13-12

TO: Kelly Morariu McAdoo
Assistant City Manager
City of Hayward
777 'B' Street
Hayward, CA 94541

DATE: January 31, 2013

REQUESTED BY: Karl Zabel
Operations &
Development
Supervisor

DESCRIPTION		AMOUNT
Final Hayward Senior Center Kitchen ADA Project Invoice		\$142,302.43
See Attachment		
DUE UPON RECEIPT		\$142,302.43
DATE PAID:		
RECEIPT #:		
AMOUNT PAID:		
TOTAL BALANCE:		

REMIT PAYMENT TO:
H.A.R.D. Accounting Department, 1099 'E' Street, Hayward, CA 94541

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				\$642,271.15	

HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758



February 12, 2013

Kelly McAdoo
 Assistant City Manager
 City of Hayward
 777 "B" Street
 Hayward, CA 94541

RECEIVED

FEB 20 2013

PLANNING DIVISION

RE: Kennedy Park Master Plan Project

Dear Ms. McAdoo:

The Hayward Area Recreation and Park District (HARD) entered into a contract with the RRM Design Group to survey John F. Kennedy Park and develop the new master plan for the complete redevelopment of Kennedy Park. Kennedy Park was last renovated in 1975 and the buildings and access pathways/parking lots do not meet current Americans with Disabilities Act (ADA) requirements. The snack bar needs to be completely rebuilt to meet current Health Department codes. The master plan will designate new water and electrical services for the park's buildings, which will incorporate low energy lighting fixtures and low flow toilets and sinks. The master plan may also include a new playground, a group picnic building and new turf and irrigation.

The District will be seeking \$110,000 from the Hayward District Wide In-lieu accounts, which have sufficient funds to fund this project. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

090602 Hayward In-Lieu

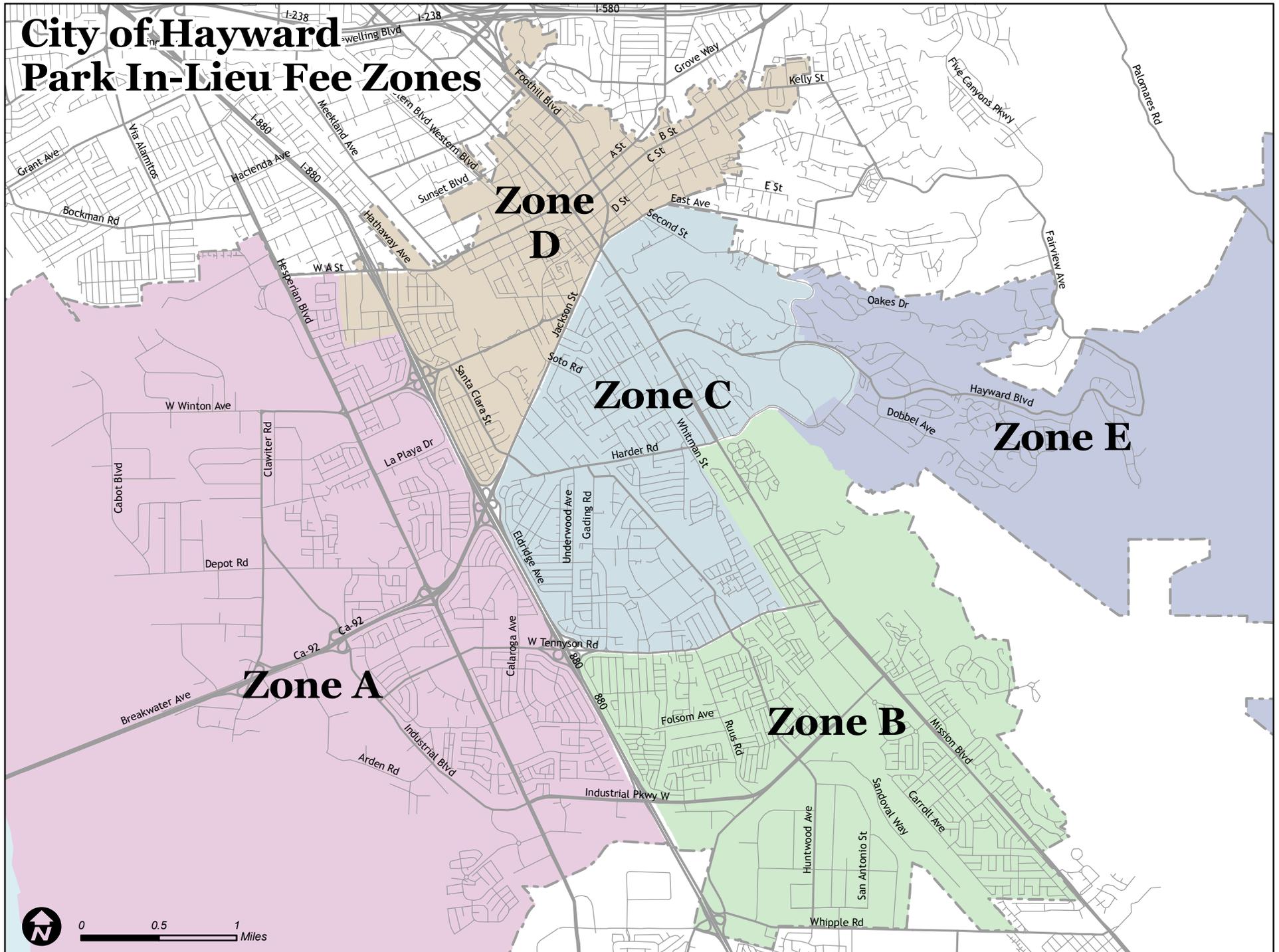
Cc: Michelle Koo
 Landscape Architect

BOARD OF DIRECTORS

Louis M. Andrade
 Paul W. Hodges Jr.
 Minane Jameson
 Carol A. Pereira
 Dennis M. Waespi

GENERAL MANAGER
 John Gouveia

City of Hayward Park In-Lieu Fee Zones



DATE: March 26, 2013

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the B & Grand Affordable Senior Housing Project.

RECOMMENDATION

That the City Council:

- a) Conducts a public hearing to consider the issuance of Tax-Exempt Multifamily Housing Revenue Bonds to assist in the financing of the previously-approved B & Grand Affordable Senior Housing Project; and
- b) Adopts the attached resolution:
 - i. Approving the use of tax-exempt bond proceeds to reimburse project costs related to the construction of the B & Grand Affordable Senior Housing Project;
 - ii. Authorizing the filing of an application with the California Debt Limit Allocation Committee for a portion of the State of California's ceiling of private activity bond allocation;
 - iii. Approving the issuance of Tax-Exempt Multifamily Housing Revenue Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986; and
 - iv. Naming the law firm of Jones Hall as bond counsel.

BACKGROUND

In July 2010, SCS Development, dba Citation Homes Central, donated various parcels to the City's former Redevelopment Agency (the "Former RDA") to meet part of its Inclusionary Housing Ordinance (the "Inclusionary Ordinance") obligations in connection with the Cannery development. The donated property included three small parcels located at the corner of B and Grand Street, with addresses 581, 585, and 597 B Street, totaling nearly one half acre (the "Site"). Due to the Site's small size, its relatively irregular shape, and its proximity to the existing senior housing project located at the corner of C and Grand Streets ("Hayward Senior Housing"), built and operated by Eden Housing, Inc. (Eden), the City chose to partner with Eden to develop the Site with twenty-two

additional affordable senior housing units (the “Project”) in order to complement the adjacent Hayward Senior Housing development and to allow for cost savings for the development of the Project through shared facilities and parking.

The Former RDA conveyed the Site to the City in March 2011. The City later conveyed the Site to the Housing Authority of the City of Hayward (the “Authority”), in compliance with Health and Safety Code 34176 and the requirement that all housing assets of the Former RDA transfer to the agency responsible for implementing the housing functions of the Former RDA. In compliance with AB 1484¹, by August 1, 2012, the Authority submitted to the State a list of all of the housing assets, as defined in Health and Safety Code Section 34176(e), which were transferred to it by the former RDA. The Authority included the Site on the list because the Site met the definition of “housing asset” under Health and Safety Code Section 34176(e)(1), consisting of unimproved real property acquired for low- and moderate-income housing purposes. Upon a review of the housing assets list, the State Department of Finance (DOF) issued a “Notification Letter” questioning whether the Site was properly included on Housing Asset Transfer List. After exercising its right to “meet and confer” with the DOF to claim the status of the Site as a housing asset, the Authority obtained a determination letter from the DOF confirming the Authority’s treatment of the Site as a housing asset.

