

CITY OF SAN LEANDRO



COUNCILMEMBERS HANDBOOK

MARCH 2013

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REFERENCES

- SAN LEANDRO CITY CHARTER
- BROWN ACT
- INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION. (1994).
Elected Officials Handbooks (4th ed.). Washington, D.C.:ICMA.
- POLITICAL REFORM ACT
- SAN LEANDRO ADMINISTRATIVE CODE
- SAN LEANDRO MUNICIPAL CODE

LEGISLATIVE HISTORY

The original Councilmembers Handbook was approved on October 19, 1998, by Minute Order No. 98-66. The handbook was completely revised and approved on December 20, 2010, by Resolution No. 2010-151. The following amendments have been made since December, 2010:

Date	Resolution No.	Section
06/20/2011	2011-108	Amended Appendix D
02/06/2012	2012-014	Added Appendix G
02/19/2013	2013-023	Amended Section IV regarding Requests by Members of the Council to Schedule Agenda Items

SECTION I
CITY COUNCIL

THE COUNCIL

The elective officers of the City of San Leandro shall consist of a Council of six members and the Mayor. All Council Members and the Mayor shall be elected by the registered voters of the City at large. One Council Member shall be elected from each Council Member district. *(Section 200 and Section 225(a), City Charter)*

DISTRICTS

There shall be six districts, numbered one through six as provided for within the City Charter. The boundaries of Council Member districts shall be those adopted by Charter or amended by ordinance of the Council. Each district shall consist of geographically compact contiguous territory and shall contain, as nearly as possible, equal numbers of residents. No change in district boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such person was elected or appointed. *(Section 230, City Charter)*

TERMS OF OFFICE

Council Members and the Mayor shall hold office for four years commencing on January 1 following their election. *(Section 235, City Charter)*

No person shall be eligible for the office of Council Member who has served two, complete four-year terms as Council Member immediately prior to the term for which such person seeks election or appointment. *(Section 265, City Charter)*

No person shall be eligible for the office of Mayor who has served two, complete four-year terms as Mayor immediately prior to the term for which such person seeks election or appointment. *(Section 270, City Charter)(Election date information see Section 600, City Charter)*

VACANCY

A vacancy shall exist in the office of Council Member or Mayor when the person elected or appointed to such office fails to qualify or becomes disqualified, or upon the occurrence of any event which, under the general laws, would cause a vacancy in such office.

A vacancy in the office of Council Member or Mayor shall be filled by appointment by the Council. The appointee shall hold office until the next general municipal election and until a successor is elected and qualified. Any unexpired remainder of the term of such office shall be filled by the voters at such election. If the Council fails to fill such

vacancy within sixty days after its existence, the Council shall call a special election, at which the unexpired remainder of the term of such office shall be filled by the voters. *(Section 245 and Section 250, City Charter)*

Should a Council Member vacate his or her office prior to completion of a second consecutive four year terms as Council Member, he or shall be ineligible for the office of Council Member for the following term. *(Section 275, City Charter)*

Should the Mayor vacate his or her office prior to completion of a second consecutive four year term as Mayor, he or she shall be ineligible for the office of Mayor for the following term. *(Section 280, City Charter)*

ELIGIBILITY

Any person is eligible to hold office as elected Council Member if such person is a registered voter of the City and a resident of the geographical area which constituted the district from which such person was nominated at the time of filing nomination papers, and was a resident of such area and a registered voter of the City at the time of filing nomination papers and for a period of thirty days immediately preceding the date of filing.

Any person is eligible to hold office as appointed Council Member if such person is a registered voter of the City and a resident of the geographical area which constitutes the district from which such person's elected predecessor was nominated, and was a resident of such area and a registered voter of the City at the time of appointment and for a period of thirty days immediately preceding appointment. *(Section 205, City Charter)*

Any person is eligible to hold office as elected Mayor if such person is a registered voter of the City and was registered voter of the City at the time of filing nomination papers and for a period of thirty days immediately preceding the date of filing. Any person is eligible to hold office as appointed Mayor if such person is a registered voter of the City and was a registered voter of the City for a period of thirty days immediately preceding appointment. *(Section 210, City Charter)*

ELECTIONS

In order to consolidate the General Municipal election with the statewide direct primary or statewide general election, the Council may by ordinance provide for such consolidation. Such ordinance shall also provide for the date of commencement of terms of office following the consolidated General Municipal Election. *(Section 600, City Charter; San Leandro Municipal Code, Section 1-11-100—Date of General Municipal Election)*

POWERS OF THE COUNCIL

All powers of the City shall be vested in the Council, except as otherwise provided for within the Charter. (Section 300, City Charter)

COUNCIL: SERVING AS OTHER AGENCIES

The City Council also serves as Members on the following Authorities and Agencies. The Mayor and Vice Mayor serve as the Chairperson and Vice Chairperson, respectively, Agenda items are included on the City Council Agenda, and Meetings are held at the Civic Center, City Council Chamber, 835 East 14th Street, San Leandro.

San Leandro Economic Development Agency	(meets as needed, annual meeting to be determined)
San Leandro Hillside Geologic Hazard Abatement District	(meets annually the third Monday in June.)
San Leandro Parking Authority	(meets annually the third Monday in June)
San Leandro Public Financing Authority	(meets annually the third Monday in June)
San Leandro Redevelopment Agency	(meets 1st and third Mondays monthly)

INCOMPATIBLE OFFICE OR EMPLOYMENT

A Council Member or Mayor who accepts or retains an incompatible public office or incompatible public employment after taking office on the Council shall be deemed thereby to have resigned as Council Member or Mayor. (Section 240, City Charter)

GUIDELINES FOR CITY COUNCIL MEMBERS SEEKING OUTSIDE GOVERNMENTAL APPOINTMENTS

If a Council Member decides to seek an outside governmental appointment (e.g. through the State or National League of Cities), the following guidelines will be observed:

- Staff support will not be provided to assist in the appointment application process or any follow-up thereof.
- The City will not pay per diem for travel associated with the appointment process.
- There will be no commitments of other City resources to assist in the appointment process.

MAYOR/COUNCIL COMPENSATION

All provisions of the Government Code of the State of California relating to compensation, benefits and reimbursement for expenses applicable to members of a City Council of a general law city shall be applicable to Council Members. (Section 255, City Charter; Government Code Section 36516)

Ordinance No. 2006-019 sets the Council Members' salary at \$1,260 per month. Additionally, each member of the Board of the Redevelopment Agency receives compensation of \$30 per meeting of the Agency attended by that member, not to exceed four meetings per month.

The Mayor shall receive a salary established by ordinance as approved by a majority of the City Council. In addition, the Mayor shall be entitled to the same benefits and reimbursement for expenses as are Council Members. (*Section 260, City Charter*)

Ordinance No. 2006-020 sets the Mayor's salary at \$2,520 per month.

The Mayor is provided a car allowance of Three Hundred Seventy-Five Dollars (\$375.00) per month, which shall be in lieu of the travel reimbursement afforded other City Council Members. (*San Leandro Administrative Code, Title 1, Chapter 5*)

(Appendix A--Guidelines regarding the Setting of the Mayor's Salary, are included for reference at the back of the handbook. These guidelines were approved by the City Council on February 4, 2002.)

REIMBURSEMENT FOR EXPENSES

City Council Members may be reimbursed for actual and necessary automobile expenses incurred in the performance of official duties within the San Francisco Bay Area in such amounts as are properly claimed, but not to exceed One Hundred Twenty-Five Dollars (\$125) per month for each Council Member.

The Mayor is provided a car allowance of a flat Three Hundred Seventy-Five Dollars (\$375.00) per month, which shall be in lieu of the travel reimbursement afforded other City Council Members. (*San Leandro Administrative Code, Title 1, Chapter 5*)

The sum of One Hundred Dollars (\$100) per full day and Fifty Dollars (\$50) per one-half day is allowed as reasonable expenses to be allowed each member of the City Council when traveling on official duty for all out-of-pocket expenses other than transportation and hotel expenses. (*San Leandro Administrative Code, Section 1.3.110*)

NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE

Neither the Mayor nor any Council Member shall interfere with the execution of the powers and duties of the City Manager, or order, directly or indirectly, the City Manager or any department head to appoint or remove any person to or from any office or employment with the City. Except for the purpose of inquiry, the Mayor and Council Members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor any Council Member shall give orders to any subordinate of the City Manager, either publicly or privately. (*Section 345, City Charter*)

If a Council Member feels something needs to change or a staff member needs to receive instructions to do something, the issue should be raised with the City Manager immediately. In some cases he or she may be able to solve the problem on the spot; in others it may be more complicated. The City Manager reports to the whole Council of seven. What one Council Member thinks ought to happen may not be what the majority of the Council wants to happen. *(Taken from "Elected Official Handbooks," Book 5)*

SECTION II

MAYOR

POWERS AND DUTIES

The elected Mayor shall be the political head of the City. The Mayor shall:

- (a) recommend City policy;
- (b) recommend to the Council appropriate and necessary legislation;
- (c) recommend programs for the physical, economic, social and cultural development of the City;
- (d) be responsible for public relations activities and represent the City for ceremonial purposes;
- (e) represent the City in intergovernmental relations, personally or by delegated representative, at the direction of the Council;
- (f) preside at meetings of the Council;
- (g) establish and dissolve ad hoc committees, subject to approval by the Council;
- (h) possess the authority to suspend implementation of any action taken by the Council by filing with the City Clerk, within three days after such Council action, a notice of suspension thereof. Such suspension shall constitute a motion for reconsideration of the action taken, to be voted upon by the Council at its next regular meeting;
- (i) provide leadership and marshal citizen participation in City activities;
- (j) report to the public from time to time on the affairs of the City;
- (k) possess the authority and attributes of a Council Member;
- (l) possess such authority and perform such duties as are granted or required by Charter or by the Council;

(Section 305, City Charter)

VICE MAYOR

At its first regular meeting in May of each year, the Council shall designate one of its members Vice Mayor, to serve for a period of one year and until a successor is elected

and qualified. In the absence of the Mayor, the Vice Mayor shall possess and perform the powers and duties of the Mayor. (*Section 310, City Charter*)

Role of the Vice Mayor: The role of the Vice Mayor is to nurture and foster good will amongst the Council Members; to represent the Mayor, upon request, at ceremonial occasions on behalf of the City; to preside over the Council Meetings in the absence of the Mayor. The Vice Mayor shall act as the Standby Officer in the absence of the Mayor in the event of a disaster.

