

DATE: October 1, 2013
TO: Mayor and City Council
FROM: Assistant City Manager
SUBJECT: Introduction of Ordinances Amending the Hayward Municipal Code by Adding Article 13 to Chapter 4 Relating to Food Sharing Events and Article 14 to Chapter 4 Relating to Park Hours

RECOMMENDATION

That the City Council introduces the attached ordinances amending the Hayward Municipal Code by adding Article 13 to Chapter 4 relating to Food Sharing Events (Attachment I) and Article 14 to Chapter 4 relating to Park Hours (Attachment II) for adoption during the October 15, 2013 Council meeting. These Ordinances relate only to Downtown parks, specifically Portuguese Park, Giuliani Plaza, Newman Park, Library Park, and City Hall Plaza.

SUMMARY

In response to shopper, business owners, resident, and visitor concerns regarding negative behaviors in the Downtown area, and in particular, in Downtown City parks, City staff has been working to develop a comprehensive strategy for addressing these concerns. One element of this strategy is the two ordinances presented for Council consideration with this report. Staff is proposing a twelve month pilot program to evaluate the implementation and effectiveness of these two ordinances. The first ordinance is the Food Sharing Event Ordinance, which would govern the time, place, and manner in which food sharing events can occur in City parks in the Downtown area. The Ordinance would establish a permitting process that would assist the City in regulating these events and recovering costs for cleaning and repairs necessitated by these events. The Ordinance also requires that food providers secure the appropriate Health Department and food handling permits.

The second ordinance would place restrictions on the use of City parks in the Downtown between sunset and sunrise daily, helping to alleviate some of the bad behaviors that occur during the nighttime hours. Both ordinances would give City staff, primarily Police and Code Enforcement staff, the ability to more effectively control and/or stop events that are having negative impacts on Downtown visitors, residents, and businesses.

Neither ordinance would apply to parks managed by the Hayward Area Recreation & Parks District (HARD) which is an independent special district with exclusive rulemaking authority over the properties which it manages.

BACKGROUND

On March 5, 2013, staff presented a City Council Work Session report¹ regarding regularly scheduled food-sharing events taking place outdoors in City parks in Downtown Hayward. Food providers from Hayward, as well as providers from other Bay Area cities, continue to come to Hayward to share free food outdoors with those in need. These events occur in downtown City parks, in addition to the numerous other locations throughout the City. While the number of food recipients fluctuates, as many as a hundred people or more continue to partake in these free food sharing events.

The City continues to receive a significant number of calls for service to address public nuisances and other illegal behavior, as well as to clean-up human waste, litter, trash and other debris associated with the outdoor food-sharing events. While some of the food providers make an earnest effort to clean up both before and after their respective food sharing events, these efforts have not effectively addressed the ongoing problems perpetrated by other less responsible individuals who provide or receive food in City parks. Even though there was an increase to a daily waste pick-up schedule at Portuguese Park, the City's garbage hauler, Waste Management of Alameda County, has reported that almost every day of the week over the last year, the volume of trash picked up at Portuguese Park exceeds the capacity of the City's litter containers at (and nearby) that location. Even when neatly stacked near the City's waste containers, the overage of waste has attracted furniture, debris, and other illegally dumped items that do not appear to be from the food sharing events, but which are dumped next to the other waste items left behind by these events.

The waste removed from this area ranges from a few gallons of waste to a number of large, bulky, (typically household) items. Waste Management has also made many "second trips" (approximately once per month on average) in response to reports about overflowing Portuguese Park litter containers. These calls for service typically occur after food sharing events take place.

In addition to the costs borne by Waste Management, the City's Maintenance Services staff report spending approximately sixteen hours per month responding to community service requests to clean up Portuguese Park alone. The items encountered by City staff include human feces, used drug paraphernalia, and other residue inappropriate for City parks designed to be used by children and seniors. In addition to the health risks for City employees, this translates to a cost of approximately \$15,000 annually for the City and an unnecessary diversion of limited municipal resources. Because it is not currently possible to keep up with the daily cleaning of these parks, the residue and debris also act as deterrents to visitors and shoppers, negatively impacting income of adjacent businesses. The intent of the proposed ordinance is to shift the responsibility for the costs associated with cleaning the park to users that create, facilitate, or attract negative impacts, allowing the City to focus its limited resources on other priority problems where no responsible party can be identified and costs cannot be recovered.

Currently, none of these food providers are required under any City ordinances to secure the appropriate County Health Department permits to distribute food, creating potentially unsafe conditions for those receiving this food. At recent community meetings, County Environmental Health Service Officials responded to the concerns raised by clarifying that these permitting requirements are not difficult to comply with, that they are intended to protect the health and

¹ **March 5, 2013 Agenda Packet (Item 1):** <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca030513full.pdf>

welfare of the public, and that permits are issued after training and assistance is provided, and at no cost.

Per Council's direction at the March 5, 2013 Work Session, staff is introducing the Food Sharing Event Ordinance in order to address some of the concerns raised regarding outdoor food sharing events in and around the downtown. This ordinance, if adopted, will not ban food sharing, but will regulate the time, place, and manner in which *outdoor* food sharing events can take place in Downtown Hayward City parks. The proposed Food Sharing Event Ordinance is also intended to mitigate the negative impact that some uses of City Parks have on surrounding citizens and properties, to provide greater authority to City officials to intervene when needed, and to protect the City's interests by mitigating liability as it pertains to activities conducted in City parks. Staff proposes that the Council adopts the ordinance as a pilot program for the first year, during which time staff will evaluate the effectiveness of the ordinance, as well as the costs associated with its implementation.