On March 22, 2011, the Council and the Authority Board members approved certain financing for the proposed Project and authorized the City Manager/Executive Director to negotiate and execute a Disposition and Development Agreement (DDA) between Eden and the Authority to memorialize the conditions to transfer the Site to Eden². The DDA was executed on June 10, 2011. Council approved the Project’s entitlements at the March 22, 2011 meeting as well.³ As a result of unforeseen delays and other funding issues following the 2011 approvals, Eden requested that the funds allocated to Project be transferred to the South Hayward BART Project, a request that the City accommodated.

As required by the DDA, Eden submitted a funding application to the Department of Housing and Urban Development (HUD) for a Section 202 – Supportive Housing for the Elderly Program (HUD 202) Loan. HUD initially rejected the application, but later in 2012 issued a funding award to the Project in the approximate amount of \$3.5 million. However, switching the funds from the Project to the South Hayward BART Project resulted in a significant funding gap. Therefore, at the request of Eden, on January 22, 2013, Council conditionally approved a loan of \$775,000 HOME Investment Partnership Act (“HOME”) Program funds and a \$1,100,000 loan of Housing Development Action Grant (“HODAG”) Program funds to fill that gap.⁴

1 Approved by the State Governor on June 12, 2012, AB 1484 is the redevelopment trailer bill for the 2012-2013 State budget. Its purpose is to clarify matters associated with the dissolution of RDA’s and addresses substantive issues related to the administrative processes, affordable housing activities, repayment of loans from communities, use of existing bond proceeds, and the disposition or retention of Former RDA assets.

2 The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2011/CCA11PDF/cca032211full.pdf>. See item No. 8

3 The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2011/CCA11PDF/cca032211full.pdf>. See item No. 7

4 The report is available at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca012213full.pdf>. See item No. 4

In addition to the HUD 202 loan and the City-approved financing, the Project financing includes approximately \$3.8 Million in Low Income Housing Tax Credits (Tax Credits) and up to \$5.7 Million in Tax-Exempt Multifamily Housing Revenue Bonds (the Bonds), the largest source of external financing for the Project.

DISCUSSION

Eden has requested that the City serve as issuer for the Bonds in an amount not to exceed \$5,700,000. Tax-exempt bonds enable the use of low-income housing tax credits that together provide the most favorable financing for the project to effectively leverage the City's funds. The Bonds would be limited special obligations of the City, payable only from the revenues from the project, and the City would not have any obligation to advance any of its funds or its credit for the repayment of the Bonds. In other words, the City simply acts as a conduit for the Bond issuance process and is not financially responsible for repayment. It is currently anticipated that the Bonds would be sold on a private placement basis to a sophisticated institutional buyer. The Bonds will be complemented by non-competitive 4% Tax Credits. These two programs are normally used together for the financing of affordable rental housing and the City has facilitated similar transactions in the past.

In order to issue the bonds, the City and Eden need to apply to the California Debt Limit Allocation Committee (CDLAC) for an allocation of the State's ceiling of private activity bonds. CDLAC's rules require that the issuing jurisdiction adopt a resolution approving the submittal of the application prior to filing it with CDLAC. The City and Eden intend to file the application for the Project within the next few weeks so that the application can be considered at CDLAC's July meeting.

The Internal Revenue Code requires that the "applicable elected representatives" of the jurisdiction where a project to be financed with "private activity bonds" is to be constructed, adopt a resolution approving the issuance of such bonds after holding a public hearing⁵ that must be noticed in a newspaper of general circulation. The City Council is being asked to hold such public hearing which, as required by the Code, was noticed on March 12.

Staff proposes using the same bond counsel (Jones Hall) as has been used for previous transactions involving the issuance of tax-exempt bonds for affordable housing developments. Jones Hall attorneys, like all the team consultants proposed for this transaction, are very familiar with the City's processes and, as such, are able to provide the requested services more efficiently.

The actions at this meeting are only preliminary and do not commit or bind the City to the ultimate issuance of the Bonds. The Bonds cannot be issued until the bond allocation has been received from CDLAC, bond counsel has prepared all documents, the purchaser or underwriter of the Bonds has provided all necessary agreements, and the bond documents and final resolution are approved by Council. The actions today permit the submission process to CDLAC to begin but do not bind the City to ultimately issuing any bonds.

⁵ Known as Tax Equity and Fiscal Responsibility Act of 1985 (TEFRA) hearing.

ECONOMIC IMPACT

As mentioned in previous staff reports in connection with the Project cited here, the Project will help the City meet its affordable housing obligations from the State's Regional Housing Needs Allocation (RHNA) and will help the City meet the housing needs of seniors, a growing segment of the population.

Due to the federal moneys invested in the Project, Eden will pay prevailing wages during construction and has agreed to a best effort that 20% local trade hiring and materials purchases will occur within Hayward.

FISCAL IMPACT

The issuance of bonds does not represent a financial impact to the General Fund and the General Fund is not responsible for repayment of these bonds. An undetermined amount of revenue will be received by the City upon completion of the Project through bond issuance and administrative fees. These will help to offset some of the City staff costs associated with implementation of the Project. All costs associated with issuance of the bonds will be reimbursed through bond proceeds, including the City's bond counsel and financial advisor fees.

NEXT STEPS

Notice of the TEFRA hearing was published in the Daily Review on March 12, 2012. If the City Council adopts the Resolution, staff will proceed with submitting an application to CDLAC and, if the project is awarded an allocation, staff and its consultants will prepare the necessary documentation for the bond issuance to take place and will bring an item back to Council for approval of final documentation.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachment I Resolution Authorizing the Issuance of Bonds and Related Actions

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

INTRODUCED BY COUNCIL MEMBER _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS, AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE TO PERMIT THE ISSUANCE OF QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS, AND APPROVING THE ISSUANCE OF QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, the City of Hayward (the “City”) desires to engage in a program (the “program”) of financing the construction of a multifamily rental housing development;

WHEREAS, Eden Housing Inc., a California not-for-profit corporation the “Sponsor”), has made a request to the City for assistance with respect to the financing of the acquisition and construction of a 22 unit multifamily rental housing development located at 22605 Grand Street (southwest corner of B Street and Grand Street), Hayward, California 94544 (the “Project”), which will be developed and owned by B & Grand, L.P. or another limited partnership or limited liability company established by the Sponsor or an affiliate thereof (the “Borrower”);

WHEREAS, all of the units in the Project are expected to be occupied by persons or families of lower or very low income; and

WHEREAS, the assistance requested is the issuance by the City of its qualified residential rental project bonds (the “Bonds”) in an amount not to exceed \$5,700,000, the proceeds of which would be loaned to the Borrower for the purpose of acquiring and constructing the Project;

WHEREAS, the Borrower expects to pay certain expenditures (the “Reimbursement Expenditure”) in connection with the Project prior to the issuance of the Bonds for the purpose of financing cost associated with the Project on a long term basis;

WHEREAS, Section 1.103-8(a)(5) and Section 1.150-2 of the Treasury Regulations require the City to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing;

WHEREAS, the Internal Revenue Code of 1986 and the applicable regulations thereunder require the Borrower to take this action in connection with the payment of certain expenses in connection with the Project prior to issuance of tax-exempt bonds in order to allow the Borrower to be reimbursed for such expenditures;

WHEREAS, Chapter 11.8 of Division 1 of Title 2 of the Government Code of the State of California governs the allocation in the State of California of the state ceiling established by Section 146 of the Code among governmental units in the State having the authority to issue private activity bonds;

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the state ceiling with or upon the direction of the California Debt Limit Allocation Committee (“CDLAC”) prior to the issuance of private activity bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, requires the City Council of the City (the “City Council”), as the elected representative of the City, the host jurisdiction of such facilities, to approve the issuance of the Bonds after a public hearing has been held following reasonable notice;

WHEREAS, a public hearing was held by the City on the 26th day of March, 2013, at the City Council's meeting, which commenced at the hour of 7:00 p.m. in the City Council Chambers, 777 B Street, Hayward, California 94541, following duly published notice thereof, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the City Council, as the elected representatives of the City, the host jurisdiction of such facilities, approve the issuance and delivery by the City, or by a joint powers authority of which the City is a member, of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

Section 1. The City finds and determines that the foregoing recitals are true and correct.