SECTION III

MEETINGS

MEETINGS OF THE COUNCIL

The Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution. All regular Council meetings shall be held in the Civic Center Complex or on public property within the City, should the Council find and determine that the Civic Center Complex is hazardous or unsuitable for the conduct of a regular Council meeting. (*Section 315 and Section 320, City Charter*)

TIME AND PLACE OF MEETINGS

Regular meetings of the City Council are held on the first and third Mondays of each month at 7:00 p.m. in the Civic Center, City Council Chambers, 835 East 14th Street. If any such day is a City holiday, the meeting shall be held on the next business day at 7:00 p.m. Work Sessions of the City Council are held regularly at 7:00 p.m. on the second Monday of each month, with an additional Work Session scheduled on the 4th Monday, if needed, in the Helen Lawrence South Offices Conference Room at the Civic Center. Work Sessions may be held at locations throughout the City at the direction of the City Council. At Work Sessions, City staff provide reports to the City Council on a variety of items and issues; however, no formal action is usually taken at a Work Session. Starting times for each item are approximate. (*San Leandro Municipal Code, Section 1-1-200; San Leandro Administrative Code, Section 1.1.105*)

SPECIAL MEETING, CALL, NOTICE

A special meeting may be called at any time by the Presiding Officer of the Council, or by a majority of the members, by emailing, faxing or delivering written notice to each member of the Council at his/her residence or place of business and by emailing, faxing or mailing written notice to the press, at least twenty-four hours prior to said meeting.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at said meeting.

RULES OF ORDER

The proceedings of the Council shall be governed, unless otherwise stated, under "Robert's Rules of Order, As Amended" on all matters pertaining to parliamentary law; however, no action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow said rules.

RULES OF PROCEDURE

The Council, by ordinance, shall establish rules of procedure for taking actions. Such rules shall:

- (a) provide that Council actions shall require the affirmative votes of a majority of the entire Council membership.
- (b) provide for the introduction, publication, adoption, amendment, effective date and codification of ordinances.
- (c) provide for the introduction and adoption of resolutions.

(Section 330, City Charter)

PUBLIC PARTICIPATION

No one shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak to the subject of any special meeting. *(Section 335, City Charter)*

The public is guaranteed the right to provide testimony at any regular or special meeting on any subject which will be considered by the legislative body before or during its consideration of the item. In addition, the public has the right at every regular meeting to provide testimony on any matter under the legislative body's jurisdiction. *(§ 54954.3(a) of the Brown Act)*

QUORUM

A majority of the Council shall constitute a quorum for the transaction of business. *(Section 325, City Charter)*

SECTION IV

AGENDA

ORDER OF BUSINESS

The following shall constitute the order of business to be followed in conducting regular meetings of the Council:

Closed Sessions

- Call to Order
- Pledge of Allegiance
- Roll Call
- Announcements
- Presentations/Recognitions
- Public Hearings
- Joint Public Hearings
- Public Comments (limited to 3 minutes)
- City Manager and City Attorney Reports and Comments
- Amendment of Consent Calendar
- Consent Calendar
- Items Removed from Consent Calendar
- Action Items
- City Council Calendar, Reports and Announcements
- Council Requests to Schedule Agenda Items
- Adjourn

The order of business may be changed if deemed appropriate by the Mayor and agreed to by a majority of the Council. The printed agenda for each regular meeting shall include the following statement:

“The City Council welcomes your participation at meetings. The Agenda provides several opportunities for public participation.

Public Comments: *The public is invited to make comments on items **that are not listed on the Agenda** at this time. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor.*

Consent Calendar: *Members of the public who wish to address the Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes total for all items.*

Items Removed from Consent Calendar and Action Items: *Public comments on these items will be limited to 3 minutes per speaker, subject to adjustment by the Mayor.*

*When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk prior to or as the item is being announced so that the order of speakers may be determined and an official record of names and addresses obtained. Speakers should approach the podium and speak clearly into the microphone, stating their name for the record. There shall be no dialogue between persons speaking from the podium and the City Council until the speaker has completed his or her comments. Your item may be taken under consideration and referred to staff. All personal, racial or ethnic slurs, profane language, or disruptive conduct is prohibited. Any person who disrupts the meeting by expressing such conduct is subject to removal from the Council Chambers and/or arrest.”*

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, find that there is a need to take immediate action, and that the need for action came to the City’s attention after the agenda was posted. If less than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented. Other exceptions are provided for emergencies, as defined, and certain continued hearings.

POSTING OF AGENDA

The City Clerk is directed to post a copy of the agenda on the notice board outside the East 14th Street main entrance to the Civic Center, not less than 72 hours prior to each regular meeting, and not less than 24 hours prior to each special meeting to be held by the City Council. Notices may also be included on public access or electronic media, such as the City’s website and cable television.

The agenda shall also be available to the general public by noon on Friday prior to the City Council Meeting scheduled. Agendas are also available by email by subscription from the City website, or by mail when self-addressed postage paid envelopes are provided.

DELIVERY OF AGENDA TO THE CITY COUNCIL

If practicable, the agenda and agenda item report packet shall be delivered to Council Members each Friday morning, preceding the Monday meeting to which it pertains. Council Members are asked to advise the City Clerk’s Office where they desire agenda packets to be delivered. Holiday schedules may vary.

PUBLIC HEARINGS

Public Hearings precede Public Comments. Anyone wishing to speak regarding a Public Hearing item may do so at that time. The order of business for public hearings is as follows:

1. Staff presentation
2. Applicant/Appellant – 10 minutes
3. City Council Questions/Clarifications
4. Public Comments – 5 minutes per speaker, subject to adjustment by the Mayor
5. Applicant/Appellant Rebuttal – 5 minutes
6. City Council Comments/Questions/Action

Council Members should not speak to an issue until the public hearing has been closed. If a Council Member has met with a proponent/developer or opponent of the subject hearing, he/she should acknowledge such meeting prior to opening of the hearing at the Council meeting.

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of Council Members addressed through the Chair.

CITIZENS ADDRESSING COUNCIL

Covered under Section VIII “Addressing the Council.”

CONSENT CALENDAR

Consent Calendar items are typically routine in nature and are considered for approval by the City Council with a single action. The City Council may remove items from the Consent Calendar for discussion and vote on the item as a separate matter. Items listed on the Consent Calendar are deemed to have been read by title.

REQUESTS BY MEMBERS OF THE COUNCIL TO SCHEDULE AGENDA ITEMS

Requests by members of the Council to consider items for placement on a future agenda will be raised during the section of the regular meeting agenda entitled ***Council Requests to Schedule Agenda Items***. Any item raised as a future agenda item by a Councilmember will, **by consensus of the Council** (affirmation by at least four members), be referred to staff for placement on an upcoming Council agenda. The Presiding Officer will ask Councilmembers to indicate their interest in considering the item, then announce whether or not there is consensus to schedule the item on a future agenda.

SECTION V

PRESIDING OFFICER

PRESIDING OFFICER

The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of the Mayor and the Vice Mayor, the Council shall elect a temporary presiding officer to serve until the arrival of the Mayor or the Vice Mayor or until adjournment.

CALL TO ORDER

The meeting of the Council shall be called to order by the Mayor or in his/her absence by the Vice Mayor. In the absence of both the Mayor and the Vice Mayor, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

PARTICIPATION BY PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the Council, he/she should consider turning the Chair over to another member.

QUESTION TO BE STATED

The Presiding Officer shall orally restate each question immediately prior to call for the vote. Following the vote, the Presiding Officer or City Clerk shall announce whether the question carried or was defeated for the benefit of the audience.

MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No Council Member, staff or member of the audience is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

The Presiding Officer shall ensure that he/she, as well as the balance of Council, refrains from commenting or entering into conversation with speakers during Public Comments or during Public Hearings.

SECTION VI

RULES, DECORUM AND ORDER

POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall sustain or reverse the Presiding Officer's determination.

DECORUM AND ORDER - COUNCIL MEMBERS

- (a) Any Council Member desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine himself/herself to the question under debate.
- (b) A Council Member desiring to question a staff member shall address his/her question to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose.
- (c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.
- (d) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of our Council.
- (e) Council Members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the Council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.
- (f) Any Council Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

DECORUM AND ORDER - EMPLOYEES

Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City

Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

DECORUM AND ORDER - PUBLIC

Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer, and such person may be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, applause and similar demonstrations and outbursts shall not be permitted by the Presiding Officer, who may direct the Sergeant-at-Arms to remove such offenders from the room. Aggravated cases shall be prosecuted or appropriate complaint signed by the Presiding Officer.

ENFORCEMENT OF DECORUM

The Chief of Police or representative shall be ex-officio Sergeant-at-Arms of the Council. He/She shall carry out all orders and instructions given him/her by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to eject any person from the Council Chambers or place him/her under arrest or both.

As set forth in the Brown Act (Government Code Section 54957.9), in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. The City Council may establish a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Attendance at Council Meetings does not provide individuals or groups of individuals immunity or protection when their conduct is in violation of any other laws (California Penal Code, City of San Leandro Municipal Code, etc.) The Sergeant-at-Arms should and will be called upon by the Presiding Officer to enforce these laws at Council Meetings.

CONFLICT OF INTEREST (Disqualifications)

All Council Members are subject to the provision of California Law, such as Chapter 7, Title 9, of the California Government Code (The Political Reform Act), relative to conflicts of interest, and to conflict of interest codes adopted by ordinance or resolution of the Council.

Conflict of interest issues can be very complicated and fact specific. If a Council Member, after receiving the agenda packet, believes or is aware that he/she has a potential conflict, he/she should confer with the City Attorney as soon as possible before the meeting.

Any Council Member who has a conflict of interest or potential conflict of interest shall, immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public;
2. Recuse himself or herself from discussing and voting on the matter;
3. Leave the Council Chambers during the debate and voting on the issue.

The recused Council Member may speak on the issue during the time that the general public speaks on the issue. (*Government Code Section 87105(A)*)

The Council is prohibited by law from entering into a contract if any of the Council Members are financially interested in that contract. (*Government Code Section 1090 et seq.*)

LIMITATION OF DEBATE

No Council Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken.

DISSENT AND PROTESTS

Any Council Member shall have the right to express dissent from or protest to any action of the Council and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clear by language such as “I would like the minutes to show that I am opposed to this action for the following reasons....”

PROCEDURES IN ABSENCE OF RULES

Except as modified by the provisions of this handbook, the proceedings of the Council shall be governed by Robert’s Rules of Order, As Amended.

RULINGS OF CHAIR FINAL UNLESS OVERRULED

In presiding over Council meetings, the Mayor, Vice Mayor or temporary Presiding Officer shall decide all questions of interpretations of these rules, points of order or other questions of procedure, requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Members present and voting.

SECTION VII

ADMINISTRATION

ROLE OF THE CITY COUNCIL

Policy Development - A Sense of Mission:

Local officials need to listen to the community as well as help the community visualize where it wants to be in the future.

As an elected official, you play a fundamental role in the evolution of the goals, purposes, and direction of your community. You are responsible for making decisions about tax policy and tax rates, the scope of services your government will provide, and the role of the public sector versus that of the private sector in the delivery of those services. You are also responsible for policies that will affect local economic growth, cultural change, and the environment. All these complex and ever-changing factors affect and are affected by a local government's mission.