DISCUSSION

Given the number of concerns that have been raised about nuisance behaviors and litter in the Downtown area, staff has been working to develop and design a comprehensive strategy for dealing with these concerns. The proposed Food Sharing Ordinance is just one component of this strategy. Staff acknowledges that it will not be a panacea for all of the problems in the Downtown and other parks throughout the city, or the homelessness/food security issues in Hayward, and is committed to continuing the conversation with advocates and concerned members of the community to identify a more comprehensive and long-term strategy, recognizing the following critical elements of the conversation:

1. Being homeless is a major life event for those experiencing it; and being homeless does not necessarily equate to behaving badly or inappropriately.
2. The homeless population, like the mainstream population, is comprised of all kinds of individuals, with a wide variety of problems, issues, and attributes: one solution does not fit everyone.
3. The situation of being homeless does not excuse one from being a responsible resident of the community, or from impacting the environment of others through negative behaviors.
4. No strategy or service net will end homelessness a hundred percent; it is a part of the urban fabric. No matter how many are served or how well, there will always be new entrants into the urban homeless population.
5. Serving the homeless population successfully is a cooperative and inter-dependent mixture of long-term programs (housing, job training and employment, and social services) and immediate response (i.e., community outreach, shelter, food, and safety).
6. Finding financial resources to address the problem, both short-and long-term is a major obstacle to a complete programmatic strategy; and a significant challenge to both public and private organizations.
7. The City has a responsibility to support and ensure a healthy and safe economic environment for its business community.

The following section outlines the key provisions of the Food Sharing Ordinance and the accompanying Park Hours Ordinance, as well as other elements of the more comprehensive strategy that staff is developing.

Food Sharing Event Ordinance: The proposed Food Sharing Event Ordinance (Attachment I) focuses on a very specific concern, that is, to better regulate the way in which Downtown Hayward City parks are utilized. The goal of the ordinance is to ensure that the City parks are not dominated by any particular group or use to the exclusion of others; and will help ensure that activities conducted on these City properties have less of a negative impact on the businesses and residents who live and/or work in the areas surrounding them than is currently the case. It will also better protect the City's financial interests by mitigating liability associated with the use of, and the expenses associated with maintaining, City parks. Many other jurisdictions require similar permits that govern the ways in which City parks can be utilized, including the cities of San Francisco and Berkeley. The language used in the proposed Ordinance was informed by these other agencies, as well as by the policies and regulations utilized by the Hayward Area Recreation and Park District (HARD) to govern its parks.

Staff recommends that the ordinance remain in force for a period of twelve (12) months from the date it becomes effective. During this "pilot" period, staff will have the opportunity to assess the effectiveness of the program and determine the appropriate levels of insurance and administrative fees, if any, associated with the permit. Similar to the recently adopted illegal dumping ordinance, prior to the conclusion of the twelve month pilot period, staff will return to Council with a report and recommendation regarding the program and any proposed changes to the language of the ordinance for permanent adoption.

The following definitions are included in the draft ordinance:

- "Food Sharing Event" means, an event where food is distributed at no cost, or for a nominal charge, to the public.
- "City Park", under this ordinance, is defined as Portuguese Park, Giuliani Plaza, Newman Park, Library Park, and City Hall Plaza. Staff recommends that food sharing events be prohibited completely at Giuliani Plaza and Library Park due to conflicting surrounding uses (i.e., the children's playground at Giuliani Plaza and the Main Branch of the City Library).

Key elements of the proposed Ordinance include:

- A. Any person or organization sponsoring, promoting, or engaging in a food sharing event in a downtown City park will be required to obtain a permit issued by the City which specifies how and when such activities may be conducted. Staff proposes that a limit of one event per week be included as a condition of each permit, but will determine the appropriateness of an event, including its proposed date and time, given the other activities scheduled to occur at the various Downtown parks and the estimated impacts of the proposed event. Permit holders must notify the City of the date, time, and location of an event at least 72 hours in advance of the event.
- B. When applying for a permit, an applicant will be required to provide:

1. Proof of current compliance with State and Alameda County public health regulations regarding food preparation and food handling;
 2. Proof of insurance; and
 3. Payment of a permit fee. However, staff recommends that the permit fee be waived during the first year that the Ordinance is in effect. During this time, actual implementation costs can be assessed, which will help determine the appropriate fee level or if one is necessary at all.
- C. Permit holders will be required to provide a refundable deposit for cleaning or repairs; and enter into a Reimbursement Agreement with the City for cleaning or repairs associated with the permitted activity.
- D. To further protect the City's financial interests, permit holders will be required to sign a "hold harmless" agreement with the City to protect against any claims or lawsuits that may arise from the permitted activity.
- E. The Ordinance will be effective for a period of twelve (12) months from the date it becomes effective. All permits issued pursuant to the ordinance will only be in effect during that time period.

Penalties for violation of the ordinance may include orders to immediately cease a particular event and/or the issuance of administrative citations to those responsible for the event.

The provisions of the proposed ordinance would not apply to farmer's markets or events/activities where commercial food distribution takes place, as other regulations (that are not applicable to food sharing events in City parks) apply to these events and activities. Additionally, the ordinance will not apply to food-sharing or other related services that take place on private property.