Section 2. The City hereby declares its official intent to issue, at one time or from time to time, an aggregate of up to \$5,700,000 principal amount of the Bonds, the proceeds of which are to be loaned to the Borrower to finance costs of the acquisition and construction by the Borrower of the Project, including, for the purpose of reimbursing to the Applicant and the Borrower costs incurred for the Project prior to the issuance of the Bonds. The City Council hereby further approves the issuance of the Bonds in the amount of up to \$5,700,000 for purposes of Section 147(f) of the Internal Revenue Code of 1986.

Section 3. The Bonds will be payable solely from the revenues to be received by the City pursuant to a loan agreement or other agreements to be entered into between the City and the Borrower in connection with the financing of the Project.

Section 4. The issuance of the Bonds is subject to the following conditions: (a) the City and the Borrower shall have first agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the Bond indenture, trust agreement, loan agreement, regulatory agreement and/or other related documents for the financing of the Project; (b) all requisite governmental approvals shall have first been obtained; (c) a resolution approving the financing documents to which the City will be a party shall have been adopted by the City Council; and (d) an allocation of tax-exempt bond authority with respect to the Bonds shall have been received from the California Debt Limit Allocation Committee (“CDLAC”).

Section 5. The officers and agents of the City are hereby authorized to submit an application to CDLAC for an allocation of a portion of the State Ceiling (as that term is used in the California Government Code) in an amount not to exceed \$5,700,000 for application towards the issuance of the Bonds by the City to finance the Project. The officers and agents of, and financial advisors to, the City are hereby authorized, on behalf of the City, to submit to CDLAC all such other documents as may be required pursuant to the California Government Code in furtherance of the application. A cash deposit equal to one-half of one percent of the amount of allocation requested (not to exceed the maximum deposit pursuant to CDLAC guidelines), to be provided by or on behalf of the Borrower, is hereby authorized to be placed into an escrow account, and the officers of the City are hereby authorized to execute a deposit agreement with the Borrower as may be required with respect to such deposit, and to certify to CDLAC that such funds are available.

Section 6. It is intended that this Resolution shall constitute “some other similar official action” towards the issuance of bonds within the meaning of Section 1.103-8(a)(5) of the Treasury Regulations and “official intent” within the meaning of Section 1.150-2 of the Treasury Regulations, each as applicable under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 7. The law firm of Jones Hall, A Professional Law Corporation, is hereby designated as Bond Counsel to the City in connection with the issuance of the Bonds. The fees and expenses of such firm for matters related to the Bonds shall be payable solely from the proceeds of the Bonds or other sources of funds of the Borrower.

Section 8. This Resolution shall take effect from and after its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, March 26, 2013.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: March 26, 2013

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the South Hayward BART Affordable Housing Project

RECOMMENDATION

That the City Council:

- a) Conducts a public hearing to consider the issuance of Tax-Exempt Multifamily Housing Revenue Bonds to assist in the financing of the previously-approved South Hayward BART Affordable Housing Project; and
- b) Adopts the attached resolution:
 - i. Approving the use of tax-exempt bond proceeds to reimburse project costs related to the construction of the South Hayward BART Affordable Housing Project;
 - ii. Authorizing the filing of an application with the California Debt Limit Allocation Committee for a portion of the State of California's ceiling of private activity bond allocation; and
 - iii. Approving the issuance of Tax-Exempt Multifamily Housing Revenue Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986.

BACKGROUND

On June 14, 2011, Council approved financing for the South Hayward BART Affordable Housing project (the Project) to be developed by Eden Housing, Inc. (Eden). The Project will be located at 28901 and 28937 Mission Boulevard and will include 150 units (86 affordable units to low income-families, 64 affordable units to low-income seniors, and one manager's unit).

Included in the City-approved financing for the Project are \$900,000 in HOME funds, \$830,000 in Neighborhood Stabilization Program II (NSP2) funds, and \$4.25 Million in Housing Authority funds from Low and Moderate Income Housing Funds. The largest source of external financing for the Project is approximately \$21 Million in Low Income Housing Tax Credits (Tax Credits) and up to \$40 Million in Tax-Exempt Multifamily Housing Revenue Bonds (the Bonds).

The Internal Revenue Code requires that the “applicable elected representatives” of the jurisdiction where a project to be financed with “private activity bonds” is to be constructed, adopt a resolution approving the issuance of such bonds after holding a Tax Equity and Fiscal Responsibility Act of 1985 (TEFRA) hearing, which must be noticed in a newspaper of general circulation.

Furthermore, in order to issue the Bonds, the City and the Project Sponsor (Eden in this case) must apply to the California Debt Limit Allocation Committee (CDLAC) for an allocation of the State’s ceiling of private activity bonds. CDLAC’s rules require that the issuing jurisdiction adopt a resolution approving the submittal of the application prior to filing it with CDLAC.

As required by the Internal Revenue Code, a public hearing was noticed on April 24, 2012 and the City Council held the TEFRA hearing on May 8, 2012¹ in order for the City to file the application for the Project by May 18, 2012. The timing of these actions was driven by Eden’s need to apply for an allocation of Tax Credits on May 18, 2012 as well. In order to submit a Tax Credit application, the Project Sponsor must also have a CDLAC/bond application on file or must submit it concurrently.

Even though Eden received an allocation of Tax Credits in the amount of \$21,084,902, Eden had to withdraw the CDLAC application. Among other things, CDLAC regulations require both that the Bonds are issued and that construction starts within a very short time frame after receiving an allocation. However, due to several project delays described to Council during the March 5, 2013 Council meeting², it has been unclear when Project construction will begin and whether Eden will be able to meet CDLAC’s deadlines. Therefore, to avoid penalties, Eden withdrew the CDLAC application with the intent to later resubmit it.

DISCUSSION

Eden is now preparing to resubmit the CDLAC application for consideration by the committee at its July meeting. This means that the Bonds will be issued after May 2013 and that the TEFRA hearing will have to be held again as Federal tax law requires that the TEFRA hearing be held within a year from the issuance of the Bonds. For this reason, staff is asking the City Council to hold the public TEFRA hearing for a second time. As required by the Internal Revenue Code, this hearing was noticed in the March 12, 2013 issue of the Daily Review.

More information about tax-exempt bonds may be found in the staff report for the May 8, 2012 meeting, when Council took actions to initiate the process to issue tax-exempt bonds for the

1 The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca050812full.pdf>

2 The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca030513full.pdf>

Project³. Council is also holding a TEFRA hearing at this same meeting to initiate the bond issuance in connection with Eden's 22-unit B & Grand Senior Housing Project.

ECONOMIC IMPACT

Issuing the Bonds to support the construction of the development of the South Hayward TOD Project will have a significant economic impact on the City by serving as a catalyst for other development in the South Hayward BART station area, including, at a minimum, the development of market-rate housing. The economic benefits of the Project have been discussed at length in previous staff reports about the Project.⁴

FISCAL IMPACT

The issuance of bonds does not represent a financial impact to the General Fund and the General Fund is not responsible for repayment of these bonds. An undetermined amount of revenue will be received by the City upon completion of the Project through Community Facility District Fees and bond issuance and administrative fees. These will help to offset some of the City staff costs associated with implementation of the Project. All costs associated with issuance of the bonds will be reimbursed through bond proceeds, including the City's bond counsel fees.

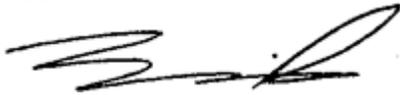
NEXT STEPS

Notice of the TEFRA hearing was published in the Daily Review on March 12, 2013. If the City Council adopts the Resolution, staff and its consultants will prepare the necessary documentation for the bond issuance to take place and will bring an item back to Council for approval of final documentation.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachment I Resolution Authorizing the Issuance of Bonds and Related Actions

³ The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca050812full.pdf>

⁴ <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2011/CCA11PDF/cca061411full.pdf>. See pages 7-9 of item #7 - "Approval of Certain Financing for Affordable Housing at the South Hayward BART Station Transit-Oriented Development."