To understand your government's mission is to become familiar with its policies. Review the budget, the capital improvement plan, the comprehensive or master plan, administrative procedures and practices, and the charter. As issues come up, take another look at existing policies to see if they support the mission of the organization. Keep in mind that policy making can be passive as well as active. Policy ideas can and do come from many sources, but the final determination of how policies (and through policies the mission of your organization) evolve during your term of office rests with you, the elected governing official. Wherever the ideas come from, it is the Council's responsibility to look at the merits of each idea and then approve, modify, or reject it. (*Chapter 1, Book 1, ICMA Elected Officials Handbook*)

Policy Making:

In very simple terms, policy making means deciding what you are going to do - not how you are going to do it. An example may help illustrate the difference. Deciding that your community is going to emphasize the provision of low-income housing is a basic policy decision. Making that decision means that you will be spending money on housing programs, that you intend to make this subject a priority, and that, in all likelihood, some other programs will have to wait their turn. Note that making the policy decision says nothing about *how* you will provide low-income housing. That question comes later and may require advice from your staff or other knowledgeable individuals. Your staff may suggest several alternatives for providing low-income housing. You might be able to use federal programs, state financing, or public-private partnerships. You will have to make other policy decisions, choosing which of these alternatives you wish to use. Once you have made these secondary policy decisions, your staff can deal with *how* to carry out your policy. Policies are formulated for the broad issues that affect your community.

These may include everything from providing jobs to paving streets to making sure that children have enough playgrounds.

As a policy maker, you are sometimes judge and sometimes advocate; you need to hear opposing views, consider the arguments, think about the concerns of the constituency you serve. Two major activities will help you shape policy systematically: setting goals and formulating the budget.

The four phases of the policy-making cycle are:

1. Identify and analyze community needs. What do your constituents want? What program changes were the basis of your campaign? What long-standing problems require attention? What do staff studies of social and economic trends tell you about the future?
2. Analyze program and service alternatives and resources. How do you gather the resources you will need to accomplish the goals you have in mind?
3. Choose and implement programs. How do you gain the consensus of your colleagues on the Council--or their cooperation in selecting programs and services? What details do you provide to staff, and what do you leave to their discretion?
4. Evaluate program results. How well is the program being implemented? Did you get what you expected? Is the program accomplishing what you intended it to?

Elected officials are also called on to make decisions about more narrow issues raised by constituents--fixing potholes in certain neighborhoods, the protection and replacement of old trees, and the problem of minors hanging out in video arcades during school hours. These kinds of little issues can quickly eat up most of your time.

However, it is the big issues that deserve most of your time and attention.

In addition to learning how various policies are influencing the mission of your local government, you will want to review the roles of other elected officials, of the staff, of interest groups, and of individuals from other local governments and other levels of government in making policy. (*Chapter 1, Book 1, ICMA Elected Officials Handbook,*)

Staff role:

A full-time staff, hired for its expertise, also has a responsibility to help the Council formulate policy. The City Manager and the staff often make recommendations based on what has worked in other communities as well as organizational and financial feasibility, and present alternative strategies for the review and decision of elected officials.

Realistically, the policy-making process and the influence of the City Manager and the organization's staff in shaping policies - both as they are being developed and as they are implemented - do not constitute a fixed equation. As you look at various issues, you and your colleagues will find that at times the decision is based solely on your ideas, while at other times you accept staff recommendations with little discussion. But many decisions reflect a blending of Council and staff perspectives within parameters you set.

Policy and administration are inextricably intertwined, and it is the responsibility of both the elected officials and the City Manager to work continually to clarify what they are looking at and to define their roles in discussions and actions. Often you must rely on your best judgment and common sense to determine what policy is. It is not the day-to-day operations of departments - that's administration. Yes, you are ultimately responsible for the way community services are provided and how things are run, but if you hire a City Manager, you will work through him or her to make sure things are taken care of. (*Chapter 1, Book 1, ICMA Elected Officials Handbook*,)

Administration and Management:

Once you have established a policy, it is the job of your City Manager to administer or execute that policy. When a constituent complains of a missed garbage pick-up, potholes, or an overzealous police officer, working through your City Manager will help you serve that constituent most effectively. It is the City Manager's job to know the most effective way to get action. The City Manager should also give you the staff support you need so that citizens recognize you as concerned and responsive. Also, your City Manager can tell you if a policy decision is needed from Council to deal with the issue you have raised.

Although it is up to the City Manager you have selected to deal with personnel and administration issues on a day-to-day basis, you have a role to play too. There may be times when you have reason to believe that Council policies are not being properly administered, and in such cases it is your responsibility to find out if your suspicions are valid. But do your checking through the normal chain of command. Sometimes, it might seem easier to check things out informally by contacting individual employees of the government whom you know socially. But that can undermine the authority you have delegated to the City Manager. Present the complaint to the City Manager and ask for a report. Then, if the situation is not remedied, the City Manager will have to answer to the Council for it.

Internal management involves actions the City Manager takes to put the resources of the organization to effective use in getting things done. On a day-to-day basis, this is the Manager's job. In Council-Manager communities, the Council also should regularly evaluate the performance of the City Manager as part of its assessment of internal management. (*Chapter 1, Book 1, ICMA Elected Officials Handbook, Book*)

APPOINTMENT OF CITY MANAGER

The Council shall appoint a City Manager, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief administrative officer of the City;
- (c) shall be chosen on the basis of administrative qualifications;
- (d) shall be paid at a salary fixed by the Council commensurate with the responsibilities of the position;
- (e) shall not have served on the Council within a period of one year immediately preceding the date of appointment.

During a period of ninety days immediately following the date of installation of any person newly elected to the Council at a regular or special municipal election or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or reduce the salary of, the City Manager. (*Section 400, City Charter*)

CITY MANAGER: MEETINGS

The City Manager shall:

- (a) be accorded a seat at the Council table and at all meetings of boards and commissions;
- (b) be entitled to participate in the deliberations of the Council, boards and commissions, but shall not have a vote;
- (c) receive notices of all special meetings of the Council, boards and commissions.

(*Section 410, City Charter*)

CITY ATTORNEY: APPOINTMENT; POWERS AND DUTIES

The Council shall appoint a City Attorney, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief legal officer of the City;
- (c) shall perform such duties consistent with the Charter as may be required by the Council;

- (d) shall recommend to the Council proposals for additions to, deletions from, and amendments to the City Charter as are deemed necessary or desirable.

(Section 425, City Charter)

CITY CLERK

- (a) The Council shall appoint a City Clerk, who shall serve at the pleasure of the Council, and shall perform such duties consistent with the Charter as may be required by the Council.
- (b) The Council by ordinance may consolidate the office and functions of the City Clerk with that of the City Manager.

(Section 435, City Charter)

The City Manager shall, at all times assign an officer of the City to the duties of City Clerk, and such officer shall possess the requisite qualifications for such duties. Such assignment shall be approved by the City Council. *(San Leandro Municipal Code, Section 1-2-110)*

DEPARTMENTS AND DIVISIONS

The Council, by ordinance, shall create, reorganize and abolish departments and divisions thereof as necessary for the proper administration of the City's business. The City Manager shall appoint an administrative officer to head each department. Such department heads shall serve at the pleasure of the City Manager. The City Manager also may appoint an administrative officer of the City to serve as a deputy for the purpose of performing any legally required act of a department head. *(Section 420, City Charter)*

NEPOTISM

No person shall be appointed to the office of Council Member or Mayor or to any permanent salaried office or employment if such person is related by blood or marriage within the third degree to a Council Member or Mayor or to the appointing officer. *(Section 705, City Charter)*

POLITICAL ACTIVITY

It is prohibited for any person holding a position as an officer or employee to engage in any political activities of any kind while in uniform or during working hours. In addition, no political activities shall be permitted on City premises. *(San Leandro Administrative Code, Section 10.2.100; Government Code Section 3206 and Section 3207)*

SECTION VIII

ADDRESSING THE COUNCIL

MANNER OF ADDRESSING THE COUNCIL

Any citizen may arise and address the Council on any business specially concerning him/her, or affecting his/her interests; however, preference will be given to those who have first presented matters in the form of a written communication, or who have notified the Presiding Officer of their desire to speak.

Any member of the public desiring to address the Council shall complete a “speaker card” and hand it to the City Clerk. The City Clerk will advise the Presiding Officer. The Presiding Officer will announce the names from the speaker cards. Once the individual’s name is called, he/she should proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, he/she shall speak directly into the microphone and for the record, shall state his/her name and address and business address in San Leandro, if applicable. Members of the public may submit speaker cards to address items listed under Public Hearings, Public Comments, Consent Calendar or Action Items. Speakers will address the City Council after the staff presentation has been completed.

The Presiding Officer shall have the power to change the order of business during a City Council Meeting if the number of persons in attendance warrants such a change.

Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on an item not appearing on its posted agenda. Therefore, any issue raised under the Public Comments section of the agenda will be referred to staff for a decision about placing it on a future agenda for discussion, action, or report.

TIME LIMITATION

Any member of the public desiring to address the Council shall limit his/her address to five (5) minutes during Public Hearings. Members of the public addressing the Council during Public Comments, Consent Calendar, or Action Items shall be limited to three (3) minutes per agenda item, and a maximum of five (5) minutes for all Consent Calendar items.

APPLICANTS AND/OR APPELLANTS – PUBLIC HEARINGS

Any applicant and/or appellant desiring to address the City Council shall limit their address to ten (10) minutes. This time limit will not be applied to speakers to whom constitutional due process applies. The City Attorney shall advise the City Council on this regard. Applicants and/or appellants shall be allowed five (5) minutes for rebuttal following public comments and prior to City Council comments and questions.

COUNCIL MEMBER DELIBERATIONS

No Council Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for more than five (5) minutes each time he/she has the floor, without the approval of a majority vote of the Council.

ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no person shall address the Council except to answer an inquiry of Council Members addressed through the Chair.

LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer should request that the speakers be succinct in their comments and not be redundant. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

Any statements including charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her, shall be referred without comment to the City Manager for appropriate action.

WRITTEN CORRESPONDENCE

The Administrative Staff in the City Manager's Office are authorized to receive and open all mail addressed to the Council as a whole. Communications related to administrative business, and not necessarily requiring Council action, are referred to the City Manager for immediate attention, so that they may be handled between Council Meetings. The City Manager will provide a copy of such communication and response to each Council Member. Copies of all other communications sent to Council as a whole will be reviewed by the City Clerk, and either transmitted to each member of the Council or, for routine, non-priority communications, filed in the Council office.

Any communication relating to a matter pending, or to be brought before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions of the Municipal Code or other ordinances. Communications specifically addressed to individual Council Members will be transmitted to them unopened.

PERSONS AUTHORIZED TO BE WITHIN PLATFORM

No person except City officials shall be permitted within the platform area in front of the Council table without the invitation or consent of the Presiding Officer.

SECTION IX

MOTIONS

PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the maker without the consent of the person seconding it.

BUSINESS ITEMS OUT OF ORDER

The Presiding Officer may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

DIVISION OF QUESTION

If the question contains two or more divisionable propositions, the Presiding Officer may, upon request of a member, (unless appealed) divide same.