Park Hours Ordinance: During the community meetings held on this topic, a number of concerns were raised regarding the after-hours use of City parks in the Downtown. In response to these concerns and in conjunction with the proposed Food Sharing Event Ordinance, staff has prepared a Park Hours Ordinance (Attachment II). If adopted, this ordinance will prohibit the use of downtown City Parks between the hours of sunset and sunrise unless one is using a sidewalk, pathway, or other public right-of-way within or through the park, is a participant in - or is watching - an authorized event taking place in a City park, or is accessing a facility located within the park, such as the main library or City Hall. The Ordinance will not apply to the children's play structure at Giuliani Plaza, which is regulated by the Hayward Area Recreation and Park District (HARD).

Other strategies to improve Downtown Hayward and address homelessness issues in the community: The proposed Food Sharing Event Ordinance and the Park Hours Ordinance comprise only one aspect of a multi-level strategy to improve conditions in Hayward for all community members. Staff is also working inter-departmentally, and in partnership with other public and private community stakeholders, to address the complex issues of homelessness and hunger, and other related concerns that negatively impact the quality of life in our community, particularly

Downtown Hayward. This work will continue after adoption of these Ordinances and will be reported on to Council as recommendations are developed. The other strategies include, but are not limited to:

- A. Delivery of Food and Support Services: Currently, there are a number of locations throughout Hayward that provide *indoor* emergency groceries, hot meals, and/or other support services to assist people who are homeless, as well as those who are at-risk for homelessness. Attachment III provides a matrix (produced by the Hayward CAN program) of when and where some of these services are currently offered. Additionally, the City of Hayward has granted over \$20,000 in support of the delivery of food from Alameda County Food Bank to six Hayward programs, including: the Bridge of Faith Church - Meals of Love Food Give Away Program; the Building Opportunities for Self Sufficiency (BOSS); the Magnolia Women's Shelter; Salvation Army Food Programs; the Seventh Step Foundation Shelter for Men; and the South Hayward Parish Food Pantry. This means that many of those in need of food can access food and other services from these indoor providers, as well as from permitted food-sharing events in City parks that can continue under the new ordinance if adopted.

City officials are also working with other public and private community stakeholders, including local faith and community-based service organizations, to develop one or more additional indoor service centers to provide food and other support services indoors; and are also exploring ways to better coordinate the use of the currently available resources to deliver services more effectively. However, there currently is no identified funding source to create these indoor service centers. These discussions will continue in earnest with the various community stakeholders.

- B. Long-Term Solutions to Hunger and Homelessness: The City continues to work with other public and private agencies throughout the County to support the delivery of services that more effectively address and alleviate some of the most common causes of hunger and homelessness, (i.e., housing instability, under and unemployment, health problems, and addiction issues.) These programs seek to stabilize lives, end homelessness and hunger, and are consistent with the County-wide *Everyone Home Plan*, adopted by the Hayward City Council in October 2006. In FY 2014, the City allocated \$351,971 in service grants to local nonprofit organizations in support of prevention and intervention services to those in need (please see Attachment IV for details).
- C. Identifying, and Addressing, Specific Problem Areas: Multi-departmental and cross-jurisdictional services are being coordinated to target specific public and private properties that have been identified as sources of frequent problems (i.e. San Lorenzo Creek, Memorial Park, and various other commercial and private properties). This includes coordination among law enforcement and code enforcement staff as well as Development Services, Public Works, and Maintenance Services personnel (in collaboration with the Keep Hayward Clean and Green Task Force). This team is working to make changes to physical environments so that they are less conducive to illegal encampments and public nuisance behavior, as well as to combat community blight. Hayward Police Department's Neighborhood Alert Program, Neighborhood Services, and Volunteer Services are also working to positively impact social environments in order to limit opportunistic public nuisance and criminal behavior.

- D. Economic Development: The City continues to support, and coordinate with, the Hayward Chamber of Commerce, the Downtown Hayward Business Improvement Area Advisory Board, and individual Hayward business and commercial property owners to improve the environmental and social factors that negatively impact Hayward's Downtown businesses as specific issues arise.
- E. Social Nuisance Ordinance: Staff has been working on a Social Nuisance Ordinance, which the Council discussed earlier at this meeting in a work session setting. This ordinance, if adopted, will hold property owners responsible for the illegal conduct of the occupants of their properties.

ECONOMIC IMPACT

The negative economic impact currently associated with outdoor food-sharing events that occur in Downtown City parks are expected to improve when, under the adopted Ordinances, their use is better regulated and enforced by the City. Downtown business and property owners, along with visitors and shoppers, have long identified outdoor feeding and the resulting blight and sanitation problems, and the unacceptable behaviors of some participants as a major deterrent to visiting, shopping, dining, and enjoying our Downtown. Staff anticipates that the elimination of blight and these other negative activities will enhance overall conditions in the Downtown, leading to increased economic development activities and renewed investment by property owners.

FISCAL IMPACT

Staff will utilize the pilot period to determine the administrative costs associated with the administration of these Ordinances in order to set reasonable permit fees in the future, if needed. Staff anticipates that the costs that are incurred by the City for park maintenance and repairs due to the current unregulated food sharing events will be covered by payment of cleaning deposits and use of a reimbursement agreement. Also, staff intends to conduct a public education process that will help inform prospective permit holders of the ordinance requirements. This, along with the prospect of incurring fines for noncompliance, is anticipated to reduce the volume of calls for service, and thus City expenses, for the Hayward Police Department, Code Enforcement, Public Works, and Maintenance Services Departments that are due to current food sharing events. Revenue from fines that are issued will also help to cover costs that are associated with the enforcement of the new ordinance. It is hoped that not charging for permits during the pilot period will encourage the willing participation of food providers; and that all other costs associated with the administration of the proposed ordinance will not require additional City resources beyond the currently approved budget.