RESOLUTION NO. 13- __

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN
EXPENDITURES FROM PROCEEDS OF QUALIFIED RESIDENTIAL RENTAL
PROJECT BONDS, AUTHORIZING AN APPLICATION TO THE CALIFORNIA
DEBT LIMIT ALLOCATION COMMITTEE TO PERMIT THE ISSUANCE OF
QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS, AND APPROVING
THE ISSUANCE OF QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS
IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE
CODE**

WHEREAS, the City of Hayward (the “City”) desires to engage in a program (the “program”) of financing the construction of a multifamily rental housing development;

WHEREAS, Eden Housing Inc., a California not-for-profit corporation the “Sponsor”), has made a request to the City for assistance with respect to the financing of the acquisition and construction of a 151-unit multifamily rental housing development located at 28901 and 28937 Mission Boulevard, Hayward, California 94544 (the “Project”), which will be developed and owned by the Sponsor or a limited partnership or limited liability company established by the Sponsor or an affiliate thereof (the “Borrower”);

WHEREAS, all of the units in the Project are expected to be occupied by persons or families of lower or very low income; and

WHEREAS, the assistance requested is the issuance by the City of its qualified residential rental project bonds (the “Bonds”) in an amount not to exceed \$40,000,000, the proceeds of which would be loaned to the Borrower for the purpose of acquiring and constructing the Project;

WHEREAS, the Borrower expects to pay certain expenditures (the “Reimbursement Expenditure”) in connection with the Project prior to the issuance of the Bonds for the purpose of financing cost associated with the Project on a long term basis;

WHEREAS, Section 1.103-8(a)(5) and Section 1.150-2 of the Treasury Regulations require the City to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing;

WHEREAS, the Internal Revenue Code of 1986 and the applicable regulations thereunder require the Borrower to take this action in connection with the payment of certain expenses in connection with the Project prior to issuance of tax-exempt bonds in order to allow the Borrower to be reimbursed for such expenditures;

WHEREAS, Chapter 11.8 of Division 1 of Title 2 of the Government Code of the State of California governs the allocation in the State of California of the state ceiling established by Section 146 of the Code among governmental units in the State having the authority to issue private activity bonds;

ATTACHMENT I

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the state ceiling with or upon the direction of the California Debt Limit Allocation Committee (“CDLAC”) prior to the issuance of private activity bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, requires the City Council of the City (the “City Council”), as the elected representative of the City, the host jurisdiction of such facilities, to approve the issuance of the Bonds after a public hearing has been held following reasonable notice;

WHEREAS, a public hearing was held by the City on the 26th day of March, 2013, at the City Council's meeting which commenced at the hour of 7:00 p.m. in the City Council Chambers, 777 B Street, Hayward, California 94541, following duly published notice thereof, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the City Council, as the elected representative of the City, the host jurisdiction of such facilities, approve the issuance and delivery by the City, or by a joint powers authority of which the City is a member, of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

Section 1. The City finds and determines that the foregoing recitals are true and correct.

Section 2. The City hereby declares its official intent to issue, at one time or from time to time, an aggregate of up to \$40,000,000 principal amount of the Bonds, the proceeds of which are to be loaned to the Borrower to finance costs of the acquisition and construction by the Borrower of the Project, including, for the purpose of reimbursing to the Applicant and the Borrower costs incurred for the Project prior to the issuance of the Bonds. The City Council hereby further approves the issuance of the Bonds in the amount of up to \$40,000,000 for purposes of Section 147(f) of the Internal Revenue Code of 1986.

Section 3. The Bonds will be payable solely from the revenues to be received by the City pursuant to a loan agreement or other agreements to be entered into between the City and the Borrower in connection with the financing of the Project.

Section 4. The issuance of the Bonds is subject to the following conditions: (a) the City and the Borrower shall have first agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the Bond indenture, trust agreement, loan agreement, regulatory agreement and/or other related documents for the financing of the Project; (b) all requisite governmental approvals shall have first been obtained; (c) a resolution approving the financing documents to which the City will be a party shall have been adopted by the City Council; and (d) an allocation of tax-exempt bond authority with respect to the Bonds shall have been received from the California Debt Limit Allocation Committee (“CDLAC”).

Section 5. The officers and agents of the City are hereby authorized to submit an application to CDLAC for an allocation of a portion of the State Ceiling (as that term is used in the California Government Code) in an amount not to exceed \$40,000,000 for application towards the issuance of the Bonds by the City to finance the Project. The officers and agents of, and financial advisors to, the City are hereby authorized, on behalf of the City, to submit to

ATTACHMENT I

CDLAC all such other documents as may be required pursuant to the California Government Code in furtherance of the application. A cash deposit equal to one-half of one percent of the amount of allocation requested (not to exceed the maximum deposit pursuant to CDLAC guidelines), to be provided by or on behalf of the Borrower, is hereby authorized to be placed into an escrow account, and the officers of the City are hereby authorized to execute a deposit agreement with the Borrower as may be required with respect to such deposit, and to certify to CDLAC that such funds are available.

Section 6. It is intended that this Resolution shall constitute “some other similar official action” towards the issuance of bonds within the meaning of Section 1.103-8(a)(5) of the Treasury Regulations and “official intent” within the meaning of Section 1.150-2 of the Treasury Regulations, each as applicable under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 7. The law firm of Jones Hall, A Professional Law Corporation, is hereby designated as Bond Counsel to the City in connection with the issuance of the Bonds. The fees and expenses of such firm for matters related to the Bonds shall be payable solely from the proceeds of the Bonds or other sources of funds of the Borrower.

Section 8. This resolution is intended to supplement Resolution No. 12-072 adopted on May 8, 2012 in order to extend the effective date of the approval required by Section 147(f) of the Internal Revenue Code of 1986.

Section 9. This Resolution shall take effect from and after its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, March 26, 2013.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: March 26, 2013

TO: Mayor and City Council

FROM: Director of Public Works – Utilities & Environmental Services

SUBJECT: Consideration of the City’s Participation in the Alameda County Waste Management Authority’s (ACWMA) Energy Council Joint Exercise of Powers Agreement (JPA)

RECOMMENDATION

That the City Council reviews this staff report and adopts the attached resolution (Attachment I) approving the Joint Exercise of Powers Agreement (JPA) creating the Alameda County Energy Council and agreeing to become a member of the Energy Council.

SUMMARY

The Alameda County Waste Management Authority (ACWMA) has established an Energy Council for the purpose of securing funding for energy-related programs and implementing such programs on a Countywide basis. The mechanism for forming the Council is a Joint Exercise of Powers Agreement (JPA). Membership in the JPA will not require contributions or payments from member agencies. Hayward will benefit by becoming a member of the proposed Energy Council because regional collaboration is viewed positively by funders, and membership will give Hayward the ability to secure resources and more efficiently coordinate energy-related incentives. The City would retain flexibility to pursue funding opportunities separately where appropriate. If the Council approves the City’s participation, Hayward will have a share of the Energy Council’s vote that is proportional with the City’s population.

BACKGROUND

The ACWMA is a public agency formed in 1976 by a Joint Exercise of Powers Agreement among the County of Alameda, each of the fourteen cities within the county, and two sanitary districts that provide refuse and recycling collection services. Among other responsibilities, the ACWMA administers a variety of programs in the areas of source reduction and recycling, as well as provides technical assistance and public education related to solid waste.

The ACWMA has made significant progress in source reduction and recycling throughout the County. Due in part to the resources available from this agency, member entities have succeeded in achieving a fifty percent or more diversion of materials from landfills. Currently, the average

diversion rate for all jurisdictions in the County is about seventy percent. As these programs have matured, the ACWMA Board is seeking a way to utilize its staff expertise to advance other sustainability goals of its members, and has identified a link between solid waste management and reduced energy use and related emissions.

The ACWMA is inviting its member agencies to join a separate JPA to establish an Energy Council for the purpose of pursuing and administering energy-specific grants and other related funding on behalf of its member agencies. The rationale behind this type of approach is that many energy related initiatives may be more effectively implemented on a regional basis. A JPA would allow member agencies to jointly obtain outside funding to support Climate Action Plan implementation measures by coordinating the grant process and regional implementation of energy efficiency and sustainable energy initiatives. The JPA would also assist members with strengthening staff capacity by providing technical expertise.

On September 26, 2012, the ACWMA Board directed its staff to solicit member agencies with land use authority to approve the JPA and become members of the Energy Council. Alameda County agencies that join the JPA before April 12, 2013, will not require an affirmative vote by the JPA to confirm membership. Agencies that wish to join the JPA any time after April 12, 2013 may do so with an affirmative vote of the newly formed Energy Council Board.

On January 30, 2013, this item was presented to the Council Sustainability Committee to gauge support and receive feedback regarding whether or not to join the proposed Council. The Committee was supportive of the purpose of Council, and recommended joining if the JPA would include a reasonable voting structure.

DISCUSSION

The primary purpose of the Energy Council is to coordinate grant proposals and regional implementation of energy efficiency programs and sustainable energy development initiatives. The Energy Council will serve as a funding conduit to seek and receive energy efficiency specific grants on behalf of its member agencies. Regional cooperation may increase the competitiveness of some grant proposals, and certain types of programs, such as consumer incentives, may be more efficiently implemented on a regional basis. A JPA, with focus on energy efficiency and conservation, would demonstrate that Alameda County prioritizes energy management and sustainable energy initiatives and has established a dedicated governance structure for this purpose.