MOTION TO FIX HOUR OF ADJOURNMENT

Any regular meeting can be adjourned to a stated date, time and place.

MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table is not debatable and shall preclude all amendments or debate of the subject under consideration.

MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

MOTION TO AMEND

A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted upon first. The main motion shall then be voted on, either as amended or as originally stated, if the amendment failed to pass.

CONTINUANCE OF MATTERS

- (a) When five (5) or fewer members of the Council are present at the scheduled meeting, a request for a continuance may be made once in order that the matter may be scheduled for a time when more than five (5) members are expected to be present.
- (b) Requests for continuance when there are five (5) or fewer members present shall be granted unless State law or local regulations require that action be taken at that time.
- (c) Regardless of the number of Council Members present, or request of a member of the public, any Council Member may exercise a personal privilege to have an item continued once unless State law or local regulations require that action be taken at that time. This privilege is not to be taken lightly.
- (d) If a matter is continued, the Presiding Officer will ask if those present who wish to speak to the matter can return at a later date. Those individuals who cannot will be given the opportunity to speak on the matter and said comments shall be made part of the record to be considered at the continued date; however, further comment shall be allowed where new material is presented.

CONTINUED MATTERS. COUNCIL MEMBER OBLIGATION

When a member of Council is absent from an earlier meeting at which a matter is discussed, it shall be the duty of such member to become acquainted with the issues discussed by reading the minutes, the documents presented, and, if possible, listening to the recording of such discussion.

SECTION X

VOTING PROCEDURE

VOTING PROCEDURE

Actions of the Council shall be taken by ordinance, resolution or motion. Actions of the Council shall require the affirmative votes of a majority of the entire Council membership. The Council shall pass ordinances and resolutions only by taking the ayes and nays by an open vote, which shall be entered in the minutes of the meeting. The ayes and nays shall be taken and recorded on all motions. Abstentions shall also be recorded. *(San Leandro Municipal Code, Title I, Chapter 1, Article 3)*

TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes another action to further consider the matter. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by Council. (Official actions are those quasi judicial actions such as made by the Planning Commission wherein less than four votes sustains their action.)

ABSTENTIONS

Abstentions shall be counted, but shall not be recorded as either an “aye” or “nay” vote. Should a Council Member abstain from voting on an issue due to a conflict of interest, an announcement should be made prior to the discussion of the item indicating the reason for the abstention.

SECTION XI

RESOLUTIONS, ORDINANCES AND MINUTE ORDERS

DEFINITIONS

As a rule, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by “ordinance,” whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by “resolutions.” The term “resolution” in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document. In this City, however, two methods of action are in general use to accomplish such non-ordinance actions: “resolution” and “motion” (the latter recorded by minute order). The two are equally as legally effective and binding; they vary in the formality of respective memorialization. The more formal is referred to as a “resolution.” This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such “resolutions” are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional “whereas” explanatory material it often recites) to facilitate such future reference and research.

The “motion” (assuming it was one which passed) is a Council action which is recorded by a numbered Minute Order, as well as by an item entry in the minutes of the meeting at which it was accomplished. In this City, procedural actions (such as a motion to continue a hearing) are always done by motion, and, in addition, many administrative matters (such as directing the City Manager to furnish a report) are done by motion.

METHOD OF ACTION

Actions of the City Council shall be taken by ordinance, resolution or motion. (*San Leandro Municipal Code, Section 1-1-300*)

An ordinance or resolution may be adopted by a motion, and shall require the affirmative votes of a majority of the entire Council membership. (*San Leandro Municipal Code, Section 1-1-305*)

ORDINANCES AND RESOLUTIONS: READING

At the time of its introduction or adoption, an ordinance or resolution shall be read by title only, unless a Council Member or the Mayor requests that the ordinance or resolution be read in full. Any matter designated as a consent item regularly appearing on the City Council agenda and available for public inspection in the City Clerk’s Office

may, by motion of the City Council, be deemed to have been read by title. (*San Leandro Municipal Code, Section 1-1-310*)

RESOLUTIONS: ADOPTION/EFFECTIVE DATE

Each Resolution shall become effective upon adoption, or at a later date specified within.

ORDINANCES: ADOPTION

No ordinance shall be adopted within five (5) days after its passage to print. (*San Leandro Municipal Code, Section 1-1-330*)

ORDINANCES: ALTERATION PROHIBITED

No ordinance shall be altered as to a matter of substance after its passage to print. Correction of typographical or clerical errors shall not constitute alteration as to a matter of substance. (*San Leandro Municipal Code, Section 1-1-335*)

ORDINANCES: EFFECTIVE DATE

Each ordinance shall be effective thirty (30) days after its adoption, or at a later date specified therein.

Notwithstanding the above reference, an ordinance may be introduced and adopted at the same meeting, and shall be effective upon adoption, if it is an ordinance:

- (a) relating to an election;
- (b) for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency;
- (c) relating to public improvement proceedings;
- (d) relating to taxes for the usual and current expenses of the City;
- (e) annexing territory to the City;
- (f) covered by particular provisions of law prescribing the manner of its passage and adoption.

(*San Leandro Municipal Code, Section 1-1-345*)

ORDINANCES: PUBLICATION AND POSTING

The title of each ordinance passed to print shall be published once and the City Clerk shall post a complete copy thereof on the City Council Chamber bulletin board for five

(5) days prior to adoption. The title of each ordinance adopted pursuant to San Leandro Municipal Code, Section 1-1-345, shall be published once and the City Clerk shall post a complete copy thereof on the City Council Chamber bulletin board for five days following adoption. (*San Leandro Municipal Code, Section 1-1-325*)

ORDINANCES AND RESOLUTIONS: AUTHENTICATION

The City Clerk shall authenticate by signature all ordinances and resolutions adopted by the Council. (*San Leandro Municipal Code, Section 1-1-320*)

ORDINANCES: MAINTENANCE OF BY CITY CLERK

A true and correct copy of all ordinances shall be kept and certified by the City Clerk, such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

COMPREHENSIVE CODES

The Council may adopt any comprehensive code of technical regulations by reference thereto in an adopting ordinance.

Any ordinance may be compiled into a comprehensive code which the Council may adopt by reference thereto in an adopting ordinance.

Comprehensive codes of regulations or of ordinances adopted by reference need not be published, provided that copies thereof shall be available at the office of the City Clerk for use or purchase by the public.

Repeal or amendment of codified ordinances, or additions to a comprehensive code, shall be accomplished by reference to numerical designations assigned thereto for the purpose of arrangement and indexing of the comprehensive code.

TRAFFIC CODE

The City Clerk shall compile and maintain a Traffic Code, in duplicate, which shall contain, in logical format and order, all ordinances, resolutions and regulations adopted pursuant to Title VI of the San Leandro Municipal Code. The Traffic Code shall be a public record. (*San Leandro Municipal Code, Sections 1-1-350, 355, 360, 365, and 370*)

SECTION XII

WORK SESSIONS

Work Sessions of the City Council are ordinarily held at 7:00 p.m. on the second Monday of each month, with an additional Work Session scheduled on the 4th Monday, if needed. Those meetings shall take place at a location to be designated by the Council. At Work Sessions, City staff provide reports to the City Council on a variety of items and issues; however, no formal action is taken at a Work Session.

OPEN TO THE PUBLIC

Members of the public are encouraged to attend Work Sessions. At each Work Session there will be a public comment period. During this period the public will be given the opportunity to comment on any item. Comments are limited to three (3) minutes per speaker.

PURPOSE

Work Sessions are not intended to constitute a regular meeting of the City Council as defined in the City Charter and they shall be carried on regardless of the number of Council Members in attendance. Normally work sessions will start when at least four (4) members of the Council are present.

Except for the procedural motions required by the Brown Act which may be made at a Work Session (and which are discussed more fully in the section "AMENDED AGENDA"), no formal action shall be taken and no motions shall be offered. The sole purpose of said meetings is to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions.

AGENDA

The City Clerk shall be responsible for preparing an agenda of items for discussion at each Work Session. The City Clerk is directed to post the agenda in accordance with directions pertaining to the posting of agenda for regular meetings of the City Council.

Any item raised by a member of the City Council which was not specifically included on the posted agenda automatically will be referred to staff for placement on an upcoming Council Work Session agenda unless it is time sensitive, in which case it will be placed on a regular agenda.

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, determine that the need to

take action on an item arose after the agenda was posted. If less than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented, although no action would be taken on the underlying issue at the Work Session itself. Other exceptions are provided for emergencies, as defined, and certain continued hearings.

SECTION XIII

CLOSED SESSIONS

Council meets from time to time in Closed Sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to the public and news media. Matters discussed in closed sessions are considered confidential and shall not be divulged. These are:

(1) Labor Relations

Closed sessions held at such times pursuant to Government code Section 54957.6 where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.

As a matter of policy, Council acknowledges that the City and its taxpayers are best served if positions authorized during such sessions are represented as those of the Council as a whole. Members of the City Council agree that positions and agreements shall not be divulged.

(2) Security or Emergencies

Arrangements made to address threats to the City or its property must be kept confidential.

(3) Personnel Sessions

Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

(4) Litigation

Closed sessions to consider potential or pending litigation in which the City or an officer or employee is or could be a party.

Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position.

(5) Real Property Negotiations

Discussion of specified real estate negotiations.

The City Attorney shall announce during Council Open Session, any formal Council actions taken. (*Chapter VI, the Brown Act*)

SECTION XIV

COUNCIL COMMITTEES

The City Council may organize among its members such standing committees as it may determine, each of which shall act as a fact-finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by Council and making recommendations thereon to the Council as a whole.

Each Council Member shall be assigned by the Mayor to various standing committees. Such assignments shall be ratified by the Council as a whole. The Mayor may also serve on various standing committees and be ratified by the Council as a whole. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other committee members.

From time to time AD HOC committees may be organized by the Mayor to address special concerns which may be of short duration.

It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to these various committees. Normally appointments are for a one or two year period, but may be renewed at the Mayor's discretion where Council Members have particular experience or expertise with respect to the business of a particular committee.

STANDING COMMITTEES

The list of standing and Ad Hoc Committees and Committee assignments shall be revised from time to time as necessary.

COUNCIL COMMITTEE MEETINGS

- (a) It is the policy of the City Council that Council Committee meetings, as a general rule, be noticed and open to the public. A staff member shall be present at all committee meetings. It is also the policy of the City Council that all Council Committees adopt a schedule of regular meetings at least once a year, post a written agenda 72 hours before each of its regular meetings, limit discussion during its meetings to items on the posted agenda, provide an opportunity at the beginning of each meeting for comments from the public, and, if the committee elects to do so, adopt time limits for public comments at its regular meetings. In voluntarily adopting these procedural rules for its less-than-a-quorum committees, the City Council specifically declines to adopt the "cure and correct" provisions of the Brown Act for any purpose as to any action taken by a standing Council Committee. (*The Brown Act, Chap. VII, 2.b*)

- (b) Previous restrictions within the Brown Act had prohibited a fourth member of a seven member legislative body from attending a subcommittee meeting. The Attorney General considered the following exception to the definition of “meeting”:

“The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, provided that a majority of the members do not discuss among themselves other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of a local agency.”