PUBLIC CONTACT

Two community meetings were conducted, one on Saturday, September 7, 2013, and the other Wednesday, September 11, 2013, where staff presented an overview of the proposed ordinance. The overview of the proposed ordinance was also posted on the City's website and made available upon request to members of the public. Over fifty community members shared questions, comments, and suggestions with staff during the community meetings, as well as through mail, email, in person meetings, and via telephone and voicemail. In addition, numerous community stakeholders signed on to an online petition expressing support for the concept of an indoor service

center that could better address the needs of the City's homeless population and opposing the creation of a new permitting process. Staff addressed many of these comments and concerns through revisions to the proposed ordinance language. However, as Council will note, many of the concerns deal with the broader issue of addressing homelessness and food security issues in our community, which are more pervasive and challenging issues that have no single solution.

Following is a summary of the comments submitted:

- 1) Concerns that the problems experienced by business and community members occurred at night and were not associated with the food sharing events taking place at Portuguese Park;
- 2) Clarification was sought regarding what constitutes a "food sharing event" versus a family picnic or other gathering where food is shared;
- 3) Community meeting participants representing themselves as Portuguese Park food providers and recipients indicated that they regularly clean up the park prior to and at the conclusion of every food sharing event, and often leave the park in better condition than when they arrived;
- 4) Some constituents assert that the proposed Food Sharing Event Ordinance is designed to criminalize homeless people, push the problem of homelessness to other surrounding communities, and is an attempt by City officials to prevent food sharing events in City parks from occurring by making compliance with the requirements too expensive and difficult;
- 5) Some food providers and recipients assert that there never has been a food poisoning issue or person who got sick from food provided at the outdoor food sharing events in Hayward; and therefore, it is not necessary to require food providers at the outdoor food sharing events to become certified or to meet State and County food handling requirements;
- 6) Recommendation that if the proposed ordinance is adopted, training for Prospective Food Providers be included in the ordinance to allow them to learn about the new requirements of the ordinance;
- 7) While in support of helping those in need, many Downtown residents and businesses assert that food sharing events currently conducted in City parks serve as a magnet to, and are directly linked with, people who:
 - a) Sleep and look for items in nearby commercial dumpsters and dumpster enclosures;
 - b) Sleep, have sex, drink alcohol and/or use drugs, and relieve themselves in and around the San Lorenzo Creek, nearby store fronts and residential yards, public parking lots, and in the City Parks where food sharing events take place;
 - c) Steal water and electricity from nearby residential and commercial properties before, during, and after the food sharing events take place;
 - d) Get involved in arguments and physical altercations at the food sharing events; and
 - e) Threaten others who pass by the food sharing events while they are occurring.
- 8) Reports that some food providers have reportedly utilized food as a means to berate, rebuke, admonish, and/or threaten those seeking food;

- 9) Reports that some food recipients and food providers have reportedly attended food sharing events under the influence of drugs or alcohol, and have been seen smoking in City parks in violation of the City's Smoking Ordinance; and that food providers do not discourage or control this behavior;
- 10) There is inadequate temporary shelter and housing space in Hayward, which would help address the problems identified;
- 11) City resources should not be used towards developing this ordinance but in developing an indoor service center location for the City's homeless population;
- 12) Lack of adequate public restrooms in the Downtown area, which is leading to many of the current issues with public defecation and urination;
- 13) Concerns that the proposed regulations would be too onerous and would prevent current providers from being able to continue to provide much needed food; and
- 14) People involved with the *Alameda County Everyone Home Plan* have indicated that in lieu of spending diminishing resources on additional service centers, additional temporary shelters, or other amenities such as public bathrooms that do not serve to prevent homelessness, it might be better to utilize the limited funding that is available to expand strategies like the *AC Impact Program*. This County-wide program, in which the City of Hayward is a participant, provides permanent subsidized housing first, along with intensive support services, to individuals who otherwise have a history of repeatedly requiring the use of public funds to pay for temporary law enforcement, health and mental health services; and who want to avoid and/or go in and out of temporary shelters that do not effectively impact chronic homelessness.

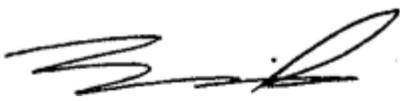
NEXT STEPS

Upon introduction, the Council will consider adoption of the two ordinances during the October 15, 2013 City Council Meeting and they will become effective thirty days after that date. The ordinances will be in force for a period of twelve (12) months from the date they become effective. Prior to the conclusion of the twelve month period, staff will return to Council with a report and recommendation regarding each ordinance and any proposed changes to the language of the ordinances for permanent adoption.

Prepared by: David Korth, Neighborhood Services Manager

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachment I – Food Sharing Event Ordinance

Attachment II – Park Hours Ordinance

Attachment III – Hayward C.A.N. Matrix of Food and Service Sites

Attachment IV – FY 2014 Roster of Social Service Agencies funded by the City of Hayward

ORDINANCE NO.