The proposed Energy Council will be established as a separate public entity from the member agencies within the meaning of Government Code Section 6507. No debt, liability, or obligation of the Energy Council will constitute a debt, liability or obligation of any of the member agencies. The Energy Council will not have the power to impose taxes or fees, but will have the power to adopt Countywide ordinances. However, any adopted ordinances will only apply within a member agency if the agency adopts a resolution to “opt in.” In other words, only if an action is taken by the legislative body of a member jurisdiction to opt in will any future ordinance be applicable to that jurisdiction. Membership in the JPA will not require contributions

or payments from member agencies other than staff resources to participate in the Technical Advisory Group and assist in implementing grants.

The proposed Energy Council's membership would consist of one member of the governing body of each of the member agencies, with the governing body member being the same member as is appointed by the member agency as the representative to the ACWMA Board (currently Councilmember Halliday). Each agency would also appoint an alternative member - the same governing body member as is appointed as the alternative representative to the ACWMA board (currently Councilmember Peixoto). Each member and alternate would serve at the pleasure of the governing body of the appointing agency. The Council would be subject to the Brown Act with meetings open to the public and minutes prepared and forwarded to each member as well as to each member agency. Agencies may withdraw from the JPA at any time, following written notice submitted to the Energy Council at least six months in advance of the effective date of withdrawal.

The voting structure of the Energy Council JPA is detailed in Section 5.b. of the JPA (Attachment II). A simple majority of the proposed Council's member votes will be required for all actions, where most member agencies will have one vote: the member selected by the City of Oakland will have three votes and the members selected by the County of Alameda and the Cities of Fremont and Hayward will have two votes each. If all cities join, this would result in a total of 20 votes. This structure is a reasonable means of providing larger population centers with a greater voice without disenfranchising smaller cities. Additionally, under this voting structure, Hayward's vote would be proportional to its population in the County (approximately 10%).

A resolution to approve the proposed JPA, a copy of the proposed JPA, and a copy of the proposed Energy Council Rules of Procedure are attached to this report.

ECONOMIC IMPACT

The Energy Council will not have the power to impose taxes or fees on member agencies or their respective communities. Hayward may benefit economically from grant funding or other monies obtained through participation on the Council, such as California Public Utilities Commission grants or funds available as a result of the recently approved Proposition 39. Moreover, the JPA does not preclude the City from competing for those funds individually or in cooperation with other agencies.

FISCAL IMPACT

There are no known direct costs to the City in the way of fees or charges for membership on the Energy Council. Staff resources would be required for participation on the Technical Advisory Group and in obtaining and implementing grants.

PUBLIC CONTACT

While staff did not implement public outreach efforts related specifically to the joining of the JPA, appropriate outreach to consumers will be conducted for market energy efficiency and conservation programs as funding becomes available.

NEXT STEPS

The deadline to join the Energy Council, without an approving action required by the newly formed JPA, is April 12, 2013. If the Council decides not to join the JPA at this time, the option would still be available at a later date upon an affirmative vote by the Energy Council Board.

Prepared by: Corinne Ferreyra, Administrative Analyst I

Recommended by: Alex Ameri, Director of Public Works – Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution– Approving JPA Creating the Energy Council
- Attachment II: Proposed JPA for the Energy Council
- Attachment III: Proposed Energy Council Rules of Procedure
- Attachment IV: Proposed MOU for Administration of the Energy Council

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

**RESOLUTION APPROVING THE JOINT EXERCISE OF POWERS AGREEMENT
CREATING THE ENERGY COUNCIL AND AGREEING TO BECOME A MEMBER
OF THE ENERGY COUNCIL**

WHEREAS, The Alameda County Waste Management Authority (ACWMA) in the course of implementing the Countywide Integrated Waste Management Plan has made an ongoing, coordinated effort to reduce the emissions that cause climate change, improve air quality, reduce waste, cut energy use and save money through its Green Building program, the Green Packages project, and the Energy Upgrade California program; and

WHEREAS, ACWMA has successfully secured several energy-related grants, including approximately \$8 million in economic stimulus funding on behalf of its member agencies; and

WHEREAS, there is an opportunity to continue and expand the types of energy efficiency programs through funding from multiple sources, including regional/state/federal agencies, investor owned utilities and private foundations; and

WHEREAS, based on input from potential funders, a Joint Exercise of Powers agency that is expressly authorized to seek and expend energy-related funds -- separate from the existing Alameda County Waste Management Authority -- would provide a clear signal that our region prioritizes energy management and has established a dedicated governance structure for this purpose; and

WHEREAS, the attached Joint Exercise of Powers Agreement would create an independent Energy Council to seek funding; develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency; and advance the use of clean, efficient, and renewable resources available in the region for the benefit of the member agencies and their constituents; and

WHEREAS, becoming a member of the Energy Council will benefit the City of Hayward in providing greater competitiveness in obtaining funding, access to specialized energy related technical expertise and services, and assistance to strengthen local staff capacity; and

WHEREAS, no debt, liability, or obligation or obligation of the Energy Council shall constitute a debt, liability or obligation of the City of Hayward pursuant to Government Code section 6508.1 and the terms of the agreement;

NOW THEREFORE, BE IT RESOLVED, that the City of Hayward City Council approves the attached Joint Exercise of Powers Agreement for the Energy Council and authorizes and

directs the City Manager to execute the agreement and agrees to become a member of the Energy Council.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Joint Exercise of Powers Agreement for the Energy Council

This Agreement is entered into and becomes effective April 12, 2013 by and between the undersigned public agencies, all of said parties referred to collectively as, the "Agencies."

WITNESSETH

A. Joint Exercise of Powers:

The Joint Exercise of Powers Act, Government Code section 6500 et seq. (the "Act"), provides that two or more public agencies by agreement may jointly exercise any power common to the contracting parties. It is the intent of the contracting Agencies to utilize this statutory authorization in this Agreement.

B. Energy Efficiency Leadership:

The Agencies desire to build on and further establish the record of Alameda County, and the cities and communities within the County, as leaders in developing and implementing sustainable energy initiatives that support a healthy environment and economy, an enhanced quality of life, and greater self-reliance for the region, by reducing energy demand, increasing energy efficiency, and advancing the use of clean, efficient, and renewable local resources.

AGREEMENT

NOW, THEREFORE, the Agencies agree as follows:

I. CREATION OF THE ENERGY COUNCIL

Pursuant to the Act, the Agencies hereby create a separate joint powers agency, which is named the Energy Council, to exercise in the manner set forth in this Agreement powers common to each of the Agencies. The Energy Council shall be a public entity separate from the Agencies within the meaning of Government Code section 6507. No debt, liability, or obligation of the Energy Council shall constitute a debt, liability or obligation of any Agency.

2. OBJECTIVE

The purpose of this Agreement is to provide a means by which the Agencies can more effectively develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient, and renewable resources available in the region for the benefit of the Agencies and their constituents. To further that purpose, the Energy Council will work toward the following goals:

- a. To coordinate regional integrated energy resource planning efforts which promote use of sustainable, cleaner and affordable energy resources;
- b. To encourage consistency among policies and programs that are adopted and implemented by the Agencies;
- c. To increase the competitiveness of the region in obtaining funding and the ability of the Energy Council and the Agencies to establish strong partnerships with other stakeholders;
- d. To assist the Agencies in developing a long-term sustainable energy strategy and implementation plan;
- e. To increase awareness of, and enhance access to, energy conservation, energy efficiency, and renewable energy opportunities available to the region;
- f. To add value to, but not duplicate, energy services offered by utilities and others serving the region;
- g. To provide technical and policy assistance to the Agencies in implementing energy efficiency, integrated demand-side management, renewable generation programs, and meeting their goals in reducing greenhouse gas emissions;
- h. To conduct outreach to and assist the Agencies in strengthening staff capacity by identifying, seeking, and securing grant funds that support local agency staffing to work on energy efficiency programs;
- i. To keep key decision makers and stakeholders informed of energy-related policy, regulations, and market changes that are likely to impact the region;
- j. To support research, development, demonstration, innovation, and commercialization of sustainable energy technologies by public and private entities operating in the jurisdictions of the Agencies; and
- k. To identify, seek, and secure grant funds that support implementation of local agency climate plans throughout the Agencies.