The Legislature amended the Brown Act in 1997 and slightly modified the notice requirements for standing committees of the City Council. A majority of a legislative body may now attend an open and noticed meeting of a standing committee within their own agency if they only **observe** the proceedings. (*Government Code Section 54952.2*)

If members of a local legislative body attend a meeting of a standing committee in which they are not a part, the observing members should sit in the audience and refrain from making any comments or asking any questions.

- (c) It is the policy not to hold joint Council-Committee meetings nor joint Sub-Committee meetings. An item that might be considered for such meeting should be scheduled for a work session of the whole Council.

SECTION XV

BOARDS AND COMMISSIONS

GENERAL

The City Council, by ordinance, shall create boards and commission as necessary to facilitate governmental operations in all appropriate fields, including, but not limited to:

- (a) Board of Appeals;*
- (b) Board of Zoning Adjustments;
- (c) Handicapped Access Appeals Board;*
- (d) Human Services Commission;
- (e) Library-Historical Commission;
- (f) Personnel Relations Board;
- (g) Planning Commission;
- (h) Recreation and Parks Commission;
- (i) Rent Review Board;
- (j) Senior Commission
- (k) Site Development Sub-Commission;*
- (l) Youth Advisory Commission.

* *Created by Ordinance, members appointed as necessary.*

(San Leandro Municipal Code, Section 1-3-100)

An ordinance creating a board or commission shall specify its powers and duties, number of members and their terms of office, and such other matters as the Council deems appropriate. The Council by ordinance may consolidate, reorganize and rename any of such boards and commissions, provided that no board or commission shall be abolished except upon a determination by the Council, after public hearing, that the functions of such board or commission are no longer necessary for the proper administration of the City's business. The City Manager shall designate the officers and employees who shall provide staff assistance to each board and commission. *(Section 350, City Charter)*

POWERS AND DUTIES

As described in the board, commission or committee profile, in Section XVI.

ELIGIBILITY AND QUALIFICATIONS

No member of any board or commission shall be a member of any other board or commission or hold any paid office or employment in the City Government. In order to be eligible for an appointment to any board or commission, a person shall be a qualified elector of the City.

MEMBERS: DISTRICT REPRESENTATION

One elector from each Council Member District shall be appointed to each of the following Boards and Commissions:

- (a) Board of Zoning Adjustment;
- (b) Human Services Commission;
- (c) Library-Historical Commission;
- (d) Planning Commission;
- (e) Recreation and Parks Commission
- (f) Senior Commission

All other members of each such Board and Commission shall be appointed at large. Three (3) residents selected at large shall be appointed to the Youth Advisory Commission by each Council Member, at least one (1) resident selected from each Council Member District, and the remainder may be selected at large. No change in Council Member District boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such member was appointed. (*San Leandro Municipal Code, Section 1-3-110*)

APPOINTMENTS, TERMS, METHOD

The members of each of such boards or commissions shall be appointed by the Council. They shall be subject to removal by the Council without cause, notice or hearing.

Board and Commission members, except Youth Advisory Commission Members, shall hold office commencing from the date of appointment until their respective successors are appointed and qualified. The terms of Board and Commission Members shall terminate upon the expiration of the regular term of the Mayor or Council Member representing a Council Member District or at-large position from which the Board or

Commission Member was appointed. Youth Advisory Commission Members shall hold office for one (1) year and until their respective successors are appointed and qualified. Youth Advisory Commission Members may be appointed for up to four (4) consecutive terms. A vacancy shall be filled by appointment for the unexpired remainder of the term. (*San Leandro Municipal Code, Section 1-3-115*)

Newly-elected Council Members or a newly-elected Mayor may begin circulating the applications of individuals to be considered for nomination to board and commission positions after they officially assume office.

The application of an intended nominee shall be distributed to all members of the Council at least 10 days prior to the scheduling of the nomination on the City Council agenda. Once the nomination is approved by the City Council, a resolution of appointment of the Member will be scheduled for adoption at the next regular City Council meeting.

In the interest of ensuring that City Boards and Commissions are operating effectively and that all areas of the City are represented as recommendations and decisions are being made, the City Councilmembers will use their best efforts to fill Board and Commission vacancies within 60 days after such vacancies occur.

Additionally, after the seating of a new City Council following a municipal election, Councilmembers will use their best efforts to make new appointments or reappointments within 60 days. To assist the Council in making its appointments, the City Clerk will collect all current applications and forward them to the appropriate Councilmembers immediately after the new Council is seated. As additional applications are received during this period, they will be forwarded to the appropriate Councilmember immediately upon receipt until all appointments and reappointments have been made.

At the City Council meeting that occurs on the first Monday 60 days after a new Council is seated, the City Clerk will schedule an agenda item on the subject of unfilled Board and Commission appointments at which time the City Council will discuss such remaining vacancies. There will be no penalty assessed against any Councilmember who has not made such appointments within the 60 days.

VACANCIES

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If members of a board or commission absent themselves from three consecutive regular meetings of each board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, their office shall become vacant and shall be so declared by the Council.

Government Code Section 54974 provides that whenever an unscheduled vacancy occurs, a special vacancy notice shall be posted in the office of the City Clerk, and as may otherwise be directed by the City Council, within 20 days after the vacancy occurs; and that final appointment to fill such vacancy shall not be made for at least 10 working days after such posting.

It shall normally be the policy to take applications on a regular ongoing basis; applications shall be considered current for two years from the date received.

The City Clerk shall, pursuant to Government Code Section 54972, prepare an appointments list of all regular and ongoing boards and commissions which are appointed by the City Council, which shall contain the information required in said section. All efforts will be made to provide public information relative to vacancies prior to such appointments.

PROCEDURES FOR MAKING APPOINTMENTS AND REAPPOINTMENTS

Any person desiring to be considered for an appointment to any City board or commission, except incumbent board or commission members, shall complete an application indicating on which board or commission they desire to serve. Persons shall be limited to serving on only one board or commission at a time.

Any appointees shall comply with appropriate provisions of the law relative to disclosure of financial interests, if applicable.

It shall be the policy of the City Council not to appoint any person to a board or commission who would have continually recurring conflicts of interest requiring abstentions, or an excessively high percentage of such situations.

ATTENDANCE POLICY

- (a) The City Council requires that members of boards and commissions abide by the following policy:
- (b) Members of boards or commissions shall be required to attend not less than 75% of all regular meetings held;
- (c) Failure by a member to attend three consecutive regular meetings of a board or commission will be cause for Council declaring the member's position vacant;
- (d) Attendance records will be reviewed by the City Council in June of each year based on the previous 12-month period (June 1 through May 31), except for appointments effective July 1st or thereafter.

APPLICABILITY OF BROWN ACT PROVISIONS

All permanent boards, commissions and most committees formally created by the City Council are subject to the provisions of the Brown Act. In order to implement certain requirements of the Brown Act, the City Council has adopted model “Rules and Regulations” which are applicable to such boards, commissions and committees. (See sample, page XV-6)

MEMBERS: COMPENSATION, EXPENSES

Members of Boards and Commissions shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in performance of official duties. (*San Leandro Municipal Code, Section 1-3-130*)

RULES AND REGULATIONS OF THE

Adopted to Implement Certain Requirements
of the Brown Act

Agendas of the _____ shall be posted at least 72 hours before each regular meeting at _____.

A log indicating the time each agenda was posted shall be kept by the _____.

All persons wishing to address the _____ during the public input portion of its meetings shall limit their comments to _____ minutes.

The total time devoted to the public input portion of the meetings of the _____ shall not exceed _____ hrs/mins. Any person wishing to speak at a meeting but unable to do so because of the limit set forth above shall be accorded first right to address the _____ at its next meeting.

Consistent with the Brown Act, the _____ shall take no action on any matter not appearing on its posted agenda unless it makes one of the findings authorizing it to do so. Thus, unless an emergency exists or the need to take action arose after posting the agenda the _____ will not discuss or vote open any item raised by any member of the public or any of its own members unless the item appears on its posted agenda. An item raised during a meeting of the _____ that does not appear on its posted agenda will automatically be placed on its next agenda for action, provided that any request that a meeting be adjourned in memory of someone recently deceased shall be granted and the Chair shall so adjourn the meeting.

Any person, including any member of the public or of the _____, may request that an item be placed on the agenda for the _____ by writing/telephoning _____ at _____ no later than _____ a.m./p.m. on the _____ day preceding the next regularly scheduled meeting.

The regular meetings of the _____ shall ordinarily be held on the _____ (and) _____ of each month at _____ and shall be held in the _____, but the precise dates for regular meetings shall be those shown in the notice provided by the _____ in _____ of every year or as the _____ may later revise from time to time during the year.

SECTION XVI

BOARDS, COMMISSIONS, AND COMMITTEE PROFILES

Board of Appeals
Board of Zoning Adjustments
Handicapped Access Appeals Board
Human Services Commission
Library-Historical Commission
Personnel Relations Board
Planning Commission
Recreation and Parks Commission
Rent Review Board
Senior Commission
Site Development Sub-Commission
Youth Advisory Commission

INTERNAL COMMITTEES

Airport Committee
Business and Housing Development Committee
City and San Leandro Unified School District Liaison Committee
City and San Lorenzo Unified School District Liaison Committee
Civic and Cultural Committee
Disaster Council
Facilities and Transportation Committee
Finance Committee
Joint Oakland/San Leandro Committee
Rules and Communications Committee
Shoreline-Marina Committee

OUTSIDE AGENCY APPOINTMENTS

Alameda County Fire Commission
Alameda County Housing Authority, Board of Commissioners
Alameda County Mosquito Abatement District, Board of Trustees
Alameda County Transportation Commission
Alameda County Waste Management Authority
Associated Community Action Program (ACAP), Governing Board
Association of Bay Area Governments (ABAG), Gen. Assembly & Regional Plg. Comm.
East Bay Dischargers Authority
League of California Cities, East Bay Division, Board of Directors
Oakland Airport-Community Noise Management Forum

COMMISSION PROFILE

Title of Commission: **BOARD OF APPEALS**

Description of Board Duties:

The Board of Appeals created under Section 7-5-110 of the San Leandro Municipal Code shall hear and decide appeals of orders, decisions, or determinations made by the Building Official or Fire Marshall relative to application and interpretation of this Article.

The Board shall adopt reasonable rules and regulations for conducting its hearings and shall render all of its decisions and findings in writing. The decision of the Board shall be final and conclusive on matters relating to the suitability of alternative materials and types of construction. Upon receipt of the Board's written decision, the Building Official/Fire Marshall shall proceed in accordance therewith.

MEMBERSHIP:

The Board shall consist of five (5) members to be appointed by the Mayor, four (4) of whom shall be registered civil engineers, all who are qualified by experience and training to pass upon matters pertaining to building construction, engineering, or fire inspection. In addition thereto, the Building Official shall be an ex officio member, shall act as Secretary to the Board, and shall have a voice but no vote. The members appointed by the Mayor shall hold office at the Mayor's pleasure.