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA
ADDING ARTICLE 13 TO CHAPTER 4 OF THE HAYWARD
MUNICIPAL CODE REGARDING FOOD SHARING EVENTS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Article 13 is added to Chapter 4 of the Hayward Municipal Code and is hereby enacted to read as follows:

ARTICLE 13

FOOD SHARING EVENT ORDINANCE

SEC. 4-13.00 FINDINGS AND PURPOSE. The City Council finds as follows:

- (1) Regularly scheduled outdoor food sharing events take place in Downtown Hayward City parks several times a week. A number of the people served are homeless, but many are also people with very limited economic means who are housed and who are able to avoid homelessness in part by accessing food from these events.
- (2) Individuals and organizations currently engage in the distribution of food to those in need without having to obtain permits or operate under regulations that control the manner in which food is prepared, stored, transported, or served.
- (3) City departments have been repeatedly called to address public nuisance and other illegal behavior, clean-up human waste, litter, trash and other debris left over from the food sharing events.
- (4) These activities have resulted in a significant deterioration of the condition of City parks and the overall quality of life in the downtown area.
- (5) The parks in Downtown Hayward, specifically Portuguese Park and Newman Park are small urban pocket parks with limited space to accommodate these types of events and also allow for normal use by the public.
- (6) The use of Library Park for food sharing events is inconsistent with the operating purpose of the library.
- (7) The use of Giuliani Plaza for food sharing events is inconsistent with the interest in providing a children's play space at that location.

The purpose of this article is to protect public health, safety and welfare by requiring all persons or organizations that sponsor, promote or engage in food sharing events in City parks to obtain a permit issued by the City prior to engaging in such activity and requiring compliance with applicable Alameda County regulations regarding food preparation and distribution. The purpose of this article is also to accommodate competing interests and uses for the limited park space in Downtown Hayward.

SEC. 4-13.10 DEFINITIONS. For the purpose of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their content that a different meaning is intended:

- a. "City Park" means Portuguese Park, Giuliani Plaza, Newman Park, Library Park and City Hall Plaza.
- b. "Food sharing event" means an event where food will be distributed free of charge or for a nominal charge to the public.

SEC. 4-13.20 PERMIT REQUIRED. It is unlawful for any individual or organization to sponsor, promote or engage in a food sharing event in violation of the provisions of this Article. Any public officer identified in Section 1-3.06 of this Code may issue an administrative citation for a violation of this Article. Public officers, in order to protect public health, safety and welfare, are authorized to order immediate discontinuation of a food sharing event if the sponsor cannot provide proof of compliance with Alameda County regulations concerning food preparation and distribution.

SEC. 4-13.30 PERMIT APPLICATION PROCEDURE. Any person or organization sponsoring, promoting or engaging in a food sharing event in a City park must obtain a permit issued by the City Manager's Office and comply with the following requirements:

- a. Submit a permit application on a form provided by the City;
- b. Submit a permit fee.;
- c. Provide proof of compliance with all applicable Alameda County regulations relating to food preparation and distribution;
- d. Provide proof of insurance with the City of Hayward named as an additional insured with coverage limits approved by the City Attorney;

- e. Agree to indemnify, hold harmless and defend the City from claims arising from negligent acts, omissions or reckless or willful conduct of the Permittee or Permittee's employees, agents or volunteers related to Permittee's activities pursuant to the permit;
- f. Provide a refundable deposit for maintenance costs and agree to reimburse the City for maintenance costs in excess of the deposit.

SEC. 4-13.35 EVENT REGULATIONS. A Permittee must comply with the following regulations when conducting a food sharing event:

- a. Notify the City Manager's Office at least 72 hours prior to an event, providing the location, date and time of the event.
- b. Permittees shall be prepared to show proof of a valid permit issued pursuant to this Article upon request by any police officer or code enforcement officer of the City of Hayward.
- c. Permittees shall be prepared to show proof of compliance with all applicable Alameda County regulations relating to food preparation, handling and distribution upon request by any police officer or code enforcement officer of the City of Hayward.
- d. Permittees shall not conduct an event in a manner that prevents normal use of public streets or sidewalks.
- e. Permittees shall not conduct food sharing events in any municipal parking lot, in Giuliani Plaza or in Library Park.
- f. Food sharing events shall not be conducted between the hours of sunset and sunrise of the following day.
- g. Permittees shall hold no more than one (1) event per week.

SEC. 4-13.40 BASIS FOR DENYING PERMIT. The City Manager or City Manager's Designee shall issue a permit pursuant to this Article unless:

- a. The applicant fails or refuses to pay the required permit fee.
- b. The applicant fails or refuses to sign an agreement indemnifying the City for any claims that may arise from the Permittee's activities in

- relation to the permit.
- c. The applicant fails or refuses to obtain appropriate insurance coverage for the event.
 - d. The applicant fails to provide proof of compliance with Alameda County regulations applicable to food preparation, storage, transportation, and distribution.

SEC. 4-13.45 APPEAL OF PERMIT DENIAL. An applicant may appeal the denial of a permit application to the City Manager or City Manager's Designee. The appeal must be made in writing within ten (10) days of being notified of the denial of the application. The applicant shall be entitled to a hearing pursuant to the provisions of Section 4-13.45 of this Article.

SEC. 4-13.50 REVOCATION OF PERMITS. Any permit granted pursuant to the provisions of this Article may be revoked by the City Manager or the City Manager's Designee for any violation of this Article, any applicable provision of the Hayward Municipal Code or laws and regulations of the County of Alameda or State of California.

Such revocation shall be made only upon a hearing granted to the holder of the permit so revoked, held before the City Manager after at least five (5) days' written notice to such permit holder, stating generally the grounds of complaint against him and stating the time and place where such hearing will be held.

SEC. 4-13.55 REVOCATION HEARINGS. Any hearing which the City Manager has power to undertake or to hold may be undertaken or held by a person designated by the City Manager. The person to whom a matter is assigned shall be deemed a "Hearing Officer". In any matter so assigned the Hearing Officer conducting the hearing shall report within thirty (30) days after the conclusion of the hearing, his findings and recommendations to the City Manager.