3. DEFINITIONS

Certain words as used in this Agreement shall be defined as follows:

- a. "Board" shall mean the board constituted herein pursuant to this Agreement to administer and implement this Agreement.
- b. "Agency" shall mean each city or county which is a signatory to this Agreement.
- c. "Energy Council" shall mean the public and separate agency created by this Agreement.

4. POWERS

The Energy Council is authorized, in its own name, to do all acts necessary to fulfill the purposes of this Agreement including, without limitation, each of the following:

- a. To make and enter into contracts;
- b. To apply for and accept grants, advances, contributions, and donations of funds, property, services, and other forms of assistance from any public or private source;
- c. To provide funding, staffing, and other services to the Agencies and other entities for the conduct of programs under the general purview of the Energy Council;
- d. To employ or contract for the services of agents, consultants and such other persons or firms as necessary;
- e. To employ staff as necessary to carry out Energy Council programs, and to adopt and implement appropriate personnel policies and procedures as required;
- f. To make plans and conduct studies;
- g. To acquire, construct, manage, maintain, operate and control any buildings, works, or improvements;
- h. To lease real or personal property as lessee and as lessor;
- i. To sue and be sued in its own name;
- j. To adopt ordinances provided that an ordinance shall apply within the jurisdictional boundaries of any Agency only if approved by adoption of a resolution by that Agency. The foregoing restriction shall not apply to Energy Council ordinances that govern only the administration and operation of the Energy Council;

- k. To incur debts, liabilities or obligations, subject to limitations herein set forth (As provided in paragraph 1 of this Agreement, and pursuant to Government Code section 6508.1, no debt, liability, or obligation of the Energy Council shall constitute a debt, liability or obligation of any Agency);
- l. To adopt annually a budget setting forth all administrative, operational, and capital expenses for the Energy Council;
- m. To coordinate programs of mutual interest and provide administrative assistance with other organizations involved in related programs; and
- n. To exercise all other powers necessary and proper to carry out the provisions of this Agreement, provided, however that the Energy Council shall not have the power to:
 - (1) Impose taxes or fees on residents, businesses, property owners or any other entity, public or private;
 - (2) Require contributions or other payments from any Agency except pursuant to a separate agreement between the Agency and the Energy Council; or
 - (3) Operate as a community choice aggregator as that term is defined in Public Utilities Code section 331.1.

5. ORGANIZATION

The Energy Council shall be governed by the Board, which shall exercise all powers and authority on behalf of the Energy Council. The Board is empowered to establish its own procedures. The Board may do any and all things necessary to carry out the purposes of this Agreement. As a condition of exercising the powers set forth in section 4, above, the Energy Council shall ensure the existence of liability insurance and errors and omissions insurance for actions of staff and Board members and shall enter an agreement for organizational and administrative support with an existing public agency which agreement shall indemnify and hold harmless the Energy Council for liability arising out of said support.

- a. **Members of the Board.** The Board shall consist of one member of the governing body of each of the Agencies. The member from each Agency shall be the member that the Agency has appointed as its member to the board of the Alameda County Waste Management Authority. Each Agency shall have an alternate member and that member shall be the alternate member that the Agency has appointed to the Board of the Alameda County Waste Management Authority. Each member and alternate shall serve at the pleasure of the governing body of the appointing agency. Any change in

appointment of a member or alternate to the board of the Alameda County Waste Management Authority shall also be a change with respect to the Board of the Council. If an Agency is not a member of the Alameda County Waste Management Authority, the governing body of the Agency shall by resolution appoint one of its members to serve as a member and one of its members to serve as an alternate member of the Board after his or her appointment until a successor is selected. Each member and alternate shall serve at the pleasure of the governing body of the appointing agency. Any change in appointment of a member or alternate shall be by resolution of the governing body of the appointing agency.

- b. **Vote.** Each member shall have one vote except that the member selected by the City of Oakland shall have three votes and the members selected by the County of Alameda and the Cities of Fremont and Hayward shall have two votes.
- c. **Vote Required.** A simple majority of the Board members present shall be required for all actions.
- d. **Meetings of the Board.**
 - (1) **Regular Meetings.** The Board shall hold at least one regular meeting each year. The date, hour, and place at which each such regular meeting shall be held shall be fixed by resolution of the Board.
 - (2) **Special Meetings.** Special meetings of the Board may be called in accordance with provisions of law.
 - (3) **Notice of Meetings.** All meetings of the Board shall be held subject to the provisions of the Ralph M. Brown Act, Government Code section 54950 et seq., and other applicable laws of the State of California requiring notice of meetings of public bodies to be given.
 - (4) **Minutes.** The Board shall cause minutes of all meetings to be kept and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Board and to each Agency.
 - (5) **Quorum.** A majority of the members of the Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time.
- e. **Rules of Procedure.** The Board shall adopt by resolution from time to time such rules of procedure for the conduct of its affairs as may be required.

6. PARTIES TO THIS AGREEMENT

For purposes of this Agreement, each Agency intends to, and does, contract with every other Agency that is a signatory to this Agreement and, in addition, with every public agency that becomes a member under Paragraph 7. The withdrawal of any Agency from this Agreement does not affect its validity or enforceability as to the remaining Agencies.

7. PROCEDURE FOR BECOMING MEMBER OF ENERGY COUNCIL

All of the Cities in Alameda County, and the County of Alameda, that have executed the Agreement by the effective date shall be members of the Energy Council. In addition, any city or county that shares and exercises powers in common with the Agencies may become a member of the Energy Council upon (1) presenting an adopted resolution to the Energy Council requesting to become a member of the Energy Council; (2) receiving Board approval of that request accepting the city or county to membership; and (3) signing this Agreement.

8. RESTRICTIONS UPON EXERCISE OF POWER OF ENERGY COUNCIL

This Agreement is entered into under the provisions of Government Code section 6500 et seq. concerning joint powers agreements. The powers to be exercised hereunder shall be subject to the restrictions upon the manner of exercising those powers as limited by law. The manner of exercising powers granted by this Agreement shall be subject to the same restrictions as imposed upon the County of Alameda. If at any time the County of Alameda is not a party to this Agreement, the manner of exercising powers granted by this Agreement shall be subject to the same restrictions as imposed upon the largest city within Alameda County that is an Energy Council member.

9. FUNDS, AUDIT, AND ACCOUNTING SERVICES

The Energy Council shall appoint an officer or employee as Finance Officer and that officer shall serve the combined functions of treasurer and auditor pursuant to Government Code sections 6505.5 and 6505.6 as those sections now exist or may be amended from time to time. The Finance Officer shall serve as the depositary and have custody of all Energy Council funds from whatever source, and shall perform the functions set forth in the above-referenced sections of the Government Code.

10. DISPOSITION OF ENERGY COUNCIL FUNDS UPON TERMINATION

- a. In the event of termination of the Energy Council where there is a successor public entity, which will carry on the activities of the Energy Council and assume its obligations, Energy Council funds, including any interest earned on deposits, remaining upon termination of the Energy Council and after payment of all obligations shall be transferred to the successor public entity.
- b. If there is no successor public entity, which would carry on any of the activities of the Energy Council or assume any of its obligations, Energy Council funds, including any interest earned on deposits, remaining upon termination of the Energy Council and after payment of all obligations, shall be distributed by the Board consistent with the purposes and terms of the original funding source(s).
- c. If there is a successor public entity which would undertake some of the functions of the Energy Council and assume some of its obligations, Energy Council funds, including any interest earned on deposits, remaining upon termination of the Energy Council and after payment of all obligations and payment to the successor public entity of funds for the functions and obligations assumed by the successor public entity, shall be distributed by the Board consistent with the purposes and terms of the original funding source(s).
- d. In the event the Energy Council is terminated all decisions of the Board with regard to determinations of amounts and recipients of distributed funds shall be final.

11. WITHDRAWAL, TERMINATION OF MEMBERSHIP, TERMINATION OF ENERGY COUNCIL

Any Agency may withdraw from the Agreement following written notice submitted to the Energy Council at least six months in advance of the effective date of withdrawal. The membership of any agency which ceases to have powers in common with the parties to this Agreement shall terminate thirty (30) days after the agency ceases to have powers in common with the parties to this Agreement. If the Energy Council receives no funding for three consecutive fiscal years, the Board shall consider terminating the Energy Council.

12. AMENDMENTS

This Agreement may be amended by the affirmative vote of the governing bodies of not less than two-thirds of all Agencies.

13. NOTICES

All notices to Agencies shall be deemed to have been given when mailed to the governing body of each member Agency.