MEETING SCHEDULE:

The Board of Appeals meets on an as-needed basis.

COMMISSION PROFILE

Title of Commission: **BOARD OF ZONING ADJUSTMENTS**

Description of Board Duties:

The Board shall:

- (a) hear and decide upon applications for the approval of:
 - (1) conditional uses other than Planned Unit Developments under Chapter 2 of Title VII of the Municipal Code (Signs) and the Zoning code of the City of San Leandro;
 - (2) variances under the Zoning Code of the City of San Leandro and Chapter 7 of Title VII of the Municipal Code (Right of Way Lines);
 - (3) modification of requirements for and restrictions upon fences, walls hedges under the Zoning code of the City of San Leandro;
 - (4) installation of operating accessory structures in required yards under the Zoning Code of the City of San Leandro;
 - (5) any matter within the jurisdiction of the Site Development Sub-Commission under Chapter 2 of Title VII and the Zoning code of the City of San Leandro when such application is filed in combination with an application for approval of a matter within the jurisdiction of the Board. In so hearing and deciding, the Board shall have the same powers and duties and shall be limited to the same scope of review as is the Site Development Sub-Commission;
- (b) hear and decide appeals from administrative action under the Zoning Code of the City of San Leandro;
- (c) make recommendations to the Planning Commission as to the desirability of amendments to the Zoning Code of the City of San Leandro.

MEMBERSHIP:

Seven (7) members (one member from each Council District/one at-large)
Four (4) year term

MEETING SCHEDULE:

Meets first Thursday of every month; 7:00 p.m., City Hall, City Council Chambers

COMMISSION PROFILE

Title of Commission: **HANDICAPPED ACCESS APPEALS BOARD**

Description of Board Duties:

The Board shall:

- (a) Receive appeals and conduct hearings thereon under the provisions of §19957.5 of California Health and Safety Code relating to the enforcement of the building access requirement of Part 5.5 of the Code and the granting of exceptions to such building access requirements authorized by §19957 thereof.
- (b) Make recommendations to the City Council from time to time concerning the provision of access to public accommodations and facilities by physically handicapped persons constructed within the City of San Leandro.
- (c) Other functions which may be designated by resolution or motion of the Council.

MEMBERSHIP:

Two (2) members of the Board shall be physically handicapped persons. For purposes of this subsection physically handicapped means any person who (i) has a physical impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Two (2) members of the Board shall be persons experienced in building and construction.

One (1) member of the Board shall be a representative of the general public.

MEETING SCHEDULE:

Meetings are held on an as-needed basis.

COMMISSION PROFILE

Title of Commission: **HUMAN SERVICES COMMISSION**

Description of Board Duties:

The Commission shall advise the Council on all matters relating to social conditions within the City, assess and report to the Council the social needs of the people, recommend to the Council methods for meeting such needs, and assist the Council in marshaling the human resources necessary to accomplish the foregoing. In discharge of this responsibility, the Commission shall:

- (a) evaluate social services being provided within the City, and provide advice and assistance toward coordination thereof;
- (b) provide motivation for the development of new social services as the need therefor is determined;
- (c) coordinate the efforts of social service agencies to raise funds from the community;
- (d) assist in the procurement of grants from public and private funding sources;
- (e) study proposed programs and proposed budgets of social service agencies requesting City assistance and recommend Council approval or disapproval of such programs, budgets and requests. The Commission shall conduct periodic reviews of such programs and budgets and shall report to the Council on the implementation of such programs and expenditures of City funds and physical resources therefor.

MEMBERSHIP:

Nine (9) members (one member from each Council District/three at-large)

Four (4) year term

MEETING SCHEDULE:

Meets fourth Wednesday of every month; 7:00 p.m., City Hall, Sister Cities Gallery

COMMISSION PROFILE

Title of Commission: **LIBRARY-HISTORICAL COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) recommend policies for the use and improvement of all property operated for library purposes by the City;
- (b) recommend rules and regulations governing the operation and use of library buildings;
- (c) recommend acceptance or rejection of proposed donations to the City for library purposes;
- (d) recommend regarding proposed contracts with other agencies for the provision and use of library services and facilities;
- (e) advise the Council on all matters concerning the historical state of the City;
- (f) report to the Council the historical needs of the City;
- (g) recommend to the Council the means for fulfilling the historical needs of the City;
- (h) provide liaison between the Council and all historical organizations operating within the local community;
- (i) coordinate historical activities within the City;
- (j) devise and recommend to the Council implementation of procedures for establishing and maintaining appropriate relationship with non-local historical organizations;
- (k) assist all historical organizations operating within the local community to develop a high level of community participation in historical endeavors and activities;
- (l) study proposed programs and proposed budgets of historical organizations making requests of the City and recommend Council approval or disapproval of any proposed program or budget for which City funds are requested. No such program or budget involving City

- (m) assistance or City funding, or the use of City property, shall be implemented without approval of the Council;
- (n) conduct periodic audits of Council-approved programs and budget and report to the Council on the implementation of such programs and expenditures of City funds therefor;
- (o) develop and recommend to the Council a program for the preservation and restoration of important historical sites and items within the City;
- (p) coordinate and provide for the execution of appropriate programs in the City in order to stimulate interest in and advancement of historical awareness and the arts.

MEMBERSHIP:

Seven (7) members (one member from each Council District/one at-large)

Four (4) year term

MEETING SCHEDULE:

Meets third Tuesday of every month; 7:00 p.m., Main Library, Trustees Room

COMMISSION PROFILE

Title of Commission: **PERSONNEL RELATIONS BOARD**

Description of Board Duties:

The Board shall:

- (a) adopt comprehensive rules for the administration of a merit personnel program. Any such rules relating to personnel classification, compensation, or benefits, or otherwise significantly affecting City expenditures, shall be subject to Council approval;
- (b) provide for the hearing of appeals from administrative action taken against any member of the merit personnel system for whom no other appeal procedure exists, and the submission of findings and recommendations after hearing to the City Manager;
- (c) provide for the hearing and determination of grievances, establishment of appropriate units, and allegations of unfair labor practices, in matters for which no other procedure exists;
- (d) provide advice regarding personnel relations matters upon request of the Council or the City Manager.

In the conduct of its hearings, the Board may:

- (a) issue subpoenas requiring attendance of witnesses and production of books, documents or other things before it;
- (b) administer oaths and affirmations.

MEMBERSHIP:

Five (5) members (at-large)

Four (4) year term

No person shall be eligible to hold office as a Personnel Relations Board member who has held a salaried non-elective office or employment with the City within the preceding year. No person shall be eligible to hold a salaried non-elective office or employment with the City who has held office as a Personnel Relations Board member within the preceding year.

MEETING SCHEDULE:

Meets third Thursday of first month each calendar quarter; 5:30 p.m., City Hall,
Human Resources Conference Room

COMMISSION PROFILE

Title of Commission: **PLANNING COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) hear and recommend to the Council on proposals to adopt, amend or repeal a general plan for the physical development of the City;
- (b) exercise such functions with respect to land subdivisions, planning, zoning and future right-of-way lines as are prescribed in Chapters 3, 13 and 16 of Title VII of the San Leandro Municipal Code;
- (c) possess the powers and perform the duties prescribed by statute.

MEMBERSHIP:

Seven (7) members (one member from each Council District/one at-large)

Four (4) year term

MEETING SCHEDULE:

Meets third Thursday of every month; 7:00 p.m., City Hall, Council Chambers

COMMISSION PROFILE

Title of Commission: **RECREATION AND PARKS COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) recommend policies for the management and improvement of all property used for recreational purposes by the City;
- (b) recommend plans for the future development of the recreation program to meet the needs of the City;
- (c) interpret the City's recreation programs and plans to the people;
- (d) advise the Council on all matters concerning the cultural state of the City;
- (e) report to the Council the cultural needs of the City;
- (f) recommend to the Council the means for fulfilling the cultural needs of the City;
- (g) provide liaison between the council and all cultural organizations operating within the local community;
- (h) coordinate cultural activities within the City;
- (i) devise and recommend to the Council implementation of procedures for establishing and maintaining appropriate relationships with non-local cultural organizations;
- (j) assist all cultural organizations operating within the local community to develop a high level of community participation in cultural endeavors and activities;
- (k) study proposed programs and proposed budgets of cultural organizations making requests of the City and recommend Council approval or disapproval of any proposed program or budget for which City funds are requested. No such program or budget involving City assistance or City funding, or the use of City property, shall be implemented without approval of the Council.
- (l) conduct periodic audits of Council-approved programs and budgets and report to the Council on the implementation of such programs and expenditures of City funds therefor;

- (m) coordinate and provide for the execution of appropriate programs in the City in order to stimulate interest in and advancement of the arts.

MEMBERSHIP:

Nine (9) members (one member from each Council District; one member from SLzUSD; one member from SLUSD; and one at-large member)

Four (4) year term

MEETING SCHEDULE:

Meets first Wednesday of every month; 7:00 p.m.; City Hall, South Offices Conference Room.

COMMISSION PROFILE

Title of Commission: **RENT REVIEW BOARD**

Description of Board Duties:

The Board shall:

- (a) hear and decide upon rent disputes as requested and submitted in writing to the City Manager according to Ordinance No. 2001-08.
- (b) After hearing both parties (landlord and renter), the Board will make a recommendation to the parties for the resolution of their dispute.
- (c) If the resolution proposed is agreed upon by both parties, they may formalize the agreement in a standard form signed by both parties. **Neither the City nor the Board shall be a party to such an agreement, nor shall the City of Board assume responsibility for enforcement of its terms.**
- (d) The matter may, if the parties are unable to mutually agree to a resolution, be referred to the City Council for further consideration.
- (e) The Board shall annually prepare a report to the City Council assessing the effectiveness of the rent review program.

MEMBERSHIP:

Five (5) members. Two (2) members of the Board shall be tenants, two (2) members shall be landlords, and one (1) member shall be neither a tenant nor a landlord. One (1) of the landlord members may reside outside the City of San Leandro.

Four (4) year term

MEETING SCHEDULE:

Meets fourth Tuesday of each month on an “as-needed” basis, 7 p.m., City Hall, South Offices Conference Room

COMMISSION PROFILE

Title of Commission: **SENIOR COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) advise the City Council on matters relating to the status and condition of senior citizens within the City,
- (b) assess and report to the Council the social, health and other needs of senior citizens;
- (c) recommend to the Council methods of meeting such needs; and
- (d) assist the Council in marshaling the resources necessary to accomplish the foregoing.