Within thirty (30) days after the filing of the findings and recommendations of the Hearing Officer, the City Manager shall confirm, adopt, modify or set aside the findings of the Hearing Officer, enter his order, findings, decision or award based upon the record in the case, and notify in writing, the parties concerned with such decision. The determination made

by the City Manager shall be final and conclusive in the matter.

In such hearings the City Manager or a Hearing Officer, he shall not be bound in the conduct thereof by the common law or statutory rules of evidence and procedure, but inquiry shall be made in the matter, through oral testimony and records, which is best calculated to ascertain the substantial rights of the public and parties.

No order, decision, award or rule shall be invalidated because of the admission into the record and the use as any proof of any fact in dispute of any evidence not admissible under the common law or statutory rules of evidence and procedure.

SEC. 4-13.60 EXEMPTIONS. The provisions of this Article shall not apply to farmer’s markets or events/activities where commercial food distribution takes place.

Section 2. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

Section 4. This Ordinance shall be in force for a period of twelve (12) months from the date it becomes effective. Permits issued pursuant to this Ordinance shall only be valid during the time period when this Ordinance is in force. Prior to the termination of this ordinance staff shall prepare a report regarding the results of the program and a recommendation regarding a permanent ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of ___, 2013, by Council Member _____ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ___ day of ___, 2013, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:
Mayor of the City of Hayward

DATE:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO.

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA
ADDING ARTICLE 14 TO CHAPTER 4 OF THE HAYWARD
MUNICIPAL CODE RELATING TO PARK HOURS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Article 14 is added to Chapter 4 of the Hayward Municipal Code and is hereby enacted to read as follows:

ARTICLE 14

PARK HOURS

SEC. 4-14.00 DEFINITIONS. For the purpose of this Article, certain words

and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their content that a different meaning is intended:

- a. “Authorized event” means an event for which a permit or other authorization has been obtained from the City.
- b. “City Park” means Portuguese Park, Giuliani Plaza, Newman Park, Library Park and City Hall Plaza.

SEC. 4-14.10 PARK HOURS. No person shall enter upon or otherwise remain within any City park between the hours of sunset and sunrise of the following day or for the period specifically posted as closure hours at the entrance to the particular park unless the person is only using a sidewalk, pathway or other right-of-way within or through the park, the person is a participant or spectator at an authorized event taking place at the park or the person is accessing a facility located within the park that is open during that time period.

- a. These provisions shall not apply to the Children’s Playground located at Giuliani Plaza.

Section 2. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

Section 4. This Ordinance shall be in force for a period of twelve (12) months from the date it becomes effective. Prior to the termination of this ordinance staff shall prepare a report regarding a permanent ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of _____, 2013, by Council Member _____ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____ , 2013, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:
Mayor of the City of Hayward

DATE:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD FOOD AND SERVICES SITES

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Neighborhood Church 7am - Breakfast 8:30am, 11:15am & 6:13pm Services *Clothing when available Meet at downtown library for pickup 6:50 or 7:15am	Bridge of Faith 8am Breakfast & Drop In Services 12pm - Hot Lunch Health Services, housing info & more! Provided by Abode Srvcs	1st United Methodist Church 9 - 9:30 am Breakfast/Bag lunch clothing when available Health Van 2nd & 4th Tuesday's *Volunteer Opportunities	El Shaddai Ministries 9am - 1pm Lunch & Showers *Health Van 2nd Wed's 1st United Methodist Church 10am-4pm Generation Project by Tri-City Health Center	Templo De la Cruz 8am Breakfast & Bag Lunch 9 - 11am HOPE Van Health Services, housing info & more! Provided by Abode Srvcs	Bridge of Faith 8am Breakfast & drop in Services Portugese Park 10am Sandwiches & snacks 12pm Hot lunch & service	Hayward Day Labor Center 9am - 11am Medical Services (510)782-9675
San Leandro Boys&Girls Club - April Showers 11am - 1:30pm Shower, hot meal, clothes, toiletries, bag lunch & laundry voucher 1st & 3rd Sundays only	Portugese Park 10am Sandwiches & snacks	Church of the Cross 10am - 12pm Food pantry/grocery program	Community of Grace 11am - 1 pm Food Pantry/Grocery	Glad Tidings White House Food Pantry 11:30-12:30pm	Salvation Army 12 - 1pm Seniors only hot lunch for \$3.50 1-2pm Bag lunch for all	Glad Tidings White House Food Pantry 11:30-12:30pm
	All Saints Bible Study 12:30pm-2pm	Westminster Hills Outreach Center Senior Lunch -12pm Ages 60+ Provided by Spectrum Community Services & SHP	CRIL Accion Workshop 11am	Portugese Park 10am Sandwiches & snacks	Old Glad Tidings Church Exercise & Nutrition For Age 60+ 11am - 1:30 pm	Hayward Senior Center 12pm - register 12:30 - 1:30pm Bag lunch distribution *Seniors only*
Portugese Park 12pm Hot lunch & church service	Glad Tidings White House Food Pantry 11:30-12:30pm	Salvation Army 12-1pm Seniors only hot lunch for \$3.50 1-2pm	CRIL DAN Meeting 2pm Glad Tidings White House Food Pantry 11:30-12:30pm	CRIL Benefits Workshop 2pm Portugese Park 4pm Spaghetti with Dale from Church of the Nazarene	South Hayward Parish Food pantry Westminster Hills Outreach Center 3 - 5:30pm	Church of Nazarene 4th Saturday ONLY 6pm Dinner & service
Bart Plaza 2pm Bag lunch & service	CRIL Housing Workshop 2pm	Good Shepherd Lutheran Clothing Bank Tuesday 10-12pm and Wednesday 3:30-5pm	Salvation Army 12-1pm Seniors only hot lunch for \$3.50 1-2pm Bag lunch for all	New Life Church 5 - 6pm Bible Study 6-7pm Food pantry/Grocery	St Rose Hospital 7:30pm, first floor AA Meeting	St Rose Hospital 7:30pm, first floor AA Meeting
Salvation Army 6pm - Service 6:30pm - Dinner	Trinity 4pm - Showers 6pm - Dinner	South Hayward Parish Food pantry Westminster Hills Outreach Center 3 - 5:30pm	St Vincent de Paul All Saints Catholic Church Call for appt (510)581-3642	Stephen Lutheran Church Recovery Program 7pm AA Meeting *men only*	Hillside Alliance Church Showers & clothes 430-530pm 944 Central (off Mission Blvd)	Keep Hayward Clean and Green 28-Sep Burbank Elementary Litter Clean-up and Graffiti Removal Event 8:30AM-12PM
GENERAL MEET September 24, 11am Blue House	Salvation Army 12 - 1pm, Senior only Hot lunch for \$3.50 Bag lunch for all 1-2pm	Community of Grace Steps of Grace 12 Step Meeting 6:45 - 9pm	South Hayward Parish Food pantry Westminster Hills Outreach Center 3 - 5:30pm	Redwood Chapel 7 - 8pm Food pantry/Grocery	St Rose Hospital 7:30pm, first floor AA Meeting	*CRIL Service for and with people with disability
	St Vincent de Paul All Saints Catholic Church Call for appt, 581-3642	South Hayward Parish Food pantry Westminster Hills Outreach Center 3 - 5:30pm	Good Shepherd Lutheran Church Food pantry Thursday 10-12pm 3rd Saturday 10-12pm	Eden United Church of Christ 8pm - AA Program		
	Westminster Hills Outreach Center 5-8pm GED Classes & Tutoring	Hayward Day Labor Center 9am-11am Medical Services	South Hayward Parish Food pantry Westminster Hills Outreach center 3-5:30pm			