IN WITNESS WHEREOF, each Agency has executed approval of this Agreement and filed said approval with the Secretary of the Alameda County Waste Management Authority and said signatures are listed below or attached hereto.

Agency	Approval Date (If Any)
<p>County of Alameda</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Alameda</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Albany</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Berkeley</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Dublin</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>

<p>City of Emeryville</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Fremont</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Hayward</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Livermore</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>
<p>City of Newark</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p> <p>_____</p>

<p>City of Oakland</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p>
<p>City of Piedmont</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p>
<p>City of Pleasanton</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p>
<p>City of San Leandro</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p>
<p>City of Union City</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p>	<p>_____</p>

DRAFT

2/27/13

ENERGY COUNCIL
 RULES OF PROCEDURE
 Adopted _____, 2013

Article I
 General Provisions

- Section 1-1 Authority for Rules These rules apply to the Energy Council Board and Committees of the Board and are adopted pursuant to the Joint Exercise of Powers Agreement for the Energy Council effective April 12, 2013, as it may be amended from time to time (hereinafter, "JPA"). The provisions of said agreement are herein incorporated by reference.
- Section 1-2 Purpose of Rules The purpose of these rules is to provide for the orderly and fair conduct of the meetings of the Board and operations of the Council.

Article 2
 Organization of the Board

- Section 2-1 Composition of the Board The Board is composed of members and alternates appointed pursuant to the JPA. No member or alternate shall receive compensation for attending meetings of the Board or any Board Committee, but reimbursement of travel or other expenses may be made if the Board has adopted a policy governing such reimbursements.
- Section 2-2 Officers The Officers of the Board shall be a President, First Vice-President and Second Vice-President, who shall serve until the elections of their successors. No member may serve more than one full consecutive term of office as an Officer.
- Section 2-3 Election of Officers The Officers shall be elected at the regular meeting of the Energy Council in the month of June of each year. They shall be elected by the vote required for all Board actions as specified in the JPA, and shall serve from July 1 through June 30 of the following year. Notwithstanding the foregoing, the Board may select initial officers to serve from the time of the first Board meeting through June 30 of that year and those officers may be re-elected and serve as officers for the term beginning July 1 of that year.
- Section 2-4 Duties of President The President shall preside at all meetings of the Board and shall conduct the business of the board in the manner prescribed by these Rules. The President shall preserve order and

decorum and shall decide all questions of order subject to the action of a vote of the Board.

Section 2-5 Duties of First and Second Vice-Presidents In the absence or inability of the President to act, the Vice Presidents shall perform the duties of the President in the order of the succession.

Section 2-6 Executive Director The Executive Director of the Energy Council shall be the Executive Director of the Alameda County Waste Management Authority pursuant to the memorandum of understanding between the Energy Council and Authority approved April 24, 2013.

Section 2-7 Duties of Executive Director The Executive Director or designee shall perform the following duties:

- (a) Attend each meeting of the Board;
- (b) Maintain a record of all proceedings of the Board;
- (c) Prepare an agenda for each meeting;
- (d) Notify all Board members of the time and place of each meeting;
- (e) Maintain all records of the Board;
- (f) Serve as Secretary to the Board;
- (g) Maintain records of the proceedings of committee meetings;
- (h) Establish a Technical Advisory Group (“TAG”) consisting of at least one staff representative from each Agency to advise Energy Council staff on matters such as strategic planning, annual work plans, funding priorities, proposed program design, coordination with existing energy service providers and programs (e.g., East Bay Energy Watch), and other matters related to advancing sustainable energy initiatives. Energy Council staff shall cause summary minutes of all TAG meetings to be kept and shall, as soon as possible after each meeting, cause a copy of the summary minutes to be forwarded to each member of the Board and to each TAG representative. As matters discussed at the TAG are considered by the Board, Energy Council staff shall also include a summary of TAG input in the staff’s report on the matter to the Board. TAG members may also speak on any given matter in front of the Board.
- (i) Perform other duties directed by law or the Board.

Article 3
Meetings of the Board

Section 3-1 Regular Meetings Regular monthly meetings will be held in conjunction with regular meetings of the Alameda County Waste Management Authority.

Section 3-2 Cancellation and/or Reschedule of Regular Meetings Any regular meeting of the Board may be cancelled or rescheduled by the President, or the Executive Director on the direction of the President, no less than seven (7)

calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the Board.

- Section 3-3 Special Meetings Special meetings of the Board may be called by order of the President or by a majority of the members. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 3-4 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Board shall be specially scheduled by the Board.
- Section 3-5 Quorum A majority of the members of the Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6 Absence of a Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 3-7 Notice of Meetings All meetings of the Board shall be subject to the provisions of the Ralph M. Brown Act, being Sections 54950, *et seq.* of the California Government Code, and other applicable laws of the State of California requiring notice of meetings of the Board.
- Section 3-8 Teleconferencing A Board member wishing to use teleconferencing should notify the Executive Director, or designee, of the teleconference location at least eight (8) days prior to the affected Committee/Board meeting. The teleconference location shall be accessible to the public. The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/Board meeting where teleconferencing is used will be taken by roll call.

Article 4

Conduct of Meetings

- Section 4-1 Order of Business The business of each meeting of the Board shall be transacted as far as is practicable in the following order:
- (a) Call to order;
 - (b) Roll call;
 - (c) Announcements by President;
 - (d) Approval of minutes of prior meetings;
 - (e) Consent calendar;

- (f) Open public discussion from the floor;
- (g) Regular calendar;
 - (1) Unfinished business;
 - (2) New business;
- (h) Member Comments and Communications; and
- (i) Adjournment.

The above order of business may be suspended or changed at any time upon order of the President. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. The regular calendar shall contain all other matters and business. Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Energy Council, but not listed on the agenda. Each speaker is limited to three minutes.

Section 4-2 Parliamentary Rules The rules and procedures set forth in Robert's Rules of Order are hereby adopted for the government of this Board in all cases not otherwise provided for in these Rules.

Section 4-3 Vote Required The vote required for Board action shall be as specified in the JPA. An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-4 Alternate's Vote An agency alternate may vote on any matter under consideration only in the absence of the agency member from the meeting or as provided under Section 4-6 of these Rules.

Section 4-5 Roll Call Each roll call of the Board shall be in alphabetical order of the name of the agency, except that the President shall be called last.

Section 4-6 Roll Call Not Required The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the President may order the motion unanimously approved.

Section 4-7 Voting Ineligibility Any Board member ineligible to vote on any matter under consideration by the Board shall leave the Board table before the matter is considered and refrain from participation in any action concerning the matter.

Article 5
Meetings of Committees

Section 5-1 Committees: Specific Committees, Notice of Meetings and General Rules

The Board or President may establish Committees from time to time to advise the Energy Council. Committees shall be subject to these Rules. Any meeting of a Committee that constitutes a quorum of the Board shall be noticed as both a meeting of the Committee and a meeting of the Board. General rules pertaining to Committees are as follows:

- (1) Only Committee members are permitted to vote on matters before the Committee.
- (2) Committees are not empowered to take final agency action on behalf of the Board.
- (3) A majority of the Committee members present and voting is required for adoption of recommendations/actions.
- (4) Board members who are not Committee members may attend Committee meetings, but will not count toward formation of the quorum necessary to conduct the meeting.
- (5) In absence of a Board member appointed to a Committee that Board member's alternate shall serve as a member of the Committee exactly as if a regular appointee to the Committee.

Section 5-2 Committee Vacancy When a vacancy occurs on any Committee, the Board shall be notified and the Energy Council President shall recommend appointment of members to said Committee, subject to confirmation by the Energy Council Board.

Section 5-3 Cancellation and/or Reschedule of Regular Committee Meetings Any regular Committee meeting of the Energy Council may be canceled or rescheduled by the President, or the Executive Director with the consent of the President, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the Committee.

Section 5-4 Special Meetings Special Committee meetings may be called by order of the President or the Executive Director with the consent of the President or by a majority of the members of the Committee. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.

Section 5-5 Adjourned Meetings Any regular meeting of the Committee may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.

Section 5-6 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Committee shall be specially scheduled by the Committee.

- Section 5-7 Absence of a Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent member shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 5-8 Teleconferencing A Committee member wishing to use teleconferencing should notify the Executive Director, or designee, of the teleconference location at least eight (8) days prior to the affected Committee meeting. The teleconference location shall be accessible to the public. The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee meeting where teleconferencing is used will be taken by roll call.