In discharge of this responsibility, the Commission shall:

- (a) assess the social, economic, education, cultural, emotional and other needs of senior citizens within the City and create citizen awareness of those needs;
- (b) conduct informational hearings on matters affecting senior citizens in the community;
- (c) monitor legislative developments concerning senior citizens, and inform the City Council, seniors, and the public of such developments;
- (d) encourage better coordination in the delivery of services to senior citizens, seek to improve the quality of such services, and foster increased communication between providers of such services within the community and the residents of the City, through voluntary public and private initiatives;
- (e) assess paratransit and other transportation needs of the community's senior citizens, and make recommendations to enhance transportation services for senior citizens;
- (f) review the City Manager's budget recommendations as they affect programs concerning senior citizens, as part of the City's annual budget process;

- (g) advise and make recommendations to the City Council on all matters relating to the community's senior citizens, including delivery of city services; funding for senior services, facilities, and programs except funding provided through the Community Assistance Grant funding process; and availability of various funding opportunities for senior citizen-related programs and services that may be available to the City;
- (h) consider and act upon as necessary all matters relating to the social needs of senior citizens, and all other matters relating to senior citizens heretofore referred to or considered by the Human Services Commission;
- (i) consider and act upon as necessary all matters relating to recreation and cultural programs targeted to senior citizens, policies for the management and improvement of any public facility dedicated for the use of senior citizens, and all other matters relating to senior citizens heretofore referred to or considered by the Recreation and Parks Commission.

MEMBERSHIP:

Nine (9) members (one member from each Council District; and three at-large members)

Four (4) year terms

MEETING SCHEDULE:

Meets third Thursday of each month; 10:00 a.m., City Hall, Sister Cities Gallery

COMMISSION PROFILE

Title of Commission: **SITE DEVELOPMENT SUB-COMMISSION**

Description of Board Duties:

Duties of the Site Development Sub-Commission are found in § 1-5-2502 of the San Leandro Zoning Code. It shall be the duty of the Sub-Commission to review sketches, layouts, site plans, structural plans, signs, and architectural drawings in connection with any matter before the Sub-Commission. The Sub-Commission shall have authority to confer with the applicant or property owner concerning modifications of the proposal, or conditions necessary to approval, and may approve, disapprove, or conditionally approve the proposal. The Sub-Commission may refer any matter before them to the Board of Zoning Adjustment or Planning Commission.

MEMBERSHIP:

Three (3) members: one (1) member of either the Planning Commission or the Board of Zoning Adjustment appointed by the Mayor, one (1) members of the Planning Commission appointed by the Chairman of the Planning Commission, and one (1) member of the Board of Zoning Adjustments appointed by the Chair of the Board of Zoning Adjustments.

MEETING SCHEDULE:

The Site Development Sub-Commission meets on an as-needed basis.

COMMISSION PROFILE

Title of Commission: **YOUTH ADVISORY COMMISSION**

Description of Board Duties:

The Commission shall do all things necessary to identify the role and responsibility of the City of San Leandro in relation to the youth of the City and to assist the Council in identifying those programs, projects and activities which will promote the general welfare of youth in the City. The Commission shall undertake its powers and duties and shall report directly to the City Council from time to time. In addition the Commission shall:

- (a) identify and study the social, economic, education, cultural and emotional needs of the youth of the community and to create citizen awareness of those needs;
- (b) advise and make recommendations to the City Council on the matters affecting the youth of San Leandro;
- (c) provide advice and assistance to other City boards and commissions, to City departments, to school districts, and to private and voluntary agencies on matters concerning local youth;
- (d) increase public awareness of problems affecting young people;
- (e) suggest specific program areas in which the needs of youth are not being met and will not be met by other organizations;
- (f) provide opportunities for the youth of San Leandro to learn about and appreciate the variety of services and programs provided by local government;
- (g) foster mutual understanding, respect and communication among teen groups of all races, religions and nationalities;
- (h) encourage teen leadership and responsibility through involvement;
- (i) provide coordination of community youth activities and the promotion of cooperative relationships among the various youth organizations in the City.

MEMBERSHIP:

Twenty-one (21) members (three members from each Council District/three at-large members).

One (1) year term

MEETING SCHEDULE:

Meets first and third Mondays; 6:00 p.m., City Hall, Sister Cities Gallery

CITY OF SAN LEANDRO***GUIDELINES REGARDING THE SETTING OF THE
MAYOR'S SALARY*****Purpose of the Guidelines:**

It is hereby acknowledged that the Mayor of San Leandro, as the official representative of the City and working on behalf of the City Council, historically has worked for the City as Mayor for more than half time per week. It is also acknowledged that each Mayor has special City-related projects that typically require additional time per week in order to complete. It is further acknowledged that the Mayor's salary is fixed by ordinance that can be modified by Council action at any time. It is acknowledged that the City Council wishes to retain its jurisdiction to review the Mayor's salary. Should the City Council approve a change in the Mayor's salary, the Mayor's salary becomes operative thirty days after City Council adoption of the enabling ordinance.

The purpose of this policy is to standardize, define, and document the criteria to be used by the City Council in the determination of the Mayor's salary.

Base Salary:

The base salary for the Mayor shall be two (2) times the amount paid to City Council members.

Salary-Increases:

The Mayor may request that the City Council consider awarding him or her a salary increase up to an amount not in excess of three (3) times the amount of a Council member salary. The Mayor shall submit in writing to the City Council Rules and Communications Committee a personally composed statement requesting such increase and justifying the request by providing at least the following information:

- specific and measurable accomplishments of the previous year including but not limited to those related to the City Council's Vision Statements and City Council consensus building/team building successes;
- his/her intentions regarding part-time vs. full-time commitment for the upcoming year;
- prospective plans regarding special projects for the upcoming year, and
- specific, measurable goals to be accomplished on behalf of the City described in terms of the then current City Council's Vision Statements.

The Mayor may submit a request to the Rules and Communications Committee and the Rules and Communications Committee may consider a request by the Mayor in the

second year of the Mayor's term in office. The City Council Rules and Communications Committee shall be required to review the Mayor's salary increase request no more frequently than once per year. It is the intent of these Guidelines that the Mayor's salary not be reduced during his or her term in office or, upon re-election, an immediately subsequent term.

Other Benefits Afforded the Mayor:

It is hereby acknowledged that the Mayor has historically been afforded additional benefits ex officio. These shall include, but not be limited to:

- car allowance of a flat \$375 per month, which shall be in lieu of the \$125 travel reimbursement afforded other City Council members;
- use of a cellular phone and pager for City-related business;
- use of the Mayor's office in City Hall;
- use of personal computer located in the Mayor's office in City Hall
- use of the City's voice mail system for recording of telephone messages
- installation and use of telephone line(s) in the Mayor's residence for City-related business;
- installation and use of a City fax machine in the Mayor's residence for City-related business.

CITY OF SAN LEANDRO***GUIDELINES FOR COUNCIL MEMBER CORRESPONDENCE*****Purpose of the Guidelines:**

These guidelines are to provide guidance should a Council Member want to transmit their individual opinions to elected officials and/or other governmental agencies. The guidelines are intended to specifically address individual Council Member correspondence to a governmental agency and/or another elected official regarding issues that staff has been given direction to pursue via a negotiation process or other form of resolution.

These guidelines are not intended to in any way restrict Council written communication with constituents and do not apply to personal correspondence with elected officials.

Guidelines:

As a matter of protocol, a Council Member should, when sending correspondence described above, contact the City Manager or Mayor to indicate their intent to send a letter so that the Council Member may be briefed on the current status of staff work of which the specific Council Member may not be aware.

The balance of Council and City Manager, as a matter of courtesy, should be given a copy of the letter, which should be noted on the letter (cc:).

CITY OF SAN LEANDRO***GUIDELINES FOR COUNCILMEMBER TOWN HALL
MEETINGS*****Purpose of the Guidelines:**

These guidelines are to provide guidance should a Councilmember want to hold a Town Hall or City-sponsored Community Meeting in his or her District. The guidelines are intended to specifically address the process Councilmembers should follow to plan a Town Hall or City-sponsored Community Meeting. The specific tasks, and the department or staff responsible for ensuring the tasks are completed, are included to help standardize the process. Also included in the guidelines are standards which are intended to ensure that a minimum level of personnel attends the meeting.

These guidelines are not intended to in any way restrict Councilmembers from organizing and/or holding their own Town Hall or Community Meetings to address the needs of their constituents, which do not require staff involvement other than room reservations and room set-up by on-duty Facility staff, unless so approved by the City Manager. These meetings shall not involve over-time assignments of City staff.

Guidelines:**Planning/Organization**

- Planning should start approximately eight weeks in advance. The Councilmember will work with the City Manager and Community Relations Representative to determine the date for the meeting and develop an agenda. Staff availability and other meetings will be considered when setting the date.
- Each Councilmember will be limited to one Town Hall or City-sponsored Community Meeting per year. The City Manager will determine the minimum level of personnel to be in attendance from required departments. Whenever possible, a Department Head will attend to address a department matter on the agenda.
- As a standard, the Police Chief, Captain, or Lieutenant will attend to answer questions regarding community compliance and crime, unless otherwise agreed.
- As a standard, the Engineering and Transportation Director, the City Engineer, the Principal Engineer, or the Senior Traffic Engineer will attend to answer questions regarding traffic, unless otherwise agreed.
- Meetings are generally held in the evenings and are scheduled to last 90 minutes.
- Meetings are generally held at a local school, church, or community center.
- The Community Relations Representative will develop a flyer, and distribute it to the public via direct mail to target neighborhoods, distribute it to elementary schools, or publish it in the San Leandro Times.
- The Community Relations Representative will secure the meeting space, and work with the on-site Facility Manager to set up the room and provide refreshments and logistics.

- Printing, mailing, refreshments, and room rental costs, if any, are paid out of the Council District budget.
- The hosting Councilmember will notify the Mayor and fellow Councilmembers of the scheduled meeting.

Meeting Agenda

- Introduction/Welcome – 10 minutes
 - Councilmember provides overview of meeting.
- Presentations – 20-30 minutes
 - City staff presents updates on selected topics of local interest.
- Questions & Answers – 45-60 minutes
 - Councilmember and staff field questions.
 - Staff documents and obtains information to respond to residents.

Follow-up

- The Community Relations Representative sends issues to Department Heads for their information and follow-up within 30 days.
- Residents who left their names and addresses/phone numbers are responded to if they requested follow-up.
- The Councilmember hosting the meeting will be copied on replies to residents and forwarded information on responses from Department Heads, and whenever possible all Councilmembers will receive the information if it is of general interest to the Council.

CITY OF SAN LEANDRO***GUIDELINES REGARDING COUNCIL SUPPORT FOR OR
OPPOSITION TO BALLOT MEASURES OR LEGISLATION*****Purpose of the Guidelines:**

The purpose of these guidelines is to describe the City Council's policy regarding support for or opposition to ballot measures or legislation on local, state or national matters.

Guidelines:

The City Council as a group will not adopt a formal position in favor of or in opposition to ballot measures or legislation unless such ballot measure or legislation has a direct benefit to or impact on a significant portion of the community of San Leandro or the City of San Leandro.

Councilmembers requesting City Council support or opposition to a measure or legislation shall first receive consensus from the body to place said support or opposition on a future agenda for Council discussion and consideration.

No public funds shall be used in any support for or opposition to any measure or legislation.