Updated August 2013



Be a part of the solution, join Hayward CAN! email: haywardcan@gmail.com or call us at (510) 432-7703

HAYWARD FOOD and SERVICE SITE

Be part of the solution, join Hayward CAN Email: haywardcan@gmail.com or call us at (510) 432-7703

Housing Services

DIAL 211-Free call from any phone. For shelter referral and services -24/7

Visit: www.achousingchoices.org

Sunrise Village (510)252-0910

Singles call at **9:00am** Monday-Friday & **11:00am** Saturday & Sunday.

Families call (510)252-0910 ext 13, after **1:00 pm** daily

Second Chance (510)792-4357 Day and Residential Recovery Program

Community Housing Partnership (415) 241-0310

Lifehouse Sober Living (SLE) 510-999-7901

Goldie's Care Homes 27764 Mandarin St. Hayward, CA 94544 (866)245-1457

Season of Sharing Program (Delinquent Rent/Deposit Assistant) 510-272-3700

Intake calls only Last Wednesdays, 10-11am-May have to go through CRIL

MEN ONLY-Bay Area Rescue Mission, 200 Macdonald Ave@2nd St in Richmond. Arrive by 6:00pm to receive shelter and more. (510)215-4868

Victory Outreach (men)- Faith Based Housing, requires one year commitment. (510)783-1022

HIM Recovery Homes Michael Tiffany (510)688-2366

City Team Ministries (510)452-3758 (Single Men)

East Oakland Community Project (510)532-3211 (Single Men)

FAMILIES WITH CHILDREN ONLY-FESCO (510)581-3223

WOMEN ONLY with or without children-

Emergency Shelter Program (510)786-1181

Building Futures 1-866-A-WAY-OUT (866)282-9688

Shepherd's Gate, Livermore (925)443-4283 (Women/Children)

FOR THOSE WHO SERVED IN THE MILITARY (Homeless Vets Hotline)- 1-800-838-4357
Operation Dignity -(510)350-3682

Job Opportunities

Day Labor Center- 680 West Tennyson, Hayward, 94544 (510)782-work (9675). M-Sat.

6:30am-4pm Thur 5-8pm

Visit: <http://eastbayjobdevelopers.org>

Recovery Programs

Hayward AA Meetings

Triangle Fellowship, 25224 Mission Blvd Sunday, 6:30, 8:30, 10:30am; 2:00, 6:15, 8:00pm. Monday, 6:30, 8:30am; 12, 6:15, 8pm. Tues, 6:30, 8:30am; 12, 6:15, 8pm. Wed. 6:30, 8:30am; 12, 6:15, 8pm.

Thurs 6:30, 8:30am; 12, 6:15, 8pm. Friday and Saturday 6:30, 8:30am; 12, 6:15, 8pm, Midnight.