DRAFT

9/12/12

**MEMORANDUM OF UNDERSTANDING
FOR ADMINISTRATION OF THE ENERGY COUNCIL**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into by and between the Alameda County Waste Management Authority (hereinafter "Authority"), and the Energy Council and shall be effective as of _____, 2013 ("effective date").

WHEREAS,

- A. The Authority is a Joint Powers Agency created in 1976 for the purpose of preparing, adopting, revising, amending, administering, implementing, and enforcing the Alameda County Integrated Waste Management Plan and the Alameda County Hazardous Waste Management Plan.
- B. The Energy Council is a Joint Powers Agency created in 2013 for the purpose of providing a means by which its member agencies can more effectively develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient, and renewable resources available in the region for the benefit of the Energy Council member agencies and their constituents. As of the effective date each of the signatories is a member of the Authority.
- C. There are significant economies and various public benefits which may be realized through organizational consolidation of the Authority and the Energy Council.

NOW, THEREFORE, the parties do agree as follows:

1. Purpose of Agreement

- 1.1 The purpose of this Agreement is to make arrangements between the Authority and Energy Council for administration of the Energy Council's business in a manner which most efficiently and effectively utilizes resources and avoids wasteful duplication of efforts by the Authority and the Energy Council. The general responsibilities of the Authority and Energy Council are delineated in this MOU, as are parameters for the shared use of resources, general guidelines for administration and processes for optimal coordination of programs.

2. Organization

- 2.1 The Energy Council shall be considered a separate and distinct entity organization with the unique powers and responsibilities conveyed to it by the Joint Powers Agreement creating the Energy Council and central organizational and administrative support provided by the Authority.
- 2.2 Staff support required to form and administer the Energy Council shall be provided by the Authority and funded by grants and other funds received by the Energy Council as hereinafter provided.

3. Executive Director

- 3.1 The incumbent Executive Director for the Authority shall be the Executive Director for the Energy Council and the various terms and conditions of the Executive Director's employment shall remain in effect independent of the this MOU.
- 3.2 The Energy Council has, through its Rules of Procedure, designated and conveyed to the Executive Director the administrative powers, responsibilities and authorities required of the position.
- 3.3 The Executive Director will organize and manage staff and resources in a manner so as to optimally carry out Authority and Energy Council programs within the fiscal limitations imposed by the funding received by the Energy Council.
- 3.4 Both the Authority and Energy Council recognize that the schedule of Authority, Energy Council and committee meetings may impose inordinate demands upon the Executive Director's time, and accordingly the Authority and Energy Council authorize the Executive Director to utilize professional level staff in a manner which may best facilitate meetings and the conduct of business by both parties.
- 3.5 As the Chief Administrative Officer for the Authority and the Energy Council, it shall be solely the Executive Director's responsibility to provide direction to staff in carrying out the policies and programs adopted by the Authority and by the Energy Council.
- 3.6 The performance of the Executive Director shall be evaluated by the Authority in accordance with the provisions of an employment agreement.

4. Personnel Administration

- 4.1 A major purpose of this MOU is to facilitate the most cost effective joint use of personnel and other resources which may be required by the Authority and the Energy Council.
- 4.2 The Executive Director shall employ and assign work to staff based upon organizational plans, budgets and policies previously approved by the Energy Council Board.
- 4.3 Personnel policies, procedures and regulations shall be uniform and consistently applied throughout the organization. Any such policies, procedures and regulations adopted and previously implemented by the Authority at the time of execution of this MOU, shall remain in effect until later modified.
- 4.4 All regular and limited term staff employed, regardless of work assignment, shall be considered employees of the Authority, and shall have available to them the same benefits, group plans and other programs as are available to other employees of the Authority.
- 4.5 Notwithstanding other provisions regarding personnel administration, the Energy Council may at its option retain legal counsel independently of the Authority or may use the services of the Authority's counsel pursuant to this MOU.

5. Budget

- 5.1 Annual budgeting for the Energy Council shall be on a fiscal year basis, from July 1 through June 30 of the subsequent year. The Energy Council budget shall be developed and presented publicly and may be integrated with the budget of the Authority as part of a comprehensive and coordinated budget proposal.
- 5.2 An annual budget shall be adopted separately by the Energy Council. Separate accounting records will be maintained for the Energy Council in accordance with generally accepted accounting principles.
- 5.3 A separate trust fund shall be created for funding from grants received by the Energy Council, to be administered by the Energy Council. The Energy Council shall have exclusive control over the disposition and use of said trust fund.
- 5.4 The operational costs of personnel, facilities and other resources shall be allocated among the various trust funds administered by the Authority and the Energy Council, in accordance with the adopted budget, and reflecting a fair and reasonable distribution of such costs among the trust funds as may be agreed upon by the Authority and Energy Council. Where appropriate, administrative and overhead costs shall be allocated among the trust funds administered by the Authority and the Energy Council, on the basis of staffing assignments.
- 5.5 In general, the approved budget document shall be the authorization for the Executive Director to employ and assign staffing, acquire and allocate resources, and to contract for services and programs. Specific approval to enter into agreements, acquire property, make major purchases, and other significant actions will be the subject of more specific approval by the Energy Council.

6. Fiscal Management

- 6.1 Fiscal Management of the Energy Council funds shall be conducted under the purview of the designated Treasurer as prescribed by Government Code section 6500 et seq. as those sections exist and as they may be amended from time to time. The Authority may elect to manage funds utilizing either public or private institutions, in accordance with state law, the Joint Powers Agreement creating the Authority and Authority policy where appropriate.
- 6.2 During the fiscal year regular reports shall be made to the Authority and the Energy Council regarding the status of revenues and expenditures with respect to the adopted budget.

7. Facilities

- 7.1 Facilities required for administration of the Authority and the Energy Council shall be provided by shared use, the cost of which shall be apportioned between the parties on the basis of staffing allocations. The existing Authority administrative offices at 1537 Webster Street in Oakland, California shall be shared by both parties. Any future decision to relocate offices to another location shall be by agreement between the

Authority and Energy Council. The Authority and the Energy Council may independently own, lease or otherwise acquire interests in properties at any other locations, for any purpose related to carrying out their respective programs.

8. Roles and Responsibilities

8.1 Roles and responsibilities of the Authority and the Energy Council are generally set forth by the Joint Powers Agreement establishing the Authority and by the Joint Powers Agreement establishing the Energy Council. It is agreed by the parties that these areas of responsibility are as follows:

8.1.1 The Authority shall generally be responsible for preparing, adopting, revising, amending, administering, implementing, and enforcing the Alameda County Integrated Waste Management Plan and the Alameda County Hazardous Waste Management Plan and such other projects as the Authority may pursue through its enabling Joint Powers Agreement. Further, the Authority shall be responsible for personnel management, budgeting and other administrative functions required for joint operation with the Energy Council.

8.1.2 The Energy Council shall be generally responsible for integrated energy resource planning which promotes use of sustainable, cleaner and affordable energy resources as more specifically set forth in section 2 of the joint powers agreement creating the Energy Council.

9. Liability and Insurance

9.1 Neither the Authority nor the Energy Council shall be held liable for actions by the other, and each shall hold the other harmless for liability arising through action by either party. Each party shall maintain appropriate policies of liability insurance and errors and omissions insurance for officials of both organizations and employees of the Authority.

10. Modification of Agreement

10.1 This agreement may be modified at any time with the approval of both parties, subject to the following conditions.

10.1.1 Modification of the Agreement shall be effected through resolution of both the Authority and Energy Council.

10.1.2 Modification of this Agreement shall be accomplished in a manner which does not adversely impact upon programs currently in process, and shall not result in a duplication of services or less efficient use of resources.

11. **Termination of Agreement** Termination of this Agreement may be initiated at any time by resolution of either the Authority or Energy Council, subject to the following conditions.

11.1 Termination of this Agreement shall be accomplished in a manner which does not adversely impact upon programs currently in process, and shall not result in a duplication of services or less efficient use of resources.

- 11.2 A resolution of termination by either party shall initiate a transition period of a minimum of six months, during which any existing joint programs of the Authority and Energy Council shall be brought to completion, or modified in a manner as to facilitate their completion after the transition period is over. With the concurrence of both parties, the transition period may be shortened, subject to a finding by each party that there will be no significant adverse impact to programs in process.
- 11.3 In the event of termination of this agreement, the liquid assets of the Authority and the Energy Council will be divided between the two parties, in accordance with their respective trust funds. Any other assets shall be distributed on the basis of trust fund ownership, and any shared assets shall be divided by agreement between the parties, generally in proportion to the respective contributions of the parties to the asset to be divided.

[Signature Block]