Nothing in these Guidelines is intended to discourage or inhibit individual Councilmembers from expressing their individual support for or opposition to any ballot measure or legislation.

CITY OF SAN LEANDRO***GUIDELINES FOR CITIZEN APPOINTMENTS TO
AIRPORT RESEARCH GROUPS, ADVISORY COMMITTEES
AND FORUMS***

Citizen appointments to any airport research group will be for a period of four years. Appointments to any advisory committee or community forum will be for a period of two years. The City Council will retain the discretion of extending an appointment as appropriate, depending upon the subject and term of the group or forum. At the end of a term, an appointee will continue to serve until a successor has been selected.

Any vacancies in any group, committee or forum, from whatever cause arising, shall be filled by appointment by the City Council.

When an appointment is necessary for citizen representation to a group, committee or forum, the City Council Airport Committee will direct staff to announce the application period to the community. That announcement may be by direct mail to interested individuals or homeowner groups, by advertisement in the local newspaper, or other method as appropriate.

Any person desiring to be considered for an appointment to any airport research group, advisory committee or forum shall complete an application as provided by the City. The application will request the individual's name and contact information; present employer; any City Boards or Commissions served on; relevant education, experience or training; and qualifications to serve in that capacity.

The Airport Committee will review the applications that have been received and direct staff to invite appropriate applicants to an interview by a Subcommittee of the Airport Committee. Based on information provided by the applicant and the recommendation of the subcommittee interview, a recommendation will be made to the City Council for the appointment by motion at a City Council meeting.

Should the Airport Committee deem it appropriate to direct a citizen appointee to vacate their appointment, such direction will be approved by the City Council, and a notice will be sent to the appointee in writing from the Mayor or City Manager, identifying the date when said appointment will terminate.

If an appointee absents themselves from three consecutive regular meetings of any group, committee or forum, unless by permission of the City Council Airport Committee, or is convicted of a crime involving moral turpitude, or ceases to be a resident of the City, their appointment shall become vacant and shall be so declared by the Council.

Appointees to any research group, advisory committee or forum shall receive no compensation for their services.

CITY OF SAN LEANDRO***SAN LEANDRO SISTER CITY AND FRIENDSHIP CITY
GUIDELINES*****I. Criteria for Establishing a Sister City and Friendship City Affiliations**

In keeping with the goals of President Eisenhower's People to People Program to offer opportunities for people of all ages to experience, explore and absorb other cultures through long-term partnerships, the City of San Leandro sets forth the following guidelines for developing its Sister City and Friendship City affiliations. These relationships are intended to transcend transitory political or social concerns, and lead to ongoing community involvement with Sister City and Friendship City regions and people.

It is recognized that Friendship City affiliations are less formal and more limited in scope than Sister City affiliations, consisting of less administrative and financial expectations.

II. Sister City Selection Criteria

- A. A city chosen for a Sister City affiliation should be located in a country that has established diplomatic relations with the United States. There should be the potential for genuine people-to-people contact; communication and visitation should be able to occur freely in both directions.
- B. The proposed city should be similar in population, and/or role in the region, and/or have cultural, educational, socio-economic, governmental, or other tangible features in common with San Leandro, making it an appropriate Sister City.
- C. There must be residential community and cultural ties between San Leandro and the proposed city. The relationship should not be economically driven.
- D. The proposed city must be in a country not already represented by San Leandro's Sister Cities, and ideally, so as to maintain balance in the program, should be of a different linguistic or cultural group than San Leandro's existing Sister Cities.

III. Friendship City Selection Criteria

- A. A city chosen for a Friendship City affiliation should be located in a country that has established diplomatic relations with the United States.
- B. The proposed city should have cultural, demographic, economic, or other tangible features similar to those of San Leandro.

IV. Community Involvement

It is acknowledged that the Sister City affiliations with Ribeirao Preto, Ponta Delgada and Naga are long standing and were formed in a cooperative effort between City and community representatives.

For all new Sister City and Friendship City affiliations, there should be an organized group of residents and business owners in San Leandro willing and capable of supporting and building the relationship. For new affiliations, viability of the organization should be demonstrated by submitting their statement of intent for review by the City Council Human Relations Committee. Their statement should include:

- A. Planned activities for the first year of the relationship.
- B. A list of volunteers, professionals or other organizations committed to supporting the program and responding in a timely fashion to overtures from the Sister City or Friendship City, to working with City staff, and to representing the City of San Leandro with competence and integrity.
- C. For Sister Cities, a budget for the first year of activities, showing the funds and/or commitments to contribute materials, services or time to meet the budget requirements.
- D. For Sister Cities, plans for on-going financial and personal support of the relationship.
- E. For Friendship Cities, plans for on-going personal support of the relationship.

V. Responsibilities of the City of San Leandro

- A. Requests for establishing a Sister City or Friendship City affiliation and the community organization's implementation plan and budget, where appropriate, will be reviewed by the City Council Human Relations Committee, with a recommendation to the City Council as appropriate.
- B. When appropriate, the City will organize and carry out community receptions and/or events to acknowledge the formal visit of the Mayor or other elected officials from a Sister City when an invitation has been extended by the San Leandro Mayor or City Council, and when that Sister City is not represented by a community organization (Ribeirao Preto, Ponta Delgada, or Naga). The City Council Human Relations Committee will recommend the reception and/or event activities. Community receptions and/or events for Friendship City dignitaries will be the responsibility of the community group sponsoring the affiliation.
- C. Informal visits by Sister City or Friendship City dignitaries will be acknowledged by a meeting or luncheon with the Mayor and/or City Councilmembers, depending upon the availability of City officials and the visiting dignitaries. If advance planning permits, such plans for a meeting or luncheon will be reviewed by the City Council Human Relations Committee. If the visit does not provide adequate time for Committee review, the Mayor will report to the City Council all official activities that took place during the visit.

- D. Generally, the City will not fund travel nor reimburse for travel or lodging expenses for visitors coming to San Leandro without prior approval by the City Council, and only for those instances to reciprocate for prior hosted accommodations by the Sister City. There is no expectation that the City will fund travel or lodging expenses for visitors from Friendship Cities.
- E. The City may terminate a Sister City or Friendship City affiliation if, after considering such factors as community involvement, length of no contact or visits, funding, etc., it determines that continuation of the affiliation is not in the best interest of the City.

VI. City Official Visits to Sister Cities and Friendship Cities

When a City Councilmember initiates a request to visit a Sister City or Friendship City, such request will be made in writing to the City Council, including the proposed itinerary, how the travel and expenses will be funded, and other assistance the City will be asked to provide (i.e. gifts to be presented by the Councilmember). The Human Relations Committee will make a recommendation to the City Council, including a recommended budget for the visit. The Mayor will send appropriate correspondence to the Mayor of the Sister City or Friendship City.

When an invitation is received from a Sister City or Friendship City for San Leandro officials to visit that city, the City Council shall review the invitation or request, including what expenses, if any, have been offered by the Sister City. The City Council will then consider recommendations from the City Council Human Relations Committee regarding who will represent the City and how the travel and expenses shall be funded.

VI. Gifts

Gifts or memorabilia presented to a representative of the City of San Leandro which are intended for the City shall become the property of the City. All gifts received by individual City Councilmembers are subject to applicable Fair Political Practices Commission and Government Code reporting requirements.

CITY OF SAN LEANDRO***GUIDELINES REGARDING THE USE OF CITY
ELECTRONIC COMMUNICATIONS*****Purpose of the Guidelines:**

To provide guidance to the City Council on the recommended use of the City's Electronic Communications Systems (including the electronic mail system).

Definition:

Electronic Communications encompasses any kind of communication created by, retrieved by, sent to, or stored by any City User utilizing any City-provided Electronic Communications System, including all information, data and attachments related to those communications. Specific types of Electronic Communication Systems include Internet communications, electronic mail (E-Mail), voice mail systems, and text messaging through a cellular phone.

Guidelines:

E-Mail is intended to function as a convenient and efficient method of communicating transitory information in an electronic format.

The E-Mail System is not designed as a tool for the storage of data. Each City User is assigned 1 gigabyte (GB) of storage for their Outlook files. The size of City Users' Outlook Boxes, including E-mail, calendar, tasks, notes, contacts, folders, etc., directly impacts the performance of Outlook. Accordingly, large files and pictures should be stored outside of Outlook whenever possible.

The forwarding of E-Mails from City computer systems or through City provided E-Mail accounts by employees or public officials to any personal or other E-Mail account that is not a City provided email account that belongs to, or is managed by the employee or public official is strongly discouraged. Users are cautioned that any E-Mail sent or forwarded from a City computer system or email account to a personal email account may subject that entire personal account to disclosure pursuant to a public records request. An email sent from a personal email account to a City email account or City computer system is a public record subject to disclosure under the California Public Records Act.

Council Members should be aware of potential Brown Act violations when Council Members discuss matters within the City's subject matter jurisdiction outside of a publicly noticed meeting, which includes through E-Mail or other Electronic Communication System. Council Members should be aware of the potential to engage in a seriatim meeting that violates the Brown Act when using any Electronic Communication System as a communication tool between other Council Members.

As a general rule, the City considers every E-Mail to be a preliminary draft that is not to be retained in the ordinary course of business. Any E-Mail message that is considered to be a public record should be moved from the user's Outlook's Inbox, Sent Items, or Deleted items and retained in the User's Outlook Cabinet or saved and placed in the appropriate subject file, either electronically or in hard copy.

E-Mail messages located in an User's Inbox, Sent Items and Deleted Items folders will be automatically deleted by Information Technology from all computer devices and systems on the 120th day after sending or receipt, whether deleted by the User or not. All email will be archived and retained for 24 months.

The City's E-Mail and communications systems may not contain offensive, abusive, threatening or obscene language or graphics.

E-Mail messages or information which are in conflict with applicable law or City policies, rules or procedures are prohibited.

Exemption from Disclosure

The disclosure or exemption from disclosure of "public records" (which generally means any writing, whether electronic or paper, that contains information relating to the conduct of the public's business) is governed by the California Public Records Act and its exemptions (Gov't. Code §§ 6250 et seq.). It is City policy to exempt from disclosure all records that may be exempted pursuant to specific provisions of the California Public Records Act, unless specifically waived by the City Council, or City Manager.

Protect Confidential Information

Users shall treat all information as "confidential" if there is any possibility that the information could be considered personal (such as personnel or medical records), exempt from disclosure under the California Public Records Act or private (such as proprietary or financial information received from a third party), or if it could potentially expose the City to liability. If you are sending a confidential E-Mail, the following notice is recommended at the end of the email.

CONFIDENTIALLY NOTICE: This electronic mail message and any accompanying documents are for the sole use of the intended recipient(s) and may contain CONFIDENTIAL and/or PRIVILEGED information. Any unauthorized disclosure, copying, distribution, use, or the taking of any action in reliance upon this communication is strictly prohibited. If you receive this communication in error, please contact the sender by reply e-mail or by phone and destroy all copies of the original message and any attachments.