Cherry Hill Detox- 2035 Fairmont Drive, San Leandro, CA 94578 (510)346-7832

Hillside Celebrate Recovery 12 Step 7-9pm Friday (510)529-9483 Ed

Magnolia House (510)4872910 (Pregnant Women)

Second Chance House-(510)886-8696

Medical and Supportive Services

Davis Street Family Resource Center-Food, Clothing, Counseling & Referrals. 3081

Teagarden St, San Leandro, M-F 8am-8pm (510)347-4620

Shuttle from San Leandro BART every 20 min, 5:45-9:30am & 2-7:30pm

Dental Clinic-Signup 6:30am on Wednesdays for afternoon appointment

The Women's Center-Reproductive Health Services Only. 27225 Calaroga Ave. (At Tennyson) M-F 8:00am-5:00pm, (510)342-0020

Urgent Care Center- 27200 Calaroga Ave., M-F 7:30am-7:30pm. (510)264-4046. NOT FREE.

Bureau of Indian Affairs- (916)978-6000

Ashley Free Clinic (510)407-2362 Medical Adults Sat. 8-11am Pediatric Children Wed. 6-8pm

MedMark-Methodone Maintenance and Detox Services (510)247-8300

HIV/AIDS

Service Information (877)424-3746, (510)537-2600

HIV Testing Sites (800)367-AIDS

Legal Services

Homeless Court-Call for schedule (510)877-9203

Lawyers In The Library

Hayward Public Library, 835 "C" Street 1st Mon., 6-8pm; 1st Sat 12-2pm, **Castro Valley Library** 3600 Norbridge Avenue, 2nd Monday, 6-8pm

San Lorenzo Library, 395 Paseo Grande, 2nd Tuesday, 6-8pm

Alameda County Law Library, 224 W. Winton, Room 162, 2nd Thurs 5-7pm **Weekes Branch Library**, 27300 Patrick Ave, 3rd Monday 6-8pm

Union City Library, 34007 Alvarado-Niles Rd, 1st Tuesday 6-7 Immigration

Self-Help Center, Phone Hours M-Th 2-4pm (510)272-1393. **Alameda County Office Building** 224 W. Winton, Rm 179, 8:30am-12pm M-Th

Homeless Action Center(510)836-3260 or info@homelessactioncenter.org

Volunteer Legal Services (510)302-2222 x4 M-F 8:30am-4pm

Addresses

Bridge of Faith: 27343 Whitman St, Hayward

Church of the Cross: 354 B Street, Hayward

Church of the Nazarene: 26221 Gading Road, Hayward

Community of Grace: 380 Elmhurst Street, Hayward

Eden United Church of Christ: 21455 Birch St. #1, Hayward

El Shaddai: 565 East Lewelling Boulevard, San Leandro

1st United Methodist Church: 1183 B Street (at 2nd), Hayward

Glad Tidings White House: Food Pantry 27751 Tyrell Ave, Hayward

Hayward Library: Mission Boulevard, between C & D Streets

Hayward Senior Center: 22325 North 3rd street, Hayward

Eden Youth & Family Center, Hayward Day Labor Center: 680 W Tennyson, Hayward (510)887-1146

Hayward CAN: Call for the address (510)566-2695

Hillside Alliance Church: 944 Central (off Mission Boulevard)

Neighborhood Church/3 Crosses: 20600 John Drive, Castro Valley

New Life Church: 1265 B St, Hayward

Portuguese Park: At C St/Foothill in Hayward

Old Glad Tidings Church: 1027 W. Tennyson Rd, Hayward CA

Redwood Chapel: 19300 Redwood Road, Castro Valley

Salvation Army: 430 A Street, Hayward (510)581-6444

San Leandro Boys and Girls Club: 401 Marina Boulevard, San Leandro

Westminster Hills Outreach Center: 2728 Patrick Ave, Hayward.

Sponsored by New Bridges

CITY OF HAYWARD

ATTACHMENT IV

Dept. of Library and Community Services

City Funding Allocated to Support Housing-Related Services and Food Access Programs in Hayward

Fiscal Year 2013-2014

PROGRAM TYPE		AMOUNT
1	Food Access	78,201
2	Emergency Shelters	94,730
3	Homelessness Prevention	50,600
4	Housing Advocacy and Legal Aid	128,440
TOTAL		\$351,971

BREAKDOWN BY PROGRAM TYPE

FOOD ACCESS			
	Program	Program Description	Amount
5	Alameda County Community Food Bank	Provides food scholarships to six Hayward-based nonprofits	20,750
6	Services Opportunities for Seniors	Meals on Wheels food delivery program for low-income seniors	24,500
7	South Hayward Parish Food Pantry	Food pantry for low-income residents	12,201
8	Spectrum Community Services	Meal service for low-income seniors	20,750
			Subtotal
			\$78,201

EMERGENCY SHELTERS			
	Program	Program Description	Amount
9	Emergency Shelter Program (Ruby's Place)	Shelter for women and children survivors of domestic violence	37,100
10	Family Emergency Shelter Coalition	Transitional housing for homeless families	37,630
11	Women on the Way	Shelter and substance abuse rehabilitation for women	20,000
			Subtotal
			\$94,730

HOMELESSNESS PREVENTION			
	Program	Program Description	Amount
12	Abode Services AC Impact	Permanent supportive housing for the chronically homeless	30,000
13	EveryOne Home	Homeless Management Information System data collection	10,000
14	South Hayward Parish	Street outreach and support services for the chronically homeless	10,600
			Subtotal
			\$50,600

HOUSING ADVOCACY AND LEGAL AID			
	Program	Program Description	Amount
15	ECHO Fair Housing	Fair housing audit and housing rights workshops	25,970
16	ECHO Tenant Landlord	Tenant and landlord mediation and counseling	26,235
17	Family Violence Law Center	Housing-related legal services for survivors of domestic violence	50,000
18	Centro Legal de la Raza	Housing-related legal services for low-income residents	26,235
			Subtotal
			\$128,440